

November 13, 2007

The Council of the City of Maryville, Missouri, met in regular session on Tuesday, November 13, 2007, at City Hall in said City at 8:00 p.m.

ROLL CALL

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

INVOCATION

Councilwoman Cummings gave the invocation.

APPROVAL OF MINUTES

Councilwoman Cummings requested that in the October 22, 2007 minutes, under Council Compensation, second paragraph, the first "of" be replaced by "an".

Motion was made by Councilwoman Cummings, seconded by Councilman Wilmes that the minutes of the meetings of October 8 and 22, 2007, be approved as amended.

Upon the roll being called, the vote was as follows, Councilwoman Coutts, yea; Councilwoman Cumming, yea; Councilman Thompson, yea; Councilman Wilmes, 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. No persons came forward to speak.

TREASURER'S REPORT

Motion was made by Councilman Thompson, seconded by Councilman Wilmes that the Treasurer's Report be approved as presented. Upon the roll being called, the

vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

PAYMENT VENDOR SCHEDULE

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

GOLF OUTING FEES

Mayor Jackson invited Coach Mel Tjeerdsma, Northwest Missouri State University, to address the council.

Mr. Tjeerdsma distributed a handout illustrating rounds and revenue comparisons of the Lions and Bearcat outings. He asked that the Council consider keeping the cost at \$3,000 per shot gun, making a total of \$6,000.00, for the Northwest outing.

City Manager LeCerf stated that it is difficult to measure the actual profits made because of the additional costs generated to host such a large outing.

After much discussion, motion was made by Councilwoman Cummings, seconded by Councilman Thompson that the Council approve the \$3,000, per shot gun, to be paid up front, for the Tobin and Northwest golf tournaments for a period of three years. Upon roll being called the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, nay; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, nay. Motion carried.

LOT SPLIT FOR LOT 1, TRANQUILITY COURT PATIO HOMES

The City Clerk presented a bill, being Bill No. 2007-72 for a Resolution entitled

A Resolution Authorizing the Lot Split of Property Owned By Billy D. Ingels and Bonita A. Ingels, Husband and Wife, Located at Lot 1, Tranquility Court Patio Homes, 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 Councilman Wilmes, seconded by Councilwoman Coutts that Council Bill No. 2007-72 be adopted.

Owner Bill Ingels, shared a drawing depicting an example of the structures they plan to construct on the proposed lot split property.

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

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

APPROVAL TO REPAIR A 24" PIPE COMING FROM EAST LIFT STATION

The City Clerk presented a bill, being Bill No. 2007-73 for an Ordinance entitled

An Ordinance Authorizing the Mayor of the City of Maryville, to Execute a Contract with White Cloud Engineering, for the Purpose of Repairing the Twenty-one Inch Pipe Coming From the East Lift Station at the 102 River, 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.

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 Cummings that Council Bill No. 2007-73 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6947, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CONTRACT WITH BRICKER EXCAVATION/DEMOLITION B 320 S. VINE ST.

The City Clerk presented a bill, being Bill No. 2007- 74 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Bricker Excavation/Demolition of Structure Located at 320 South Vine Street, 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.

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 Councilwoman Cummings, seconded by Councilman Wilmes that Council Bill No. 2007-74 be adopted to rectify the health, safety and welfare issue present to the public. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6948, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CHANGE ORDER NO. 7, STREETScape PROJECT

The City Clerk presented a bill, being Bill No. 2007- 75 for an Ordinance entitled

An Ordinance Approving Change Order No. 6, with Loch Sand and Construction of the Contract for Construction of the Downtown Streetscape Project, Maryville, Missouri and Authorizing the Mayor and City Clerk to Execute the Same

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 Thompson, seconded by Councilwoman Coutts that Council Bill No. 2007-75 be adopted. Upon roll being called, the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6949, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CHANGE ORDER NO. 7, STREETScape PROJECT

The City Clerk presented a bill, being Bill No. 2007- 76 for an Ordinance entitled

An Ordinance Approving Change Order No. 7, with Loch Sand and Construction of the Contract for Construction of the Downtown Streetscape Project, Maryville, Missouri and Authorizing the Mayor and City Clerk to Execute the Same

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. 2007-76 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6950, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

REPEAL SECTION 500.060: SURETY BOND REQUIREMENT

The City Clerk presented a bill, being Bill No. 2007-77 for an Ordinance entitled

An Ordinance to Repeal Title V: Building and Construction, Chapter 500: Administrative Code,

**Section 500.060: Bond Requirement, of the
Municipal Code of the City of 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.

Thereupon motion was made by Councilwoman Cummings, and seconded by Councilwoman Coutts, that Council Bill No. 2007-77 be adopted.

City Manager LeCerf suggested that the second reading occur at the next meeting and asked the Council take it under consideration. Council Bill 2007-77 was tabled.

