

**Maryville City Council
Regular Meeting
December 22, 2008**

The Council of the City of Maryville, Missouri, met in regular session on Monday, December 22, 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, Patricia Cummings, Michael Thompson, and Ronnie Moss. Others present were City Manager Matt LeCerf; 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

The invocation was given by Councilwoman Cummings.

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.

REPEAL/ADOPT NEW SECTION 100.150: GREIVANCE PROCEDURE

The City Clerk presented a bill, being Bill No. 2008'116 for an Ordinance entitled:

An Ordinance To Repeal Section 100.150: Grievance Procedure for Complaints of Discrimination, of Title I. Government Code, Chapter 100: General Provisions, of the Maryville Municipal Code, and to Adopt a New Section 100.150, Pertaining to the Same Subject

Council Bill No. 2008'116 was on the October 11, 2008 agenda, but was postponed for further review. City Manager LeCerf explained that the current Grievance Procedure of the Maryville Municipal Codes, was lacking an attachment referenced by ordinance, thus City Attorney Thomson has written the proposed new Section 100.150: Grievance Procedure For Complaints of Discrimination Under the Americans with Disabilities Act.

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 Thompson, seconded by Councilwoman Coutts, that Council Bill No 2008'116 be adopted. Upon roll being called, the vote was as follows: Councilman Thompson,

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

Said bill was then numbered Ordinance No. 7074 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

CONTRACT WITH MIDLAND SURVEYING SERVICES, FOR MAPPING OF CEMETERY

The City Clerk presented a bill, being Bill No. 2008'127 for an Ordinance entitled:

An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract and Scope of Service Agreement, With Midland GIS Solutions, LLC Surveying Services, for the Purpose of Providing Professional GIS Mapping Services, of Oak Hill Cemetery, Maryville, Missouri

City Manager LeCerf noted that the ordinance should read "Midland Surveying, Inc.", rather than "Midland GIS Solutions, LLC". He explained that the contract proposed between the City and Midland Surveying, Inc., is for Geographic Information Systems (GIS) services in mapping Oak Hill Cemetery. It has been discovered that a substantial savings could be obtained by performing data entry within the City. The contract price is currently \$40,870.00. The funds are budgeted and will come from interest earned from the trust fund.

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 2008'127 be adopted, with the change noted. Upon roll being called, the vote was as follows: Councilman Moss, yea; Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Ordinance No. 7075 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

LOT SPLIT FOR MARYVILLE PARTNERS, LLC, 1303 S. MAIN ST., NOD. VALLEY BANK

The City Clerk presented a bill, being Bill No. 2008'128 for a Resolution entitled:

A Resolution Authorizing the Lot Split of Property Owned by Maryville Partners, LLC, Located in the HyVee Shopping Center, Splitting Off, 1303 South Main Street, Maryville, Nodaway County, Missouri

Dir., Public Works Decker reported that a request had been made by Maryville Partners, LLC, to split off the portion of land that is occupied by Nodaway Valley Bank. Upon approval, Maryville Partners, LLC, plan to sell the tract of land to Nodaway Valley Bank.

City Attorney Doug Thomson disclosed that he represents the Nodaway Valley Bank on the sale of this property from Maryville Partners, LLC, to Nodaway Valley Bank.

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 Councilwoman Cummings seconded by Councilman Thompson, that Council Bill No 2008' 128 be adopted. Upon roll being called, the vote was as follows: Councilwoman Coutts, yea; Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Mayor Jackson, yea. Motion carried.

Said bill was then numbered Resolution No. 544 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

RESIDENCY REQUIREMENT FOR AIRPORT BOARD MEMBERS

City Manager LeCerf stated that Bob Bush and Fred Foster have submitted their intention to resign from the City's Airport Board. He added that City Attorney Thomson is researching State Statutes to identify any restriction requirement of residency for members serving on municipal boards, such as the airport board. The City Manager asked for thoughts from the Council, in changing the existing City ordinance to no longer require all members to be residents of the City, provided the State has no requirements. He indicated that restrictions could be made, such as residency in Polk Township or Nodaway County.

City Attorney Thompson suggested that non-resident members of the board could be limited to two (2) of seven (7) members.

Council members were receptive to allowing two (2) of seven (7) members of the airport board to be non-residents, provided State law allows.

SHOW ME GREEN SALES TAX HOLIDAY

City Clerk Smail reported that a notice had been received by the Secretary of State that municipalities are invited to participate in a tax holiday scheduled for April 19-25, 2009, on the purchase of energy efficient appliances. She asked the Council to consider the tax holiday, as the issue will be presented prior to March.

