

# REGULAR CITY COUNCIL SESSION

MALDEN CITY COUNCIL

MONDAY, FEBRUARY 27, 2023 — 6:00 P.M.

CITY HALL—201 SOUTH MADISON

Mayor Denton Kooyman called the meeting to order at 6:00 p.m. Tom Zych with the First United Methodist Church conducted the opening prayer.

**ROLL CALL:**

Council Member Wilkerson

PRESENT

ABSENT

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

7

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

**GUEST – Bo Beckett**

Bo Beckett (2003 Burge St., Malden, MO) addresses the Council regarding an incident that occurred in July 2022. He stated there was a power surge into his home which caused approximately \$1,700 in damaged. He further states that City of Malden employees present at the incident who stated the City was at fault and it would be taken care of. However, the City's insurance company has denied the claim. He would like to be reimbursed the \$1,700 he was out due to the power surge. Mr. Beckett also inquires if the Council would be willing to sell/trade a piece of property south of his residence since he and his neighbor have maintained the property for several years. It is his understanding this is a City of Malden property. He states he would be willing to take the property as reimbursement for the damages due to the power surge. City Attorney Chidister informs the Council this piece of property is actually a continuation of Ward Street that has not been developed. He states the Council could chose to vacate the section of Ward Street after which it can be sold. Council Member Jenkins asks if this property is subject to the Urban Homestead Program. City Administrator Smith states because the property is a platted street, it would not be the usual Urban Homestead Program. City Attorney states the transfer of property can be discussed in open session, however, any discussion regarding a potential claim may need to be discussed in closed session. It is agreed that this matter will be discussed in closed session per RSMO 610.021(1) Legal at the end of the February 27, 2023 meeting.

**15 MINUTE OPEN FORUM**

None.

**APPROVAL OF THE MINUTES**

Council Member Jenkins states a correction needs to be made to the January Meeting minutes. Jeff Arp's name is spelled incorrectly as Jeff Apr.

**MOTION:** By Council Member Jenkins to approve the Regular Session Minutes of January 23, 2023 with corrections.

**SECOND:** By Council Member Wilkerson.

**Motion Passed 7/0**

**TREASURERS REPORT****a. Financial Report**

City Treasurer Earnheart reported for the 7<sup>th</sup> Month of the Fiscal Year January 2023, the General Fund had \$963,159.40, COVID Federal Funding has \$615,795.08, Cemetery Fund has \$163,785.25, Park Fund \$46,424.66, DED has \$40,246.62, Street Capital Projects Fund \$304,338.92, Solid Waste Management Fund \$5,593.59, Capital Improvement Fund has \$217,548.35. Total cash and cash equivalents \$2,430,483.69 and long-term loan obligations is \$2,266.843.63. She again notes this is the first time in recent history the City's cash and cash equivalent on hand is more than the city debt.

City Treasurer Earnheart states the auditors were at City Hall the week of February 6 – 10<sup>th</sup> to review records in person. She hopes to have the final audit to submit to the Council soon.

**MUNICIPAL INSURANCE BID**

City Administrator Smith states bid packets for the City of Malden municipal insurance was forwarded to eight (8) local insurance companies and the City's current insurance provider, MIRMA. MIRMA was the only company to submit a bid. She states she reached out to the others and received emails from several indicating their reasons for not bidding. Council Member Coleman suggests going out of City Limits in the future. City Administrator Smith states she will bring this back to the Council in the fall to discuss putting the City's insurance out for bid again.

**DEPARTMENT OF PUBLIC SAFETY****a. City Council Authorization – Missouri Highway Safety Program**

Public Safety Department Director/Chief of Police Jeff Mitchell requests the Council sign the City Council Authorization form for the MoDOT grant which allows the City of Malden to be reimbursed for officer's overtime.

**MOTION:** By Council Member Jenkins to approve the City Council and Mayor to sign the City Council Authorization form for the MoDOT grant.

**SECOND:** By Council Member Moore.

**Motion Passed 7/0**

**HR COMMITTEE RECOMMENDATIONS****c. Amendments to Personnel Policies & Procedures (Sections: Hiring Process & Transfers)**

Mayor Kooyman states he has had requests from the City Council to discuss possible changes to whom has the authority to hire/fire city employees. He felt this needed to be discussed through the HR Committee inviting all Council Members to attend. During the HR Committee Meeting on February 7, 2023, it was determined a change in the days required for in-house job postings was needed. The HR Committee's recommendation was to change the in-house posting requirement from 10 working days to 5 working days with employees being notified by text message of all openings.

**MOTION:** By Council Member House to postpone a vote on the HR Committee Recommendations until March 20, 2023 and hold a Workshop within 15 days for the Council to discuss possible changes to the Personnel Policies and Procedures.

