

July 9, 2007

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 9, 2007, at City Hall in said City at 7:00 p.m.

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 and Pat Cummings. Council Member Michael Thompson was not present. Also present were City Manager Matt LeCerf, Dir.; Public Works Greg Decker; Dir., Finance Denise Town; Public Safety Keith Wood; City Attorney Doug Thomson and City Clerk Sheila Smail.

PLEDGE TO THE FLAG

Mayor Jackson led the pledge to the flag.

APPROVAL OF MINUTES

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the minutes of the meetings of June 11 and June 25, 2007 be approved as presented.

Upon the roll being called, the vote was as follows, Councilwoman Coutts, yea; Councilwoman Cummings, 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. No one appeared to be heard.

BID OPENING FOR BANKING AND INVESTMENT SERVICES

Mayor Jackson asked City Clerk to open bids received by local banks for banking and investment services. Bids were received by Bank Midwest; Nodaway Valley Bank; US Bank; and Citizens Bank and Trust, all of Maryville. Councilwoman Coutts removed herself from the room during the bid opening and discussion, because of her employment with Bank Midwest.

Whereas, Councilwoman Coutts wished to abstain from the vote of acceptance of the bids presented, leaving the council without a quorum, Mayor Jackson stated that the issue will be tabled until the next regular council meeting.

TREASURER'S REPORT

Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as

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

MIRIAM CEMETERY

City Attorney Doug Thomson reported that Miriam Cemetery has officially been handed over to Miriam Cemetery of Maryville, Inc., owned by Jeff Bram, for operations and maintenance. The City Council passed an ordinance December 11, 2006 to submit their resignation as trustees of Miriam Cemetery, later to find that the City may be named as operator of Miriam Cemetery by the Attorney General, if no one steps forward volunteering to do so. During executive sessions the council discussed the options and decided it would be in the best interest of the city to avoid taking responsibility of the cemetery. Contacts were made to area funeral homes in hopes of finding someone interested in taking over the property. Jeff Bram, Bram Funeral Home, expressed interest in taking over the maintenance and general operations of Miriam Cemetery. Mr. Bram will collect interest from the perpetual funds, sales of the cemetery spaces and grave openings, to pay for maintenance of the premises. Two thousand dollars (\$2,000) will also be extracted for road repair.

ANNEXATION OF GRACE PROPERTY DEVELOPMENT, LLC

City Manager LeCerf presented to the Council a petition from Grace Property Development, LLC, to annex into the city limits of Maryville. This land is located at 601 Wilson Industrial Road.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings to accept the petition for annexation of property owned by Grace Property Development, LLC, at 601 Wilson Industrial Road. Upon roll being called, vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

PUBLIC HEARING - GRACE PROPERTY DEVELOPMENT, LLC

Thereafter, Mayor Jackson opened a public hearing regarding the request for annexation

of the property owned by Grace Property Development, LLC, at 601 Wilson Industrial Road. Mayor Jackson invited any person wishing to address the Council to express objection or support of the proposed annexation, to come forward. No person appeared to be heard. Mayor Jackson closed the public hearing. Discussion followed.

City Manager LeCerf reported that last year Grace Property Development, LLC, owner of the property at 601 Wilson Industrial Road, which houses Empire Gas Company, was connected to city sewer. In accordance with the agreement, the property will be annexed within one (1) year of connection of the sanitary sewer. The request for annexation is a result of the agreement.

Councilwoman Cummings asked that clarification be obtained regarding the city not being responsible for the roadway after annexation.

PUBLIC HEARING - SPECIAL USE PERMIT FOR NW FOUNDATION, INC.

Mayor Jackson opened a public hearing regarding the request for a Special Use Permit for property owned by the Northwest Foundation, for property located at 720, 718, 714 College Avenue and 324 North Munn Street, to allow for signage and office spaces. Mayor Jackson invited any person wishing to address the Council to express objection or support of the proposed special use permit, to come forward. No person appeared to be heard. Mayor Jackson closed the public hearing. Discussion followed.

Dir., Public Works Greg Decker reported that the Northwest Foundation is requesting a special use permit for signage and to build a structure for office spaces. He stated that city staff felt that it would be best to request a special use permit rather than rezoning the property in order to have some control over what type of structure could be built. It was Planning and Zoning Commission's recommendation to approve the special use permit with the provision that parking be provided as outlined in C-1 zoning.

