

**Maryville City Council**  
**Regular Meeting**  
**September 28, 2009**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, September 28, 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, and Shawn Wake were present. Council Members Ronnie Moss and Patricia Cummings were not present. Others present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood; Dir., Finance Denise Town, City Attorney Doug Thomson and City Clerk Sheila Smail.

**PUBLIC HEARING – 2009-2010 Fiscal Year Budget**

Mayor Jackson opened the public hearing for citizens to be heard on the proposed 2009-2010 fiscal year budget. The Mayor stated this the time for anyone wanting to be heard to stand and state their name and address for the record. No persons appeared to be heard. Mayor Jackson closed the Public Hearing.

**PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

**INVOCATION**

No Invocation was given.

**APPROVAL OF THE AGENDA**

Mayor Jackson asked for any changes needed to the agenda, be noted. Motion was made by Councilman Wake, seconded by Councilwoman Coutts, that the agenda be approved. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, 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.

Mr. Bob Martin, 105 North Munn Street, and Kelly Schmitz, 106 North Munn Street, were present to express their concern of potential zoning violations in their neighborhood, regarding the number of unrelated occupants in an R-2 zone.

The city zoning ordinance will be reviewed to determine if there are adjustments needed to be

made the ordinances to alter those difficult to enforce.

### **CURB REPLACEMENT WITH HANDICAP ACCESS**

As requested at the September 14, 2009 Council Meeting, a study was done to determine the cost to replace sidewalk sections at intersections to be ADA compliant. It was estimated the approximate area to be removed would be one (1) cubic yard of concrete with a truncated domed to be placed in each entrance. The cost for the concrete was estimated at \$100 a yard with an additional \$150 for each ADA warning piece. If the city were to do all four corners of an intersection, it was thought that staff could complete an intersection every two days at a cost of \$1,000 per intersection or \$250 per corner.

City Staff was further directed to present a list of intersection that would be most beneficial to the public in having the sidewalk ADA accessibility installed.

### **NW MISSOURI STATE UNIVERSITY HOMECOMING PARADE, OCTOBER 24, 2009**

Ms Angel McAdams Prescott, Northwest Student Activities, submitted an application to the City Council requesting permission for the Northwest Missouri Homecoming Parade to be held on city streets, on October 24, 2009, from 9:00 until 11:00 a.m. The parade route was planned to follow the same route used in 2008.

The City Council agreed to allow the Northwest Missouri State University Homecoming Parade to be held on city streets, October 24, 2009.

### **THE PALMS BAR AND GRILL – COOKING HOOD SYSTEM**

The Council was reminded that at the City Council meeting held on June 22, 2009, a liquor license for The Palms Bar and Grill, was approved contingent upon coming into compliance with a Type I (Halon) hood over the commercial cooking area as required by code, no later than September 30, 2009. As of September 28, 2009, Mr. Paul Thompson had made no attempt to bring his business into compliance.

Attorney, Dick Bryant, was present to represent The Palms Bar and Grill and owner, Paul Thompson, Mr. Bryant suggested the council give his client until December 1, 2009, to bring an architect in to determine if the stove hood is required or “Grandfathered In” Mr. Bryant argued that the kitchen area is used only three (3) hours a day and is closed down when the highest volume of people are present.

Dir., Public Safety Keith Wood stated that the inspections were performed for life safety purposes and added that Mr. Thompson, has been continually reminded of this code requirement since March, 2003. He noted that copies of six (6) letters, regarding Mr. Thompson bringing the hood into compliance with the city code, were included in the Council’s packet.

Recommendations were made to the Council to disallow use of the commercial cook area effective October 1, 2009, Suspend the liquor license that was issued, conditionally on the installation of

the Type I hood, as required, effective October 1, 2009, or a combination of both.

The City Council gave Mr. Thompson until October 12, 2009, the next scheduled Council meeting, to have a study done and report back to the Council.

