

**Maryville City Council
Regular Meeting
Monday, June 22, 2009
7:00 pm**

The Council of the City of Maryville, Missouri, met in regular session on Monday, June 22, 2009, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

ROLL CALL

The meeting was called to order by Mayor Jackson and roll was called by the City Clerk, with the following present to-wit: Mayor Chad Jackson, Council Members Carole Coutts, Patricia Cummings Ronnie Moss and Shawn Wake. Others present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood; Dir., Finance Denise Town; City Attorney Doug Thomson and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jackson led the pledge to the flag.

INVOCATION

The invocation was given by Councilwoman Cummings.

APPROVAL OF AGENDA

Mayor Jackson requested any changes needed to the agenda be noted. Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that the agenda be approved, tabling Number 26, Mozingo MOA with NWMSU. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

PUBLIC HEARINGS

Mayor Jackson opened a public hearing for the rezoning of a portion of the Pleasant Ridge Subdivision, rezoning of 1632 South Munn Street, and the proposed Transfer Station Tipping Fees increase. Mayor Jackson asked if there was anyone present who would like to speak for or against, these issues.

No persons were present to be heard for either rezoning issue.

Dennis Porter of Porter Trash Services expressed his concerns of proposed tipping fee increases. More specifically, the contracts that haulers presently hold with businesses of the Maryville area, in that in fulfilling the current contracts, haulers may be forced to take their loads to St. Joseph, Missouri for disposal, at a cheaper rate.

With no further discussion, Mayor Jackson closed the public hearing.

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. No persons appeared to be heard.

ROAD CONDITION OF NORTH DEWEY/INTERLUDE ROAD

Jason White, T.J. Allen, and Bryan Skidmore, residents along North Dewey/Interlude Road, north of East 16th Street, expressed their concerns of the condition of the roadway and drainage issues. A map was provided of the area, depicting the City's and County's responsible of repair and suggested the repairs had previously been done by the City of Maryville.

Mark Stiens and Mark Kinman, members of the Polk Township Board, stated that they have received numerous phone calls regarding the condition of North Dewey/Interlude Road, north of East 16th Street

It was suggested, if the City were to make the road and drainage improvements that annexation would probably be required of the property owners currently outside the city limits. City Staff was asked to report back to the Council at the July 13, City Council meeting with a cost estimate for making necessary road repairs and to address the drainage issues.

REQUEST TO HOLD TRIATHLON – AUGUST 8, 2009

The Maryville Park and Recreation Department submitted an application to the Maryville City Council requesting permission to host a triathlon event on city streets, on August 8, 2009, from 7:00 a.m. until 12:00 p.m.

Thereupon, motion was made by Councilwoman Coutts, seconded by Councilman Moss, that the Maryville Park and Recreation department be granted permission to host a triathlon event on city streets on August 8, 2009. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

REQUEST TO SELL FROM HOTDOG CART AT MOZINGO PARK

Mr. Kirt Bowman submitted an application to the City Council requesting permission to sell food from a hotdog cart at Mozingo Lake. Mr. Bowman had initially confronted the City Clerk about obtaining a Solicitor's permit to sell food on the Nodaway County Courthouse lawn. He obtained permission from the county commissioners, passed the background check and Nodaway County Health Department health inspection, a requirement for the solicitor's permit. He has also made application for liability insurance.

Thereupon a motion was made by Councilman Moss, seconded by Councilwoman Coutts, that Mr. Kirt Bowman be allowed to operate his hotdog vending business once a copy of his liability insurance has been received and so long as Mr. Bowman forwards a schedule of his proposed site and dates be submitted to the City Council and City Clerk. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, abstain; Councilman Wake, yea; Councilman

Moss, yea; Mayor Jackson, yea. Motion carried.

REQUEST TO HOOK ONTO CITY SEWER

Melissa and Dallas Mullock, 25979 247th Street, made a request to the City Council for consideration to allow their residence to be connected to city sewer service. Their current septic system as well as other systems considered, were not adequate due to clay based soil. It was the Mullock's belief that their only permanent solution was to hook onto the city sewer system. Mr. and Mrs. Mullocks agreed to annex their property upon being contiguous to the city limits and offered to provide a shut off valve for the city. The city's sewer is currently eighteen feet (18') from the residence.

Mayor Jackson suggested that a plan be developed taking into account the precedence that will be set by allowing the connection in conjunction with annexation and/or without the requirement of annexation, and to determine the costs for service.

PRESENTATION OF GIS MAPPING OF WATER/SEWER LINES - MIDLAND GIS

Kirk Larson, Midland GIS, gave a presentation of the results of the geographic Information System (GIS) mapping of the water and sewer lines of the City of Maryville, working closely with the Water/Sewer Maintenance Superintendent Eric Lance in collecting information to implement into the program. City GIS Technician Christina James has been trained in updating as future changes occur.

PRESENTATION OF SAMPLE ORDINANCE FOR PROPOSED SMOKING BAN

Teri Harr, representative of the Breathe Easy Maryville organization, presented an ordinance reviewed by an attorney, to be presented to the City Council Members for consideration to ban smoking in all work places and public places within the City of Maryville.

It was discussed that public hearings would be held to allow those wishing to speak for or against the issue, an opportunity to do so. In order to allow university students the same opportunity, it was decided that the public hearings would begin in August, with two (2) or three (3) public hearings held.

WASTEWATER TREATMENT FACILITY

City Manager Matt LeCerf and Dir., Public Works Greg Director reminded the Council Members of their visit by Gary Lee of Universal Asset Management, and his presentation of the possibility of utilizing the existing lagoon system and retro fit it with a wastewater treatment process that meets new Biofilm Reactor (MBBR). This process is a tried and true method which Mr. Lee assured would work. Johnstown, Colorado, was referenced as having an establish treatment facility of this type and as having similar climates as Maryville. Climate is a large determining factor in meeting permit requirements.

It was discussed that a trip to Johnstown, Colorado to see their facility firsthand would be beneficial. Councilman Wake and Councilwoman Cummings agreed to go along with City Manager LeCerf, Dir., Public Works Decker and a representative of Peoples Services, to visit the facility in Johnstown, Colorado. Arrangements will be made.

FUEL PURCHASE

Bulk fuel was purchased by the City in January, 2009. Eighty-five hundred (8500) gallons of unleaded fuel were purchased at \$1.549, at a rate of \$13,166.50 and seventy-five hundred (7,500) gallons of diesel fuel was purchased at \$1.799 per gallon, at a rate of \$13,492.50. The bulk of unleaded fuel was depleted in May, 2009. Approximately \$3,700.00 was saved by purchasing unleaded fuel in bulk.

City Manager LeCerf suggested that the city purchase another bulk amount of unleaded fuel and top off the diesel, as well. He recommended that the purchase be delayed because of speculations of gas prices declining.

2009-2010 LIQUOR LICENSE RENEWALS

Renewal applications for the 2009-2010 year were received by all current liquor license holders. It was noted the application and fees were received that day from The Pub, and that live and safety inspections and a "no tax due" letter from the State of Missouri, are outstanding. The Palm's has not yet passed inspection because of a lack of a hood over the cooking stove.

Motion was made by Councilwoman Coutts, seconded by Councilman Moss, that all liquor license applicants be granted their 2009-2010 liquor license except that the Pub must come into compliance with inspections and provide a "No Tax Due" letter from the State. The Palm's was granted a ninety (90) day grace period to install the appropriate cook top hood or discontinue serving prepared foods. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

BID OPENINGS FOR BANKING SERVICES

City Clerk Smail opened the bids received from area banks for banking and investment services and to function and serve as the depository of funds of the City of Maryville. Bidders included, Citizens Bank and Trust, US Bank, and Nodaway Valley Bank. Bank Midwest submitted a letter expressing their desire to decline to bid.

REZONING A PORTION OF PLEASANT RIDGE SUBDIVISION

The City Clerk presented a bill, being Bill No. 2009'51 for an Ordinance entitled:

An Ordinance to Amend Section 405.040 (The official Zoning Map), Ordinance No. 4984 (The Zoning Ordinance), Upon the Application of Mr. Lawrence "Joe" Barmann, Rezoning Property Located in the Pleasant Ridge Subdivision, Lots, 38, 39, 40, 42, 43, 44, 45, 57, 58, 59, 61, 62 and 63; from R-2 (Single Family Residence Zone) to R-3, (Multi-Family Zone)

A recommendation from the Planning and Zoning Commission was made to the Council to approve the request for rezoning a portion of the Pleasant Ridge Subdivision from R-2 to R-3.

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.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that lots 38, 39, 40, 42, 43, 44, 45, 5758, 59, 61, 62, and 53 be rezoned from R-2 (Single Family Residence) to R-3 (Multi-Family Zone). Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea, Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7121 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REZONING OF PROPERTY LOCATED AT 1632 SOUTH MUNN STREET, MEL GIBSON

The City Clerk presented a bill, being Bill No. 2009'52 for an ordinance entitled:

An Ordinance to Amend Section 405.040 (The official Zoning Map), Ordinance No. 4984 (The Zoning Ordinance), Upon the Application of Mel and Ann Gibson, Rezoning Property Located at 1632 South Munn Street, from R-1 (Single Family Residence Zone) to R-3, (Multi-Family Zone)

Neighboring land owners attended the Planning and Zoning meeting held April 22, 2009, to express their concerns regarding the request for rezoning of the property located at 1632 South Munn Street. A recommendation from the Planning and Zoning Commission was made to the Council to deny the request for rezoning of 1632 South Munn Street from R-1 to R-3.

