

REGULAR CITY COUNCIL SESSION

MALDEN CITY COUNCIL
MONDAY, APRIL 17, 2023 — 6:00 P.M.
CITY HALL—201 SOUTH MADISON

Mayor Denton Kooyman called the meeting to order at 6:00 p.m. with Father Victor Anokwute with St. Ann's Catholic Church conducting the opening prayer.

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Council Member Wilkerson	X	
Council Member Jenkins – arrived at 6:05 pm	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>8</u>

Others Attending: City Clerk/City Collector Mandy Lewis, Airport Office Administrator Patty Smith, 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 Closed Session Minutes of February 27, 2023. Council Member House states he was not at the February 27, 2023 Closed Session. City Clerk Lewis states she will research the attendance report*.

SECOND: By Council Member Wilkerson.

Motion Passed 7/0

*After researching, Council Member House was present for the February 27, 2023 Closed Session.

MOTION: By Council Member Jones to approve the Regular Session Minutes of March 20, 2023.

SECOND: By Council Member Haley.

Motion Passed 7/0

MOTION: By Council Member Jones to approve the Special Called Session Minutes of March 30, 2023.

SECOND: By Council Member Wilkerson.

Motion Passed 7/0

MOTION: By Council Member Jones to approve the Closed Session Minutes of March 30, 2023.

SECOND: By Council Member Rogers.

Motion Passed 7/0

OLD BUSINESS

DISCUSS ORDINANCE NO. 3272

Mayor explains to the Council the correct parties involved with the property described in Ordinance 3272 were not notified prior to the adoption. He states there may be one property owner that is not happy with the equal split of the vacated street. City Attorney Chidister states a new ordinance would have to be presented and approved to split the parcel any other way. Bo Beckett, property owner, addresses the Council stating he is satisfied with the split.

MOTION: By Council Member Haley to let Ordinance 3272 stand as approved on March 20, 2023.

SECOND: By Council Member Jones.

Motion Passed 7/0

Council Member Jenkins arrived at 6:05 p.m.

LIEN WAIVER REQUEST – Nollie Smith Burnett

City Administrator Smith reminds the Council, Ms. Burnett requested liens be forgiven on 30 properties within the city in the amount of \$45,371. She states the Maintenance Lien Forgiveness Policy currently in place allows an owner be forgiven 50% of liens after maintaining the property for six months. City Administrator Smith states this would reduce the amount due to approximately \$750 per property. Nollie Smith Burnett addresses the Council regarding her request. She states she is currently working with HUD to bring affordable housing to the city. Ms. Burnett states Northend Property Development purchased 709 Tom and 402 E. Laclede without knowing liens had been placed on both properties. She requests the liens for 709 Tom (\$4,475.63) and 402 E. Laclede (\$3,070.44) be waived so that she may move forward with her plans for the properties. City Attorney Chidister states, if the Council wishes, the Maintenance Lien Forgiveness Policy can be sent down to the Building Code Committee to discuss an additional option for non-profit organizations to have liens forgiven. Mayor Kooyman reminds the Council, residents have come before the Council and requested lien forgiveness in the past and have been denied due to the current Maintenance Lien Forgiveness Policy. Council Member Jenkins states residents are welcome to come back to the Council and make their request.

MOTION: By Council Member Jenkins to forgive liens on 709 Tom St., Malden, MO in the amount of \$4,475.63 and 402 E. Laclede in the amount of \$3,070.44.

SECOND: By Council Member Moore.

Motion Passed 8/0

CERTIFICATION OF THE APRIL 4, 2023 ELECTION RESULTS

Mayor Kooyman reads the results of the April 4, 2023 election:

Council Member Ward 1:

Lynnette Jenkins - Received 46 Votes (Elected)

Council Member Ward 2:

Dianna Rogers - Received 33 Votes

Terri Lefler – Received 40 Votes (Elected)

Council Member Ward 3:

Drew Joyce - Received 101 Votes (Elected)

James G. "Butch" Burrow – Received Votes 59

Council Member Ward 4:

Bo Beckett – Received 101 Votes (Elected)

Malden Question 1: 3% Recreational Marijuana Tax

Yes – Received 322 Votes (Passed)

No – Received 84 Votes

MOTION: By Council Member Moore to adjourn the Regular City Council Meeting regarding Old Business.

SECOND: By Council Member Haley.

POLL VOTE ----- MOTION PASSED

8 - 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	YES

NEW BUSINESS

THE CITY CLERK SHALL ADMINISTER THE OATH OF OFFICE TO THE NEWLY ELECTED OFFICIALS

City Clerk Lewis administers the Oath of Office to:

Council Member Lynnette Jenkins – Ward I

Council Member Terri Lefler - Ward II

Council Member Drew Joyce – Ward III

Council Member Bo Beckett – Ward IV

Council Member Jenkins calls for a Point of Order. Council Member Jenkins stated: "I would like a copy of the last thing that was said, in writing, regarding the taxes, regarding everything about why we should be on the City Council. Just like to see a copy of it. Because this has never come up before. And no offense to anyone on the Board here, if I have to do what I have to do then everybody has to do what they have to do to get on the Council. It makes no difference whether you were, this person was sitting next to me or not. It's just the law. And I would like to have a copy."

Mayor Kooyman states he will see that Council Member Jenkins receives the requested information.

ROLL CALL

<u>ROLL CALL:</u>	<u>PRESENT</u>	<u>ABSENT</u>
Council Member Wilkerson	X	
Council Member Jenkins (President Pro-Tem)	X	
Council Member Lefler	X	
Council Member House	X	
Council Member Joyce	X	
Council Member Jones	X	
Council Member Beckett	X	
Council Member Coleman	X	
Members Present		<u>8</u>

ELECTION OF PRESIDENT PRO-TEM

Mayor Kooyman explains the need for a President Pro-Tem to new Council Members and opens the floor for nominations. Council Member Jenkins nominates Council Member Coleman; he declines the nomination. Council Member Coleman nominates Council Member Jenkins. Nominations closed. After vote, Council Member Jenkins is appointed President Pro-Tem.

APPOINTMENT OF MUNICIPAL JUDGE

Mayor Kooyman explains the Municipal Judge was changed from an elected position to an appointed position after the former judge retired. The appointment of a Municipal Judge will come every two years. He states his nomination is John Welch for Malden Municipal Judge.

MOTION: By Council Member House to accept the nomination of John Welch as Malden Municipal Judge.

SECOND: By Council Member Jenkins. **Motion Passed 8/0**

OPEN FORUM

None.

TREASURERS REPORT

a. Financial Report

City Treasurer Earnheart reported for the 9th Month of the Fiscal Year March 2023, the General Fund had \$932,899.21, COVID Federal Funding has \$548,809.54, Cemetery Fund has \$163,785.25, Park Fund \$58,013.23, DED has \$40,432.25, Street Capital Projects Fund \$323,004.91, Solid Waste Management Fund \$5,633.12, Capital Improvement Fund has \$211,144.69. Total cash and cash equivalents \$2,337,538.18 and long-term loan obligations is \$2,200,626.90. She states the cash has decreased due to there being three payroll periods in the month of March as well as the purchase of a new street sweeper purchased with \$151,588.50 in grant funds from Rural Development and a city match of \$66,493.50.

b. Approval of Fiscal Year 2021-2022 Audit

City Treasurer Earnheart states the draft audit was received from Van de Ven Accounting for Fiscal Year 2021-2022. Due to time constraints, the representative from Van de Ven was not able to be present tonight so she will review the pertinent

information tonight. Someone from Van de Ven will be available for the May Council Meeting if needed. She instructs the Council to turn to page 11 to review the Statement of Revenues, Expenditures and Changes in Fund Balances. The cash flow from June 30, 2021 to June 30 2022 is as follows: General Fund is up \$523,738.00, Street Fund is up \$57,467.00, Other Government Funds is down \$45,350 for a profit of \$535,855.00. She states on page 14 the Electric, Water/Sewer, Airport, Community Center, and Nutrition Center funds are showing a plus \$3,338,429.00 for the 2021-2022 fiscal year. The airport's large increase of \$2,801,320.00 is mainly due to a grant received from Missouri Department of Transportation to resurface the runways. She informs the Council about a new requirement to account for building leases on financials reports that has caused a delay in the final audit report. She states the only changes that will be made are finalization of verbiage in footnotes and all numbers in the audit are final as represented. She asks the Council to review page 48, as there is no outstanding payable to the Pension plan at June 30, 2022. She also points to the city's budgeted expenditures did not exceed estimate revenues, transfers-in and beginning fund balance of any fund. The city's actual expenditures only exceeding budgeted expenditures by \$4,014 for the General Fund and \$17,041 for the Street fund. On Page 66 she asks the Council to review a statement of no audit findings related to financial statements for the year ended June 30, 2022 nor were there any audit findings related to federal awards for the fiscal year. On page 67, she points out that prior year audit findings have been corrected. She informs the Council a Single Audit was required this year due to the city receiving over \$750,000 in federal funds. City Attorney Chidister asks City Treasurer Earnheart if her option is that this is a clean audit. She states this is a very clean audit and the City of Malden is up half a million dollars.

MOTION: By Council Member Jenkins to approve the Fiscal Year 2021-2022 Audit with the need for additional verbiage .

SECOND: By Council Member Jones.

Motion Passed 8/0

ORDINANCE(S)

a. Ordinance No. 3273 – Firefighter's Critical Illness Trust and Pool

MOTION: By Council Member Wilkerson to approve the 1ST reading of **ORDINANCE NO. 3273** – An Ordinance of the City of Malden, Missouri authorizing the City to participate in the Missouri Firefighter's Critical Illness Trust and Pool, and further authorizing the Mayor to execute such documents as may be necessary for the City's participation therein.

SECOND: By Council Member Jenkins.

POLL VOTE ----- MOTION PASSED

8 - YES

0 - NO

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	YES

DISCUSSION: City Administrator explains to the Council the purpose of the Missouri Firefighter's Critical Illness Trust and Pool and the benefits it has for the City of Malden volunteer firefighters. She states MIRMA has enacted a program to assist municipalities with the cost of the pool as it is a benefit to MIRMA as well as the firefighters. She further explains the City had been paying for an accident policy for volunteer firefighters but after closer review, this policy would cover the same incidents the city's insurance already covers. This policy was canceled. The cost of the canceled accident policy will cover the cost of participating in the Missouri Firefighter's Critical Illness Trust and Pool. Mayor Kooyman has spoken to City Attorney Chidister and has been informed it is not a conflict for him to sign Ordinance No. 3273 even though he is a volunteer firefighter.

MOTION: By Council Member Wilkerson to approve the 2ND reading of **ORDINANCE NO. 3273** – An Ordinance of the City of Malden, Missouri authorizing the City to participate in the Missouri Firefighter's Critical Illness Trust and Pool, and further authorizing the Mayor to execute such documents as may be necessary for the City's participation therein.

SECOND: By Council Member Jenkins.

POLL VOTE ----- MOTION PASSED**8 - YES****0 - NO**

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	YES

b. Ordinance No. 3274 – No Fee Permits – Storm Damage

MOTION: By Council Member House to approve the 1ST reading of **ORDINANCE NO. 3274** – An Ordinance of the City of Malden, Missouri to provide for the waiver of building permitting fees for the reconstruction, renovation, remodel, rehabilitation or demolition of buildings or structures damages as a result of an emergency event, to repeal all conflicting ordinances, and to provide for an effective date.

SECOND: By Council Member Jenkins.

POLL VOTE ----- MOTION PASSED**8 - YES****0 - NO**

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	YES

DISCUSSION: Mayor Kooyman states if a storm comes through Malden, a resident working on clean-up will not be forced to pay a fee for a permit. City Administrator Smith states the fee was waived in February 2019 when a tornado hit Malden, however, after discussion with City Attorney Chidister, it was determined an ordinance would be better than an executive order by the Mayor. Council Member Joyce asks if there is a time frame the resident must apply for the permit. City Administrator Smith states, 30 days is the maximum.

MOTION: By Council Member Jenkins to approve the 2ND reading of **ORDINANCE NO. 3274** – An Ordinance of the City of Malden, Missouri to provide for the waiver of building permitting fees for the reconstruction, renovation, remodel, rehabilitation or demolition of buildings or structures damages as a result of an emergency event, to repeal all conflicting ordinances, and to provide for an effective date.

SECOND: By Council Member Wilkerson.

POLL VOTE ----- MOTION PASSED**8 - YES****0 - NO**

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	YES

WEBSITE REDESIGN PROPOSAL

City Administrator Smith states a redesign of the maldenmo website has been discussed in the past. She feels the website is outdated and not user friendly. A Request for Proposal went out to seven companies and five responded. After speaking to other cities, as well as looking at the proposals, it is her recommendation to contract with Revize for a redesign of the City's website. Council Member Coleman inquired about Smart Marketing. City Clerk Lewis states all updates would have to be sent to Smart Marketing and would take 2-3 business days for implementation. Council Member Joyce states he has reviewed the websites by Revize and was impressed. City Administrator Smith's recommendation is to contract with Revize for the City's website and to choose the Pay in Full payment option. The payment will be split evenly between the City, Board of Public Works and the Airport/Industrial Park.

MOTION: By Council Member Joyce to authorize Mayor Kooyman to execute necessary forms for Revize to implement a redesign of the City's website.

