

**Maryville City Council
Regular Meeting
October 12, 2009**

6:00 p.m.

The Council of the City of Maryville, Missouri, met on Monday, October 12, 2009, at City Hall, 415 North Market Street, in said City at 6:00 p.m., with the 2009 Leadership Maryville Class to discuss the roles of the Mayor, City Council, and the City Manager, in making decisions for the City of Maryville. Mayor Chad Jackson and Council Members Carole Coutts, Patricia Cummings, Shawn Wake, and Ronnie Moss were present. City Manager Matt LeCerf was also present.

7:00 p.m.

The Council of the City of Maryville, Missouri, met in regular session on Monday, October 12, 2009, at City Hall, 415 North Market Street, in said City at 7:00 p.m.

PUBLIC HEARING

Mayor Jackson opened the public hearing for a request for abandonment of street right-of-way, in the 800 block of South Alvin Street. Any persons wishing to speak for or against the issue, were requested to come forward and state their name and address for the record. No persons appeared to be heard. Therefore, Mayor Jackson closed the public hearing.

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, Shawn Wake and Ronnie Moss. Others present were City Manager Matt LeCerf; Dir., Finance Denise Town; Dir., Public Works Greg Decker; Dir., Public Safety Keith Wood, City Attorney Doug Thomson and City Clerk Sheila Smail.

EXECUTIVE SESSION

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

City Council Members and City Manager LeCerf excused themselves from the Council Chambers and 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 Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

PLEDGE TO THE FLAG

Mayor Jackson led the pledge to the flag.

INVOCATION

An invocation was given by Councilwoman Cummings.

APPROVAL OF AGENDA

Mayor Jackson requested if there were any changes needed to the agenda, they be noted at this time. Motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, that the agenda be approved as presented. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

APPROVAL OF MINUTES

Mayor Jackson asked if there were amendments to the minutes presented for regularly scheduled City Council meetings held September 14 and 28, 2009 and for Budget Sessions for the 2009-10 fiscal year.

Motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, that the minutes be approved as presented. Upon the roll being called, the vote was as follows, Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, 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.

Paula Haataja, 635 West Third Street, inquired about the issue discussed last meeting regarding the Council taking a look at the R-2 Zoning Ordinance, requesting that the Council not allow "Grandfathering". Ms Haataja was informed that the issue will be brought back to the Council in the near future.

GREAT NORTHWEST DAYS SUPPORT

Luke Reven, Dir., Maryville Chamber of Commerce, requested that the City support the annual trip to Jefferson City, to discuss with law makers issues that affect local government. The trip will occur February 2 and 3, 2010. The City was encouraged to make a donation in the amount of \$1,500.

Thereupon, Councilwoman made a motion, seconded by Councilman Moss that the City support the Great Northwest Days in the amount of \$1,500. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Mr. Reven requested a list of topics the Council would like to discuss at the event.

Councilman Moss suggested that they discuss tourism tax and the hotel tax, while Mayor Jackson expressed his desire to discuss the 911 tax. Councilwoman Cummings recommended the need of upgrade to houses and the combined support of the city, county and University.

Mr. Reven suggested that if the Council Members have additional ideas to submit them to him at the Joint Task meeting.

TREASURER'S REPORT

Dir., Finance Denise Town reported that during the month of September 2009, reimbursements were received from Missouri Intergovernmental Risk Management Association (MIRMA) for \$27,968.10, resulting from a lightening claim and from Missouri Department of Transportation (MODoT) for \$143,978.15, for pay request #4 of the Mozingo Trails.

During the month of September, 2009, non-reoccurring payments were to Loch Sand and Construction for the Golf Cart Path project, pay request #5 (\$180,766.35); Safe Routes to School pay request #2 (\$63,155.57); Mozingo Trail project pay request #5 (\$15,973.54); and the airport project, pay request #12 (\$68,000.18). Nucor-LMP was reimbursed for Tax Increment Financing (TIF) (\$18,232.94). Olsson Associates were paid for Engineering services for the South Depot Street (\$26,717.64). Midland Surveying for Oak Hill Cemetery GIS project (\$40,870.00) and Suphen was paid for the fire truck repairs (\$40,461.60). People Services was paid for chemical overages (\$14,000.00).

