

October 8, 2007

The Council of the City of Maryville, Missouri, met in regular session on Monday, October 8, 2007, at City Hall in said City at 7:00 p.m.

### **ROLL CALL**

The meeting was called to order by Mayor Pro-Tem Cummings and the roll was called by the City Clerk, with the following present to-wit: Mayor Pro-Tem Pat Cummings, Council Members Carole Coutts and Jerry Wilmes. Mayor Chad Jackson and Councilman Michael Thompson were 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 Pro-Tem Cummings led the pledge to the flag.

### **INVOCATION**

Paster Rick Haggett, First Baptist Church, gave the invocation.

### **PUBLIC HEARING: Solid Waste Tipping Fees**

Mayor Pro-Tem Cummings opened a Public Hearing to discuss Solid Waste tipping fees.

The Mayor Pro-Tem invited any person wishing to address the Council to express their view of the issues, to come forward and state their name and address for the record. No person appeared to be heard.

City Manager LeCerf explained to the Council the proposed sliding scale for tipping fees for the Solid Waste department. In using this sliding scale it is the hope of the city that haulers will return to use our facility rather than trucking the solid waste to St. Joseph.

Mayor Pro-Tem Cummings closed the public hearing.

### **APPROVAL OF MINUTES**

Motion was made by Councilwoman Coutts, seconded by Councilman Wilmes that the minutes of the meetings of September 12, 17, and 24, 2007; and executive sessions for February 26 and March 26, 2007, be approved as presented.

Upon the roll being called, the vote was as follows, Councilman Wilmes, yea; Councilwoman Coutts, yea; and Mayor Pro-Tem Cummings, yea. Motion carried.

### **CITIZENS TO BE HEARD**

Mayor Pro-Tem Cummings 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. No persons came forward to speak.

### **MIRMA PRESENTATION**

Mathew Broderson, MIRMA, presented an award to the Public Safety Department and the City of Maryville for a 70% reimbursement for the purchase of tazers, dash mount car cameras, and surveillance equipment for the Public Safety building. The reimbursement was in the amount of \$8,406.86.

### **BUSINESS PROFESSIONAL WOMEN'S PROCLAMATION**

Mayor Pro-Tem Cummings presented a proclamation to the Business Professional Women's (BPW) organization, for BPW week. Councilwoman Coutts, a BPW Member, received the proclamation.

### **NWMSU REQUESTS FOR EVENTS ON CITY PROPERTY**

City Clerk Smail reported that two (2) applications were received by Northwest Missouri State University (NWMSU) to hold special events on city property. On October 11, 2007, they will to sponsor an Future Farmers of America (FFA) livestock contest at the community building which is located at the airport. The NWMSU Homecoming Parade is scheduled for October 27, 2007 to begin on West Fourth Street, going east, turning at North Market Street, ending at Sixth Street.

Thereupon, motion was made by Councilman Wilmes, seconded by Councilwoman Coutts, to approve the use of city property for the FFA contest and the homecoming parade. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wilmes, yea; Mayor Pro-Tem Cummings, yea. Motion carried.

### **CURTIS LAWSON: FOSTER AVENUE AND WHITE RIDGE DRIVE**

Curtis Lawson, 117 White Ridge Drive, made a request to the City Council to have Foster Avenue and White Ridge Drive as a street project in the near future. He explained that he and the neighbors had made the same request ten years ago and nothing but patchwork has been done. He stated that the patchwork does not hold. Mr. Lawson submitted some photos to the council for their review. Several neighbors were present to express their concerns, also.

Mayor Pro-Tem Cummings stated that while there is a need for street work, the budget is very tight. She added that the council will seriously consider their request, but cannot make any

promises as far as when the street work will be done. She explained that city council and staff are considering asking for a capital improvement tax.

### **TREASURER'S REPORT**

Motion was made by Councilman Wilmes, seconded by Councilwoman Coutts that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Pro-Tem Cummings. Motion carried.

### **PAYMENT VENDOR SCHEDULE**

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

### **LOT SPLIT FOR WALMART STORES, INC.**

The City Clerk presented a bill, being Bill No. 2007' 64 for a Resolution entitled

**A Resolution Authorizing the Lot Split of Property Owned By Walmart Stores, Inc., Located at 1605 South Main Street, of the City of Maryville, 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.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilman Wilmes that Council Bill No. 2007'64 be adopted.

City Manager LeCerf asked that the resolution be tabled until further information could be gathered from Walmart.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilman Wilmes that Council Bill No. 2007'64 be tabled until information can be obtained. Upon roll being called, the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Pro-Tem Cummings, yea. Motion carried.

### **CONTRACT WITH NW MO REGIONAL COUNCIL OF GOVERNMENT**

The City Clerk presented a bill, being Bill No. 2007' 66 for an Ordinance entitled

**An Ordinance Authorizing the Mayor of the City of Maryville, to Execute a Contract for Membership and Service with Northwest Missouri Regional Council of Government**

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 Wilmes, seconded by Councilwoman Coutts that Council Bill No. 2007'66 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wilmes, yea; Mayor Pro-Tem Cummings, yea. Motion carried.

Said bill was then numbered Ordinance No. 6942, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **FEE SCHEDULE FOR MOZINGO PARK**

The City Clerk presented a bill, being Bill No. 2007' 67 for an Ordinance entitled

**An Ordinance to Repeal Section 212.225: Mozingo Fee Structure - Golf Fees and Park Fees, Title II, Public Health, Safety and Welfare, Chapter 212: Mozingo Park Regulations, of the Municipal Code of the City of Maryville and to Adopt a New Section 212.225: Mozingo Fee Structure - Golf Fees and Park Fees, 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.

