

**CITY OF MARYVILLE, MISSOURI**  
**CITY COUNCIL MEETING**  
July 28, 2008

The Council of the City of Maryville, Missouri, met in regular session on Monday, July 28, 2008, 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 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. Also present were City Manager Matt LeCerf, Dir., Public Works Greg Decker, Dir., Finance Denise Town; Dir., Public Safety Keith Wood; Human Resource Manager, Amy Strough; City Attorney Doug Thomson and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

**INVOCATION**

Reverend Carl Droegemueller, Hope Lutheran Church, gave the invocation.

**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.

Tom Martin, 24920 State Hwy EE, approached the Council requesting permission to hold a Second Annual, Mozingo Haunted Campground event at Mozingo Lake on October 25, 2008. Mr. Martin stated that they intend to use the same format of activities for the event as last year. He requested that the City consider donating prizes.

The members of the Council agreed to allow the event to be held again in 2008.

**ARTS FESTIVAL BY THE CHAMBER OF COMMERCE**

Lisa Luke, Chamber of Commerce, approached the Council requesting to hold an Arts Festival September 12 and 13, 2008. The request included closing Fourth Street from Main Street to Market Street and Market Street, from Third Street north to the city parking lot, just past Fourth Street.

Motion was made by Mayor Jackson, seconded by Councilwoman Coutts, that the Arts Festival be allowed to take place September 12 and 13, 2008, on requested city streets. 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.

**WATER FIGHT BY LAURA STREET BAPTIST CHURCH**

Tate Walker, Laura Street Baptist Church, made a request to the Council to allow the youth of their church to engage in a water fight by way of closing South Laura Street from East First Street, south

just past the intersection at East Jenkins Street and Laura Street, on August 15, 2008, from 4:00 – 9:00 p.m. Because of the closure of the intersection, the street closure will be extended to the next intersection, to allow better notice of the street closure. A temporary water meter will be connected by city staff, for the event.

Motion was made by Councilwoman Cummings, seconded by Councilman Thompson, to approve the proposed water fight event presented for August 15, 2008, for Laura Street Baptist Church, without the charges for hookup and disconnect for the temporary water meter and Laura Street Baptist church is responsible for payment of water used. 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.

#### **LEADERSHIP MARYVILLE-REQUEST FOR SUPPORT**

Alice Schieffer and Becky Feuerbacher approached the City Council requesting financial support of \$700 for Leadership Maryville for 2008-2009. A copy of the proposed budget for the informational classes was presented to the Council, as an estimate of the income and expenditures.

Thereupon, motion was made by Councilman Thompson, seconded by Councilwoman Cummings, to approve support in the sum of \$700 to the Leadership Maryville program. 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. It was requested that an invoice be forwarded to the City prior to October 1, 2008.

#### **EMINENT DOMAIN**

City Attorney Doug Thomson explained to Council and staff that there is a proposed Constitutional Amendment to Article I, Eminent Domain. This amendment, if passed, shall allow only government entities to use eminent domain. It will prohibit the use for private reasons, with exceptions for some utilities. The taking of property shall be for public use and that land owners shall receive reasonable compensation. The intended use of the property shall be declared at the time of taking and the original property owner shall have the option to repurchase the property if it is not used within five (5) years or if the property is for sale within twenty (20) years.

City Attorney Thomson added that along with the above noted changes, the amendment will strip the power of from the cities of enforcing nuisances within the municipality codes and put that power on the State of Missouri. Such nuisances include tall grass, junk in yards, traffic violations and many other code violations will be taken to civil court.

Thereupon, motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that the City of Maryville donates \$700 to the Missouri Municipal League (MML) to fight against this

amendment. Roll was taken and the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

#### **REPLACEMENT OF SEPTIC TANK AT AIRPORT**

City Manager LeCerf reported that the septic tank has failed at the Northwest Missouri Regional Airport and is in need of replacement. The city has been using the vac-truck to pump down the tank on a weekly basis. He stated that he had asked White Cloud Engineering and Construction and Woodruff-Arnold, Inc., for an estimate for the project. White Cloud Engineering and Construction was the only company to submit an estimate, at a cost of \$9,160. This price is for the design, as-built, 1500 gallon tank, gravity line, d-box and chambers. Mr. LeCerf added that this was not a budgeted item but cannot be ignored.

Thereupon, motion was made by Mayor Jackson, and seconded by Councilwoman Cummings, that the septic tank at the Northwest Missouri Regional Airport be replaced by White Cloud Engineering and Construction at the price of \$9,160. 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.