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

PAYMENT VENDOR SCHEDULE

Motion was made by Councilwoman Coutts, seconded by Councilman Wake, that the payment vendor

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

OAK HILL CEMETERY GIS PRESENTATION BY MIDLAND SURVEYING

Adam Teale, Midland Surveying, Inc., presented to the City Council the final results of the contract agreement between the City of Maryville and Midland Surveying to develop a Geographic Informational System (GIS) cemetery mapping system of Oak Hill Cemetery. The map is color coded for each addition of the cemetery, with clarification of whether the spaces are available for sale, purchased but not occupied, or closed (occupied).

The finished product allows City Staff to search by name or location. Where available, it shows the individual interments' date of birth, date of death, age at death, legal description for burial site, and a photo of the gravestone. Updates will be handled by the City's GIS Technician, as needed.

PALMS BAR AND GRILL UPDATE

On September 28, 2009, the Maryville City Council, permitted a two week period for Attorney Dick Bryant and Paul Thompson, owner of the Palm's Bar and Grill, 422 North Buchanan Street, to receive an architectural opinion of the existing cook stove hood at the Palm's Bar and Grill.

Paul Thompson gave his thoughts of the history regarding the cook stove hood in the Palm's Bar and Grill.

A food service architect Matthew Connolly suggested that a compromise could be reached by requiring Mr. Thompson to install an Ansul Systems within the existing hood, which will dispense a powdered substance onto the cooking surface upon reaching a specific temperature. Along with this system, all wood combustibles shall be removed and replaced by stainless steel. The two (2) existing fire extinguishers shall remain at the cook stove. It was estimated that the cost to the owner for the upgrade would be \$5,000.

The Maryville City Council agreed to the proposed upgrade with a deadline of January 1, 2010 and a status report by the 15th of December, 2009. A set of signed and sealed engineer plans will be submitted to the Code Enforcement Department for approval. An agreement will also be drafted to be signed by the City of Maryville and the Palm's Bar and Grill.

ABANDONMENT OF STREET RIGHT-OF-WAY, 800 BLOCK OF SOUTH ALVIN STREET

The City Clerk presented a bill, being Bill No. 2009'92 for an Ordinance entitled:

An Ordinance Declaring City Property Located in the Chamberlain's First Fruit Addition, Containing 0.19 Acres, of the City of Maryville, Nodaway County, Missouri, to be designated as Surplus to City Needs

An application was received from Jason Brown, owner of property located in the 800 Block of South Alvin Street. Mr. Brown requested the City abandon the current right-of-way of a city street for the section that abuts his property.

KCP & L and Empire Gas were contacted to confirm that if the City abandoned the right-of-way it would not negatively affect these utility companies. It was confirmed that the abandonment would not be opposed.

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

2009'92 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7152 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

SUPPORT OF NORTHWEST MISSOURI REGIONAL COUNCIL OF GOVERNEMENT

The City Clerk presented a bill, being Bill No. 2009'93 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract for Membership and Services With Northwest Missouri Regional Council of Governments

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 2009'93 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7153 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was numbered Contract No. 2009-43.

HARDWARE CONTRACT FOR NORTHWEST MISSOURI INFORMATION SHARING PROGRAM

The City Clerk presented a bill, being Bill No. 2009'94 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with MTE office Center, for the Purpose of Purchasing Necessary Hardware and Configuration for 3-G Wireless Services For Information Sharing Between the City of Maryville, Northwest Missouri State University Campus Safety and Nodaway County Sheriff's Department

The City had partnered with the Northwest Missouri State University Campus Safety and Nodaway County Sheriff's Department in submitting a grant request for information sharing and received the grant in the amount of \$148,239. There are 3 separate components of the grant in information sharing between the three (3) entities, which include mobile terminals in patrol cars, software, hardware, and collectivity (wireless 3-G) service. MTE Office Center will provide all related hardware and configuration at the price of \$46,906. The city is scheduled to receive ten (10) units.

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 2009'94 be adopted. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7154 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was numbered Contract No. 2009-44.

WIRELESS 3-G SERVICE CONTRACT FOR NW MISSOURI INFORMATION SHARING PROGRAM

The City Clerk presented a bill, being Bill No. 2009'95 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Northwest Missouri Cellular, for the Purpose of Providing 3-G Wireless Services Between the City of Maryville, Northwest Missouri State University Campus Safety and Nodaway County Sheriff's Department

In connection with the previous ordinance, the City proposed an ordinance with Northwest Missouri Cellular for 3-G wireless service as a component of the grant received in connection with the Northwest Missouri Information Sharing program.

