

September 12, 2007

The Council of the City of Maryville, Missouri, met in regular session on Wednesday, September 12, 2007, at City Hall in said City at 6:00 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, Jerry Wilmes and Pat Cummings. Council Member Michael Thompson was absent. Others 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.

INVOCATION

Councilwoman Cummings gave the invocation.

APPROVAL OF MINUTES

Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that the minutes of the meetings of August 13, 22, and 27, 2007 be approved as presented.

Upon the roll being called, the vote was as follows, Councilman Wilmes, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; and 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.

Mr. Bill Ingels, 604 Peaceful Way, addressed the council concerning the request for rezoning before Polk Township Board. Ed and Diane Higdon own 8.8 acres located outside the city limits near the 2700 block of South Mulberry Street. The Higdons are requesting that the property be rezoned from agriculture to C-1, commercial.

Mr. Ingels expressed his concern about the ramifications of allowing the rezoning to occur. He stated that the land was surrounded primarily by the city limits creating an "island". He was concerned about the lack of regulations the owners will need to follow in Polk

Township. He added that the issue went before the Polk Township Planning and Zoning Commission Tuesday, September 11, 2007. The issue has been approved by the Planning and Zoning Commission and will be recommended for approval to the Polk Township Board on September 13, 2007.

Mr. Mark Burnside, 2501 Chamee Drive, also expressed his concerns about the proposed rezoning, before the Polk Township Board.

Councilwoman Cummings asked why this land had not been annexed, eliminating the island.

Dir., Public Works Decker stated that the owner had never requested annexation and that the City does not usually pursue an annexation, without a request. He added that this is the only example of an "island" that he has been aware of in the city.

After much discussion, City Attorney Thomson stated that if the city wanted to express their objections of the proposed annexation it would need to be written as a Resolution, voted upon and forwarded to the Polk Township Clerk prior to the September 13, 2007 meeting.

Mayor Jackson suggested that the Council table the issue until the other agenda items have been completed allowing City Attorney Thomson time to draft a resolution.

PRESENTATION FROM HOST LIONS

Kerry Meyers, Bob Westfall and Mike Hollingsworth, members of the Maryville Host Lions Club, presented the City Council a check in the amount of \$4,500 to be used at the Mozingo Lake Park for improvements.

TREASURER'S REPORT

Motion was made by Councilwoman Cummings, seconded by Councilman Wilmes 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 Wilmes, yea; Mayor Jackson, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

PRESENTATION OF PARK AND RECREATION 2007-08 BUDGET

Dir., Park and Recreation Rod Auxier submitted to the City Council the proposed 2007-08 budget. He noted that the budget had been approved by the Park and Recreation Board, but since have been notified of additional expenses forthcoming for water and transfer station disposals. He stated that amendments to the budget will be made to encompass these expenses.

CITY MANAGER'S REPORT

City Manager LeCerf reported that the City Employee picnic that was scheduled for Sunday, September 16, 2007, has been cancelled. An employee luncheon has been tentatively been scheduled for Oct 10, 2007.

City Manager LeCerf stated that Andy Macias, Snyder and Associates was present to give a brief update of the Streetscape project.

Mr. Macias explained that another change order will be presented to the Council. The change order will result in a decrease of \$11,216, in the cost of the project. He asked if the council would like to meet in a work session to determine whether to bid phases 2 and 3 with the intersection work needed.

City Manager LeCerf stated that the City does not have the entire funds needed to complete the work, so he suggested they wait, stating that the Missouri Department of Transportation does not have the contract.

Mr. Macias passed out the information to the council in regard to the sanitary sewer facility project and cities not meeting the effluent limits.

CITY COUNCIL REPORT

Mayor Jackson reflected upon a letter he had received from Governor congratulating the City on the recipient of the DREAM Initiative. Representatives will be contacting the City soon to set an initial assessment meeting.

City Manager LeCerf stated that the meeting is tentatively set for Oct 3, from 9:30 a.m. to 4:30 p.m..

REZONING PROPERTY (Continued from Citizens to be Heard)

Because of the urgency of the situation, a drafted resolution was written and presented to the Council regarding the City Council's view of the proposed rezoning issue before the Polk Township Board.

The City Clerk presented a bill, being Bill No. 2007'61 for an Ordinance entitled, which read as follows:

A RESOLUTION PROTESTING THE PROPOSAL TO CHANGE THE ZONING OF CERTAIN REAL ESTATE FROM ITS

CURRENT STATUS

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARYVILLE,
MISSOURI,** as follows:

“That the City of Maryville hereby lodges its protest against the proposal pending before the Polk Township Board to change the zoning of certain real estate from its current zoning designation to a C-2 designation, such real estate being located in Polk Township, but primarily bordered by the City of Maryville. The City continues to support adequately-controlled development which includes properly pre-planned and installed infrastructure including streets, water, sanitary and storm sewer systems, fire suppression and the like.

PASSED AND ADOPTED this 12th day of September, 2007.”

Thereupon motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts that Council Bill No. 2007'61 be adopted.

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

Said bill was then numbered Resolution No. 525 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

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

Mayor Pro-Tem, Patricia Cummings

ATTESTED:

City Clerk, Sheila Smail