

**Maryville City Council**  
**Regular Session**  
**November 23, 2009**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, November 23, 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, Ronnie Moss and Shawn Wake were present. Council Member Patricia Cummings arrived at 7:10 p.m. Others present were City Manager Matt LeCerf; Dir., Public Works Greg Decker; Dir., Finance Denise Town, Public Safety Dir., Keith Wood, City Attorney Doug Thomson and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Jackson led the pledge to the flag.

**INVOCATION**

Reverend Dale Stewart, First Christian Church, gave an invocation.

**APPROVAL OF THE AGENDA**

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

Dale Kisker, 421 East Torrance, spoke on behalf of those who had signed the petition that was submitted during the 5:00 p.m. meeting, prior to the City Council meeting. He requested clarification of various aspects of the proposed trail.

Larry Meyer, 310 East Torrance invited the Council to drive or walk the route and put themselves in the residential property owner's position, having a walkway so close to their homes.

Leta Peve, asked the Council to abort the plans for the trail in the Torrance Street area.

Mayor Jackson explained that the city has a Trails Committee that has been working hard to develop plans for trails in the City and to acquire grants to make the trails become a reality. Mark Weekly, of Omaha assisted the committee in these efforts. He explained that the Torrance Street trail is a small portion of a larger picture of trails throughout the city connecting parks, schools and other public areas. He added that information regarding the

positive effects to residential properties would be forwarded.

Mayor Jackson asked that the issue be added to the agenda for the December 14, 2009 regular Council meeting as a Discussion item, allowing Council to express their thoughts.

#### **NORTHWEST MISSOURI STATE UNIVERSITY RECYCLING COMMITTEE**

Councilman Wake introduced Roger Totten, of the Northwest Recycling Committee to discuss the university's recycling practices.

Mr. Totten said recycling began recycling 1993. Beginning next semester, recycling of glass will be practiced again. He explained that paper and cardboard is used for energy. He emphasized that recycling is fueled by students and facility. The university applied for grants from CocaCola Company and is attempting to purchase individual trash dispensers for plastic, aluminum and trash. He invited the City to join the endeavor and invited the city to attend the NW Recycling Committee meeting on the second Tuesday of the Month at noon.

#### **AMENDMENT TO OPERATION AND MAINTENANCE AGREEMENT WITH PEOPLE SERVICES**

The City Clerk presented a bill, being Bill No. 2009'107 for an ordinance entitled:

##### **An Ordinance Approving Amendment No.1 of a Contract with Peoples Services, Inc., for Operations and Maintenance of the Water and Wastewater Facility**

City Manager LeCerf reminded the Council of the additional expenses the City incurred for chemical usage during the 2008-09. An amendment was proposed to the original contract with People Services, Inc., with a base amount for chemicals on a twelve (12) month basis for \$150,000. Since two (2) months have passed in this fiscal year, the amount of \$140,949, was allotted. At six (6) month and twelve (12) month intervals, an update will be received to depict the amount of chemicals used and the costs associated. If at the end of the 12 month period if the City has paid for more chemicals than what was used, the City will receive a reimbursement accordingly. If more chemicals are used than what money was allotted for, the City would pay the difference.

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 2009'107 be approved. 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. 7166 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Amendment No. 1 was appended to the original contract, being Contract No. 2006-55.

#### **CHANGE ORDER NO. 2, CONTRACT WITH LOCH SAND AND CONSTRUCTION,SOUTH MAIN ST.**

The City Clerk presented a bill, being Bill No. 2009'108 for an ordinance entitled:

##### **An Ordinance Approving Change Order No. 2, of Contract with Loch Sand and Construction Company, for the Purpose of the Construction of Design/Build Services for the South Main Street Project, Maryville, Missouri**

Change Order No. 2 of the contract with Loch Sand and Construction Company, for the South Main Street Project, was presented with a deduction of \$39,912. This passage of the change order will complete the project for final payment.

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 2009'108 be approved. 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. 7167 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The Change Order was appended to the original contract, being Contract No. 2008-27.

#### **PRESENTATION OF ANNEXATION PETITION FROM CARBOLYTIC MATERIALS COMPANY**

City Clerk presented a bill, being Bill No. 2009'109 for an ordinance entitled:

**An Ordinance to Acknowledge the Presentation of a Petition to Annex Property Located in the 600 Block of Wilson Industrial Road, Owned by CMC-REHC Maryville, LLC, Scheduling a Public Hearing on Said Hearing be Published in the Maryville Daily Forum and Directing the City Manager to Prepare a Report on the Proposed Annexation**

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.

A petition for annexation was presented to the Council from CMC-REHC Maryville, LLC, located in the 600 Block of Wilson Industrial Road. Staff reported that the parking lot and infrastructure for this property does not conform to the Maryville Municipal Code and that they are aware of these requirements.

