

The Minutes of the Macon City Council Meeting
April 12, 2022 – 6:30 P.M.
106 West Bourke Street
Macon, Missouri 63552

Mayor Talt Holman called the meeting to order with the following members in attendance: Tony Petre, Dick Schlanker, Ernie Lea, Caleb Dwiggins, Jerry Thompson, Greg Wiggans, Chris Walk, and Jerold Carr.

Absent: None.

Approval of minutes from previous meeting:

Councilman Thompson moved to approve the Minutes of the March 08, 2022 regular meeting as presented. The motion was seconded by Councilman Carr and approved by all present voting in favor.

Accounts Payable:

Councilman Thompson moved to approve accounts payable as presented. The motion was seconded by Councilman Lea and approved by all present voting in favor.

Financial Report:

Councilman Dwiggins moved to approve the Financial Report as presented. The motion was seconded by Councilman Lea and approved by all present voting in favor.

Old Business:

Purple Heart City signage placement:

Local military veteran, Dan Mayhew, spearheaded the efforts for the City of Macon to become designated as a “Purple Heart City.” The purpose and meaning of a city/community being called a Purple Heart City is to honor and remember military personnel wounded or killed in combat with hostile forces. The Purple Heart is specifically a combat decoration, and it is our nation’s oldest military medal. It was first created by General George Washington in 1782 and was then known as the Badge of Military Merit. The Mayor’s Proclamation was read aloud.

During Mayhew’s address to Council, he thanked Avis and Talt for all the hard work they put in over the past three years to get the Purple Heart City designation. He further stated that there are dozens of Purple Heart medal recipients in and around Macon County. He emphasized that of all the medals issued to veterans of war, those who have received a Purple Heart medal were not just given a medal, they EARNED the medal.

With MoDOT’s concurrence, eight signs will be placed at various City Limit locations as depicted on maps provided.

Councilman Petre moved to approve the placement of the Purple Heart City signs in honor and appreciation of those recipients who have selflessly served in the armed forces. The motion was seconded by Dick Schlanker and approved by all present voting in favor.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI AMENDING THE 2022 ANNUAL OPERATING BUDGET FOR THE BOARD OF PUBLIC WORKS: (as requested by Council, the Board of Public Works revised the 2022 Budget to address the change of two Assistant General Manager positions to salaried-exempt classification).

Councilman Petre moved to place on the first reading, the ordinance amending the 2022 Annual Operating Budget for the Board of Public Works. The motion was seconded by Councilman Lea and approved by roll call as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Thompson, Wiggans, Walk, Carr.
Nay: None.
Absent: None.

Councilman Carr moved to place on the second and final reading, the ordinance authorizing amending the Annual Operating Budget for the Board of Public Works. The motion was seconded by Councilman Dwiggins and approved by roll call vote as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Thompson, Wiggans, Walk, Carr.
Nay: None.
Absent: None.

Selection of oversight consultant engineer for a municipal pool design/construction project:

Three engineering firms (Avison Young, Howe Company, and Water Technology Inc) submitted Statements of Qualifications in response to the RFQ for procurement of an oversight consultant engineer for the Macon municipal pool project.

The Parks & Recreation Committee Chairman, Councilman Petre, reported that the committee held a meeting on Friday, April 8, 2022 at which they reviewed the submittals and unanimously recommend selection of Howe Company as the project oversight consultant engineer for the Macon municipal pool project and moving forward with fee negotiations.

Councilman Lea moved to approve the selection of Howe Company as oversight consultant engineer for the municipal pool project and initiation of fee negotiations. The motion was seconded by Councilman Schlanker and approved by vote as follows:

Yea: Petre, Schlanker, Lea, Blaise, Wiggans, Walk, Carr.
Nay: None. Absent: None.
Abstain: Dwiggins.

Final Address to the citizens:

Talt took a moment to give a final address to the citizens. He reported that the Christian Church conducted their annual cleanup of the town day. This year they included painting of fire hydrants with help from Fire Chief, James Herrmann. Talt personally provided equipment to help with the softball fields and downtown cleanup. He expressed how proud he was to have an organization that takes such pride in our town and community and does things like the community day event at least once a year.

Talt thanked the community for the privilege of serving as Mayor for the past four years stating that it has been his honor to do so. He admitted that when he first began his service, he did not realize how bad the City’s financial condition was but with this

Council’s resolve, his direction, and our administration, he is pleased to be able to say that the City is now progressively solvent. While he was not always at City Hall in a seat, he gave a lot of time and effort to the job and takes enormous pride in the town, the Council, and the decisions that have been made while he has been Mayor.

Though it was not entirely popular four years ago, under his administration the municipal pool construction project was postponed so that the majority of the costs could be paid with special tax money saved for the project rather than paying huge interest costs on borrowed money. Now with a nice location at the new Bourke Street Park property and several million dollars saved to build a pool with little or no debt, the project is back in motion and Talt is optimistic of great things to come for our community.

Talt also expressed confidence in continued improvements and pride in the fact that multiple departments now have updated equipment and vehicles, and that the City is debt free except for the two newest fire trucks. He encouraged the Council to be proud of that, stating “where we are is HUGE progress!!!”

New Business:

Certification of election results:

The results, as certified by Macon County Clerk Shirley Sims, for the Macon County General Municipal Election held April 5, 2022 were as follows:

Mayor	James “Talt” Holman Scott Bigham	514 587
Collector	Rebecca Sims	982
Ward 1	Caleb R Dwiggin	272
Ward 2	Tony Petre	255
Ward 3	Jerold Carr	184
Ward 4	Jerry Thompson Cheryl Blaise	114 140

The results include absentee ballots.

