

# REGULAR CITY COUNCIL SESSION

MALDEN CITY COUNCIL  
MONDAY, MARCH 20, 2023 — 6:00 P.M.  
CITY HALL—201 SOUTH MADISON

Mayor Denton Kooyman called the meeting to order at 6:00 p.m. with Stewart Allen-Clark with First General Baptist 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:** City Clerk Mandy Lewis, Public Works Superintendent Kurt Krepps, 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.

## 15 MINUTE OPEN FORUM

None.

## APPROVAL OF THE MINUTES

**MOTION:** By Council Member Haley to approve the Regular Session Minutes of February 27, 2023.

**SECOND:** By Council Member Wilkerson.

**Motion Passed 7/0**

**MOTION:** By Council Member Wilkerson to approve the Closed Session Minutes of February 27, 2023.

**SECOND:** By Council Member House.

**Motion Passed 7/0**

After the approval of Closed Session Minutes, it was discovered the Council had not had the opportunity to review the Closed Session Minutes. The approval of Closed Session Minutes for February 27, 2023 will be placed on the April 17, 2023 Agenda.

## TREASURERS REPORT

### **a. Financial Report**

City Treasurer Earnheart reported for the 8<sup>th</sup> Month of the Fiscal Year February 2023, the General Fund had \$1,001,832.80, COVID Federal Funding has \$615,795.08, Cemetery Fund has \$163,785.25, Park Fund \$55,800.82, DED has \$40,334.61, Street Capital Projects Fund \$315,258.60, Solid Waste Management Fund \$5,611.85, Capital Improvement Fund has \$203,805.22. Total cash and cash equivalents \$2,464,624.40 and long-term loan obligations is \$2,233,780.41. She states the Auditors were in City Hall for one week in February and she expects the Audit to be completed soon.

## ORDINANCE(S)

### **a. Ordinance No. 3272 – Vacate Ward Street**

**MOTION:** By Council Member House to approve the 1<sup>ST</sup> reading of **ORDINANCE NO. 3272** – An Ordinance of the City of Malden, Missouri to approve the vacation of Ward Street west of Burge Street, divide the same between the adjacent property owners, reserve an easement for electrical and communication purposes, to provide for repeal of all conflicting ordinances or parts thereof and provide for an effective date.

**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	YES	Council Member Jenkins	ABSENT

**DISCUSSION:** City Attorney Chidister reminds the Council of Mr. Beckett's request for property located to the south of his property. This property was original plated as a continuation of Ward Street but had not been completed. At last month's meeting, the Council requested an Ordinance Vacating this section of Ward Street be prepared and presented. Council Member Coleman inquires if both parties had been contacted regarding the split. Mayor Kooyman states he spoke to the property owner to the South of the property. City Attorney Chidister states although the property will be split between the owners to the North and South, the City will retain an easement for electrical and communications.

**MOTION:** By Council Member Rogers to approve the 2<sup>ND</sup> reading of **ORDINANCE NO. 3272** – An Ordinance of the City of Malden, Missouri to approve the vacation of Ward Street west of Burge Street, divide the same between the adjacent property owners, reserve an easement for electrical and communication purposes, to provide for repeal of all conflicting ordinances or parts thereof and provide for an effective date.

**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	YES	Council Member Jenkins	ABSENT

**RESOLUTION(S):**

**Resolution No. 3269 (Sale of City Property to Dunklin County Ambulance District):** Resolution authorizing the request for release of certain surplus property land from the restrictions and reservations through the Federal Aviation Administration and the execution of related paperwork.

City Attorney Chidister states the Dunklin County Ambulance District contacted DED/Airport Director Blalock regarding the purchase of land for an ambulance shed.

**MOTION:** By Council Member Jones to approve Resolution No. 3269 and authorize Mayor Kooyman to execute any other document(s) in connection with the sale of property to the Dunklin County Ambulance District.

**SECOND:** By Council Member Haley.

**Motion Carried 7/0.****DED/AIRPORT INDUSTRIAL PARK****a. MoDOT Aviation Section – Application for Federal/State Assistance**

DED/Airport Director David Blalock requests the Council authorize Mayor Kooyman execute an Application for Federal/State Assistance through MoDOT's Aviation Section. This grant would go towards the construction of a fence to limit access to the runway.

