

December 10, 2007

The Council of the City of Maryville, Missouri, met in regular session on Monday, December 10, 2007, at City Hall in said City at 6:00 p.m. The meeting was scheduled to begin at 7:00 p.m., but because of the anticipated ice storm, was moved ahead to 6:00 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 and Pat Cummings. Council Member Jerry Wilmes was absent. Others present were City Manager Matt LeCerf; Human Resource Manager Amy Strough; Dir., Finance Denise Town; 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.

#### **APPROVAL OF MINUTES**

Mayor Jackson asked if there were any amendments to be made to the minutes as presented.

Mayor Jackson stated that in the November 26, 2007, minutes, under Invocation, the minister was from the Baptist Student Union (BSU) instead of BMU.

Motion was made by Councilman Thompson, seconded by Councilwoman Coutts that the minutes of the meetings of November 12, 26, and 29, 2007 be approved as amended.

Upon the roll being called, the vote was as follows, Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, 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 appeared.

#### **YOUTH PARTICIPATION WITH COUNCIL**

Deb Powers, Heartland Heath Systems visited to inform the Council of the idea of involving youth in the process of local government by being an active participant of council

meetings. The youth will not have the power to vote on issues or participate in executive sessions.

Ms Powers suggested that by allowing two (2) high school aged youth, perhaps a junior and senior, to participate, they will be encouraged to get involved in their community as adults.

Mayor Jackson suggested that the youth may have a lot to offer.

Councilwoman Cummings suggested that the participants work their way up by serving on city boards such as the Park and Recreation Board, as well as attending Leadership Maryville.

Councilman Thompson asked that City Attorney Doug Thomson check on the legalities of the proposed participation.

Mayor Jackson asked that the issue be placed on the agenda for the next regularly scheduled meeting, for further discussion.

#### **TREASURER'S REPORT**

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

#### **AWARD OF CONTRACT FOR NORTHWEST SANITARY SEWER PROJECT**

The City Clerk presented a bill, being Bill No. 2007'90 for an Ordinance entitled,

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI TO EXECUTE A CONTRACT WITH WHITE CLOUD ENGINEERING AND CONSTRUCTION FOR THE CONSTRUCTION OF THE NORTHWEST SANITARY SEWERLINE PROJECT, MARYVILLE, MISSOURI**

Upon motion duly made and seconded, said bill was read by title in 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 in 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, and seconded by Councilwoman Coutts, that Council Bill No. 2007'90 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. 6962, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **ENGINEERING VERIFICATION FOR WASTEWATER TREATMENT FACILITY**

The City Clerk presented a bill, being Bill No. 2007'91 for an Ordinance entitled,

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI TO EXECUTE A CONTRACT WITH HDR ENGINEERING INC., FOR THE PURPOSE OF ENGINEERING SERVICES TO VERIFY WASTEWATER TREATMENT FACILITY PLANNING, MARYVILLE, MISSOURI**

Upon motion duly made and seconded, said bill was read by title in 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 in 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, and seconded by Councilwoman Coutts, that Council Bill No. 2007'91 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. 6963, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **PROPOSAL OF CAPITAL IMPROVEMENT TAX ON APRIL BALLOT**

The City Clerk presented a bill, being Bill No. 2007'92 for an Ordinance entitled,

**AN ORDINANCE TO APPROVE A TAX FOR THE PURPOSE OF CAPITAL IMPROVEMENTS, FOR THE CITY OF MARYVILLE, MISSOURI, ON THE RECEIPTS FROM SALES OF RETAIL OF ALL TANGIBLE PERSONAL PROPERTY OR TAXABLE SERVICES AT RETAIL WITHIN THE CITY OF MARYVILLE, MISSOURI, WHICH ARE SUBJECT TO TAXATION BY THE STATE OF MISSOURI UNDER THE PROVISIONS OF SECTIONS**

**144.010 TO 144.525, RSMO, AT THE RATE OF ONE-HALF (½) OF ONE PERCENT (1%) PURSUANT TO THE AUTHORITY GRANTED UNDER THE PROVISIONS OF SECTION 94.577, RSMO, AND PROVIDING FOR THE SUBMISSION OF THIS ORDINANCE TO QUALIFIED VOTERS OF THE CITY OF MARYVILLE, MISSOURI, FOR THEIR APPROVAL AT THE ELECTION TO BE HELD ON APRIL 8, 2008**

Upon motion duly made and seconded, said bill was read by title in 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. 2007'92 be adopted.

City Manager LeCerf voiced the importance of educating the citizens of the needs of the proposed capital improvement tax. He added that details of the proposed tax needs to be determined prior to adoption. Details include the sunset of the tax and an outline for plans of use of the money.

Mayor Jackson suggested that the item be tabled until the first of the year to allow time to answer these questions.