Recognition of outgoing Council Members:

Mayor Holman presented Jerry Thompson with a plaque in appreciation of his 8-years of dedicated service to the citizens of the City of Macon as Ward 4 Councilman.

Mayor Pro-Tem, Councilman Tony Petre, presented Talt Holman with a plaque in appreciation of his 4-years of dedicated service to the citizens of the City of Macon as Mayor.

Oath of Office:

City Clerk Craig administered the Oath of Office to the newly elected officials. Sworn into office were the following:

Scott Bigham, Mayor
Rebecca Sims, Collector
Caleb Dwiggin, Ward 1 Councilman
Tony Petre, Ward 2 Councilman
Jerold Carr, Ward 3 Councilman
Cheryl Blaise, Ward 4 Councilwoman

The newly elected officials took their places at the dais.

Election of President (Mayor) Pro-Tem:

Councilman Dwiggins moved to re-elect Tony Petre as Mayor Pro-Tem. The motion was seconded by Councilman Walk and approved by all present voting in favor.

Appointment to City Council Committees:

Mayor Bigham recommended appointment to the Council Committees as follows:

Sidewalk Committee: Carr (Chairman), Lea, Schlanker, and Blaise

ISO Committee: Wiggans (Chairman), Lea, Schlanker, Carr

Finance Committee: Dwiggins (Chairman), Carr, Schlanker, Blaise

Solid Waste Committee: Lea (Chairman), Petre, Carr Wiggans

Storm Water Committee: Wiggans (Chairman), Petre, Lea, Walk

Nuisance Abatement/Dangerous Bldg Committee: Carr(Chairman),Dwiggins,Petre,Blaise

Transportation Infrastructure Committee: Lea (Chairman), Schlanker, Walk, Blaise

Public Safety Funding Committee: Dwiggins (Chairman), Petre, Walk, Blaise

Safety Committee: Walk (Chairman), Lea, Petre, Wiggans

Park & Recreation Committee: Petre (Chairman), Dwiggins, Carr, Blaise

Councilman Lea moved to approve the appointments as recommended by Mayor Bigham. The motion was seconded by Councilman Petre and approved by all present voting in favor

Public Participation – Donald Weaver:

Attorney Donald Weaver, of Weaver & Associates out of Columbia Missouri, addressed the Council on behalf of Police Chief Adam Dawdy regarding a previous request for the reinstatement of FY-2020 vacation time balance that was not allowed to be carried forward to FY-2021.

Since this was a topic that the Council has previously addressed and decided, Council asked Attorney Nathan Nicholas to speak to the reasons the request was denied.

Nathan Nicholas, Special Counsel for the City of Macon, expressed that the tone of the response letter was strong because the claim from the Police Chief was that he did not have any notice that the policy was going to be enforced and unused time would be lost. That was a little bit of a shock to the City staff because the City can document six times that he was told this was the rule, and the rule would apply to him. In addition, this is a rule that he imposes on his subordinates. So, the City really did not feel that there was any basis to treat him differently than he treats those who are underneath him. Also, Mr. Nicholas expressed that it is important to realize that one of the reasons that the City is in kind of an awkward situation now is that the Missouri Constitution prohibits cities from paying somebody back wages. While it is true that some city's used ARPA money, it is exceedingly difficult to do because of that constitutional restriction on paying people for work that they have already done. Chief Dawdy performed this work under the personnel plan that applies to all the employees, he was treated better than all the rest of the employees and received more continuances on this than any other employee did and there is just not really any justification for the City to not follow the policy that is written.

West Winery outdoor seating request – Kayla Hartung:

Kayla Hartung, Manager of West Winery, presented a request for a change in location and an expansion of the area which would quadruple West Winery's outdoor seating capacity to meet the post-covid demand for outdoor space and would expand the City's

downtown business district attractions and retail options. Hartung proposes that the current sidewalk seating area (which can seat approximately four customers) be moved to the curb side portion of the sidewalk instead of the portion immediately adjacent to the customer entrance. She further proposes approval of an expansion of the area to include utilizing the vehicle parking space directly in front of 107 Vine (West Winery) with proposed hours of operation as follows:

Winter (Labor Day–Memorial Day): Friday & Saturday 12-9pm, Sunday 12-4pm.
Summer (Memorial Day – Labor Day): Thursday 4-8pm, Friday & Saturday 12-10pm, and Sunday 12-4pm.

Discussion ensued including topics of injury and risk management; fencing/segregation of liquor control area; temporary setup, removal, and storage of platform/structure and furniture; storm water drainage and snow removal issues; policy addressing broader scope of merchant use of city property options; limited downtown parking space; responsibility and enforcement of vehicle removal from the parking space daily use conversion; and event specific Special Use Permit options. Council requested that Hartung provide more information for consideration and will discuss the topic again at the May 2022 meeting.

Award of 120 N. Rollins demolition project:

Howe Company LLC facilitated the bid process for this project. Two bids were received for the demolition of the City’s building at 120 N. Rollins as follows:

S. Shafer Excavating Inc (Pontoon, IL)	\$58,000 plus city will pay all landfill disposal fees
JT Holman Construction LLC (Macon, MO)	\$22,000 plus city will pay all landfill disposal fees

Howe Company recommends award to lowest bidder JT Holman Construction LLC.

Councilman Dwiggins moved to award the demolition of 120 N. Rollins to JT Holman Construction LLC. The motion was seconded by Councilman Lea and approved by all present voting in favor.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI ACCEPTING PROVIDENCE STREET AS A DEDICATED CITY STREET:

Councilman Petre moved to place on the first reading, the ordinance accepting Providence Street as a dedicated city street. The motion was seconded by Councilman Carr and approved by roll call as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggins, Walk, