

CITY OF MARYVILLE, MISSOURI  
CITY COUNCIL MEETING  
August 25, 2008

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 25, 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 and Ronnie Moss. Council Member Patricia Cummings arrived at 7:15. 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.

Mr. George English 1305 Parkdale Road, appeared to inquire about the issue regarding the creek behind him and neighboring properties. The creek has several branches and fallen trees, resulting from the December 11, 2007, ice storm.

City Attorney Thompson sent the finding of this issue, as of the legal aspect, to the council members.

Councilman Thompson stated that he visited the area and was concerned about the tree that is lying on a city sewer line.

Mayor Jackson stated that nothing has been determined yet but, the city will be in touch with Mr. English on this issue.

## **PUBLIC HEARING**

Mayor Jackson opened a public hearing for discussion of the proposed levy and collection of tax for general municipal purposes, free public library, public parks and entertainment and general obligation bonds. Mayor Jackson requested any person wishing to speak in favor or against the proposed tax levies and collection of tax, to come forward and state their name and address. No persons appeared to be heard. Mayor Jackson closed the public hearing.

## **PEACH CREEK ISSUE**

This item was addressed in "Citizens to be Heard".

## **LEVY AND COLLECTION OF TAX FOR GENERAL MUNICIPAL PURPOSES, FREE PUBLIC LIBRARY, PUBLIC PARKS AND ENTERTAINMENT THEREIN**

The City Clerk presented a bill, being Bill No. 2008'96 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 2008, for the General Municipal Purposes, for the Purpose of Maintaining the Free Public Library in Said City, For the Purpose of Establishment and Maintenance of Free Public Parks and Providing for Suitable Entertainment Therein.**

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. 2008'96 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7046 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**LEVY AND COLLECTION OF TAX TO OBTAIN FUNDS TO PAY GENERAL OBLIGATION BONDS**

The City Clerk presented a bill, being Bill No. 2008'97 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 2008, for the Purpose of Obtaining Funds to Pay General Obligation Bonds**

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 Councilwoman Coutts that Council Bill No. 2007'97 be adopted. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7047 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**REPEAL OF CHAPTERS 610, MOTION PICTURE THEATER; 615, BOWLING ALLEYS; AND CHAPTER 625, COIN OPERATED VENDING AND AMUSEMENT MACHINES.**

The City Clerk presented a bill, being Bill No. 2008'98 for an ordinance entitled

**An Ordinance to Repeal Title VI: Business and Occupations, Chapter 610: Motion Picture Theaters, Chapter 615: Bowling Alleys, and Chapter 625: Coin Operated Vending and Amusement Machines**

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. 2007'98 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. 7048 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **TATTOOING, BODY PIERCING, AND BRANDING**

The City Clerk presented a bill, being Bill No. 2008'99 for an ordinance entitled

**An Ordinance to Adopt Section 610.010: License Requirements and Section 610.020: Regulations and Inspections, Chapter 610: Tattooing, Body Piercing, and Branding of Title VI: Business and Occupation, of the Maryville Municipal Code, Requiring Owners, Managers and Employees Practicing the Trade of Tattooing, Body Piercing and/or Branding to be Licensed with the State of 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.

City Clerk Smail stated that at the last meeting she had presented an ordinance addressing the issue of tattooing, body piercing and branding. Since that time, she was informed by Stephanie Sledge, owner of Metal's Edge Expo, 1318 East First Street, that the State Statute 324.520 – 324.526, as well as the Code of State Regulations (Division 2267), gives the full requirements of the State of Missouri. City Clerk suggested that the city adopted an ordinance to reference the State Statutes and the Code of State Regulation.

Councilwoman Cummings questions why the City would get involved since it appears as though the State has the issue covered.

Stephanie Sledge informed the council that the State would be reluctant to enforce the laws unless the City has an ordinance regulating these businesses.

After a lengthy discussion, it was decided that City Attorney Thomson would look into the matter and write a draft on an ordinance to be presented.

