

**Maryville City Council**  
**Regular Open Meeting**  
**August 24, 2009**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 24, 2009, 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, and Ronnie Moss. Councilmember Shawn Wake was not present. 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.

**PUBLIC HEARINGS:**

**A. PROPERTY TAX RATES TO BE SET**

Mayor Jackson opened the public hearing for citizens to be heard on the property tax rate for the fiscal year, beginning October 1, 2009. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No one appeared to be heard. Mayor Jackson closed the Public Hearing.

**B. APPLICATION FOR CDBG PROGRAM - PUBLIC WORKS PROJECT (DOWNTOWN  
REVITALIZATION PROJECT)**

Mayor Jackson opened the public hearing for the preparation of application for a grant through the Community Development Block Grant (CDBG) program for the purpose of improvements of the public works, public facilities, housing rehabilitation and others allowed by law. Mayor Jackson introduced Mr. Arnie Kreek, of the Northwest Missouri Regional Council of Government.

Mr. Kreek requested all present identify themselves and their representation, by completing the sign-in sheet. He requested input from the public on the proposed grant. The grant being applied for, is intended to assist in the Downtown Revitalization Project, with improvements to the streets, sidewalks, and deteriorating waterlines in the area.

The City of Maryville has committed to pay \$28,000 as in-kind labor; while private donors and property owners will contribute an estimated \$224,000 in private matching funds and the Missouri Department of Transportation will provide \$316,000 in matching funds, with the remaining in CDBG funds of \$224,000.

A needs assessment of the Maryville community was taken, being rated on a scale of 1-5, with 5 being high on availability. Since a similar assessment was done for another grant application in April, 2009, many of the figures remained the same. The results that were specifically discussed were as follows:

**Job Availability:**

Unemployment rate for Nodaway County - 6.6%

**Five (5) top priority needs of the City were determined to be:**

1. sewer treatment
2. sewer collection
3. water distribution
4. city streets, sidewalks, pedestrian accessibility
5. unsafe and dilapidated residences

Following the needs assessment, Mr. Kreek asked if there were any questions. No persons requested to be heard. Mr. Kreek completed his presentation.

The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No one appeared to be heard. With no further discussion, Mayor Jackson closed the public hearing.

**PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

**INVOCATION**

Councilwoman Cummings gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Jackson asked for any changes needed to the agenda, be noted. Mayor Jackson asked that the Park and Recreation Budget follow the National Life Chain Presentation. Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that the agenda be approved as noted. Upon roll being called the vote was as follows: Councilman Moss, yea; 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.

Tom and Twyla Martin, 24920 State Hwy EE, requested from the Council permission to hold the Haunted Campground/Trick or Treat event on October 17, 2009, at Mazingo Lake Park RV campgrounds. Mr. Martin explained that they plan to operate the event in the same fashion as they have in past years. A request was also made that the City donates three (3) campsites as prizes for the event. The City Council approved the proposed event and agreed to donate the requested campsites.

**NATIONAL LIFE CHAIN PRESENTATION – TRI-COUNTY LIFE-CHAIN, LISA GOEDKEN**

Lisa Goedken, President of the Tri-County Life Chain, presented to the City Council a request to have a peaceful demonstration at a designated location along the public right-of-way sidewalk in Maryville, on October 4, 2009. During this time those gathered will pray for one (1) hour, while holding a sign with a pro-life message.

Mrs. Goedken stated that she was informed that a Hold Harmless/Indemnification form is required to be signed, to relinquish the City of any liability associated with the proposed event. She stated that the Tri County Life-Chain would not be given their rights to the First Amendment, Freedom of Speech, by imposing this hardship

upon them.

City Officials explained the requirement of signing a Hold Harmless/Indemnification form was mandated by the City's insurance provider, Missouri Intergovernmental Risk Management Association (MIRMA), to protect the City from claims resulting from the event, not to keep them from hold the demonstration.

The issue was tabled and will be brought back for further discussion on Monday, September 14, 2009.

### **MARYVILLE PARK AND RECREATION 2009-10 FISCAL YEAR BUDGET**

Dir., Park and Recreation Rod Auxier presented to the Council the proposed budget for fiscal year 2009-2010, with a contingency fund of \$310,000.00, an anticipated revenue amount of \$1,119,170.00 and operating expenses estimated at \$1,115,230.00. He explained the ever-rising cost of operations that are being faced. Park and Recreation is also facing a significant downturn in revenues due to the SB711, which reduces its property tax levy. Also there is a decrease of \$4 million in assessed valuation for the year, resulting in a decline of property tax revenue. The Park and Recreation Board is investigating some alternatives for funding sources. Mr. Auxier also report on the progress of the expansion of the facility.

### **ROAD RESURFACING**

The City Manager and Dir., Finance collaborated to determine the amount of funds remaining for CIP projects. It was determined that there was approximately \$ 130,000 remaining to do the overlay projects. To complete the roads defined by the Council during the August 10<sup>th</sup> meeting it would require approximately \$385,000. Consequently, two (2) options were noted. First, the city could wait until spring of 2010 to begin the project, which would allow the CIP funds to accrue over this time to enable a more significant project at once. Secondly, the City could consider a lease payment loan to perform the improvements this year. The availability of asphalt contractors and the weather may become a negative factor of the last option. It was agreed amongst the Council and Staff that the best option would be to wait until spring 2010, to begin the asphalt projects.