SECOND: By Council Member Jenkins.

Motion Passed 8/0

MUNICIPAL AUDIT FIRM SELECTION

City Administrator Smith informs the Council, no bids were received for the Request for Proposal for Municipal Audit. Unfortunately, other cities are experiencing the same. CPA firms are not bidding on new projects due to staffing shortages. She feels the City has no other choice to but continue to work with Van de Ven, LLC and accept their pricing submitted at the February 2023 Meeting. Council Member Coleman states at year two he would like to go back out for bid and see if the staffing situation has been corrected.

RAILROAD TRAFFIC DISCUSSION

Director of Public Safety/Chief of Police Mitchell states he has received several complaints regarding Union Pacific trains stopping on the tracks blocking traffic. He states unfortunately, the railroad crossing are private property and tickets cannot be written for a property owner being stopped on their own property. The Federal Government oversees railroads and there is not an option for municipalities to ticket. He stated Dexter had an ordinance in the past, however, it no longer has this ordinance. City Attorney Chidister states a ticket for a Union Pacific engineer is unenforceable.

DIRECTOR OF SAFETY REPORT

Director of Public Safety/Chief of Police Mitchell informs the Council of the progress made from the storm on April 6, 2023. He states the damage was not caused by a tornado but straight-line winds. Once the storm passed all city employees quickly worked together to get roads blocked and damaged removed for the safety of the residents and employees. Mayor Kooyman states the weather watchers were out and did not see any rotation. City Administrator Smith stated there is some damage to City property and a claim has been filed with MIRMA.

CITY ADMINISTRATOR'S REPORT

None.

COUNCIL LIAISON REPORTS

Council Member Beckett – None.

Council Member Coleman – Welcomes the newly elected Council Members.

Council Member Joyce – Thanks the Ward III residents for their votes.

Council Member Jones – Welcomes the newly elected Council Members

Council Member Lefler – Thanks Ward II residents for their votes.

Council Member House – Welcomes the newly elected Council Members.

Council Member Jenkins – Asks for prayers for some on going medical issues.

Council Member Wilkerson – Welcomes the newly elected Council Members and states we can disagree without being disagreeable.

MAYOR REPORT

Mayor Kooyman informs the May Council Meeting will be on May 17, 2023 at 6 pm at City Hall. The Building Code Committee Meeting and Planning & Zoning Board Meetings will not be held in April. Park Board Meeting will be on April 19, 2023 at 5:30 p.m. The Board of Public Works Board Meeting is scheduled for April 25, 2023 at 5:00 p.m. at the BPW Conference Room.

Mayor Kooyman welcomes the newly elected Council Members and thanks the returning Council Members for their continued service to the community. He states, he will bring nominations for Boards and Committees for consideration next month. Requests the Council let him know if they know of someone who is interested in serving. Mayor Kooyman thanks all the city employees for their quick reaction to the storm. He stated all departments worked together to get everything taken care of quickly. He appreciates their dedication to the City of Malden.

CLOSED SESSION: LEGAL RSMO 610.021(1) AND REAL ESTATE RSMO 610.021(2)

MOTION: By Council Member Jenkins to adjourn the Regular Session and go into Executive Session for LEGAL RSMO 610.021(1) and REAL ESTATE RSMO 610.021(2) on April 17, 2023 at 7:55 p.m.

SECOND: By Council Member Wilkerson.

POLL VOTE ----- MOTION PASSED

8 - YES

0 - NO

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	YES

Council Member Jenkins leaves meeting at 8:25 p.m.

MOTION: By Council Member Coleman to adjourn Executive Session and return to Regular Session at 8:40 p.m.

SECOND: By Council Member House.

POLL VOTE ----- MOTION PASSED

7 - YES

0 - NO

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	ABSENT

OTHER BUSINESS DEEMED NECESSARY

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

MOTION: By Council Member Wilkerson to adjourn the Regular Council Session of April 17, 2023 at 8:45 p.m.

SECOND: By Council Member Coleman.

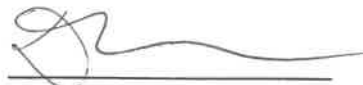
POLL VOTE ----- MOTION PASSED

7 - YES


0 - NO

Council Member Joyce	YES	Council Member Jones	YES
Council Member House	YES	Council Member Coleman	YES
Council Member Wilkerson	YES	Council Member Beckett	YES
Council Member Lefler	YES	Council Member Jenkins	ABSENT

ATTEST:



Denton Kooyman – Mayor


Mandy Lewis – City Clerk/City Collector