Thereupon motion made by Councilman Thompson, seconded by Councilwoman Coutts, to table the issue for further study. 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.

#### **A CONTRACT WITH NODAWAY COUNTY FOR PURCHASE OF AERIAL PHOTOGRAPHY**

The City Clerk presented a bill, being Bill No. 2008'100 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Nodaway County, Missouri, for the purpose of purchasing Updated Aerial Photography of the City of Maryville and 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.

Thereupon motion was made by Councilwoman Cummings, seconded by Councilman Moss that Council Bill No. 2008'100 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 Ordinance No.7049 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **REPEAL/ADOPT NEW CHAPTER 620: SOLICITORS AND CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS**

The City Clerk presented a bill, being Bill No. 2008'101 for an Ordinance entitled:

**An Ordinance to Repeal Chapter 620: Solicitors and Canvassers, Peddlers and Itinerant Merchants, of Title VI: Business and Occupation, of the Municipal Code of the City of Maryville, and to Adopt a New Chapter 620: Solicitors and Canvassers, Peddlers and Itinerant Merchants, 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 Clerk Smail stated that discussed before Chapter 620 needs to be better defined to determine who does and does not require a permit through the City. It was discussed that farmers who sale their fresh produce from their land, would be exempt from being required to obtain a permit, but if they also wish to sale baked goods would they still be exempt. After much discussion of the different aspects of the issue it was decided that Councilman Thompson, City Clerk, and a representative of the Nodaway County Health Department would meet to discuss the issue.

Thereupon motion was made by Councilman Thompson, seconded by Councilman Moss that Council Bill No. 2008'101 be postponed for further information. 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.

**PARTICIPATION WITH MODOT TO IMPROVE THE SHOULDERS ON HWY 136 EAST**

The City Clerk presented a bill, being Bill No. 2008'102 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute an Agreement with Missouri Department of Transportation, to Widen Shoulders of Highway 136 Eastbound From the 102 River to Liberty 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.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilman Moss that Council Bill No. 2008'102 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.7050 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CHANGE ORDER NO 4, CONTRACT WITH LOCH SAND, AT AIRPORT**

Because of the urgency of this issue this item was added to the agenda the day of the Council meeting. The City Clerk presented a bill, being Bill No. 2008'103 for an Ordinance entitled:

**An Ordinance Approving Change Order No 4, of the Contract with Loch Sand and Construction Company for the Purpose of the Airport Runway Extension, Taxiway, Apron and Lighting, 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.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilman Thompson that Council Bill No. 2008'103 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 Ordinance No.7051 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **ORDINANCE TO LIMIT NUMBER OF GARAGE SALES ALLOWED**

City Clerk Smail stated that there have been a few inquiries as to whether the city has an ordinance that regulates the number of garage sales that can be held per property. She asked the council if they felt there was a need for such an ordinance to limit garage sales. After discussion the Mayor asked to have an ordinance drafted.

## **REPORTS**

### **City Manager**

City Manager LeCerf asked the Council to decide on a date that they could gather for the first budget meeting. It was decided that the three budget meetings would be held September 11, 17, and 18, all of which will begin at 6:00 p.m. Councilwoman Coutts asked Mr. LeCerf for an update on South Main project.

### **Council**

Mayor Jackson stated that he read in the paper that the city will be asked to appoint someone as a member of the Committee to appoint a new president of Northwest Missouri State University. The Mayor inquired about the suggested speed limit reduction on West South Avenue. Mayor added that he received a letter from Habitat for Humanity requesting a lot in the community to build upon as a donation, purchase of both.

Mayor Jackson is planning to attend the Award Ceremony of the Governor's Economic Development Conference to be held in Kansas City. The City will be a recipient of the MoCAPP awarded.

## **EXECUTIVE SESSIONS**

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the Council goes into Executive Session. 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.

Discussion was had on two (2) topics 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 Coutts 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.

---

Chad Jackson, Mayor

ATTESTED:

---

Sheila Smail, City Clerk