REPEAL/ADOPT NEW SECTIONS 500.040, 500.050, AND 500.070

The City Clerk presented a bill, being Bill No. 2007-78 for an Ordinance entitled

An Ordinance to Repeal Section 500.040: Licensing Procedures; Section 500.050: License Fee and Section 500.070: Hold Harmless Agreement, of Title V: Building and Construction, Chapter 500: Administrative Code, of the Municipal Code of the City of Maryville, Missouri and to Adopt a New Section 500.040: Licensing Procedures; Section 500.050: License Fee and Section 500.070: Insurance Requirements, 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.

Because there is no exam requirement for a general contractor license, it was recommended that it be removed from the ordinance.

Thereupon motion was made by Councilwoman Cummings, and seconded by Councilwoman Coutts that Council Bill No. 2007-78 be adopted as amended.

City Manager LeCerf suggested that the second reading occur at the next meeting. Council Bill 2007-78 was tabled.

ACCEPTANCE OF TERMS AND CONDITIONS OF VERIZON SETTLEMENT

The City Clerk presented a bill, being Bill No. 2007-79 for an Ordinance entitled

An Ordinance Approving a Settlement Agreement with Verizon Wireless

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. 2007-79 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6951, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

COUNCIL COMPENSATION

The City Clerk presented a bill, being Bill No. 2007-80 for an Ordinance entitled

An Ordinance to Adopt Chapter 105: Administration; Article II, City Officials; Section 105.040: City Council (I) of the Municipal Code of the City of 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.

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 Cummings that Council Bill No. 2007-80 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, nay; Councilwoman Cummings,

yea; Councilman Thompson, nay; Councilman Wilmes, yea; Mayor Jackson, yea.

Motion carried.

Said bill was then numbered Ordinance No. 6952, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

PURCHASE SALT SPREADER FOR STREET DEPARTMENT

The City Clerk presented a bill, being Bill No. 2007-81 for an Ordinance entitled

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with American Equipment Company, for the Purpose of Purchasing a Salt Spreader for the Street Department, 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.

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 Councilwoman Cummings, seconded by Councilman Thompson that Council Bill No. 2007-81 be adopted. Upon roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6953, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

PURCHASE BACKHOE FOR WATER/WASTEWATER MAINTENANCE

The City Clerk presented a bill, being Bill No. 2007-82 for an Ordinance entitled

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract With Victor L. Phillips Company, for the Purpose of Purchasing a Backhoe for the Water/Wastewater Maintenance Department, 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 stated the item came in under budget.

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 Councilwoman Coutts, seconded by Councilman Wilmes that Council Bill No. 2007-82 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson, yea; Councilman Wilmes, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 6954, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

SPECIAL USE DISTRICT (MARYVILLE REINVESTMENT AREA)

The City Clerk presented a bill, being Bill No. 2007-83 for a Resolution entitled

A Resolution to Establish a Special Use District to Target Distressed Areas in the City as Defined By U.S. Census Block Group Economic Conditions Tabular Data

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 Councilwoman Cummings, seconded by Councilwoman Coutts that Council Bill No. 2007-83 be adopted. Upon roll being called, the vote was as follows: Councilman Wilmes, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 526, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

DECLARATION OF COOPERATION WITH NWMSU

The City Clerk presented a bill, being Bill No. 2007-84 for a Resolution entitled

A Resolution to Declaration Between Northwest Missouri State University and the City of Maryville, Missouri, for a Land and Water Conservation Fund Project, at Mozingo Lake

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 Thompson, seconded by Councilman Wilmes that Council Bill No. 2007-84 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Wilmes, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 527, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CITY MANAGER'S REPORT

City Manager LeCerf reported that the Great Northwest Days is scheduled for February 5 and 6, 2008, in Jefferson City. He asked for suggestions on topics to be discussed. Those suggestions included: Prevailing Wage, Missouri Chamber of Commerce looking at elimination of franchise fees, Sewer Improvement, Regional Water Coalition, and Affordable Housing.

City Manger LeCerf stated that financial support will be due to the Nodaway County Economic Development at year end. An ordinance will be presented to the Council for consideration.

The Street Department will hang Christmas wreathes that were in part purchased by the City. A lighting ceremony is being planned.

Mr. LeCerf expressed his frustration with the delay of the wastewater verification. He suggested that if the information is not received soon, that the City move on by choosing another company to perform the verification.

COUNCIL MEMBER REPORTS

Councilwoman Cummings reported that in order to add the voluntary \$1 donation to the water bills for the Humane Society, it would cost \$6,000-7,000 to get the software to do so. It was suggested that Aquila be contacted to see if they would consider adding it to their bills.

Councilman Thompson inquired about the street closure on South Market Street. He also asked about the progress of the Nodaway County building.

Councilwoman Coutts suggested that the crack, where the bathrooms have pulled away from the rest of City Hall, be weatherized.

Mayor Jackson stated that the U.S. Census information has been submitted and inquired about the airport runway.

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

Discussion was had on two issues 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; Councilman Wilmes, 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; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Chad Jackson, Mayor

ATTESTED:

City Clerk, Sheila Smail