**SECOND:** By Council Member Moore.

Council Member Coleman inquires why a Workshop is needed. Council Member Moore inquires if this would be the time to discuss changing the authority of the hiring/firing of city employees to the City Council. Council Member Jenkins states the authority to hire/fire is separate from the HR Committee Recommendations. City Attorney confirms the HR Committee's Recommendation of changing the in-house posting requirement from 10 days to five days is a separate issue from the authority to hire/fire. He further states if there is an issue with this recommendation, then there would be reason to postpone a vote.

Second is Rescinded by Council Member Moore. Motion is rescinded by Council Member House.

**MOTION:** By Council Member Jenkins to approve the recommendation of the HR Committee regarding in-house postings for 5 days with city employees being informed by text message of all job openings.

**SECOND:** By Council Member Jones.

**Motion Passed 7/0**

**MOTION:** By Council Member House to schedule a Council Workshop within the next 15 days to discuss possible changes to the Personnel Policies and Procedures.

**SECOND:** By Council Member Moore.

**POLL VOTE ----- MOTION PASSED**

		4 - YES	2 - NO	1 - ABSTAIN
Council Member Haley	YES	Council Member Jones		NO
Council Member House	YES	Council Member Coleman		NO
Council Member Wilkerson	YES	Council Member Moore		YES
Council Member Rogers	ABSENT	Council Member Jenkins		ABSTAIN

Council Member Jenkins asks if this Workshop will be for the Council or will it include the HR Committee as well. Mayor Kooyman states he feels it would just be the Council as there was a HR Committee Meeting held earlier where all Council were invited to attend, however, only one Council Member attended other than the two appointed to the HR Committee. Mayor Kooyman asks Council Member House to clarify if there will be discussion regarding a specific employee or just policies. Council Member House states he would like to discuss a specific employee. It is agreed that this matter will be discussed in closed session per RSMO 610.021(3) Personnel at the end of the February 27, 2023 meeting. A Pole Vote was requested.

Mayor Kooyman states a Workshop will be scheduled within the next 15 days. Council Member House states he has issues with specific policies that he would like to discuss with the Council.

#### **SALE OF CITY OWNED PROPERTY**

City Administrator Smith reminds the Council about the request to enact a Sale of City Owned Property Policy. The Council requested she continue to research both GovDeals and Purple Wave. After speaking to representatives from both, City Administrator Smith states both companies are similar. However, GovDeal will allow a reserve bid but Purple Wave will not.

**MOTION:** By Council Member Moore to put a policy in place for the sale of city owned property with the ability to use both GovDeals and Purple Wave at the City Administrator's discretion.

**SECOND:** By Council Member Jenkins.

**Motion Passed 7/0**

#### **DISCUSSION OF BIDDING OUT SERVICES**

##### **a. City's Auditing Firm**

City Administrator Smith states this is the third year of a three-year contract with the auditing firm Van de Ven, LLC. Van de Ven has submitted a Renewal Proposal for the next three years. However, she states there has been a significant increase in their rates. She has spoken to the owner of Van de Ven, LLC regarding this increase. It was stated the company has had a large turn over and has actually lost money on the City of Malden. She inquires if the Council would like to go out to bid for an auditing firm. Council Member Haley asks if it is possible to negotiate with Van de Ven, LLC. Council Member Coleman states he feels the auditing firm has done the hard part getting things cleaned up from past and audits should not take as long now.

**MOTION:** By Council Member Haley for City Administrator Smith to reach out to Van de Ven, LLC to negotiate a lower cost of the yearly audit. If a lower price cannot be agreed upon, for City Administrator Smith to begin the bid process for an auditing firm.

**SECOND:** By Council Member Wilkerson.

**Motion Passed 7/0**

**b. City's Website**

City Administrator Smith inquires if the Council would like to put the city's website out for a redesign bid. It has been several years since the last update. She feels the website is not user friendly and not a secure website. She has spoken to Dave Green with Creative Design regarding the website being unsecured, however, he has stated the website is secure. Her concern is some banks will not allow transactions to go through without the website being secure.

**MOTION:** By Council Member Haley to begin the process of bidding out a redesign of the City of Malden website.

**SECOND:** By Council Member Jenkins.

**Motion Passed 7/0**

**CITY ADMINISTRATOR'S REPORT**

City Administrator Smith informs the Council she has not heard from Bootheel Regional Planning Commission regarding the Community Center grant. She has reached out to Jason Smith's office regarding the issue and she expects some movement soon. She states the Splash Pad portion of the Department of Natural Resource grant has been put out to bid and bids are due on March 13, 2023. The next Park Board Meeting is scheduled for March 15, 2023 and a contract should be chosen at that time. The Park Boards recommendation will be brought to the Council at the March 20, 2023 Council Meeting. City Administrator Smith states the new street sweeper should be delivered on Thursday, March 2, 2023. The company will be coming down to train our employees on the use of the machine. The cost of the street sweeper is \$218,000. However, a USDA grant paid for \$150,000 of the cost. The fire truck that was awarded the city in the same grant is expected in July. Once this USDA grant is closed, she intends to apply again. City Administrator Smith informs the Council the park equipment on the south end of Frisco Park is waiting on a panel to be replaced. Once the panel is replaced, the equipment will be reopened. City Administrator Smith notes Nollie Barnett's presence and states she is continuing to work on her request for the amount due on liens of specific properties.

