

Maryville City Council
Regular Meeting
June 9, 2008

ROLL CALL

The meeting was called to order by Mayor Jackson and the roll was called by the City Clerk, with the following present to-wit: Mayor Chad Jackson, Council Members Carole Coutts, Patricia Cummings, Michael Thompson and Ronnie Moss. Councilwoman Cummings arrived at 7:07 p.m. Others present were City Manager Matt LeCerf; Dir., Finance Denise Town; Dir., Public Works Greg Decker; City Attorney Doug Thomson; and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jackson led the pledge to the flag.

APPROVAL OF MINUTES

Mayor Jackson asked if there were any amendments to be made to the minutes presented for the regular City Council meeting held May 12, 2008 and two executive sessions concerning administration evaluations. No changes noted.

Motion was made by Councilwoman Coutts, seconded by Mayor Jackson, that the minutes be approved as presented. Upon the roll being called, the vote was as follows, Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

CITIZENS TO BE HEARD

Mayor Jackson welcomed citizens and stated this the time for persons to address the Council on items not on the agenda. Any persons wishing to speak were requested to come forward and state their name and address for the record.

Mr. Pat Wynne, 620 College Avenue, presented to the Council his views in regard to the proposed NW Alumni Building. He stated that according to the City of Maryville Ordinance, Section 405.385, the Foundation did not meet the requirements stated in this Section in providing a plot plan at time of application, as stated in "B-1". He suggested that neighbors within 185 feet distance of the

boundary, were not properly notified of the hearing, as required in "B-2" of this section. Furthermore, he recited Ordinance Section 405.390: Standards, and stated that the ordinance indicates circumstances in which a Special Use permit shall not be issued and that he believes some of these items apply.

Larry Haataja, 635 West Third Street, stated that at the last Planning and Zoning Commission meeting they were told that the commission would hear what they wanted to say but that there would be no action that evening. He added that they were told that there would be no revocation of the permit, without a violation.

Councilwoman Cummings asked those present if they feel the existing structure is in violation of the special permit issued.

Paula Haataja, 635 West Third Street, stated that 630 College Avenue has a special use permit for administrative office space and lighted signage but a large gathering was held the previous week, on Friday. She fears that if the new structure is allowed, the large gatherings will continue.

Councilman Thompson stated that the Alumni House has been a known for gatherings through the years.

Diane Brown, 725 West Third Street, stated that they tried to be good neighbors and Bearcat supporters but feel that now they are being punished for it.

Mayor Jackson thanked those who spoke and said the Council will take it under consideration and will acquire legal council.

AMBUSH LURES - MOZINGO EVENT

City Clerk Smail stated that an application was received by Brett Ware to host the 3rd Annual Ambush Lures Fishing Tournament at Mozingo Lake on Saturday, June 14, 2008 from 5:00 a.m. until 10:00 p.m., June 14, 2008. This event will include awards, live music and a beer garden catered by Burney's Bar.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that the requests to allow the 3rd Annual Ambush Lures event to be held as presented, with the music shut down

by 10:00 p.m. Upon the roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

DOWNTOWN SOUNDS EVENT

Lisa Luke, Dir., Chamber of Commerce, approached the Council requesting permission to hold a series of Summer Concerts on June 20, July 25, and August 15, 2008 on North Market Street between Third Street and Fourth Street. She requested this area to be closed to traffic for setup, by 3:00 p.m. the day of each event. Ms Luke stated that she had spoken to Chris Burns, owner of Burney's Bar, and Brian Schmitz, of Maryville Lumber, but has been unable to catch the Ron Smith, the owner of Maryville Lumber.

There was concern by the Council members of the impact the businesses in the block would experience with closing down at 3:00. Ms Luke was asked to get approval from each business in the block.

