

REGULAR CITY COUNCIL SESSION

MALDEN CITY COUNCIL
MONDAY, JANUARY 23, 2023 — 6:00 P.M.
CITY HALL—201 SOUTH MADISON

Mayor Denton Kooyman called the meeting to order at 6:00 p.m. with Dan Hargrave with Stokelan Drive Christian Church conducting the opening prayer.

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Council Member Wilkerson	X	
Council Member Jenkins	X	
Council Member Rogers	X	
Council Member House	X	
Council Member Haley		X
Council Member Jones	X	
Council Member Moore	X	
Council Member Coleman	X	
Members Present		<u>7</u>

Others Attending: Airport Office Administrator Patty Smith, DED/Airport Director David Blalock, Public Safety Department Director/Chief of Police Jeff Mitchell, Finance Officer Angela Earnheart, City Attorney Jonce Chidister and City Administrator Ivone Smith.

GUEST – Jeff Arp with MIRMA

Jeff Arp addresses the Council regarding the Risk Management Grant awards the City of Malden received in 2022. He informs the City of Malden was awarded \$1,500 for two anti-fall harnesses and \$2,195.00 for two protection lanyards for the Electric Department and \$2,473.50 for the purchase of a taser for the Police Department. He informs the City of Malden was awarded a total of \$4,265.48 for the 2022 Risk Management Grant Program.

GUEST – Bo Beckett

Mayor Kooyman informs the Council, Mr. Beckett was unable to be present at the meeting. Mr. Beckett requested he inform the Council of Mr. Beckett's request. The first is connected to a power surge at Mr. Beckett's residence earlier this year. Due to the nature of the incident, a closed session would be needed to discuss. His second request is the City sell/give him a piece of property located between his and his neighbor's house. Mr. Beckett and his neighbor have been mowing the property for a number of years. City Administrator Smith states the property to the east of Mr. Beckett's home is set for property development. If this property is developed, the lot Mr. Beckett is requesting will be an extension of Ward Street. She also informs, this lot will be used by the City for the water replacement project. City Council Member Jenkins asks if Mr. Beckett has requested Homestead. City Administrator Smith states he has not. Mayor Kooyman states Mr. Beckett had come to him in the past with the request and Mayor Kooyman wanted to bring this to the Council's attention. City Attorney Chidister states, if this is something the Council wants to look into further, he will need to look at the plat to see if this section is a plated street or a lot. Council Member Coleman asks if it would be possible to let Mr. Beckett take possession of the property but require it be turned back over to the City if needed in the future. City Attorney Chidister states this is a possibility, however, before that can be discussed, it must be determined if the property is a lot or a plated street.

15 MINUTE OPEN FORUM

None.

APPROVAL OF THE MINUTES

Council Member Jenkins states a correction needs to be made to the December Meeting minutes. The guest name should be Nollie Smith Burnett not Bennett.

MOTION: By Council Member Jenkins to approve the Regular Session Minutes of December 20, 2021 with corrections.

SECOND: By Council Member Wilkerson.

Motion Passed 7/0

TREASURERS REPORT

a. Financial Report

City Treasurer Earnheart reported for the 6th Month of the Fiscal Year December 2022, the General Fund had \$919,101.72, COVID Federal Funding has \$621,729.84, Cemetery Fund has \$163,785.25, Park Fund \$49,537.74, DED has \$40,149.43, Street Capital Projects Fund \$295,073.11, Solid Waste Management Fund \$5,573.40, Capital Improvement Fund has \$232,288.18. Total cash and cash equivalents \$2,382,913.07 and long-term loan obligations is \$2,299,816.85. She states this is the first time, as far as her records show, the City’s cash and cash equivalent on hand is more than the city debt. City Treasurer Earnheart states she is continuing to work with the auditors on the Fiscal Year 2021-2022 Audit and it should be completed in the next month or two.

ORDINANCE(S)

a. Ordinance No. 3269 – Primary Seat Belt City

MOTION: By Council Member House to approve the 1ST reading of **ORDINANCE NO. 3269** – An Ordinance of the City of Malden, Missouri to amend Section 370.160 of the Malden City Code relating to seat belts for the purpose of establishing the City of Malden as a “Primary Seat Belt City”, establishing penalties for violation; to repeal all conflicting ordinances; and to provide for an effective date.

SECOND: By Council Member Wilkerson.

POLL VOTE ----- MOTION PASSED

7 - YES

0 - NO

Council Member Haley	ABSENT	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Moore	YES
Council Member Rogers	YES	Council Member Jenkins	YES

DISCUSSION: City Administrator Smith states Assistant Chief of Police Jones learned the City would be eligible to receive additional grants if a Primary Seat Belt City Ordinance was adopted. This allows officers to stop a driver for failing to wear a seatbelt. Council Member Jenkins suggests informing the public of the Ordinance change. City Administrator Smith states there will be education provided to the public prior to enforcement.

