

July 23, 2007

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 23, 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, Pat Cummings, and Michael Thompson. Also present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; Dir., Finance Denise Town; Dir., 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.

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.

Kate Goerlitz, 24278 State Hwy EE, approach the council with concerns regarding the lead from bullets shot at the City's shooting range. She stated that the National Rifle Association (NRA) suggests that the land be raked for lead every one to five years.

Ms Goerlitz handed copies of two letters to council members, one from City Manager LeCerf and the other from Polk Township Zoning Officer Gary Graves, stating that the shooting range is not a zoned area. When Ms Georlitz was asked what she wanted from the City. She replied, she wanted the city to move the firing range.

Steve and Traci Wilson, 123 North Charles Street, asked the council to consider a full ban on burning inside the city limits. They stated that their neighborhood is often filled with smoke and do not feel it is right to be expected to breathe smoke of various incinerated materials. They have reported to proper authorities, but the problem persists. Mrs. Wilson added that there are burn barrels used in the neighborhood, which are against city code.

Mayor Jackson stated that they will look into the situation and be in contact with Mr. and Mrs. Wilson.

Alvin Luke, 32484 US Hwy 136, appeared to express his frustration with the dust that comes off of the road leading to the Mazingo dam, which is directly across the highway from the

Luke home.

City Manager LeCerf stated that he would examine the budget to see if a solution would be affordable in the present fiscal year's budget.

BANKING AND INVESTMENT SERVICES

Councilwoman Coutts excused herself from the chambers because of her employment with Bank Midwest, one of the bidders.

The City Clerk presented a bill, being Bill No. 2007'39 for an Ordinance entitled

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Citizens Bank and Trust for Banking and Investment Services and to Function and Serve as the Depository of the Funds of the City of Maryville, Missouri.

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 Councilman Thompson that Council Bill No. 2007'39 be adopted.

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

Said bill was then numbered Ordinance No. 6921 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

Councilwoman Coutts re-entered the Council Chambers.

CHANGE ORDER NO 3 - DOWNTOWN STREETScape PROJECT

The City Clerk presented a bill, being Bill No. 2007'43 for an ordinance entitled

An Ordinance Approving Change Order No. 3 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. 2007'43 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6922 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CAPITAL IMPROVEMENT TAX

City Manager LeCerf explained to the Council that with rising costs of operation and a minimal increase in revenue, the City is experiencing difficulties finding funds for day to day operations and capital improvements, such as the permanent street project. Mr. LeCerf suggested that the city consider asking for a capital improvement tax. A list of city needs was present to the council by department. Mr. LeCerf emphasized that the list contained real needs and was not merely a wish list.

Councilwoman Cummings suggested that such items as the wastewater treatment facility be extracted from the list since other means have been established for the upgrade. City staff and council need to be precise with the information presented to the public.

The last general fund sales tax increase was imposed for the City of Maryville was in 1979. Educating the public will be key to an electoral sales tax increase victory. Discussion was had regarding the need for a committee to assist in promoting the increase. Timeliness is an important factor in promotion.

PARTICIPATING COUNCIL MEMBERS ON CITY BOARDS

Mayor Jackson asked for assistance from the Council in identifying the city boards that city council members participate in. A starter list was provided in the packets but additions were made through discussion. Mayor Jackson stated that he wanted to verify that all applicable boards were represented by a council member.

REPORTS

I. City Clerk

City Clerk Smail asked the Council to verify their intentions regarding attendance to the

Northwest Missouri Regional Council of Governments 2007 Annual Dinner. The dinner is scheduled for August 9, 2007 at 5:30 p.m., at the NWMSU Student Union Ballroom. Mayor Jackson and Councilwoman Coutts asked that reservations be made for themselves and a guest. Councilwoman Cummings was undecided, while Councilman Thompson has a previous engagement.

The Annual Missouri Municipal League Conference is scheduled for September 9-12, at the Hyatt Regency Hotel, Kansas City, Missouri. Reservations will be made for Mayor Jackson and for Councilwoman Coutts on September 10 only.

City Clerk Smail explained that it had come to her attention that Planning and Zoning Commission members Rex Wallace, Mike Zech and Kathy Rice's term had expired May 1, 2006, without renewal. The three (3) members have agreed to complete the terms, which will expire May 1, 2009.

Thereupon motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts to appoint Rex Wallace, Mike Zech and Kathy Rice to serve another term as Planning and Zoning Commission members. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

II. City Manager

City Manager LeCerf explained to the Council a concern that was expressed about garage sale signs being posted and not removed, making the city look less attractive. Mr. LeCerf asked for feedback from the Council regarding regulating garage sale signs by specifying when to post and remove signs.

City Council agreed to consider an ordinance. An ordinance will be written and presented to the Council.

Missouri Department of Natural Resources (MODoT) Enhancement Funds have been received by the City. The City made four grant applications and received three of the four. Two will be paid toward the Downtown Streetscape project, in the amounts of \$200,000 and \$230,000. The third grant was for construction of trails at Mozingo Lake Park, in the amount of \$230,000. The fourth grant application was also for trails, but the City of Maryville was elected as first alternate to receive these monies.

City Manager LeCerf and Dir., Public Works Decker spoke with a number of engineers

regarding the wastewater treatment facility. August 6, 2007, has been selected as a submittal date for plans from engineers.

Mr. LeCerf stated that he has received updated information regarding the HyVee TIF numbers that day, but had not had an opportunity to thoroughly review it.

Council Members

Councilwoman Cummings asked if anyone had received feedback about the Nodaway County Fair. Many positive remarks were received. She also asked that the Humane Society be asked to report back to the Council.

Mayor Jackson thanked everyone for their part in the success of the Nodaway County Fair. He also reported that the Joint Task Force met to discuss options for street upgrades. Mayor Jackson stated that the first regularly scheduled meeting in September falls the week of the Missouri Municipal League Conference and suggested that meeting may need to be rescheduled. He added that plans have been made to invite pastors from area churches to open council meetings with prayer, beginning in August.

REQUEST BY NODWAY COUNTY FAIR BOARD

Rex Wallace, Brian McPhearson and Vince Shelby, members of the Nodaway County Fair Board thanked the Council and city staff for their assistance with the Nodaway County Fair. They made a request to allow the Fair Board to reserve airport land for their use during the period of the Nodaway County Fair for 2008.

Rob Sparks, Elks Lodge, assured the Council and the Fair Board that the Elks had no intention of scheduling another tractor pull during the Nodaway County Fair days.

EXECUTIVE SESSIONS

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

Discussion was had on two (2) issues regarding: 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 two (2) issues regarding: Hiring, Firing, Disciplining or Promoting of

Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo., Closed Meeting, Closed Record, Closed Vote.

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

Chad Jackson, Mayor

ATTESTED:

Sheila Smail, City Clerk