#### **UTILIZATION OF STP FUNDS**

City Manager LeCerf stated that although the STP funds, received from the Missouri Department of Transportation (MoDOT), each year it is not guaranteed. He stated that the current balance of this money is \$83,316.16. In October 2008, it is expected that the City will receive addition funds of approximately \$43,300. These funds can only be used for roadway surfacing. MoDOT is planning to make improvements along Highway 136, east of the 102 River bridge for a distance of 8.35 miles, which include 4.5' paved shoulders on each side of the road. MoDOT is offering to partner with them by making the shoulders two feet (2') wider, making a total width of 6.5' on each side for shoulders. In doing this, it would cost approximately \$120,000 to go to the Liberty Road or \$80,000 to Mozingo Creek bridge. Generally using these funds the city would be required to match 20% of the funds, but since it will be going toward state road the requirement may be waived.

The additional width can serve as a safe bike lane, but also could be utilized by farm equipment. MoDOT has agreed to maintain the additional width of shoulders in perpetuity.

Thereupon, motion was made by Councilman Thompson, seconded by Councilwoman Cummings, to allocate and utilize STP funds by working with the State, contingent upon no requirement of matching funds. 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.

## **JOINT TASK FORCE - 911 COMMITTEE MEMBERSHIP**

Councilwoman Cummings stated that the Joint Task Force, which consist of several entities in the Maryville community. The Joint Task Force would like to review the possibilities of having a joint 911 system for the City or Maryville, Nodaway County, Ambulance District, and Northwest Missouri State University. She stated that they are looking for six (6) people, that are connected to 911 services, to serve on an advisory board to determine the cost and feasibility of joining forces on the 911 system.

Director of Public Safety Keith Wood suggested that the City should be the hub of a joint 911 system.

## **SIGN REMOVAL AT ABANDONED BUSINESSES**

Mayor Jackson suggested that the City consider adopting an ordinance to require closed business to remove their signs within a set amount of days from closure of the store. Although there is such an ordinance for the downtown area, the remainder of the City does not apply. It was agreed among the Council that an ordinance shall be drafted to consider requiring all abandoned businesses to remove their signs.

## **AWARD BID FOR REMOVAL AND SHINGLING OF STREET GARAGE**

The City Clerk presented a bill, being Bill No. 2008'82 for an ordinance entitled

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with G & G Construction, for Removal and Shingling of the Street Garage, 123 North Newton, 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.

Thereupon motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that Council Bill No. 2008'82 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. 7035 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **PURCHASE MOWER FOR MOZINGO GOLF MAINTENANCE**

The City Clerk presented a bill, being Bill No. 2008'83 for an ordinance entitled

**An Ordinance Authorizing the Execution of a Contract with Maryville Outdoors, to Purchase a Boss 3772 Mower for Mozingo Golf Maintenance, 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.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilman Thompson that Council Bill No. 2007'83 be adopted. 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. 7036 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **MODoT, SAFE ROUTES TO SCHOOL PROJECT NO. SRTS-N1-H281(501)**

The City Clerk presented a bill, being Bill No. 2008'84 for an ordinance entitled

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Missouri Department of Transportation, for the Safe Routes to School Agreement, Program No. SRTS-NI-H281(501)**

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 Councilman Thompson that Council Bill No. 2007'84 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. 7037 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **LOT SPLIT AT MCDONALD'S MARYVILLE ADDITION**

Councilwoman Cummings excused herself from the Chambers during discussion of this topic.

The City Clerk presented a bill, being Bill No. 2008'85 for a Resolution entitled:

**A Resolution Authorizing the Lot Split of Property owned by Mark Burnside, Located at McDonald's Maryville Addition, Lot 2, on South Main Street, of 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.

Thereupon motion was made by Councilman Thompson, seconded by Councilwoman Moss that Council Bill No. 2007'85 be adopted with the provision that a twenty-five foot (25') permanent easement, running east and west, be established on the south edge, to allow access off of South Main Street. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 541 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

Councilwoman Cummings re-entered the Council Chambers.

## **REPORTS**

### **II. City Manager**

City Manager LeCerf stated that he will be out of the office on August 1, 2008. He added that the City is waiting for the final payment of around \$80,000 from Federal Emergency Management Assistance (FEMA). A trim grant has been applied for, in hopes of using the funds to grind stumps resulting from the ice storm. He mentioned to the Council about the reviewing of the newly proposed employee handbook.

## **EXECUTIVE SESSIONS**

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

Discussion was had on 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.

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

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Chad Jackson, Mayor

**ATTESTED:**

Sheila Smail, City Clerk