MOTION: By Council Member Rogers to approve the 2ND reading of **ORDINANCE NO. 3269** – An Ordinance of the City of Malden, Missouri to amend Section 370.160 of the Malden City Code relating to seat belts for the purpose of establishing the City of Malden as a “Primary Seat Belt City”, establishing penalties for violation; to repeal all conflicting ordinances; and to provide for an effective date.

SECOND: By Council Member Jenkins.

POLL VOTE ----- MOTION PASSED

7 - YES

0 - NO

Council Member Haley	ABSENT	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Moore	YES
Council Member Rogers	YES	Council Member Jenkins	YES

b. Ordinance No. 3270 – Building Permit Fees

MOTION: By Council Member Jenkins to approve the 1ST reading of **ORDINANCE NO. 3270** – An Ordinance of the City of Malden, Missouri repealing Section 500.120 of the Malden City Code relating to Building Permit Fees; enacting a new Section 500.120; repealing all conflicting ordinances; and providing for an effective date.

SECOND: By Council Member Rogers.

POLL VOTE ----- MOTION PASSED

7 - YES

0 - NO

Council Member Haley	ABSENT	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Moore	YES
Council Member Rogers	YES	Council Member Jenkins	YES

DISCUSSION: City Administrator Smith reminds the Council of previous discussions regarding changes to the Permit Fee Ordinance. She states the Building Code Committee has discussed the issues and has recommended the proposed Ordinance No. 3270 for approval by the Council. She informs, the proposed Ordinance will accomplish two tasks. It simplifies the permit process with the removal of some types of permits that are not necessary, while adding a section regarding industrial. It also sets out a process for Annual Permits to be purchased. She states the Annual Permits will be \$25 for residential, \$100 for commercial and \$200 for industrial. Information regarding Annual Permits will be sent with the Real Estate Tax Statements in November and property owners will have until December 31st to purchase. This permit will cover any repairs, additions, fence, pools etc. the property owner does for the next calendar year. If a property owner comes to purchase a permit after December 31st, they will be required to pay the amount detailed under the specific permit they are needing and purchase a permit for each specific job. The Annual Permits exclude new construction. Council Member Rogers asks if a property owner has several properties in town and they purchase an Annual Permit for each property, will the owner be able to do work on that property the entire year using the Annual Permit? City Administrator Smith confirms Council Member Rogers understanding. She further states the permit would stay with the property address for the entire year, despite change in ownership. Mayor Kooyman inquiries about duplexes or apartments being covered. City Administrator Smith states it would be per unit/meter. Council Member Moore states he feels the City should look at eliminating the fees to allow for property owners to improve their properties. He suggests still requiring an inspection but eliminate the fees associated with permits. City Administrator Smith states the Annual Permits will allow residential property owners to come pay a once-a-year fee of \$25 which would allow them to make any improvements during that calendar year as opposed to paying for a permit for each separate project.

MOTION: By Council Member Wilkerson to approve the 2ND reading of **ORDINANCE NO. 3270** – An Ordinance of the City of Malden, Missouri repealing Section 500.120 of the Malden City Code relating to Building Permit Fees; enacting a new Section 500.120; repealing all conflicting ordinances; and providing for an effective date.

SECOND: By Council Member Jenkins.

POLL VOTE ----- MOTION PASSED

7 - YES

0 - NO

Council Member Haley	ABSENT	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Moore	YES
Council Member Rogers	YES	Council Member Jenkins	YES

c. Ordinance No. 3271 – Splash Pad Loan

MOTION: By Council Member Jones to approve the 1ST reading of **ORDINANCE NO. 3271** – An Ordinance approving a Tax-Exempt Equipment Lease Purchase Agreement with First State Community Bank.

SECOND: By Council Member Wilkerson.

DISCUSSION: City Administrator Ivone Smith reminds the Council the Malden Park Board received a grant for the construction of a Splash Pad. The grant is a reimbursable grant which means the project costs must be paid by the City, paid invoices submitted to the Department of Natural Resources and then the DNR will reimburse the City of Malden. The grant is a 50/50 match grant but not all of the amount matched by the City must be monetary. The City can also contribute in-kind labor, equipment and volunteer hours which makes up the City's match. However, the Park Board has budgeted for the full amount of the match. Council Member Coleman states he has a concern regarding taking out a loan before the final cost of the project is determined. Mayor Kooyman inquires if the Splash Pad portion of the project will be put out for bid a second time. City Administrator Smith states the loan can be put on hold; however, her concern is the interest rate could be higher. Mayor Kooyman suggests this topic be postponed until additional information is obtained.

MOTION: By Council Member House to postpone further discussion of Ordinance No. 3271 – Splash Pad Loan until the March 2023 Regular City Council Meeting.

