

**Maryville City Council  
Regular Meeting  
October 27, 2008**

The Council of the City of Maryville, Missouri, met in regular session on Monday, October 27, 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. Councilwoman Patricia Cummings arrived at 7:05 p.m. Councilman Ronnie Moss was absent. 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.

**PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

**INVOCATION**

An invocation was not given.

**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. No persons appeared to be heard.

**PROCLAMATION: BUSINESS PROFESSIONAL WOMEN**

Mayor Jackson read a proclamation as members of the Maryville Business Professional Women, gathered. October 20, 2008 through October 27, 2008, was proclaimed as Business Professional Women week.

**AMERICAN LEGION, POST 100: VETERAN'S DAY CEREMONY**

American Legion, Post 100, submitted an application requesting permission to close North Main Street from Third Street to Fourth Street, from 10:30 a.m. until 12:00 p.m., on Tuesday, November 11, 2008, to hold the annual Veteran's Day ceremony in the front of the Nodaway County Courthouse.

Thereupon, motion was made by Councilman Thompson, seconded by Councilwoman Coutts, that the request from the American Legion, Post 100, to close North Main Street, between Third and Fourth Streets, on November 11, 2008, be granted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

**DREAM INITIATIVE INVOICE**

City Manager LeCerf explained the DREAM project invoice presented, was the first of three installments. The invoice amount was \$17,001.33 and is a budgeted item.

Thereupon motion was made by Councilwoman Coutts, seconded by Councilwoman Cummings, to approve payment of the invoice for the DREAM project submitted by the Missouri Development Board. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

#### **CITY RESIDENCY REQUIREMENT**

The City Clerk presented a bill, being Bill No. 2008'111 for an Ordinance entitled:

**An Ordinance to Repeal Section 105.210: City Residency Requirements, of Title I. Government Code, Chapter 105: Administration, Article I: Organization, of the Maryville Municipal Code and to Adopt a New Section 105.210, Pertaining to the Same Subject**

City Manager LeCerf explained that the revision of this ordinance correlates with the new Employee Handbook that was adopted at the last regularly scheduled meeting. He explained that this ordinance will allow administrative employees to live outside the city limits, except for the City Manager.

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 Councilwoman Coutts, that Council Bill No 2008'111 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7059 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CHANGE ORDER NO. 1, FOR CBDG PROJECT, NW SANITARY SEWER PROJECT**

The City Clerk presented a bill, being Bill No. 2008'112 for an Ordinance entitled:

**An Ordinance Approving Change Order No. 1 of a Contract with White Cloud Engineering and Construction Company, of the Contract for Construction of the Northwest Sanitary Sewer Project, Maryville, Missouri**

City Manager LeCerf reminded the Council that a reallocation of funding associated with the CBDG Sanitary Sewer project, requesting a plan to smoke test existing sewer lines in the Census Tract of the project, was made. The change order of \$6,001.00, will allow 17 smoke test runs, at a distance of 5,600 linear feet.

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 2008'112 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7060 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **LOCH SAND AND CONSTRUCTION, SAFE ROUTES TO SCHOOL TRAILS CONTRACT**

The City Clerk presented a bill, being Bill No. 2008'113 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract With Loch Sand and Construction Company, for the Purpose of Constructing the Safe Routes to School Trails Development, Maryville Middle School, Maryville, Missouri**

City Manager LeCerf informed the Council of the two (2) bids received for the Safe Route to School trail project, at which Loch Sand and Construction was low bidder.

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 Councilwoman Coutts, that Council Bill No 2008'113 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7061 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **LOCH SAND AND CONSTRUCTION, MOZINGO TRAILS CONTRACT, PAHSE I**

The City Clerk presented a bill, being Bill No. 2008'114 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract With Loch Sand and Construction Company, for the Purpose of Constructing the Mozingo Trails Project, Mozingo Lake Park, Maryville, Missouri**

City Manager LeCerf informed the Council of the four (4) bids received for the Mozingo Trails project, at which Loch Sand and Construction was low bidder.

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 Councilwoman Coutts, that Council Bill No 2008'114 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7062 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH NW MO CELLULAR, LOCAL AND NATIONWIDE SERVICE**

The City Clerk presented a bill, being Bill No. 2008'115 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 Local and Nationwide Service, for Conducting City Business**

City Manager LeCerf informed the Council of the written quotes received by Northwest Missouri Cellular, AT&T, and Sprint for providing cellular service for conducting city business. He recommended that a contract be entered into with Northwest Missouri Cellular.

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 Thompson, that Council Bill No 2008'115 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7063 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

## **REPORTS**

### **City Manager**

City Manager LeCerf stated that the contract last executed with the Humane Society is outdated. He suggested a new contract be negotiated to include the current amount of \$4,400, made available by the City.

Councilwoman Cummings stated that she would speak with the Humane Society board to get their thoughts on executing a new contract. Councilwoman Cummings will report back.

City Manager Lecerf reported that the pump at the southwest lift station has quit and needs to be replaced. A new pump will cost approximately \$7,900 installed, with a ninety (90) day warranty.

### **Council**

Councilman Thompson asked if there were any leads on the vandalism at Mozingo Golf Course.

Dir., Public Safety Wood stated that they had received a lead, but nothing definite.

Councilman Thompson stated that the cable company office has been closed with a sign on the door stating that they will be closed until a clerk is hired. He also commented that at the candidates form he was surprised that no one asked the County Commissioner candidate about Nodaway County's support of the Humane Society.

Councilwoman Coutts reported that the Halloween Campground event at Mozingo, on October 25, 2008, was a success, with over five hundred (500) trick-or-treaters.

Councilwoman Cummings stated that she knows of a downtown business owner who can not afford a new awning for the front of the business and is interested in any program assistance that might be available. Regarding the Humane Society and the counties support, she stated that most funds are gathered by an annual fee or a "pay as you go". The Humane Society board is reviewing and restructuring the city ordinance pertaining to the Humane Society operations to meet current needs. Councilwoman Cummings will be absent for the November 10, 2008, Council meeting. She also reported that a group of the 911 committee visited a dispatch center in Kirksville. Funding for ongoing upkeep of equipment was noted as a problem.

Mayor Jackson reported that the subcommittee of the Joint Task Force, including individuals such as Mayor Jackson; Dir., Public Works Greg Decker; Code Enforcement Officer Jim Wiederholt; and Planning and Zoning member Mark Thomsen, have met to discuss various aspects of developing a unified effort for planning and zoning issues beyond the city limits of Maryville, into the township and county.

## **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

Thompson, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea.

Motion carried.

Discussion was had on 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 Cummings 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; 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 Cummings, yea; Councilman Thompson, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

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Mayor, Chad Jackson

ATTESTED:

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City Clerk, Sheila Smail