Motion was made by Councilman Thompson, seconded by Councilman Moss that the Downtown Sounds Event be approved contingent on approval from local businesses and the street closure to occur 4:00 pm or later. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea, Councilman Thompson, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

TREASURER'S REPORT

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

OPT OUT OF SALES TAX HOLIDAY

The City Clerk presented a bill, being Bill No. 2008'63 for an Ordinance entitled:

AN Ordinance to Prohibit the Application of the Provision of Section 149.049 RSMo, From Exempting Sales that Occur Within the City of Maryville, Missouri from being Subject to the Local Sales Taxes, Applicable to Sales Within the City of Maryville, Missouri

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilwoman Coutts, seconded by Councilman Thompson, that Council Bill No 2008'63 be adopted. Upon the roll being called, the vote was as follows: Councilman Moss, nay; Councilwoman Coutts, nay; Councilwoman Cummings, nay; Councilman Thompson, nay; Mayor Jackson, nay. Motion Failed.

APPROVAL OF SOUTH MAIN STREET BID

The City Clerk presented a bill, being Bill No. 2008'64 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Loch Sand and Construction Company, for Design Build Services for the South Main Project, Maryville, Missouri

Upon motion duly made and seconded, said bill was read by title in the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title in the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Thereupon motion was made by Councilman Moss, and seconded by Councilwoman Cummings that Council Bill No. 2008'64 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7019 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CONSTRUCTION OBSERVATION PROGRAM FOR PLANNED IMPROVEMENT-AIRPORT

The City Clerk presented a bill, being Bill No. 2008'65 for an Ordinance entitled:

An Ordinance to Repeal Ordinance No 7002 pertaining to the Execution of Supplement No 3, of Contract No. 2005-17, with Snyder and Associates, for the Purpose of a Federal Construction Observation Program for the Planned Improvements of the Northwest Missouri Regional Airport Project No 06-020A2 and 06-020A3, and to Adopt a new Supplement No. 3, Pertaining to the Same Subject

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilman Thompson, seconded by Councilwoman Coutts, that Council Bill No 2008'65 be adopted. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7020 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

QUIT-CLAIM DEED FOR LOT 64, IN PLAT #3, WESTRIDGE DEVELOPMENT

The City Clerk presented a bill, being Bill No. 2008'66 for an Ordinance entitled:

An Ordinance to Accept a Quit Claim Deed from Thomas Lyle Middleswart, owner of Westridge Development Corporation, to Remise, Release and Forever quit Claim of Lot 64 in Plat #3, of Westridge Estates, Maryville, Missouri

Upon motion duly made and seconded, said bill was read by title on the first reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Upon motion duly made and seconded, said bill was read by title on the second reading, a copy of said bill having been made available for public inspection by filing the same in the office of the City Clerk more than 24 hours prior to the meeting, and was duly passed by unanimous vote.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Council Bill No 2008'66 be adopted. Upon the roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7021 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

WATERLINE IMPROVEMENT ON SOUTH MAIN STREET PROJECT

City Manager LeCerf suggested that the waterline that are under the roadway on South Main Street Improvement Project, be replaced before the new road surface is put in place. Mr. LeCerf referred to a map that depicted the existing waterlines that need to be replaced. He stated that this project could be done by City employees and the cost for materials will be approximately \$76,000,

Thereupon a motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, to proceed with purchasing the materials for replacement of waterlines on South Main Street.

Upon roll being called, the vote was as follows, Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea, Mayor Jackson, yea. Motion carried.

AIRPORT FUELING SYSTEM REQUEST FOR PROPOSAL

City Manager LeCerf stated that the City had issued a request of qualifications for the development and construction of a fueling design and layout of an above ground Jet-A and AV Gas fueling facilities. Olssen and Associates was the only submittal received. City Manager requested permission from the Council to discuss with Olsson and Associates to negotiate fees for engineering services. The Council expressed their approval of negotiations.

PAVING THICKNESS OF AIRPORT FACILITY

City Manager LeCerf stated that City officials have discussed the strength of the existing runway, which measures 4000 feet. He stated that since the existing runway facility has been determined to be 5.62", subject to agreement from the Missouri Department of Transportation (MODoT), he asked the council to consider paying for the .62" of the additional 1" to be added at the 95% - 5% rate per the grant program. Mr. Lecerf stated that he is not confident about a positive reply from MODoT. He recommended that the city approve the thickness to 6" and assume responsibility for paying all of the \$52,407.60, depending on the reply from MODoT.

Motion was made by Councilman Thompson, seconded by Councilwoman Cummings, to approve the thickness of the existing airport runway to 6" with the assumption that the City may be required to 100% of the costs. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

FARMER'S MARKET - DOWNTOWN STREETS

City Manager LeCerf stated that Councilman Moss, Campaign for Community Renewal and he met with local farmers to discuss establishing a Farmer's Market in downtown, in the streets and/or in parking lots, on Wednesday evenings and Saturday mornings. It was discussed that liability insurance

will need to be established and who would be responsible for the fees for the insurance. Further discussion will be had.

3-WAY STOP SIGN AT SOUTH WALNUT AND WEST SOUTH AVENUE

In connection with the proposed trail development along West South Avenue and South Walnut, a public hearing was held to discuss with property owners who may be directly affected by project. One concern was in regard to safety in crossing West South Avenue at Walnut Street. In order to address the safety issue, it has been proposed that stops at the intersection from all directions. It was discussed that the speed limit be lowered to avoid accidents, which would be done by ordinance.

SURPLUS CITY PROPERTY

City Manager LeCerf stated that there is a number of items that the City is considering as surplus items. A list of items and photos of the vehicles were presented to the council for their review. Mr. LeCerf stated that he would like to take a look at the items presented and have an ordinance developed for the June 23, 2008 meeting. The proposed rate is \$2.50 per ton for May.

REPORTS

I. City Clerk

City Clerk Smail stated that the Maryville Park and Recreation Board, Maryville Public Library Board and the Maryville Housing Authority Board is requesting members to be appointed to these boards. Maryville Park and Recreation board is requesting the reappointment of Matt Symond and to appoint Shelly Lorek, Jeffery Anderson, and Kim Walker, as new members.

The Library Board wishes to reinstate Rosey Duty, Lisa Macali, and Marlyn Rhea for another 3 year term.

The Maryville Housing Authority Board has requested the reappointment of Joe Hayes and Fran Houghton for another four year term.

Motion was made by Councilman Thompson, seconded by Councilwoman Cummings, to appoint all of the member recommended by the Park and Recreation Board, Library Board and the Housing Authority Board. Thereupon roll was called, with the vote being as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

City Clerk Smail announced that Councilwomen Cummings and Coutts and she attended the Missouri Municipal League (MML) meeting held at Rock Port. They volunteered the City of Maryville to host the MML meeting to be held October 15, 2008. Council Members were urged to mark their calendars and try to attend the event.

II. City Manager

City Manager LeCerf explained to the Council that with the rising costs of fuel, Hamms company is asking for an addendum to their contract for a gas surcharge. An agreement will be drawn up and presented at the next meeting.

Mr. LeCerf informed the Council that a Change order #1 was needed for the Airport project and no money was involved, so he signed off on it.

A request has been made by a gentleman to do commercial fishing tours on Lake Mozingo. The Council questioned what it might do to the stock and would like to know more about it.

Mr. LeCerf invited the Council to attend the DREAM Kickoff meeting at A & G Restaurant, June 26th, from 5:30-6:30p.m.

III. Council Members

Councilwoman Cummings explained to the Council that the New Nodaway Humane Society is very low on funds and would like to present to the Council their situation. She also requested that the Council Member agree to visit the facility prior to the meeting in which the presentation is made.

Mayor Jackson stated that notification was received regarding the receipt of the grant for the Children and Family Center.

EXECUTIVE SESSION

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the Council go into Executive Session. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Two subjects were discussed with the first being of Legal Action, Causes of Action or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications Between a Public Governmental Body or its Representatives and its Attorneys, as Authorized by Section 610.021(1) RSMo., Closed Meeting, Closed Record, Closed Vote.

The second was in regard to Leasing, Purchase or Sale of Real Estate by a Public Governmental Body Where Public Knowledge of the Transaction Might Adversely Affect the Legal Consideration Therefore, as Authorized by Section 610.021(2) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilwoman Coutts, seconded by Councilman Thompson that the Council go into Executive Session. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

ADJOURNMENT

Motion was made by Councilwoman Coutts, seconded by Councilman Moss that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Moss,

yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea;
Mayor Jackson, yea. Motion carried.

Mayor, Chad Jackson

ATTESTED:

City Clerk, Sheila Smail