

Maryville City Council  
Regular Meeting  
July 14, 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, Michael Thompson and Ronnie Moss. Patricia Cummings arrived at 7:10 p.m. Others present were City Manager Matt LeCerf; Dir., Finance Denise Town; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood, City Attorney Doug Thomson; and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Boy Scout Kaleb Adams, Troop 75 led the pledge to the flag.

**INVOCATION**

JD Derks, Calvary Chapel, gave the invocation.

**PUBLIC HEARING**

Mayor Jackson opened a public hearing regarding a request to rezone property owned by Larry and Joan Apple, at 1122 North Walnut Street, from an R-2, (Single Family Residential Zone) to an R-4, Duplex, 3 and 4-Plex. The Mayor asked if there was anyone present that would like to speak in favor of or against the proposed rezoning.

Tate Walker, 530 Prather Avenue, voiced his opposition of the rezoning for reasons of maintaining family residential housing in the area.

Rose Marie Duty, 518 Prather Avenue; Sonny Scadden, 509 Prather Avenue; and Tracy Brown, 510 Prather Avenue all concurred with the opinion expressed by Mr. Walker.

Mr. Larry Apple, applicant, stated that he plans to construct a one story duplex, with two bedrooms in each unit that can occupy no more than four (4) persons per unit. He stressed that he would need to comply with the Maryville City Ordinance in regard to the number of off-street parking spaces needed, setbacks and all other requirements set forth by the City codes.

With no further discussion, Mayor Jackson closed the public hearing, stating that a vote will be taken later on the agenda.

**APPROVAL OF MINUTES**

Mayor Jackson asked if there were any amendments to the minutes presented for the City Council meetings held June 9, 23, and 30, 2008. No amendments noted.

Motion was made by Councilman Thompson, seconded by Councilwoman Coutts, 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. No one appeared to be heard.

### **SPECIAL EVENTS IN THE DOWNTOWN AREA**

At the June 23, 2008 Council meeting, Mayor Jackson had requested that a letter be sent to the downtown business owners inviting them to attend this meeting to express their thoughts about holding downtown special events in the streets.

Bryan Lemons, 410 North Market Street, Downing Barber Shop, expressed his opposition of blocking off the downtown streets for special events. He indicated that it cuts down on available parking for customers, consequently turning them away. He added that he wouldn't mind if the streets were closed off just around the square.

Cricket Nickle, stated that those organizing the Arts Fair for 2008, were requesting to use the area from Main Street to Market Street, on 4<sup>th</sup> Street and 3<sup>rd</sup> Street to the parking lot just north of 4<sup>th</sup> Street on Market Street because of the accessibility to electricity in the area.

Paul Drake, American Family Insurance Company, 412 North Market Street, suggested that the city try to keep the parking lots open for customers of local businesses.

Mayor Jackson added that other business owners notified the City of their comments, which were noted in the council packet.

### **MARYVILLE ANTIQUE FESTIVAL**

Kendra Felver, organizer of the proposed antique show, returned to address the City Council again. She stated that their mailing list contains 1,126 recipients and 75 dealers. Ms Felver was asked if she would give the downtown business owners a reminder call a day in advance. She agreed.

Thereupon, motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the request made by Kindra Felver to host a Antique Festival, in downtown Maryville, around the square, on Main Street, Market Street, 3<sup>rd</sup> Street and 4<sup>th</sup> Street, on October 3 - 5, 2008 be approved. 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.

### **PARK AND RECREATION'S REQUEST TO SPONSOR A TRIATHLON**

Shelly Hersh, Recreation Coordinator, for Maryville Park and Recreation Department requested that they be granted permission to sponsor a triathlon on August 9, 2008 (August 10, 2008 – rain date), on the streets of Maryville. Ms Hersh provided the Council with a map of the proposed route. She requested that the Maryville Street Department set up 4-way stop signs at 7<sup>th</sup> Street and North Main Street and caution signs prior to the approach of the stop signs.

Motion was made by Mayor Jackson, seconded by Councilwoman Coutts, that the Maryville Park and Recreation Department be permitted to host a triathlon on August 9, 2008, upon city streets, with stop signs and caution signs put in place at 7<sup>th</sup> Street and Main Street. Upon the 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.

