

**Maryville City Council**  
**Regularly Meeting**  
**August 8, 2011**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, August 8, 2011, 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 Moss and roll was called by the City Clerk, with the following present to-wit: Mayor Ronnie Moss, Council Members Shawn Wake, Glenn Jonagan, James Fall, Chad Jackson. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson; Dir., Public Safety Keith Wood; Human Resource Manager Amy Strough; Dir., Public Works C.E. Goodall and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Moss led the pledge to the flag.

**INVOCATION**

Mayor Moss gave the invocation.

**APPROVAL OF AGENDA**

Mayor Moss asked if there were any changes needed to the agenda, they be noted at this time. It was noted that an emergency item in the form of a resolution was needed to be added to the agenda. Also, No. 18, Sewer Main Lining Project Contract, was requested to be removed from the agenda. Motion was made by Councilman Jonagan, seconded by Councilman Fall, that the agenda be approved as amended. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

**APPROVAL OF MINUTES**

Mayor Moss requested any changes needed to the minutes of Council Meetings held July 11 and 25, 2011, be noted at this time.

In the July 13, 2011 minutes it was noted that under Citizens to be Heard, that it should read Mayor Pro-Tem Wake, instead of "Mayor Moss welcomed citizens..." Motion was made by Councilman Wake, seconded by Councilman Fall that the minutes be approved as amended. Upon roll being called, the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

**CITIZENS TO BE HEARD**

Mayor Moss 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.

Mr. Tom Martin, 24920 State Hwy EE, Maryville, Missouri, requested permission from the City Council to hold the annual Haunted Campground event at Mozingo Lake Park on October 15, 2011, from 5:00 – 7:00 p.m. Safety issues were discussed. Participants will be encouraged to use the trail to enter and leave the campground. It was mentioned that consideration of the use of a shuttle system might be helpful. Dir., Public Safety Keith Wood and Mr. Martin will discuss the issue further and inform the City Council of any changes that might be implemented.

Motion was made by Councilman Wake, seconded by Councilman Jonagan, to approve the request to allow the Haunted Campground event, on October 15, 2011, from 5:00 – 7:00 p.m., at Mozingo Lake Park. Upon roll being called the vote was as follows: Councilman Jonagan, yea, Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried.

**TREASURER'S REPORT**

In the absence of Dir., Finance Denise Town, City Manager LeCerf reported that the city received IRS subsidy for Build America Bonds – COP Series 2010 funds (\$21,109.04)

Non-reoccurring bills to be paid were to Public Water Supply District #1 for 37 Pleasant Ridge Water

Accounts (81,400.00); IDM Group – Mozingo Feasibility Study (\$10,000.00); Amino Brothers - Streetscape Project, Phase III, pay estimate #2 - partial (\$74,289.83); Loch Sand and Construction, West 16<sup>th</sup> Street, final payment (\$118,370.24); RDG Planning-Comprehensive Plan (\$9,949.80); Snyder & Associates, Streetscape Project, Phases II and III for engineering services (\$29,393.23); and HB Construction-final pay estimate on St. Gregory's trail (\$69,459.21). In August Public Water Supply District #1 was paid for 17 Pleasant Ridge Water Accounts (\$37,400.00).

Motion was made by Councilman Jackson, seconded by Councilman Wake, that the Treasurer's Report be approved as presented. Upon the roll being called, the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

#### **PAYMENT VENDOR SCHEDULE**

Motion was made by Councilman Jackson seconded by Councilman Wake, that the payment vendor schedule be approved as presented. Upon the roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

#### **LIQUOR LICENSES ISSUED TO THE COUNTRYSIDE CINEMA/THE HANGAR**

An application was received requesting the Countryside Cinema/The Hangar be issued Liquor by the Drink and Sunday Liquor by the Drink licenses. Staff reported that all requirements were met and they saw no reason to deny the request.

Motion was made by Councilman Wake, seconded by Councilman Jackson, that the Countryside Cinema/The Hangar, be issued a Liquor by the Drink and a Sunday Liquor by the Drink license. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Wake, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

#### **CREATION OF ENTERPRISE ENHANCEMENT ZONE IN NODAWAY COUNTY**

The City Clerk presented a bill, being Bill No. 2011'67 for a Resolution entitled:

**A Resolution to Create an Enhanced Enterprise Zone Authorized by Sections 135.950 to 135.973 RSMo, in Nodaway County, Hereafter Named the Nodaway County Enhanced Enterprise Zone**

Lee Langerock, Nodaway County Economic Development, presented information regarding the requested development of a Nodaway County Enhanced Enterprise Zone (EEZ) to encourage new business investments in Nodaway County. The City was approached several months earlier to request their involvement in the new EEZ. A resolution was presented, with a map, to create the authority to form a zone, set the boundary of that Zone and provide guidance on the level of abatement and type of industry receiving the abatement, which is classified as "Other Electric Power Generation (Wind) (NAICS 221119)". The life of the Zone is twenty-five (25) years and the boundary or mapping of the Zone can never change.