SECOND: By Council Member Wilkerson.

Motion Passed 7/0

PARK BOARD – AUTHORIZATION TO SOLICIT DONATIONS FOR SPLASH PAD MATCHING FUNDS

Mayor Kooyman asks the Council if they are in agreement to the Park Board beginning to solicit donations for the Splash Pad/Walking Trail project. City Attorney Chidister suggested allowing the Park Board to solicit pledges/commitments since the final cost of the project has not been determined. The Council agrees to allow the Park Board to solicit pledges but not collect funds at this time.

2023 CITY OF MALDEN SAFETY GOALS AND OBJECTIVES

City Administrator Smith states MIRMA requires a set of Safety Goals and Objectives be approved each year as part of the City's Risk Assessment.

MOTION: By Council Member Rogers to approve the 2023 City of Malden Safety Goals and Objectives.

SECOND: By Council Member Jenkins.

Motion Passed 7/0

DED/AIRPORT INDUSTRIAL PARK**a. Lease with Aycorp Logistics LLC**

DED/Airport Director David Blalock requests the Council authorize Mayor Kooyman execute a Lease Agreement with Aycorp Logistics LLC. Aycorp Logistics is looking to expand to an additional building on the Air Base.

MOTION: By Council Member Jenkins to authorize Mayor Kooyman to execute Lease documents with Aycorp Logistics LLC on behalf of the City of Malden.

SECOND: By Council Member Rogers.

Motion Passed 7/0

b. Assignment and Assumption Agreement for Weaver Popcorn

DED/Airport Director David Blalock requests the Council authorize Mayor Kooyman execute an Assignment and Assumption Agreement for Weaver Popcorn. City Attorney Chidister states this has been done in the past on behalf of Weaver Popcorn regarding a name change for the company. He informs the obligations stays the same, however, the business name has changed.

MOTION: By Council Member House to authorize Mayor Kooyman to sign Assignment and Assumption Agreement with Weaver Popcorn on behalf of the City of Malden.

SECOND: By Council Member Wilkerson.

Motion Passed 7/0

DEPARTMENT OF PUBLIC SAFETY**a. Laclede Fire Station**

Malden Public Safety Director/Chief of Police Mitchell informs the Council he has a Malden Department of Public Safety employee requesting to lease the apartment located at the Fire Station on Laclede Street. This Lease is the same as the lease presented and approved before for the renting of the apartment at the Air Base Fire Station. Mayor Kooyman asks if there is a way for Director Mitchell to lease an apartment without having to come to the Council. City Attorney Chidister states the Council does have to approve all Leases and Contracts on behalf of the City of Malden. Council Member Jenkins inquires if a security deposit has been included. It was determined there was not a security deposit required.

MOTION: By Council Member Jenkins to the authorize Mayor Kooyman to execute a Lease with Randi Walker to rent the apartment at the Laclede Fire Station.

SECOND: By Council Member Wilkerson.

Motion Passed 7/0

b. Fire Calls Outside City Limits Policy

Malden Public Safety Director/Chief of Police Mitchell reminds the Council a Policy regarding out-of-town fires has been discussed in the past few meetings. The current policy is charging property owners \$1,000 if the City of Malden Fire Department is called to an out-of-town fire. The proposed Fire Calls Outside City Limits Policy states residents outside the city limits have the option of paying a yearly fee of \$100.00 to cover any call-outs within the year. However, if a resident does not pay the yearly fee of \$100 and the fire department is called, they will be charged the \$1,000.00. Council Member Coleman asks about the lack of service area north of the city limits. Director Mitchell states the call out area ends at the Stoddard County line. City Administrator Smith states Mutual Aid would not be included in this policy. If the City of Bernie requests help, then that is a different situation. She also states there is currently \$36,000 in outstanding fire call bills. The amount was increased a few years ago from \$500 to \$1,000 in order to have additional funding to maintain the trucks.

MOTION: By Council Member Moore to approve the Fire Calls Outside City Limits Policy as presented.

SECOND: By Council Member House.

Motion Passed 7/0

c. Transfer Station Additional Fee

Malden Public Safety Director/Chief of Police Mitchell states there are people that need to take loads out to the Transfer Station other than the scheduled weekends. He states it's his intention to make it easier for people to get rid of their trash. City Administrator Smith states an employee is paid one Saturday a month in the winter months and two Saturdays a month in the Spring/Summer/Fall. What is collected from the utility bill goes towards operating the Transfer Station on those days. Director Mitchell states this additional fee will cover the cost of pulling an employee away from their regularly assigned tasks to monitor the Transfer Station at the time the property owner is requesting. He suggests a \$20 fee.

MOTION: By Council Member Rogers to approve a \$20 fee be charged to a resident for access to the Transfer Station outside of the regularly scheduled hours.

SECOND: By Council Member House.