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 2009'95 be adopted. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7155 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was numbered Contract No. 2009-45.

SOFTWARE CONTRACT FOR NW MISSOURI INFORMATION SHARING PROGRAM

The City Clerk presented a bill, being Bill No. 2009'96 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Information Technologies, Inc. (ITI), for the Purpose of Purchasing Software for the 3-G Wireless Services for Information Sharing Between the City of Maryville, Northwest Missouri State University Campus Safety and Nodaway County Sheriff's Department

In connection with the previous two (2) ordinances, the City Council considered an ordinance to purchase software needed for the Northwest Missouri Informational Sharing Program from Informational Technologies, Inc.

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 Councilwoman Cummings, that Council Bill No 2009'96 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7156 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was numbered Contract No. 2009-46.

PURCHASE OF PICKUP TRUCK FOR MOZINGO PARK MAINTENANCE, TRI-STATE FORD

The City Clerk presented a bill, being Bill No. 2009'97 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Tri-State Ford, for the Purpose of Purchasing a 2001 Ford Pickup Truck for the Mozingo Park Maintenance, 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.

Motion was made by Councilman Moss, seconded by Councilwoman Cummings, that Council Bill No 2009'97 be adopted.

After discussion of the proposed pickup, motion was made by Councilwoman Cummings, seconded by Councilwoman Coutts, to postpone the initial motion and attempt purchasing the vehicle at a lower rate, than the proposed \$15,000. Upon roll being called, the vote was as follows: Councilman Moss, nay; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

A special meeting will be called to finalize the agreement.

STORM WATER DRAINAGE EASEMENT AND PARTIAL VACATION OF SEWER EASEMENT

The City Clerk presented a bill, being Bill No. 2009'98 for an Ordinance entitled:

An Ordinance to Approve a Partial Release and Vacation of Easement of Sewer Easement, and Accept a Permanent Storm Water Drainage Easement, of Property Owned by Tall grass Holdings, LLC, Located at the Corner of South Main Street and East South Avenue, Maryville, Missouri

A request was received from Tallgrass Holdings, LLC, owner of the "old BP Gas Station" located on the southeast corner of East South Avenue and South Main Street, to vacate the blanket easement of the property, which allowed the City to enter onto the property to do maintenance on a thirty-six inch (36") storm sewer, located on the far east edge of the property. A new easement was proposed to include the specific area of the storm water pipe. City staff also recommended approval of a fifteen foot (15') easement located on the east edge of the property and to vacate the blanket easement.

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 2009'98 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7157 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPEAL/ADOPT SECTION 212.100: HUNTING, 212.140: FISHING AND 212.190: OTHER ACTIVITIES

The City Clerk presented a bill, being Bill No. 2009'99 for an Ordinance entitled:

An Ordinance to Repeal Section 212.100: Hunting/Ice Fishing Regulations, 212.140: Fishing, and Section 212.190: Ice Skating and Other Activities, of Title II. Public Health, Safety and Welfare, Chapter 212: Mozingo Park Regulations, Article I. Regulations – Generally, of the Maryville Municipal Code, and to Adopt a New Section 212.100: Hunting, Section 212.140: Fishing, and Section 212.190: Other Activities, Pertaining to the Same Subject

The State of Missouri, Department of Conservation, has the authority to regulate all hunting and fishing regulations within the State of Missouri. Therefore, the proposed ordinance shall reflect regulations enforced for Mozingo Lake Park for hunting, fishing and ice fishing.

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 2009'99 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7158 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

DREAM INITIATIVE INVOICE – SECOND INSTALLMENT

An Invoice was presented to the Council for payment from the Missouri Development Finance Board for the DREAM project for the cost-share installment 2 of 3, in the amount of \$17,001.33.

Motion was made by Councilwoman Cummings seconded by Councilman Moss, that Council approve payment of the DREAM project invoice, installment two (2). Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea. Motion carried.

REPORTS

City Manager

- City Manager was scheduled to be out of town the next two (2) days of that week.

II. City Council

- Councilman Moss reported that he too would be gone.
- Mayor Jackson summarized what he had learned at the MML Conference.
- Mayor Jackson reminded Council and staff that a Town Hall meeting to be held at 6:00 p.m. on October 28, 2009.

EXECUTIVE SESSION

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

City Council Members 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 Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, 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: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Chad Jackson, Mayor

ATTESTED:

Sheila Smail, City Clerk