**CHANGE ORDER NO. 11, AIRPORT RUNWAY EXTENSION CONTRACT, LOCH SAND AND CONSTRUCTION**

The City Clerk presented a bill, being Bill No. 2009'88 for an ordinance entitled:

**An Ordinance Approving Change Order No. 11, of a Contract with Loch Sand and Construction Company, for the Purpose of Construction of the Airport Runway Extension, Taxiway, Apron, and Lighting, at the Northwest Missouri Regional Airport, Maryville, Missouri**

Change Order No. 11 of Contract 2007-55, with Loch Sand and Construction was presented as a deduction of total price of \$1,525, for excavation, seeding, fertilizing, mulching and pavement marking removal. This was the final document of the project, with a total project cost of \$1,751,880.60.

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 Councilman Wake, that Council Bill No 2009'88 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7148 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**MARYVILLE HYVEE SUBDIVISION REPLAT**

The City Clerk presented a bill, being Bill No. 2009'89 for an ordinance entitled:

**An Ordinance to Approve a Replat of Property Owned by MaryVee L.L.C., MaryVee II L.L.C., and MaryVee III, L.L.C., and Maryville Partners, L.L.C., Located on South Main Street, Known as Maryville HyVee Subdivision, a Replat of Maryville, Nodaway County, Missouri, to Provide for Final Plat Approval to Authorize the City Clerk to Endorse Approval of the Council on the RePlat**

An ordinance was presented to move the property line east fifteen feet (15') to expand the Taco Bell property, located in the northwest corner of the HyVee subdivision property and replat accordingly.

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 Wake, that Council Bill No 2009'89 be approved. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7149 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **REVISION OF 2008-2009 FISCAL YEAR BUDGET**

The City Clerk presented a bill, being Bill No. 2009'90 for an ordinance entitled:

**An Ordinance Approving the Revised 2008-2009 Fiscal Year Budget of the City of Maryville, Missouri; Apportioning from the Revenue of the City Requisite Funds Therefore and Providing for the Method of Adjustment Thereof**

An ordinance was presented to adjust the 2008-2009 Budget. Funds adjusted included the Community Center Construction Fund, \$1,933,892; Capital Improvement Fund, \$2,029,648; and Debt Retirement Fund, \$3,209,363.

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 Councilman Wake, that Council Bill No 2009'90 be approved. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7150 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **APPROVAL OF 2009-2010 FISCAL YEAR BUDGET**

The City Clerk presented a bill, being Bill No. 2009'91 for a resolution entitled:

**An Ordinance Approving the 2009-2010 Fiscal Year Budget of the City of Maryville, Missouri; Apportioning from the Revenue of the City Requisite Funds Therefore and Providing for the Method of Adjustment**

The proposed 2009-2010 budget of the City of Maryville was presented with a proposed revenue and expenditure of \$26,647,385.

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 Wake, seconded by Councilwoman Coutts, that Council Bill No 2009'91 be approved. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7151 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **REPORTS**

### **City Clerk**

- It was agreed that the Council would meet with Leadership Maryville, at 6:00 p.m., prior to the October 12, 2009, City Council meeting.
- An example of a lapel pin with the new city logo on it was viewed by the council. A price quote will be obtained for a smaller quantity than 500.

### **Council Members**

- Dir., of Finance Denise Town was congratulated on being awarded the Certificate of Achievement for Excellence in Financial Reporting (CAFR).
- The Lisa Lane/Robertson Christ Park project was reported to be completed.
- Mayor Jackson thanked Dir., of Finance Town, City Manager LeCerf and other staff members for their hard work in preparing the budget.

## **EXECUTIVE SESSION**

Motion was made by Councilman Wake, seconded by Councilwoman Cummings that the Council, go into executive session. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

City Council met in closed session to discuss 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.

Motion was made by Councilman Wake, seconded by Councilwoman Coutts, that the Council come out of executive session. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

## **ADJOURNMENT**

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

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Chad Jackson, Mayor

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Sheila Smail, City Clerk