Motion Passed 7/0

DISCUSSION OF SALE OF CITY OWNED PROPERTY

Council Member Moore states he has had several individuals come to him regarding the city selling vehicles without putting them out to bid. Specifically, he cites the sale of Police Department vehicles prior to Director Mitchell's appointment. He inquires if the City has a policy for the sale of City owned property. City Administrator Smith state there is not a policy, there is however a practice of putting vehicles out to bid. Council Member Coleman asks how a sale is advertised. City Administrator Smith states there is a notice ran in the newspaper, posted on the City's Facebook page and website. She has spoken to other City Administrators and has information regarding different companies that will run the sale on behalf of the City without any cost to the City. After additional discussion, City Administrator Smith will continue to conduct research and bring additional information to the Council at the February Council Meeting.

CITY ADMINISTRATOR'S REPORT

City Administrator Smith states she has not received a Notice to Proceed from the Department of Economic Development regarding the Community Center Grant. However, they are in possession of all necessary reports. Architects are ready to move forward as soon as the Notice is received.

COUNCIL LIAISON REPORTS

Council Member Moore – None.

Council Member Coleman – None.

Council Member Haley – Absent.

Council Member Jones – None.

Council Member Rogers – None.

Council Member House – None.

Council Member Jenkins – Expresses concerns regarding deposits for the Community Center being refunded to renters in a timely manner. She would also like more updates regarding the extension of renting the Community Center during this wait for the remodel. She states she is unsure why the Community Center Committee was disbanded but feels there are issues with the renting of the Community Center that needs to be addressed. Wishes Council Member Wilkerson a Happy Birthday. Mayor Kooyman states the Committee was no longer needed due to the Chamber of Commerce taking over the Community Center rentals. However, now that the Chamber no longer runs the Community Center, he agrees it may be needed. City Administrator Smith relays the steps involved in returning deposits to renters and explains this specific instance is not normal. Council Member Jenkins suggests placing a hold on credit cards instead of having to issue checks. City Administrator Smith states she will contact the bank to see if this is a possibility.

Council Member Wilkerson – Feels there are too many dogs running around town. Council Member Jenkins states her understanding is Becky, the Humane Officer, is not able to write tickets. She inquires about how the owner's receiving tickets. Director Mitchell states tickets can be issued if the owner can be located. Unfortunately, the pound has a limited number of spots. He states he is working on a grant to have the pound renovated which may increase the capacity. Mayor Kooyman states Becky is very good at going above and beyond to find the dogs homes. However, once a spot opens up at the pound it is quickly filled. City Administrator Smith received a suggestion from a resident regarding a Facebook Page being set up to showcase dogs that have been picked up. Director Mitchell will look into having one set up. Council Member Wilkerson also states there are pit bulls being allowed to walk without a lease and coming into her yard.

MAYOR REPORT

Mayor Kooyman informs the February Council Meeting will be on February 27, 2023 at 6 pm at City Hall. This meeting will be one week later due to the President's Day Holiday. The Building Code Committee Meeting and Planning & Zoning Board Meeting will not be held in January. Park Board Meeting will be on February 15, 2023 at 5:30 p.m. The Board of Public Works Board Meeting is scheduled for January 31, 2023 at 5:00 p.m. at the BPW Conference Room.

He informs the Council the closing date for the April 2022 election was December 27, 2022. The following are running for Council:

Ward 1 – Lynnette Jenkins

Ward 2 – Dianna Rogers and Terri Lefler

Ward 3 – Drew Joyce and Butch Burrow

Ward 4 – James Reed and Bo Beckett

Mayor Kooyman informs the Council he will call a Human Resource Committee Meeting scheduled to look at the authority to hire/terminate City employees. He will speak with City Clerk Lewis to schedule a time when City Attorney Chidister will be available. He invites all Council Member to attend this meeting.

OTHER BUSINESS DEEMED NECESSARY

With no other business deemed necessary, a Motion to Adjourn was entertained.

MOTION: By Council Member Jenkins to adjourn the Regular Council Session of January 23, 2023 at 7:26 p.m.

SECOND: By Council Member Wilkerson.

POLL VOTE ----- MOTION PASSED

7 - YES

0 - NO

Council Member Haley	ABSENT	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Moore	YES
Council Member Rogers	YES	Council Member Jenkins	YES

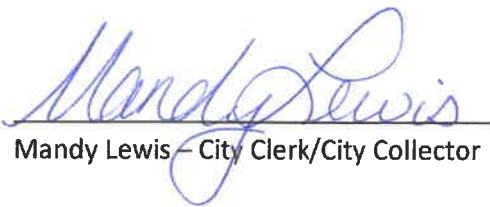
ATTEST:



Angela Earnheart - City Treasurer



Denton Kooyman - Mayor



Mandy Lewis - City Clerk/City Collector