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 2009'52 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, nay; Councilwoman Cummings, nay; Councilman Wake, nay; Councilman Moss, nay; Mayor Jackson, nay. Motion failed.

AMENDMENT OF SECTION 225.270: USER FEES, TRANSFER STATION

The City Clerk presented a bill, being Bill No. 2009'53 for an ordinance entitled:

An Ordinance To Repeal Section 225.270: User Fees: Subsection "A" Solid Waste – Normal, of Title II. Public Health, Safety and Welfare, Chapter 225: Solid Waste, Recyclables and Compost Materials, Article IV: Disposal, of the Maryville Municipal Code, and to Adopt a New Section 225.270: User Fees, Subsection "A", Pertaining to the Same Subject

Financial difficulties with the Maryville Transfer Station have resulted in consideration of

increasing the tipping fees at the Transfer Station. It was proposed that the increase would be as follows: <149.99 tons = \$52.50/ton; 150-224.99 tons = \$50.00/ton; and >225 tons = \$47.50/ton.

After much discussion, it was decided that the scale for charging for disposal at the transfer station would be as follows: <149.99 tons = \$52.50/ton; 150-224.99 tons = \$50.00/ton; and >225 tons = \$45.00/ton, with the effective date being July 1, 2009.

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 Councilman Wake, that Council Bill No 2009'53 be approved as amended. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7123 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

MEMORANDUM OF AGREEMENT WITH NODAWAY CO. ECONOMIC DEVELOPMENT

The City Clerk presented a bill, being Bill No. 2009'54 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Memorandum of Agreement with Nodaway County Economic Development (NCED), for the Purpose of Maintenance of Equipment and Downtown Streetscape Area, Maryville, Missouri

As part of the Neighborhood Assistance Program (NAP), Nodaway County Economic Development (NCED) received funds for the purpose of purchasing equipment for maintenance of the streetscape area, downtown. NCED approached the city asking for their recommendation of what type of equipment to purchase for the designated use. City staff suggested a tractor with a front broom. NCED also offered to enter into an agreement with the City in that NCED would maintain ownership of the equipment for five (5) years, with the City maintaining/repairing the equipment, and operating the equipment for its purpose, in return. After the five (5) year period, the City would have first option to purchase the equipment from NCED

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 Moss, that Council Bill No 2009'54 be approved. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7124 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with contract being identified as Contract No. 2009-25.

ECONOMIC DEVELOPMENT APPLICATION FOR WEST 16TH STREET PROJECT

The City Clerk presented a bill, being Bill No. 2009'55 for a resolution entitled:

A Resolution to Support the Application to the United States Economic Development Administration (EDA) for Funding of West Sixteenth Street Improvements

The Maryville City Council was asked to consider support of submission of the application to be made by Northwest Missouri Regional Council of Governments on behalf of the City to the United States Economic Development Administration, associated with job creation and infrastructure improvements in the area. This grant will be a 60/40 match, if obtained.

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.

Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that Council Bill No 2009'55 be approved. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 550 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

HY-VEE REPLAT

The City Clerk presented a bill, being Bill No. 2009'56 for an ordinance entitled:

An Ordinance to Approve a Replat of Property Owned by ~~D.J. Christie, Inc.~~ Maryville Partners, LLC, Located on South Main Street, Known as Maryville Hy-Vee Subdivision, a Replat of Maryville, Nodaway County, Missouri, to Provide for Final Plat Approval to Authorize the City Clerk to Endorse Approval of the Council on the Replat

It was noted that the ordinance shall state that the property was owned by Maryville Partners, LLC, rather than D. J. Christie, Inc.

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 Moss, seconded by Councilwoman Coutts, that Council Bill No 2009'56 be approved, as corrected. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7125 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPORTS

I. City Clerk

Park and Recreation Board Members Corey McVinua, Teri Harr, and Kim Walker have agreed to serve another three (3) year term, as their terms had expired. Thereupon motion made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Corey McVinua, Teri Harr, and Kim Walker be reappointed for another three (3) year term on the Maryville Park and Recreation Board. Upon roll taken, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

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

Discussion was had on 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, and 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.

Thereupon, motion was made by Councilwoman Coutts, seconded by Councilman Moss to come out of executive session. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

ADJOURNMENT

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

Mayor, Chad Jackson

ATTESTED:

City Clerk, Sheila Smail