

CITY OF MARYVILLE, MISSOURI
CITY COUNCIL MEETING
August 11, 2008

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 11, 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, Michael Thompson. Councilwoman Patricia Cummings arrived at 7:10 p.m. Councilman Ronnie Moss was absent. Others present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; 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.

APPROVAL OF MINUTES

Mayor Jackson asked if there were any amendments to the minutes presented for the City Council meetings held July 14 and 28, 2008. Mayor Jackson requested that in the July 28, 2008 minutes that it be noted that Councilwoman Cummings excused herself from the Council Chambers, due to a possible conflict of interest, during the discussion of the requested Lot Split by Mark Burnside, on South Main Street.

Motion was made by Councilman Thompson, seconded by Councilwoman Coutts, that the minutes be approved as amended. Upon the roll being called, the vote was as follows, Councilwoman Coutts, yea; Councilman Thompson, 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.

George English, 1305 Parkdale Road, addressed the City Council regarding the Peach Creek backing up into his and neighboring properties, west of the creek. He stated that since the ice storm in December of 2007, the water has trouble getting away and asked that the creek be cleared of branches and fallen trees. He also requested that the city consider straightening the creek to allow for better flow. City officials stated that was private property, but that they would take a look at the situation and report back at the next regular meeting.

Donna Wilmes, 412 East Torrance Street, appeared to receive an update on the drainage situation in her neighborhood and the smell of sewage.

It was reported that there was no septic tanks being used in that area and that it appears to be a watershed issue. Mrs. Wilmes will be mailed a copy of the memorandum from City Manager LeCerf to the Mayor and Council, regarding the findings of this issue.

City Attorney Doug Thompson explained that the issue of Emanate Domain that was scheduled to be placed on the November ballot has been ruled defective and will not be voted on in November but warned that it is not a mutt issue.

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

PAYMENT VENDOR SCHEDULE

Motion was made by Councilman Thompson, 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; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

CITY'S POSITION STATEMENT ON NW FOUNDATION ISSUE

Mayor Jackson read aloud the memorandum of the City's position on the NW Foundation Issues. No further discussion was had.

FINDINGS AND RESULTS OF PARK AND RECREATION COMMUNITY CENTER IMPROVEMENTS

The City Clerk presented a bill, being Bill No. 2008'86 for an Ordinance entitled:

An Ordinance Finding and Declaring the Results of an Election held in the City of Maryville, Missouri, on August 5, 2008, at Which Time There was Submitted to the Qualified Voters of the City of Maryville, Missouri, a Proposition to Issue General Obligation Bonds of the City of Maryville, Missouri, in the Amount of \$1,900,000 for the Purposed Improvements of the Park and Recreation, Community Center, at 1407 North Country Club Road

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=86 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7038 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPEAL/ADOPT CHAPTER 420.160, (C), (1), POLITICAL SIGNS

The City Clerk presented a bill, being Bill No. 2008'87 for an Ordinance entitled:

An Ordinance to Repeal Title IV: Zoning Chapter 420: Restrictions on Signs Within Zones, Chapter 420.160: Special Conditions for All Zones, (C) Political Signs, (1) and to Adopt a New Section 420.160: Special Conditions for all Zones (C) Political Signs, (1), 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.

City Manager LeCerf explained that the request is made to eliminate all political signs being placed on public property.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Council Bill No 2008=87 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. 7039 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AN ADDENDUM TO THE PEOPLE SERVICE CONTRACT

The City Clerk presented a bill, being Bill No. 2008'88 for an Ordinance entitled:

An Ordinance Approving Addendum No. 2 with People Services, Inc., of the Contract of Management, Operation and Maintenance of the Water/Wastewater Facilities, 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 by and seconded by, 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=88 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7040 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

AWARD CONTRACT FOR ASPHALT PROJECTS

The City Clerk presented a bill, being Bill No. 2008'89 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Keller Construction Company, for the Purpose of Asphalt Milling and Overlay on Designated Streets in 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 by and seconded by, 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 explained to the Council that one bid was received, from Keller Construction Company, for Asphalt Milling and Overlay, bidding each street project separately. City Manager said the Capital Improvement Project Committee made a recommendation to asphalt Foster Avenue and White Ridge Road, the parking lot at 4th and Buchanan Street, the Public Safety parking lot, and to partner with Maryville Park and Recreation Department in resurfacing the parking lots at Judah Park and Sisson-Eek Park. The Park and Recreation Department plan to contribute a sum of \$10,000 to the park projects. City Manager LeCerf made a recommendation to use some of the remaining funds to asphalt South Saunders Street.

Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that Council Bill No 2008=89 be adopted with the Foster Avenue and White Ridge Road, the parking lot at 4th and Buchanan Streets, the Public Safety parking lot, and to partner with Park and Recreation to asphalt the parking lots at Judah Park and use remaining funds for South Saunders Street. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7041 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

MOERA PROJECT UPGRADE

The City Clerk presented a bill, being Bill No. 2008'90 for a Resolution entitled:

A Resolution of Cooperation at Mozingo Lake for a Land and Water Conservation Fund Project

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.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that Council Bill No 2008=90 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 542 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

WAIVER TO ALLOW CITY MANAGER TO PURCHASE AVIATION FUEL ABOVE \$5,000

The City Clerk presented a bill, being Bill No. 2008'91 for a Resolution entitled:

A Resolution Implementing a Waiver for the City Manager to Purchase Aviation Fuel, as Necessary, for the Northwest Missouri Regional Airport, Above the \$5,000 Purchase Limit Set Forth in the Maryville Procurement Ordinance

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 Cummings, seconded by Mayor Jackson, that Council Bill No 2008'91 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 Resolution No. 543 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

GROUNDWATER MONITORING PROGRAM AT THE SANITARY LANDFILL

The City Clerk presented a bill, being Bill No. 2008'92 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Aquaterra Environmental Solutions for Groundwater Monitoring Service for August and November 2008, Maryville Sanitary Landfill, 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.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Council Bill No 2008=92 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7042 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

PURCHASE OF A SANITARY SEWER FLOW METER

The City Clerk presented a bill, being Bill No. 2008'93 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri to Execute a Contract with USA Bluebook, for the Purpose of Purchasing a Stingray Sanitary Sewer Flow Meter, for the Water/Wastewater Maintenance Department, 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.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Council Bill No 2008=93 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7043 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

RELEASE LETTER OF CREDIT FOR TWIN MEADOWS SUBDIVISION

The City Clerk presented a bill, being Bill No. 2008'94 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri to Release a Letter of Credit Presented by Tom Middleswart, for Development of Twin Meadows Subdivision, 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.

Motion was made by Councilwoman Cummings, seconded by Councilman Thompson, that Council Bill No 2008=93 be adopted. Upon roll being called, the vote was as follows: Councilwoman

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

Said bill was then numbered Ordinance No. 7044 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

COORDINATION OF CONSTRUCTION OF WATERLINE WITH MODOT

The City Clerk presented a bill, being Bill No. 2008'95 for an Ordinance entitled:

An Ordinance to Repeal Ordinance No 6968 and to Adopt a New Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute an Agreement with Missouri Department of Transportation, to Coordinate Participation of Construction of an Eight Inch Minimum Water Main

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 Thompson, seconded by Councilwoman Coutts, that Council Bill No 2008=95 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. 7045 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

DISCUSSION: HELMETS WHILE RIDING SCOOTERS

Mayor Jackson stated that citizens have contacted him with concern about the number of people that are operating scooters without helmets. It was suggested that perhaps an ordinance be drafted to require anyone under the age of 18 years, to wear a helmet while operating a scooter or another means of motorized transportation of an open vehicle.

DISCUSSION: ORDINANCE BOOK ISSUES

City Clerk Smail informed the Council that she would like to see a better definition as to who is and isn't required to obtain a Solicitor's permit. She stated that with a more distinctive definition it would be much simpler to identify those required to obtain a permit. A modified ordinance will be presented to the Council.

City Clerk brought to the attention of the council that there were three (3) ordinances in the Municipal Codes that has not been used for a long period of time. The ordinances include Chapter 610: Motion Picture Theaters, Chapter 615: Bowling Alleys and Chapter 625: Coin-operated Vending and Amusement Machines. These ordinances provided for a license to be obtained to operate such

businesses. She warned that if these ordinances were repealed that they could not be brought back without the vote of the people. After further discussion, it was determined that an ordinance will be drafted to consider repealing the chapters.

City Clerk Smail reminded the Council that a few weeks prior Randy Sledge, Metal Edge Expo, requested that the City considered adopting an ordinance requiring all tattooing and body piercing businesses to obtain a license, for the safety of their clients. Ms Smail had drafted a set of rules and regulations to consider as requirements within the City of Maryville. Various aspects were noted in the document. The council agreed that an ordinance be written for consideration of the tattooing and body piercing arts.

Smail requested the Council's thoughts of adopting an ordinance for taxi drivers. Ms. Smail said that she received a few phone calls this spring from individuals inquiring about what the city's requirements are to start a taxi cab business. And with that, she began to wonder if these individuals should have a background check, at least. Ms. Smail was directed to look at cities our size and how they handle taxi services.

Finally, City Clerk Smail informed the council that the Maryville Municipal Code book needs to be recodified and that it has not been done since 1991. Sullivan Publications would comb through the ordinance to make sure all ordinances are current and in harmony with the current Missouri State Laws. It is a lengthy process but it would make the City codes completely updated and in order. She added that this process will take 6-8 months and that it will cost around \$10,000.

Councilwoman Cummings suggested that it be considered for the new budget.

REPORTS

City Manager

City Manager LeCerf asked if any Council members plan to attend the Annual Missouri Municipal League conference in Springfield, September 7 – 10, 2008. City Clerk Smail will be the only one attending from the city. Mr. LeCerf stated that the first pass has been made on the runway at the airport. He added that he hopes the fueling system will be completed that week. The Human Resource Policy Manual is expected to be adopted by the end of the year. The City will be going out for bids on the enhancement funds and Safe Routes to School project. The City is waiting on approval from Missouri Department of Transportation on design. A cemetery inventory is being done. The spaces will be determined as occupied, unoccupied, or sold. Eventually, the capability of placing the map on the web for access by citizens could be made available. He asked the council if they were interested in that feature. Further study will be done of this amenity.

II. Council Members

Mayor Jackson stated that August 21, there will be a reception held by KCPL at 4:00 at the Hangar.

EXECUTIVE SESSION

Motion was made by Councilman Thompson, seconded by Councilwoman Coutts 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. The first was a 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.

Discussion was also 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 Therefore, as Authorized by Section 610.021(2) 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 Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

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

ATTESTED:

City Clerk, Sheila Smail

Mayor, Chad Jackson