The City Clerk presented a bill, being Bill No. 2007'40 for a Resolution entitled

A Resolution Authorizing the Issuance of a Special Use Permit to Northwest Foundation, Inc., Located at 720, 718, 714 College Avenue and 324 North Munn Street, to Allow Lighted Signage and Office Space

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 Council Bill No. 2007'40 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 523, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CHANGE ORDER NO 2, WITH LOCH SAND AND CONSTRUCTION

City Manager LeCerf explained that extra work is needed on the Downtown Streetscape project, making it necessary to request a second change order to cover the additional costs involved. These changes include, a deduct of asphalt overlay - 2", additional expenses of a full depth pavement patch, removal of existing sidewalk, and 4" concrete walk. He reminded the Council that Change Order No 1 was a credit to the City's expenditures. Change Order No 2 will be taken from City contingency funds in the amount of \$8,341.70. Nodaway County will be paying \$1,233.00 of additional expenses, making a total of \$9,574.70.

The City Clerk presented a bill, being Bill No. 2007' 41 for an Ordinance entitled

An Ordinance Approving Change Order No 2, With Loch Sand and Construction, of the Contract for Construction of the Downtown Streetscape Project, Maryville, Missouri and Authorizing the Mayor and City Clerk to Execute the Same

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 Cummings, seconded by Councilwoman Coutts that Council Bill No. 2007'41 be adopted. Upon roll being called, the vote was as follows:

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

Said bill was then numbered Ordinance No. 6919, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPEAL/ADOPT ORDINANCE SECTION 212.220, SUBSECTION (E), PARAGRAPH 7

The City Clerk presented a bill, being Bill No. 2007' 42 for an Ordinance entitled

An Ordinance to Repeal Paragraph 7: Reservations, of Title II, Public Health, Safety and Welfare, Section 212.220: Mozingo Fee Structure - Camping, Boating, Cabin Rental, Subsection (E): Cabin Rental Fees, of the Municipal Code of the City of Maryville, Missouri, and to Adopt a New Paragraph 7: Reservations, of Section 212.220, Subsection (E), 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.

Thereupon motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that Council Bill No. 2007'42 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6920, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CITY MANAGER REPORT

City Manager LeCerf asked for the council's approval to offer a paycheck deductible IRA plan as well as a Roth IRA plan, which was previously approved. The city will not contribute to the IRA plan either. The Council agreed to his proposal.

City Manager asked for suggestions for Eagle Scout projects for local Boy Scouts.

Councilwoman Cummings suggested that there may be something connected to the new skate board park or Robinson-Crist park.

City Manager LeCerf stated that updated plans have been submitted for the airport

project. There is a conference call scheduled for the following day. He will update the council when further information is available. Also, research is being conducted to verify the market for jet fuel at the airport.

City staff plans to mail requests for proposals for a new loader at the transfer station.

City Manager LeCerf stated that July 13, 2007, is the deadline for Steve Michekson to fulfill the agreement of the contract with the city. Mr. Mickelson has not submitted a plan for the road or begun the process of annexation.

Councilwoman Coutts suggested that before any further action is taken that the manager of Fastenal be notified before disconnection of the water and sewer is done.

CITY COUNCIL REPORT

Councilwoman Cummings commended those involved in the fireworks display at Mozingo Lake on the Fourth of July.

Mayor Jackson congratulated Dir., Finance Denise Town on her appointment as an officer of the Government Financial Officers Association of Missouri.

The Mayor also stated that there are four grants that will be due in a week, two for trails and two for streetscape. The intersection at Third and Market Streets will be closed. They hope to have Fourth and Market opened by the County Fair, but question the readiness of the concrete. The Fair board approved of Loch Sand and Construction continuing work until the morning of Thursday, July 19, before the fair.

Mayor Jackson inquired about a date and time for the council to meet in executive session, to discuss the appointment of a council member to replace John Jasinski. It was determined that following the next scheduled regular meeting, July 23, would be the time.

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; Mayor Jackson, yea. Motion carried.

Discussion was had regarding leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor, as authorized by section 610.021(2) RSMo., closed meeting, closed record, closed vote.

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

ADJOURNMENT

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

Mayor, Chad Jackson

ATTESTED:

City Clerk, Sheila Smail