Staff was asked to contact Polk Township to request assistance in grading the ditches along North Dewey Street/Interlude Road, so that a temporary patch could be done until the asphalt project could be started in the spring.

### **RESERVATIONS FOR RV CAMPING SPACES**

The City Clerk presented a bill, being Bill No. 2009'78 for an ordinance entitled:

**An Ordinance to Adopt Section 212.235: Reservations for RV Camping, of Chapter 212: Mozingo Park Regulations, Title II. Public Health, Safety and Welfare, of the Maryville Municipal Codes, Maryville, Missouri**

An ordinance was presented to the City Council Members, proposing five (5) RV campsites at Mozingo Lake Park, being Spaces 22, 23, 24, 25, and 26, become reserveable. Signs are proposed to be posted at the RV campsites and at the Information Booth, containing rules and regulations of reserving RV sites.

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 2009'78 be approved. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7142 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **LEVY COLLECTION OF TAX, TAXABLE REAL AND PERSONAL PROPERTY**

The City Clerk presented a bill, being Bill No. 2009'79 for an ordinance entitled:

**An Ordinance Providing for the Levy and Collection of a Tax on the Taxable Real and Personal Property in the City of Maryville, Missouri, for the Year 2009, for General Municipal Purposes, for the Purpose of the Free Library in Said City, For the Purpose of the Establishment and Maintenance of Free Public Parks and Providing for Suitable Entertainment Therein**

An ordinance was presented to set the tax rates for 2009 as, General Fund - \$.3298; Public Library - \$.1490; and Public Parks and Recreation - \$.3000.

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 2009'79 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7143 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **LEVY AND COLLECTION OF TAX, TAXABLE REAL AND PERSONAL PROPERTY, G.O. BONDS**

The City Clerk presented a bill, being Bill No. 2009'80 for an ordinance entitled:

**An Ordinance Providing for the Levy and Collection of a Tax on the Taxable Real and Personal Property in the City of Maryville, Missouri, for the Year 2009, for the Purpose of Obtaining Funds to Pay General Obligation Bonds**

An ordinance was presented to set the tax levy for the purpose of paying general obligation bonds at the rate of \$.1194.

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 Moss, that Council Bill No 2009'80 be approved. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7143 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **SUPPORT APPLICATION FOR CDBG GRANT FUNDING FOR DOWNTOWN REVITALIZATION PROJECT**

The City Clerk presented a bill, being Bill No. 2009'81 for a resolution entitled:

**A Resolution to Declare the Downtown Utility Infrastructure Owned by the City of Maryville as Blighted for the Application to the Missouri Department of Economic Development – Community Development Block Grant Program for Grant Funding for the Downtown Revitalization Project**

City Manager LeCerf explained the four (4) resolutions being presented were a part of the CDBG application for a grant for improvements of City owned infrastructure, as part of the Downtown Revitalization 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.

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that Council Bill No 2009'81 be approved. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 555 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **RESOLUTION STATING INTENT TO SEEK FUNDING THROUGH CBDG FUNDING**

The City Clerk presented a bill, being Bill No. 2009'82 for a resolution entitled:

**A Resolution of the City of Maryville, Missouri, Stating Intent to Seek Funding Through the Community Development Block Grant Program and Authorizing the Mayor/Presiding Commissioner to Pursue Activities in an Attempt to Secure Funding**

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 Coutts, seconded by Councilman Moss, that Council Bill No 2009'82 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 556 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **EXCESSIVE FORCE RESOLUTION**

The City Clerk presented a bill, being Bill No. 2009'83 for a resolution entitled:

#### **Excessive Force Resolution**

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 Coutts, seconded by Councilwoman Cummings, that Council Bill No 2009'83 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 557 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

The City Clerk presented a bill, being Bill No. 2009'84 for a resolution entitled:

#### **A Resolution of the City of Maryville, Missouri, Stating Intent to Seek Funding Through the Community Development Block Grant Program and Authorizing the Mayor to Pursue Activities in an Attempt to Secure Funding**

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 Councilman Moss, that Council Bill No 2009'84 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 558 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **REPORTS**

#### **City Manager**

- There is a need for drainage improvement on North Main Street from Finish Line, north.
- The Employee Board is requesting permission to move the Employee Appreciation Dinner to the month of January, instead of December.

- The Mazingo Park Maintenance Department is looking to purchase a vehicle to move snow and salt the roads at Mazingo Lake Park in the winter. A request was made for permission to attend an auction to possibly purchase a vehicle, similar to what is being considered for that purpose. The Council agreed that if it could be bought at a reduced price, they could do so.

**Council Members**

- Clarification was requested about the date and time for the budget session for General Funds. General Funds will be discussed on September 14, 2009, at 5:00 p.m.
- The Mayor, Luke Raven, Chamber Director, and the Board President met to discuss projects or events that the City and Chamber of Commerce could develop a partnership in.
- Mayor Jackson, City Manager LeCerf and NWMSU President John Jasinski met to discuss efforts in encouraging more beautiful community.

**ADJOURNMENT**

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

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Chad Jackson, Mayor

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Sheila Smail, City Clerk