**ADOPTION OF TRANSITIONAL DUTY POLICY**

The City Clerk presented a bill, being Bill No. 2007'93 for an Ordinance entitled,

**AN ORDINANCE TO AMEND THE EMPLOYEE HANDBOOK/PERSONNEL MANUAL, ADOPTED BY THE MARYVILLE CITY COUNCIL, MARYVILLE, MISSOURI, ORDINANCE NO. 6560, BY DELETING IN ITS ENTIRETY, CHAPTER 700, SAFETY AND HEALTH; POLICY 731, MODIFIED DUTY (RETURN-TO-WORK TEMPORARY DUTY POLICY), AND SUBSTITUTE IN LIEU THEREOF A NEW POLICY 731, TRANSITIONAL DUTY POLICY**

Upon motion duly made and seconded, said bill was read by title in 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 in 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, and seconded by Councilwoman Cummings, that Council Bill No. 2007'93 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. 6964, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **CONTRACT WITH WHITE CLOUD ENG. - SEWERLINE REPAIR**

The City Clerk presented a bill, being Bill No. 2007'94 for an Ordinance entitled,

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH WHITE CLOUD ENGINEERING, FOR THE PURPOSE OF REPAIRING THE TWENTY-FOUR INCH SEWERLINE, WEST OF THE EAST LIFT STATION, MARYVILLE, MISSOURI**

Upon motion duly made and seconded, said bill was read by title in 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 in 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, and seconded by Councilwoman Cummings, that Council Bill No. 2007'94 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. 6965, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

#### **GOLF MAINTENANCE CAPITAL OUTLAY PROJECT**

The City Clerk presented a bill, being Bill No. 2007'95 for an Ordinance entitled,

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE CONTRACT WITH VAN WALL, FOR THE PURPOSE OF PURCHASING A TURF GATOR AND A TRUCKSTER FOR THE MOZINGO GOLF MAINTENANCE DEPARTMENT**

Upon motion duly made and seconded, said bill was read by title in 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 in 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, and seconded by Councilwoman Cummings, that Council Bill No. 2007'95 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. 6966, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **CONTRACT WITH SNYDER AND ASSOC. FOR CONSTRUCTION OBSERVATION**

The City Clerk presented a bill, being Bill No. 2007'96 for an Ordinance entitled,

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE A CONTRACT WITH SNYDER AND ASSOCIATES, FOR THE PURPOSE OF CONSTRUCTION OBSERVATION OF THE NORTHWEST MISSOURI REGIONAL AIRPORT PROJECT, MARYVILLE, MISSOURI**

Upon motion duly made and seconded, said bill was read by title in 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 in 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, and seconded by Councilwoman Coutts, that Council Bill No. 2007'96 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. 6967, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AGREEMENT OF PARTICIPATION OF CONSTRUCTION OF 8" WATER MAIN**

The City Clerk presented a bill, being Bill No. 2007'97 for an Ordinance entitled,

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF MARYVILLE, MISSOURI, TO EXECUTE AN AGREEMENT WITH MISSOURI DEPARTMENT OF TRANSPORTATION, TO COORDINATE PARTICIPATION OF CONSTRUCTION OF AN EIGHT INCH WATER MAIN**

Upon motion duly made and seconded, said bill was read by title in 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 in 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.

City Manager LeCerf stated that the waterline will be a twelve inch (12") instead of an eight inch (8") waterline. Missouri Department of Transportation (MODoT) has agreed to annex into the city limits when they become contiguous to the city.

Thereupon motion was made by Councilman Thompson, and seconded by Councilwoman Cummings, that Council Bill No. 2007'97 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. 6968, was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **DISCUSSION: 911 CONSIDERATION**

Mayor Jackson offered to the Council the possibility of consolidation of the 911 networking with the county, resulting from the Joint Task Force meetings. He stated that a group would be formed to research the positive and negative aspects of consolidation of the 911 system.

Councilwoman Cummings agreed to represent the council and report back to the Joint Task Force and Council. The next Joint Task Force meeting is scheduled for January 22, 2008, at 7:00 pm, at the Northwest Missouri Regional Council of Government.

#### **DISCUSSION: BUFFER ZONE**

Mayor Jackson stated that there was a need for a member of the Council to attend meeting regarding conversations about a buffer zone around the City of Maryville and report to the Joint Task Force. The Mayor offered to fill this need.

#### **REPORTS**

**City Manager**

City Manager LeCerf reported that the next regularly scheduled meeting would fall on Christmas Eve and suggested that meeting be cancelled and the Council agreed. The visibility issues at South Hester and East South Avenue has been improved by the County. He reminded the Council of a retirement reception for employee Connie Thompson, Water Billing Department, that will be held Friday, December 15, from 1:00 - 3:00 p.m. He encouraged the Council to attend. And finally, he announced the Open House/Ribbon cutting scheduled for December 11, 2007 at Midland Surveying.

### **Council Members**

Councilman Thompson congratulated Director of Public Safety Keith Wood and his the Public Safety Department for a job well done on the recent murder cases that resulted in arrests of suspects in a timely manner.

Councilwoman Cummings echoed remarks regarding Public Safety cases and added that there was good communication in the process.

Councilwoman Coutts asked if other members had heard from any solid waste haulers since the passage of the new rates. No one had communicated with the haulers. She stated that she had a positive conversation with one hauler and spoke with Dan Bozarth, who stated that tonnage was up.

Mayor Jackson reiterated the good job done by Public Safety and congratulated the Northwest Bearcats football team on their victory in the national semi-finals.

### **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 six (6) separate 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, Closed Vote.

Thereupon, motion was made by Councilman Thompson, seconded by Councilwoman Coutts to come out of executive session. Upon the roll being called, the vote was as follows:



Councilwoman Coutts, yea; Councilwoman Cummings, yea; Mayor Jackson, yea. Motion carried.

**ADJOURNMENT**

Motion was made by Councilman Thompson, seconded by Councilwoman Cummings that the meeting be adjourned. Upon the roll being called, the vote was as follows:

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

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Mayor, Chad Jackson

ATTESTED:

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City Clerk, Sheila Smail