**MOTION:** By Council Member Haley to authorize Mayor Kooyman to execute the MoDOT Aviation Section – Application for Federal/State Assistance Grant on behalf of the City of Malden.

**SECOND:** By Council Member Moore.

**Motion Passed 7/0**

**CITY OF MALDEN SPLASH PAD****a. Approval of Splash Pad Bids**

City Administrator Smith states one bid was received for the Splash Pad project. The bid was from Playscapes, who will assist the City with a design, choosing equipment and supervision of installation. Playscapes' bid submitted was a total of \$182,702.06. She states the grant is a 50/50 match, however, the City is able to submit in-kind work and donations as part of the match. She further states bids for the concrete and bathrooms will be opened later this week. Council Member House questions if a splash pad is the best use of tax payers' money since it will be operational for only a few months of the year. Council Member Coleman states he has not been in favor of the splash pad, however, after looking at the bid that was submitted and the financials that have been presented by City Administrator Smith, he feels the project will be a success. He states the Splash Pad and Walking Trail will be a great asset to the City of Malden parks. Council Member House mentions vandalism that has taken place in the parks in the past. Council Member Haley states there will be hours of operation as well as fencing. City Administrator Smith states security cameras will also be installed to reduce the risk of vandalism. Mayor Kooyman states vandalism has been an issue in Malden Parks for years. The actions of a few should not limit the rest of the community from enjoying the parks. Council Member Haley states the funds to support the project have been budgeted through the Park Board. The Park Board is funded through a sales tax that was previously approved by voters. She mentions, if the Council chooses not to move forward with the grant from the Department of Natural Resources, it may be difficult to be approved for grants in the future. Park Board Chairman Ian Casto states the Park Board is committed to this project and committed to bringing these types of attractions to the parks. Council Member Haley states once this project is completed, applications for other grants will be submitted. She states the Park Board would like to install similar equipment at the Martin Luther King, Jr. Park.

**MOTION:** By Council Member Coleman to approve the Splash Pad Bid from Playscapes in the amount of \$182,702.06.

**SECOND:** By Council Member Haley.

**Motion Passed 7/0**

**b. Memorandum of Understanding with BPW**

City Administrator Smith reminds the Council of the loan that was presented a few months ago. The Council chose not to move forward with the loan until bids were received. She states the interest rates are so high right now, a Memorandum of Understanding with the Board of Public Works is another option. This would be a zero percent loan from the Board of Public Works to the City of Malden. The City of Malden – Park Board would have five years to repay the loan. She further explains any reimbursements from the Department of Natural Resources will be forwarded to the Board of Public Works as payment on the loan. Administrator Smith states the BPW Board approved the Memorandum of Understanding at the March 1, 2023 meeting. Council Member Moore asks if the loan would affect the utility rates. City Administrator Smith states the loan from BPW to the City would not affect electric rates.

**MOTION:** By Council Member House to approve the Memorandum of Understanding with BPW and authorize Mayor Kooyman to sign the same on behalf of the City of Malden.

**SECOND:** By Council Member Jones.

**Motion Passed 7/0**

**COMMUNITY CENTER REMODEL – Memorandum of Understanding with BPW**

City Administrator Smith states the Memorandum of Understanding with the Board of Public Works regarding the remodeling of the Community Center was approved prior to the award of \$1.4 million in grant funds. At the time of the approval the agreed upon split was 70% for the City and 30% for the Board of Public Works. However, after the grant, it was determined the only section of the Community Center remodel that would not be covered by grant funds, would be the office space. She further states, the office area will be divided between both City and BPW offices. Therefore, it is her recommendation the cost of the remodel of the office area be split between the City and BPW on a 50%/50% basis. The

Board of Public Works has approved the Amended Memorandum of Understanding. However, she states after the completion of the project, the maintenance of the building will stay at 70%/30%. Council Member Rogers asks if there is a time frame for starting the project. City Administrator Smith states she is continuing to wait for the Department of Economic Development to contact her with a Notice to Proceed. She will update the Council once she hears back from DED.

**MOTION:** By Council Member Rogers to approve the Memorandum of Understanding with BPW and authorize Mayor Kooyman to sign the same on behalf of the City of Malden.

