

**Maryville City Council**  
**Regular Scheduled Meeting**  
**September 26, 2011**  
**7:00 p.m.**

The Council of the City of Maryville, Missouri, met in regular session on Monday, September 26, 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 the roll was called by the City Clerk, with the following present to-wit: Mayor Ronnie Moss, Council Members Glenn Jonagan, James Fall, and Chad Jackson. Others present were City Manager Matt LeCerf; City Attorney Doug Thomson Dir., Public Works C.E. Goodall; Dir., Finance Denise Town; Human Resource Manager Amy Strough; Dir., Public Safety Keith Wood; Council Liaison Collin DeBuysere and City Clerk Sheila Smail.

**PLEDGE TO THE FLAG**

Mayor Moss led the pledge to the flag.

**INVOCATION**

Councilman Jackson gave the invocation.

**APPROVAL OF THE AGENDA**

Mayor Moss requested any changes needed to the agenda, be noted at this time. It was noted No. 7. Access to Property off South Alvin – Randy Holtman, should be removed from the agenda. With no further changes, motion was made by Councilman Jonagan, seconded by Councilman Jackson, that the agenda be approved as amended. Upon roll being called, the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, 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 a part of 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.

**REQUEST FOR DOLLAR DOG CONCESSION STAND – MIKE WEBSTER AND LUKE HERZBERG**

An application was submitted by Mike Webster and Luke Herzberg to operate a mobile hot dog stand at the parking lot at 4<sup>th</sup> Street and Buchanan Street, south of The Palms, from 10:00 p.m. until 2:00 a.m. Mr. Webster and Mr. Herzberg had not yet purchased the required insurance but have received a quote and plan to purchase the insurance upon approval by the Council. A report resulting from an inspection by the Nodaway County Health Department will be obtained prior to solicitation. The signed Hold Harmless/ Indemnification document has been submitted.

Mr. Webster and Mr. Herzberg also inquired about the ability to move to the various locations near the other bars in Maryville. The Council saw no reason to deny the request but asked that they not impede traffic and that they report to Public Safety of their location.

Motion was made by Councilman Jackson, seconded by Councilman Fall, to approve the request to operate a hot dog stand near the bars, during the hours of 10:00 p.m. and 2:00 p.m. Upon roll being called, the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea, Mayor Moss, yea. Motion carried.

**GREAT NORTHWEST WATER COMMISSION MEMBERSHIP**

City Manager LeCerf reminded the City Council of the previous discussions had about consideration of joining the Great Northwest Water Commission (GNWWC). He recalled the purpose of the organization being to establish a reliable and sustainable water supply for Missouri's Northwest Region. Mr. Derek Brown, Chairman of the GNWWC and City Administrator of Albany, Missouri and Tye Parsons, Executive Director of Northwest Missouri Regional Council of Government, spoke of the benefits of the organization and explained the benefits of being a member. The cost to become a member was based on the number of meters an entity had and when the entity joined. It was emphasized that one must be a member in order to have a say in the development process.

**LIBRARY BUDGET REPORT– STEPHANIE PATTERSON**

Stephanie Patterson, Librarian of the Maryville Public Library explained that several necessary cuts were made to the budget for the coming year. Salaries were frozen and the book budget was cut by \$4,000.00. The foundation was asked for an additional \$4,200.00 and the library was holding on to a reserve of \$11,278.00.

The circulation of Library books for children set records and the summer reading program was a success, in 2010-11 Fiscal Year.

**GREENSPACE NEAR SOUTHDALDA SUBDIVISION**

City Manager LeCerf reported to the City Council that after several discussions regarding the plans and potential development of the property deeded to the City of Maryville by the Gibson Family Partnership, L.P. It was previously discussed that the Park and Recreation Department be asked if they would be interested in obtaining and developing the green space. Dir., Park and Recreation Rod Auxier, visited the site with City Manager LeCerf. Mr. Auxier is waiting for a response for ideas or proposals from the City, prior to discussing it with the Park and Recreation Board.

The potential cost of developing the area, especially if any encroachment onto the creek’s banks were to take place, could be high. Council asked for ideas from Park and Recreation and suggested that perhaps the City of Maryville and the Park and Recreation Department could jointly develop the area.

**CONTRACT WITH PEOPLESERVICES, INC., WATER/WASTEWATER OPERATIONS**

The City Clerk presented a bill, being Bill No. 2011'81 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with PeopleServices, Inc., for Operation and Management of the City of Maryville Water/Wastewater Treatment Plant**

A contract was presented to the City Council for the purpose of entering into a new contract with PeopleServices, Inc., for the operation and management of the Water/Wastewater facilities. A few of the changes to this contract compared to the previous contract include an increase of the maximum annual maintenance and repair expenditures, an increase in the annual cost of chemicals, introduction of an operator in training program to help with leadership transition, hiring of Employees from the City of Maryville.

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.

The contract presented was for a term of five (5) years but it was recommended by the City Manager to change the term to two (2) years.

Motion was made by Councilman Fall, seconded by Councilman Jackson, to amend the contract to a two (2) year term. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Motion was made by Councilman Jonagan, seconded by Councilman Fall, to approve Council Bill No. 2011'81, to approve a contract with PeopleService, Inc., with the term amendment made. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7358 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk, with the agreement noted as Contract No 2011-37.

**ALLEY CLOSURE REQUEST, BEHIND NODAWAY COUNTY SENIOR CENTER, 1012 E. 1ST**

The City Clerk presented a bill, being Bill No. 2011'82 for an Ordinance entitled:

**An Ordinance Authorizing the Closure of the East/West Alley, Located Between South Laura Street and South Alvin Street, in the 100 Block of East 1<sup>st</sup> Street, for the Purpose of Expansion of the Nodaway County Senior Center, Maryville, Missouri**

An application request to close the east/west alley, between South Laura Street and South Alvin Street, behind the Nodaway County Senior Center, was submitted by the Amie Firavich, Director of the Nodaway County Senior Center. The request was made to allow for an extension to the Senior Center, kitchen area.

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 Fall, seconded by Councilman Jonagan, to approve Council Bill No. 2011'82, to approve an alley closure. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7359 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 CAMPING**

The City Clerk presented a bill, being Bill No. 2011'83 for a Ordinance entitled:

**An Ordinance to Amend Section 212.230: Camping (6), of Title II. Public Health, Safety and Welfare, Chapter 212: Mozingo Park Regulations, Article I: Regulations—Generally, of the Maryville Municipal Code, Maryville, Missouri**

On August 22, 2011, the Maryville City Council approved a bill to change the checkout time for RV Campers at Mozingo Lake from 5:00 to 1:00 p.m. Since that time, there have been several complaints that the 1:00 p.m. time does not allow campers time to play golf or boat before pulling off of their campsite. It was recommended by the Mozingo Lake Advisory Board that the time be changed to 3:00 p.m.

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 Jonagan, seconded by Councilman Jackson, to approve Council Bill No. 2011'83, changing the time for RV checkouts to 3:00 p.m. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7360 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

### **AMENDMENT TO SECTION 212.235: RESERVATIONS FOR RVCAMPING; CHECKOUT TIME**

The City Clerk presented a bill, being Bill No. 2011'84 for an Ordinance entitled:

**An Ordinance to Amend Section 212.235: Reservations for RV Camping Spaces, (3), of Title II. Public Health, Safety, and Welfare, Chapter 212: Mozingo Park Regulations, of the Maryville Municipal Code, Maryville, Missouri**

During the August 22, 2011 City Council meeting, the Council approved an ordinance to change the checkout time for reservable RV spaces to 1:00 p.m., to be consistent with the other RV Campsites. To be consistent with the rest of the RV sites, it was recommended to be changed.

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 Fall, seconded by Councilman Jackson, to approve Council Bill No. 2011'84. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7361 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk

**AMEND SECTIONS 380.010 AND 380.020, CHAPTER 380: LICENSING REQUIREMENTS**

The City Clerk presented a bill, being Bill No. 2011'85 for an Ordinance entitled:

**An Ordinance to Amend Section 380.010: Driving While License Suspended or Revoked and Section 380.020: Operation of Motor Vehicle Without Proper License Prohibited-Motorcycles-Special License, of Title III. Traffic Code, Chapter 380: Licensing Requirements, Article I: Operator's Licenses, of the Maryville Municipal, Maryville, Missouri**

An amendment to Sections 380.010 and 380.020 was requested by the City Attorney to bring the City's Code into compliance with State laws. The changes to these Sections were to adjust the maximum penalty for first time offenders.

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 Fall, to approve Council Bill No. 2011'85. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7362 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**AMENDMENT OF SECTION 600.070: PURCHASE OF ALCOHOL BY A MINOR-PROHIBITED**

The City Clerk presented a bill, being Bill No. 2011'86 for an Ordinance entitled:

**An Ordinance to Amend Section 600.070: Purchase or Possession of Alcohol by a Minor-Prohibited, of Title III. Traffic Code, Chapter 380: Licensing Requirements, Article I: Operator's Licenses, of the Maryville Municipal Code, Maryville, Missouri**

Section 600.070: Purchase or Possession of Alcohol by a Minor-Prohibited, was presented to the City Council to be amended to reflect the changes made by the State of Missouri. The changes pertain to maximum charges to a first time offender.

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 Jonagan, to approve Council Bill No. 2011'86. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7363 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**REVISION OF THE 2010-2011 BUDGET ADJUSTMENT**

The City Clerk presented a bill, being Bill No. 2011'87 for an Ordinance entitled:

**An Ordinance Approving the Revised 2010-2011 Fiscal Budget of the City of Maryville,**

**Missouri; Apportioning from the Revenue of the City Requisite Funds Therefore and Providing for the Method of Adjustment Thereof**

There were four (4) funds which needed to be amended for Fiscal Year 2011, due to total expenditures exceeding the original budget. Those included were Park and Recreation fund, Community Center Construction fund, Solid Waste fund and Central Garage fund.

Park and Recreation decided to move up some of the planned improvements in to Fiscal Year 2011 budget for playground equipment at Water Tower Park and Judah Park, fencing at Beal Park, a turf aerator, new treadmills at the Community Center and stabilization work along Peach Creek, through Judah Park. Revenues were also adjusted to reflect additional funds from such activities as swimming, Community Center annual passes and personal training. The Park and Recreation fund was adjusted by \$1,739,717.00. The Community Center Construction Fund was not complete at the fiscal year end of 2010, resulting in more expenditures occurring in 2011. The amended budget reflected those changes and included the remaining contingencies, in for the amount of \$133,887.00.

The Solid Waste Fund experienced surge in usage during the year, causing higher fuel and transportation costs. Revenues and expenses have been adjusted accordingly in the amount of \$1,058,656.00. Central Garage performed more maintenance for its customers, resulting in higher costs for tires, batteries, and parts. A diagnostic computer was also purchased. The Central Garage fund was adjusted by \$119,782.00.

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 Fall, to approve Council Bill No. 2011'87. Upon roll being called the vote was as follows: Councilman Fall, yea; Councilman Jackson, yea; Councilman Jonagan, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7364 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**APPROVE CONTRACT WITH MISSOURI DEPT. OF CORRECTIONS-WORK RELEASE PROGRAM**

The City Clerk presented a bill, being Bill No. 2011'88 for an Ordinance entitled:

**An Ordinance Authorizing the Mayor of the City of Maryville, Missouri, to Execute a Contract with the Missouri Department of Corrections/Maryville Treatment Center, for the Purpose of Providing Offenders the Opportunity to Gain Work Skills Through the Supervised Work Release Program**

An agreement between the City of Maryville and the Missouri Department of Corrections/Maryville Treatment Center was presented for approval by the City Council. The past several years the City has entered into a contract which allows offenders to work for the City to gain work experience.

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 Jonagan, to approve Council Bill No. 2011'88. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7365 and was duly passed, adopted and was thereupon signed by

the Mayor and attested by the City Clerk, with the agreement being identified as Contract No. 2011-37.

**DISCUSSION: RV RESERVATIONS**

City Manager LeCerf provided a report of the number of times the reservable RV spaces at Mozingo Lake Park were reserved since its inception, being September 2009. The results of the report showed that the highest month for reservation of the five spaces occurred in July 2011, at a rate of 44.5%. It was discussed to extend the ability to reserve the spaces beyond Tuesday, for the following weekend. City staff will do some research to see if there are other options for the reservations.

**REAPPOINTMENT OF MOZINGO LAKE PARK ADVISORY BOARD MEMBERS**

City Clerk Smail stated that the Mozingo Lake Advisory Board has three (3) members that terms are scheduled to expire on October 1, 2011, which include Members Dan Billings, Alan Langley, and Dale Mathes. These members have indicated that they would like to serve another term.

Council inquired about the steps taken by staff to encourage others to apply to be considered as a board for an upcoming term renewal. It was stated that the city website encourages citizens to apply but no formal advertising is done. An occasional announcement in the community newsletter or on water bills will be posted.

Motion was made by Councilman Jackson, seconded by Councilman Fall, to re-appoint Members Billings, Langley and Mathes to the Mozingo Lake Advisory Board for a three (3) year term. Upon roll being called the vote was as follows: Councilman Jonagan, yea; Councilman Fall, yea; Councilman Jackson, yea; Mayor Moss, yea. Motion carried.

**KANSAS CITY POWER AND LIGHT RATE ADJUSTMENT**

The City Clerk presented a bill, being Bill No. 2011'89 for an Ordinance entitled:

**An Ordinance of the City of Maryville, Missouri, Reaffirming the Gross Receipts Tax to be Imposed Upon Electric Corporations Conducting Business within the City and Matters Related Thereto**

The Missouri Public Service Commission has granted a tariff increase of approximately twenty-one percent (21%) to Kansas City Power and Light-Greater Missouri Operations Company (KCP&L-GMO). Tariff increases in excess of seven percent (7%) requires under Missouri Revised Statute Section 393.275 (1), to either roll back the rate of gross receipts taxes imposed by cities on KCP & L-GMO, or to pass an ordinance maintaining the existing rates despite the increase in the gross receipts to KCP&L-GMO, as a result of the tariff increase. The city of Maryville was required to roll back the rate of the gross receipts taxes within sixty (60) days of the effective date of the tariff increase unless an ordinance is passed by the Council to maintaining the existing rate. The City had not received notification from Missouri Public Service Commission, as required. Consequently, the bill is being presented for approval at this time.

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 Fall, to approve Council Bill No. 2011'89. Upon roll being called the vote was as follows: Councilman Jackson, yea; Councilman Jonagan, yea; Councilman Fall, yea; Mayor Moss, yea. Motion carried.

Said bill was then numbered Ordinance No. 7366 and was duly passed, adopted and was thereupon signed by the Mayor and attested by the City Clerk.

**HANGAR FUEL AND LIGHTING**

Councilman Jackson reported that he had received inquiries about the possibilities of additional hangars being constructed at the Northwest Missouri Regional Airport. Interested parties inquired about the City constructing additional hangars to rent or lease land for individuals to construct hangars upon.

City Manager LeCerf expressed to the Council that he was opposed to the City investing in Hangars to rent

and added that the cost to lease the land of the current hangars needs to be re-evaluated. The cost to lease land for a hangar to be places should be the uniform for all sites. Av-gas is currently available at the airport and the City is planning to make available Jet-A Fuel in the future. Staff will look at the need and costs of potentially increasing the number of hangars available.

**REPORTS**

**I. NWMSU Liaison**

- Collin DeBuysere, Liaison to the Council, reported that Student Affairs at Northwest Missouri State University sends a questionnaire monthly to the elected senators on campus to gather information about how the students feel about certain issues and to find answers to questions that are asked within a constituency report. Mr. DeBuysere addressed the Council to do the same with the City Council for the Community. He provided the Council Members with a list of questions that he asked them to review and to advise him of any changes or additions they may see fitting to benefit the project.

**City Manager**

- The City is exploring the possibility of alternate health care for the employees.
- A meeting will be scheduled near the end of October regarding building inspections. Exterior visual inspections are being done. If issues are noted the property owner will be called in as a responsive contact rather than an aggressive.

**II. Council Members**

- Councilman Fall shared concerns that the Mozingo Lake Advisory Board discussed at the last meeting. Those items include additional parking needed at the RV Park area, boat slips and docks, development of a camp host program, concerns with existing trails being used for equestrian trail-bridges not being strong enough to accommodate a horse.

**EXECUTIVE SESSIONS**

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

**ADJOURNMENT**

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

ATTEST:

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Ronnie L. Moss, Mayor

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Sheila Smail, City Clerk