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 Councilman Wake, seconded by Councilman Jackson, to approve Council Bill No. 2011'67, to approve participation in the proposed Nodaway County Enhanced Enterprise Zone. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Resolutions No. 579 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **REPEAL/ADOPT NEW SECTION 212.230: CAMPING, CHECKOUT TIME FOR RV CAMPERS**

The City Clerk presented a bill, being Bill No. 2011'68 for an Ordinance entitled:

**An Ordinance to Repeal Section 212:230: Camping, of Title II. Public Health, Safety, and Welfare, Chapter 212: Mozingo Park Regulations, Article I: Regulations-Generally, of the Maryville Municipal Code and to Adopt a New Section 212.230: Camping, Pertaining to the Same Subject**

Checkout time for RV Camping was proposed to be changed from 5:00 p.m. to 1:00 p.m. by repealing Section 212.230: Camping, and adopting a new Section 212.230. The time change will ensure compliance to checkout time during regular work hours. It is also believed that this will help prevent vacant spots overnight, which has been experienced under the current time schedule.

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 Wake, seconded by Councilman Fall that Council Bill No. 2011'68 be approved. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7348 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AMEND SECTION 212.220: MOZINGO FEE STRUCTURE-CAMPING, BOATING, CABIN RENTAL**

The City Clerk presented a bill, being Bill No. 2011'69 for an Ordinance entitled:

**An Ordinance to Amend Section 212:220: Mozingo Fee Structure-Camping, Boating, Cabin Rental, of Title II. Public Health, Safety, and Welfare, Chapter 212: Mozingo Park Regulations, Article I: Regulations-Generally, of the Maryville Municipal Code**

A Council Bill was presented to amend Section 212.220: Mozingo Fees Structure –Camping, Boating, Cabin Rental, was proposed to have an additional charge of \$5.00 per day, per site, for excessive use of water in the RV Campgrounds. Excessive water use includes, but is not limited to, the filling of pools, use of slip n' slides, washing vehicles, and use of sprinklers.

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 Wake, seconded by Councilman Jackson that Council Bill No. 2011'69 be approved. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7349 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

#### **AMENDMENT NO. 1, CONTRACT NO 2011-24, PLUVIUS LLC, LEASING TRANSFER STATION**

The City Clerk presented a bill, being Bill No. 2011'70 for an Ordinance entitled:

**An Ordinance to Amend Contract No 2011-24, with Pluvius, LLC, for the Purpose of Leasing the Maryville Transfer Station, Maryville, Missouri**

An ordinance was proposed to allow an additional month for Pulvius, LLC, to review the proposed agreement for the lease of the Maryville Transfer Station since the City was late in providing the agreement for their review.

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 Jackson, seconded by Councilman Wake that Council Bill No. 2011'70 be

approved. Upon roll being called the vote was as follows: Councilman Wake, yea; Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7350 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk and made a part of Contract No. 2011-24.

### **DECLARE INTENT OF CITY REGARDING ACQUIRING/ INSTALLING MEMBRANE STATION**

The City Clerk presented a bill, being Bill No. 2011'71 for a Resolution entitled:

#### **A Resolution to Declare the Official Intent of the City of Maryville, Missouri**

A council bill was proposed to declare the intent of the City regarding the purchase of a new membrane system for the Water Treatment Plant. The estimated cost is two million, three hundred thousand dollars (\$2,300,000.00) which includes the purchase, installation, and miscellaneous materials for the system.

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 Councilman Jackson, seconded by Councilman Wake that Council Bill No. 2011'71 be approved. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Resolution No. 580 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **REPORTS**

#### **I. City Clerk**

- The next Regional MML Meeting is scheduled for September 1, 2011, at 6:00 pm, at Lathrop, Missouri. No one was able to commit to attending.

#### **II. City Manager**

- Annual Missouri Municipal League (MML) conference is scheduled for September 11-14, 2011, at the Hyatt Regency Hotel in Kansas City, Missouri. The September 12, 2011 City Council meeting will be cancelled but a short meeting will be scheduled to pay the bills.
- The demolition of the fire damaged building, owned by Mike and Sue Burch, at the corner of 3<sup>rd</sup> Street and Main Street, is scheduled to be torn down within the week.
- The agreement made with Public Water Supply No. 1, for the purchase of meters/customers in their territory states that the City shall pay two thousand, two hundred dollars (\$2,200.00) per meter. The quadruplexes that the City has identified to purchase share one meter. It was discussed whether the City should pay \$2,200 per unit or remain as indicated in the agreement as "per meter". The City Council agreed that since the intent was per dwelling that they would pay accordingly.

#### **III. Council Members**

- Northwest Missouri State University student liaison to the Council, Collin DeBuysere, will be absent for the next few meetings.
- Councilman Jonagan reported that the Missouri Department of Transportation plan to reformat the Highway Districts and lay-off approximately 1,200 employees by the end of the month, Statewide. The cut backs may lead to hiring out work such as snow removal.
- The staff from IDM, contracted to perform the feasibility study for Mazingo Lake, will be in town for a meeting and the City Council will be informed of the date and time as it becomes available.

### **EXECUTIVE SESSION**

Motion was made by Councilman Wake, seconded by Councilman Jonagan that the Council, go into executive session. Upon roll being called, the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Councilman Jonagan, yea; Mayor Pro-tem Moss, yea. Motion carried.

Council discussed an item related to 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.

Motion was made by Councilman Jonagan, seconded by Councilman Wake that the Council comes out of executive session. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Councilman Wake, yea; Mayor Moss, yea. Motion carried

**ADJOURNMENT**

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

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Ronnie L. Moss, Mayor

ATTEST:

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Sheila Smail, City Clerk