City Manager LeCerf explained the proposed changes to the ordinance.

Mayor Pro-Tem Cummings suggested the ordinance be read a second time at the next meeting.

Thereupon motion was made by Councilman Wilmes, seconded by Councilwoman Coutts that Council Bill No. 2007'67 be tabled until the next meeting. Upon roll being called, the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Pro-Tem Cummings, yea. Motion carried.

### **CONTRACTOR LICENSE REQUIREMENTS**

City Manager LeCerf explained to the Council that all persons wishing to do contracting work in the City of Maryville must obtain a license by the city. Requirements for these licenses include passing an exam, applicable for a plumbing, electrical or mechanical license, show proof of \$100,000 liability insurance, \$5,000 surety bond and pay a \$100 licensing fee. Mr. LeCerf suggests

that since the surety bond has not proven to be useful, that the surety bond requirement be excluded and the license fee be raised.

It was determined that the issue will be revisited at the next council meeting.

#### **DEPARTMENT OF TRANSPORTATION - WATERLINE**

City Manager LeCerf explained that the Missouri Department of Transportation (MODoT) has requested to acquire city water service. MODoT is neither in the city limits nor contiguous to the city limits. MODoT proposes to assist in the cost of running a line from Jet Road to 250<sup>th</sup> Street. Mr. LeCerf stated that there is not a budget for such a project but it may be advantageous for the city to consider, with an agreement that they will annex when they become contiguous.

#### **BUILDING CODES**

City Manager LeCerf stated that the Code Enforcement Department is requesting an update to the Maryville building codes. He asked the Council for permission to proceed by inviting contractors to a meeting to discuss the advantages of an update. Council advised Mr. LeCerf to move forward on the proposal.

#### **UPGRADE FURNISHING AT COMMUNICATION CENTER AT PUBLIC SAFETY**

The City Clerk presented a bill, being Bill No. 2007' 68 for an Ordinance entitled

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Missouri Vocational Enterprises, for the Purpose of a Furniture Upgrade in the Communication Center at Maryville Public Safety, 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.

City Manager LeCerf explained the plans for updating the furnishing and equipment in the communication center at Public Safety.

Mayor Pro-Tem Cummings suggested the ordinance be read a second time at the next meeting.

Thereupon motion was made by Councilman Wilmes, seconded by Councilwoman Coutts that Council Bill No. 2007'68 be tabled until the next meeting. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilman Wilmes, yea; Mayor Pro-Tem

Cummings, yea. Motion carried.

## **APPLICATIONS FOR SPECIAL EVENTS ON CITY PROPERTY**

City Clerk Smail explained to the Council that example application forms, provided in the packet, had been designed to better track activities being held on city property and to insure liability insurance coverage, with the city named as additional insured. She added that Hold Harmless agreements would accompany the applications. Three varieties of Hold Harmless agreements, for contractors, organizations, and individuals were also included.

Mayor Pro-Tem Cummings asked Matthew Broderson, MIRMA, if the applications meet his approval.

Mr. Broderson stated that he had not seen them but that he would look at them while he was in town.

## **CITY CLERK REPORT**

City Clerk Smail asked for a final count for the Regional MML meeting to be held October 17, 2007 in Maysville. No Council members will be attending. Ms Smail informed the council that an ad has been submitted for publication to receive City Council candidacy filings from October 23, 2007 until November 19, 2007, at 5:00 p.m, for the April 8, 2008 election.

## **CITY MANAGER'S REPORT**

City Manager LeCerf reported that three (3) bids were received for the Airport Runway project and are being studied for a recommendation. He stated that the tentative completion date is July 31, 2008. Mr. LeCerf stated that he would like to discuss the golf outing fee schedules for large events in the coming year.

Mr. LeCerf stated that request for proposals have been sent out for a retaining wall at Mozingo Golf, Hole #11. Referring to a letter written by the Mayor for the time capsule, Mr. LeCerf asked the members to give feedback on it. He added that a contract has been received for the verification of the wastewater treatment facility and that a reply should be available in 45 days.

For the Halloween camping event at Mozingo Lake, scheduled for October 20, it was decided, for the safety of the participants, to close the RV roadway for vehicular traffic. The uptown Halloween night has been scheduled for Tuesday, October 30<sup>th</sup>. The Council recall list was reviewed to determine items to eliminate.

## **COUNCIL MEMBER REPORTS**

Mayor Pro-Tem stated that she had explored the option of going back to licensing dogs with a veterinarian. She had spoken to Dr. Powell and he stated that he would be happy to issue licenses. She said that the Humane Society Board and staff are reviewing the city ordinances to make recommendations to the council for changes needed regarding animals.

Mayor Pro-Tem Cummings stated that she and the City Clerk had been working on a report for Council compensation. These results will be available at the next meeting. She also reported that at the intersection at South Avenue, at the northwest corner there is some erosion and loose gravel that appears to be hazardous.

### **EXECUTIVE SESSION**

Motion was made by Councilwoman Coutts seconded by Councilman Wilmes that the Council go into Executive Session. Upon roll being called, the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Pro-Tem Cummings, yea. Motion carried.

Discussion was had on an issue 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.

Another issue was discussed regarding: 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,

Thereupon, motion was made by Councilwoman Cummings seconded by Councilman Thompson to come out of executive session. Upon the roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

### **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.

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Chad Jackson, Mayor

ATTESTED:

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City Clerk, Sheila Smail