### **GARDEN CLUB – BLUE STAR MEMORIAL**

Carolyn Schroeder and Debbie Cooper, members of the Maryville Garden Club, presented to the Council a proposal to place a “Blue Star Memorial” honoring soldier of the our Armed Forces who have served, are serving, or will serve in the future, to be placed at the Mabel Perkins Memorial Garden, which is located in the 900 block of South Main Street. The garden club will maintain the memorial thereafter.

Thereupon motion was made by Councilwoman Coutts, and seconded by Councilman Thompson that the Maryville Garden Club be allowed to place a Blue Star Memorial at the Mabel Perkins Memorial garden. Upon 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.

### **ELK'S REQUEST FOR BEER GARDEN ON CITY PROPERTY**

Sheila Smail, City Clerk, presented to the Council an application from the Maryville Elks Lodge to host a beer garden during the Nodaway County Fair to be held in the alley behind the Student Body, 202 East Third Street. The event would be held from 6:00 p.m. to 1:00 a.m. daily, from July 17, 2008 thru July 20, 2008. City Clerk stated that she had not yet received a copy of their liability insurance, naming the City of Maryville as an additional insured.

Thereupon motion was made by Councilman Thompson, seconded by Councilwoman Coutts, that the request be approved for the Maryville Elks Lodge to operate a beer garden in the alley behind the Student Body during the hours stated, contingent upon receipt of liability insurance, naming the City of Maryville as an additional insured. 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.

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

#### **PAYMENT VENDOR SCHEDULE**

Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings 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; Councilman Thompson, yea; Councilman Wilmes, yea; Mayor Jackson, yea. Motion carried.

#### **NODAWAY COUNTY HUMANE SOCIETY**

Prior to the 7:00 p.m. council meeting members of the Maryville City Council visited the Nodaway County Humane Society, 829 South Depot Street.

Mr. Doug Sutton, President of the Nodaway County Humane Society, addressed the council with a proposal to establish an advisory board to review and propose changes to ordinances in regard to keeping cats and dogs within the City of Maryville. Presently the City of Maryville contributes 38% of the revenue collected by the Humane Society, while only 3% comes from Nodaway County. The remaining donations come from individual supporters of the shelter.

It was noted that the Humane Society has a current loan for structure of \$27,000 but are only capable of paying the interest each month. The utility bills for gas and electricity are approximately \$25,000 per year. Mayor Jackson asked Mr. Sutton to research other shelters and their sources of revenue, then report back.

#### **CHANGES TO MISSOURI CONSTITUTION AND CORPORATION WITH MML**

City Manager LeCerf informed the Council that in November 2008, there are two ballot measures proposed which pertain to the use of emanate domain and the power of the Attorney General and constitutionally cities and counties regarding emanate domain. If approved, nuisances that are now dealt with through the city, will then go through civil court. Further discussion will be had.

#### **MoCAPP**

City Manager LeCerf reported that September 10 and 11, 2008, there will be a presentation to the city, in Kansas City. He stated that MoCAPP is designed to assist communities in 37 different areas of community and economic development areas

#### **REZONING OF PROPERTY AT 1122 NORTH WALNUT STREET**

The City Clerk presented a bill, being Bill No. 2008'77 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 Larry and Joan Apple, Rezoning Property Located at 1122 North Walnut Street, From R-2 (Single Family Residence Zoning) to R-4 (Duplex, 3 and 4 Plex)**

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 2008'77 be adopted with the requirement of 4' sidewalks. 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. 7031 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **APPROVAL OF FINAL PLAT FOR TWIN MEADOWS ESTATE, TOM MIDDLESWART**

The City Clerk presented a bill, being Bill No. 2008'78 for an Ordinance entitled:

**An Ordinance to Approve the Final Plat of the Final Plat of Twin Meadows estates, an Addition to the City of Maryville, Nodaway County, Missouri, and to Authorize the City Clerk to Endorse Approval of the Council on the Plat**

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 Councilman Moss, seconded by Councilman Thompson, that Council Bill No 2008'79 be adopted. Upon roll being called, the vote was as follows: Thompson, yea;

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

Said bill was then numbered Ordinance No. 7032 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **APPROVAL OF LOT SPLIT AT 981 SOUTH SAUNDERS, DAVID RAY**

The City Clerk presented a bill, being Bill No. 2008'79 for an resolution entitled:

**A Resolution Authorizing the Lot Split of Property Owned by David Ray, Located at 981 South Saunders Street, of the City of Maryville, Nodaway County, 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 2008'79 be adopted. 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.