Councilwoman Cummings suggested that the appliance retailers be notified to gather feedback on benefits of city participation.

Mayor Jackson requested that staff make contact and report back the second regularly scheduled council meeting in January, 2009.

ROAD CONSTRUCTION

City Manager LeCerf addressed the Council about the capital improvement program (CIP), road construction plan, as he referred to the spreadsheet provided. He noted that the possibility exists of borrowing money and pay it back over the term of the CIP tax. He stated that with the incoming Presidency, it is speculated that he may attempt to stimulate the economy through Public Works projects, particularly those projects ready to be bid. He suggested utilizing \$150,000 to develop plans of various

roads in the hopes that funding comes available through federal or state projects, or if not use it through CIP taxes. It was discussed that in 2009 improvements be done on West 16th Street and South Depot Street by partnering with other community entities, provided funds are available. He proposed that there are north/south streets on the east side of Maryville that could be asphalt overlay. He stated that city staff does not have a completed estimated budget, but requested some direction from the Council. Council encouraged staff to proceed with obtaining design/build for West 16th Street.

WATER AND SEWER RATES

City Manager LeCerf reminded the Council of a contract the City had with Gary Lee, Archer Engineering, in 2004, to perform water and sewer rates study. The water and sewer rate structure was developed to meet necessary improvements to the water and sewer plant operations and infrastructure, as well maintaining the existing. He reminded them that the plan projected a 40% increase over a 5 year period. Thus far, the City has increased rates one time at about 14.5%, in October, 2006. By increasing the rates it would also allow the City to plan for the future payment of the two (2) proposed water towers and other updates and maintenance needs. The City Manager asked for direction from the Council in raising water and sewer rates by 5% in 2009.

Mayor Jackson asked for clarification of the suggested increments of rate increases in the coming years.

Mr. LeCerf stated that it is proposed that rates increase 5% in 2009, and possibly 5% in 2010, if not a 5% in 2011. He added that he had received numbers from Jack Dillingham recently on the project's seven year plan with infrastructure needed, allowing for inflation.

Mayor Jackson suggested that staff report back to the council with a seven year plan and details of proposed incremental rate increases.

REPORTS

City Manager

City Manager LeCerf reported that a request was received from the Chamber of Commerce for support of \$1,500 to assist in covering expenses for the trip to Jefferson City for Great Northwest Days. The city had budgeted for the cause. The Council agreed to support the trip as requested.

Work at the airport was suspended due to weather, and will resume by March 31, 2009. City Manager LeCerf said that an additional 30 days work should complete the remaining work. Runway 1836 was removed. A quote was received from Loch Sand and Construction Company at the price of \$4,398. The Missouri Department of Transportation will be asked to assist in paying these costs.

Because of the extremely cold weather, the ice is not melting from the roadways but sand and salt is being used for traction. There is approximately 250 ton on hand. Four (4) loads of salt have been ordered. Each load contains approximately 22 tons at \$94 per ton.

City Manager LeCerf reported that a letter was received by a property owner who works on his houses that he rents out. The gentleman requested that the city consider changing the ordinance that

requires anyone who works on property he owns, but does not reside in, to purchase the \$300,000 of liability insurance, as a requirement of obtaining a contractors license in the City of Maryville. His argument was that he has home owner's insurance. Mr. LeCerf stated that City staff does not recommend approval of the request. A copy of the letter will be forwarded to the Council.

Council

Councilman Moss suggested the City consider sending a representative to Washington D.C. to rally some funds.

Councilman Thompson expressed his appreciation for the years that Bob Bush served on the Airport board. He stated that Mr. Bush played a big role in the progress made at the Northwest Missouri Regional Airport.

Mayor Jackson reported that he spoke with Darby Logan, Missouri Department of Transportation (MODoT), regarding the Safe Routes to School grant. If the city were to void the proposed Crestview trail, the city would be required to return \$18,000 and with no more enhancement funds available since funds are being suspended until 2010. Concern was expressed that if the funds are returned, the City of Maryville will not be looked favorably upon and that this action might affect the ability to receive other funds, such as STP funds. The Council asked that the city get something in writing from MODoT stating what affect withdrawing the Safe Routes to School grant plans would have on future applications for funds.

ADJOURNMENT

Motion was made by Councilwoman Cummings, seconded by Councilman Moss that the meeting be adjourned. Upon the roll being called, the vote was as follows: Councilwoman Cummings, yea; Councilman Thompson, yea; Councilman Moss, yea; Councilwoman Coutts, yea; Mayor Jackson, yea. Motion carried. Meeting was adjourned.

ATTESTED:

City Clerk, Sheila Smail

Mayor, Chad Jackson