Council suggested that staff make contact again with the representative of CMC-REHC Maryville, LLC, to confirm their intent for meeting city requirements. The request for annexation was postponed until further information could be obtained.

#### **NORTHWEST MISSOURI AIRPORT ABOVE GROUND FUEL SYSTEM, OLSSON ASSOCIATES**

The City Clerk presented a bill, being Bill No. 2009'110 for an ordinance entitled:

**An Ordinance to Repeal Ordinance No. 7034, Providing For a Contract With Olsson Associate for Design and Bidding of the Above Ground Fuel System Project**

**Improvement, Project 08-020A1, and to Adopt a New Ordinance Authorizing the Mayor to Enter into a Contract with Olsson Associates for Design/Bid Services for an Above Ground Aviation Fuel System, Project No. 08-020A2, at the Northwest Missouri Regional Airport, Maryville, Missouri**

A request was made to repeal Ordinance No 7034, passed July 14, 2008, executing Contract No. 2008-32 for the Design and bidding of an above ground fuel system, by Olsson Associates and replacing it with a new contract for the same purpose. The new contract contained inflationary increased costs of the project over the original.

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 2009'110 be approved. 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. 7168 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was identified as Contract No 2009-55.

**PURCHASE OF DASH MOUNT CAMERA FROM WATCH GUARD VIDEO FOR PATROL CAR**

The City Clerk presented a bill, being Bill No. 2009'111 for a ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with Watch Guard Video, for the Purpose of Purchasing a Dash Mount Camera for Use in a Patrol Car, by the Public Safety Department, Maryville, Missouri**

A request to purchase a dash mount camera for a patrol car, from Watch Guard Video, using funds received from Missouri Intergovernmental Risk Management Association (MIRMA), was made to the Council.

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 2009'110 be approved. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Mayor Jackson, yea.

Motion carried.

Said bill was then numbered Ordinance No. 7169 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk. The contract was identified as Contract No 2009-56.

### **DISCUSSION: ASPHALT OVERLAY REQUEST FOR PROPOSAL**

Staff prepared a list of streets that had previously been considered for an asphalt overlay project, to be funded by the CIP funds. Those included were: 1) North Main Street, from 6<sup>th</sup> Street to just past 9<sup>th</sup> Street, (milled and overlay with a 3" overlay and concrete curb replacement) 2) North Grand from West First Street to College Avenue 3) North Dewey Street from 16<sup>th</sup> Street to the north edge of the City limits. 4) East 14<sup>th</sup> Street from Dewey Street to City limits. 5) Water, Alvin, Hester, Newton and Mattie Streets from Thompson Street to 3<sup>rd</sup> Street. 6) Jenkins and from Laura Street to Depot Street. 7) North Avenue from Main to Dewey Street. 8) Elm, Oak, and North Streets to Lawn Avenue. 9) Elm Street, from North Avenue to Lawn Avenue. 10) West Thompson to Judah Park. 11) East Edwards at Railroad Street.

Council discussed the possibility of widening North Grand Street from College Avenue to West First Street. Lisa Lane was also noted as a street in need of repair.

Some road ways at Mozingo Lake were considered, but would be funded through the Mozingo tax instead.

Council approved staff to move forward on preparing a request for proposal for asphalt overlay for the Spring of 2010.

### **REPORTS**

#### **City Manager**

- An estimate of \$200, 000 was reported, for labor and materials, to install curb and gutter on East Third Street, from Depot to Vine Streets. This cost estimate was calculated off of the White Ridge curb and gutter project.
- A thank you was received from Maryville High School Spoofhound golf team for use of the Mozingo Golf Course.

#### **Council Members**

- Councilman Wake reported that he would be absent for the January 11, and February 22, 2010, City Council meetings.
- Councilman Moss reported that he would be absent for the February 22, 2010, City Council meeting, as well.
- Councilwoman Cummings asked if the animal ordinance would be complete by the end of the year. Attorney Thomson stated that should be obtainable.
- Mayor Jackson asked if the regularly scheduled meetings will be held for December 14 and 28, 2009. The meeting will be held as scheduled.

### **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: Councilwoman Coutts, yea; Councilman Wake, yea; Councilman Moss; 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.

Discussion was also held to discuss Hiring, Firing, Disciplining or Promoting of Particular Employee by a Public Governmental Body When Personal Information about the Employee Is Discussed or Recorded, as Authorized by Section 610.021(3) RSMo., Closed Meeting, Closed Record, Closed Vote.

Motion was made by Councilman Wake, seconded by Councilwoman Coutts that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Wake, yea; Council man Moss, 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 Cummings, yea; Councilman Wakes, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

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Chad Jackson, Mayor

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Sheila Smail, City Clerk