Said bill was then numbered Resolution No. 540 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AN AGREEMENT WITH MCGLADREY & PULLEN TO CONDUCT CITY AUDIT**

The City Clerk presented a bill, being Bill No. 2008'80 for an Ordinance entitled:

**An Ordinance Authorizing the Execution of an Agreement with McGladrey & Pullen, Certified Public Accountants, to Conduct an Audit of the City of Maryville, Missouri, for Fiscal Year Beginning October 1, 2007, and Ending September 30, 2008, and Providing for an Effective Date Thereof**

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 Councilwoman Cummings, that Council Bill No 2008'80 be adopted. 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.

Said bill was then numbered Ordinance No. 7031 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AVIATION PROJECT CONSULTANT AGREEMENT WITH OLSEEN AND ASSOCIATES**

The City Clerk presented a bill, being Bill No. 2008'81 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri to Execute a Contract with Olssen and Associates, for the Purpose of Consultation Services for the Aviation Project 09-020A1, for Design and Bidding of the Ground Fuel System Projects and ~~Project 08-020A2, for Construction and Construction Observation of the Fueling System~~ Improvement Planned at the Northwest Missouri Regional Airport, 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.

City Manager LeCerf stated that the ordinance should only include the project number and description for Project 08-020A1, therefore deleting "*and Project 08-020A2, for Construction and Construction Observation of the Fueling System*", from the ordinance.

Motion was made by Councilwoman Cummings, seconded by Councilman Thompson, that Council Bill No 2008'81 be adopted, with the requested deletions noted. Upon 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. 7034 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **REPORTS**

##### **I. City Clerk**

City Clerk Smail informed the Council that the 2008 Missouri Municipal League Conference will be held September 7 – 10, 2008, in Springfield, Missouri. She asked the Members to consider

whether they will be attending. Councilwoman Coutts stated she may attend but the other members declined.

The Holiday Inn Express had submitted all information required to renew their Consumption of Intoxication Liquor (COL) License with the City of Maryville. Ms. Smail recommended that a COL license be granted to the Maryville Holiday Inn Express.

Motion was made by Councilman Thompson, seconded by Councilman Moss, that an COL license be issued to the Holiday Inn Express. Thereupon roll was called, with the vote being as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Mr. Tim Faris applied with the City of Maryville to become a member of the Board of Zoning Adjustment. Motion was made by Mayor Jackson, seconded by Councilwoman Coutts, to appoint Tim Faris to the Board of Zoning Adjustment for a five (5) year term. Thereupon, roll was called, with the vote being as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

## **II. City Manager**

City Manager LeCerf informed the Council that an ordinance is being considered for the regulation of a tattoo and piercing parlors. City Clerk has been in contact with the Nodaway County Health Department Director discussing enforcement.

Mr. LeCerf presented to the Council the calculations requested for the sidewalks to be installed along the South Main Street Project. Thereupon, motion was made by Councilman Thompson, seconded by Mayor Jackson, that five foot (5') sidewalks be constructed along South Main Street and four feet (4') sidewalks be constructed on Jenkins and Thompson Streets, of the South Main Street project. With 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.

Mr. LeCerf informed the Council that the revised employee hand book will soon be presented for approval. He stated that the most significant proposed change was to no longer require administrative staff, except the City Manager, to live inside the city limits.

The City Manager LeCerf updated the Council on the progress of the South Main Street project.

## **III. Council Members**

Mayor Jackson indicated that he would not be available to be in the Nodaway County Fair Parade.

## **ADJOURNMENT**

Motion was made by Mayor Jackson, seconded by Councilwoman Coutts that the meeting be adjourned. 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.

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Mayor, Chad Jackson

ATTESTED:

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City Clerk, Sheila Smail