**COUNCIL LIAISON REPORTS**

**Council Member Moore** – None.

**Council Member Coleman** – None.

**Council Member Haley** – Requested the Street Sweeper go down Washington Street.

**Council Member Jones** – None.

**Council Member Rogers** – Absent.

**Council Member House** – Requested the flag at City Hall be replaced due to fading.

**Council Member Jenkins** – None.

**Council Member Wilkerson** – None.

**MAYOR REPORT**

Mayor Kooyman informs the March Council Meeting will be on March 20, 2023 at 6 pm at City Hall. The Building Code Committee Meeting is scheduled for March 22, 2023 at 10:30 am. Planning & Zoning Board Meeting, if needed, is scheduled for March 22, 2023 at 12 pm. Park Board Meeting will be on March 15, 2023 at 5:30 p.m. The Board of Public Works Board Meeting is scheduled for March 1, 2023 at 5:00 p.m. via Zoom.

He informs the following are running for Council in the April 2023 Municipal Election:

Ward 1 – Lynnette Jenkins

Ward 2 – Dianna Rogers and Terri Lefler

Ward 3 – Drew Joyce and Butch Burrow

Ward 4 – Bo Beckett (James Reed withdrew)

Mayor Kooyman informs the Transfer Station will be opened the first and third Saturdays of the month starting in March. The Transfer Station can also be accessed any day between 9:00 am and 2:00 pm for a fee of \$20. He introduces the Council to the newly hired Deputy City Clerk/Deputy Collector Jessie Cobb and welcomes her to the City of Malden. Mayor Kooyman thanks the Police Department and Street Department for their hard work. He has had residents reach out to him with thanks for an alley being graded perfectly. He also received a call from a father of a teenager who was in an accident. The officer working the accident had called to check on the teen multiple times after he left the scene.

**MOTION:** By Council Member Jenkins to adjourn the Regular Session and go into Executive Session for LEGAL RSMO 610.021(1) and PERSONNEL, RSMO 610.021(3) on February 27, 2023 at 7:10 p.m.

**SECOND:** By Council Member Moore.

**POLL VOTE ----- MOTION PASSED**

**7 - YES**

**0 - NO**

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

**MOTION:** By Council Member Jenkins to adjourn Executive Session and return to Regular Session at 7:40 p.m.

**SECOND:** By Council Member Haley.

**POLL VOTE ----- MOTION PASSED**

**7 - YES**

**0 - NO**

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

**CONTINUED DISCUSSION REGARDING PERSONNEL POLICIES & PROCEDURES**

Mayor Kooyman informs the Council, the discussion at the HR Committee Meeting was for the City Administrator to keep the Council more informed regarding personnel decisions within the City. However, he continues, there is information that cannot be relayed due to the sensitive nature. Mayor Kooyman states Council Members are not supposed to contact Department Heads directly just because the City Administrator will not give out specific information. Council Member Moore would like more information regarding the hiring of City of Malden employees. He was unaware there had been a new Deputy City Clerk/Deputy City Collector hired. He continues to state he feels there needs to be an appeal process where city employees can come to the Council if they disagree with the termination. Council Member Jenkins states she is not knowledgeable enough regarding the duties of employees to be able to make that type of decision. She feels that is the responsibility of the Department Head and City Administrator. Council Member Wilkerson states it is embarrassing when people in the community ask questions, and Council Members do not have any information about the situation. City Administrator Smith states there will be additional actions taken to make the hiring process more transparent to the Council. City Clerk will send texts to all Council Members regarding openings, interviews and hirings of all employees. She asks the Council's understanding that both she and City Clerk Lewis have many responsibilities and there may come a time when a text is not sent, but that both will strive to make the process more transparent for the Council. Mayor Kooyman states if an Appeal Process is put in place, he needs to be the final decision. He states he is elected to run the City as Council Members are elected to represent their wards.

**OTHER BUSINESS DEEMED NECESSARY**

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

**MOTION:** By Council Member Haley to adjourn the Regular Council Session of February 27, 2023 at 7:58 p.m.

**SECOND:** By Council Member Jenkins.

**POLL VOTE ----- MOTION PASSED**

**7 - YES**


**0 - NO**

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

ATTEST:



Denton Kooyman – Mayor

  
Mandy Lewis – City Clerk/City Collector