**SECOND:** By Council Member Wilkerson.

**Motion Passed 7/0**

#### **CONTRACT WITH STRACK EXCAVATING LLC**

City Attorney Chidister states Mr. Strack with Strack Excavating LLC has requested a contract be signed on behalf of the City of Malden for the demolition of 100 S. Madison St., also known as the old Pizza Express building. Council Member Rogers asks why the need for the contract since Mr. Strack has already started the demo. City Attorney Chidister states the City was not aware Mr. Strack was requiring a contract until today. Since Mr. Strack had already traveled to Malden with his equipment, he went a head and started the project. Council Member Moore questions why the City is not forcing Southern Bank to take responsibility for the building since they are the owners. City Attorney Chidister states there is confusion regarding the rightful owner of the property due to legal actions. He states he understands Dunklin County Assessor shows Southern Bank as the current owner, however legal filings with the Circuit Court of Dunklin County show the bank has filed an Order to Set Aside Sheriff's Sale and a Release of Deed of Trust transferring the property back to James Ealey. He further states Mr. Ealey denies ownership of the building due to a bankruptcy and foreclosure. Council Member Coleman states he would like to discuss the city taking legal action against Southern Bank further. City Attorney Chidister states this discussion would need to be done in a Closed Session per RSMO 610.021(1). Council Member Coleman requests a Closed Session be added to the April Agenda.

**MOTION:** By Council Member Rogers to authorize Mayor Kooyman to sign a contract with Strack Excavating LLC for the demolition of the building at 100 S. Madison St., Malden, MO.

**SECOND:** By Council Member Wilkerson.

**Motion Passed 7/0**

#### **CITY ADMINISTRATOR'S REPORT**

City Administrator Smith thanks the Council for approving the Splash Pad bid and states she is looking forward to having the project completed.

#### **COUNCIL LIAISON REPORTS**

**Council Member Moore** – None.

**Council Member Coleman** – None.

**Council Member Haley** – Thanks the Ward III residents that have voted for her over the years.

**Council Member Jones** – None.

**Council Member Rogers** – Reminds the public to get out and vote on Tuesday April 4th. She states Line Street in Ward II needs to be added to the list of streets needing paved.

**Council Member House** – None.

**Council Member Jenkins** – Absent.

**Council Member Wilkerson** – None.

#### **MAYOR REPORT**

Mayor Kooyman informs the April Council Meeting will be on April 17, 2023 at 6 pm at City Hall. The Building Code Committee Meeting and Planning & Zoning Board Meeting will not be held in March. Park Board Meeting will be on April 19, 2023 at 5:30 p.m. The Board of Public Works Board Meeting is scheduled for March 28, 2023 at 5:00 p.m. at the BPW Conference Room.

He informs the Council the 2023 election will be held on April 4, 2023. 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 – Bo Beckett

He also informs the Recreational Marijuana Sales Tax will be on the ballot. Information regarding this tax will go out in the utility bills this month.

Mayor Kooyman informs the Council and public the City-Wide Yard Sale is scheduled for Thursday, March 30<sup>th</sup> through Saturday, April 1<sup>st</sup>. The City-Wide Cleanup is scheduled for Monday, April 3<sup>rd</sup> to Wednesday, April 5<sup>th</sup>. Mayor thanks both Council Member Moore and Council Member Haley for their time and dedication to the City of Malden. He reminds everyone, neither member is rerunning for Council and this will be their last full meeting.

**OTHER BUSINESS DEEMED NECESSARY**

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

**MOTION:** By Council Member House to adjourn the Regular Council Session of March 20, 2023 at 6:55 p.m.

**SECOND:** By Council Member Wilkerson.

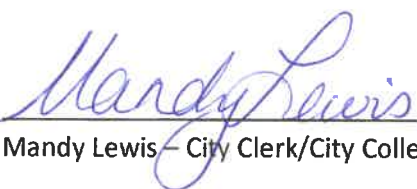
**POLL VOTE ----- MOTION PASSED**

**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	YES	Council Member Jenkins	ABSENT

ATTEST:

  
 Mandy Lewis – City Clerk/City Collector

  
 Denton Kooyman – Mayor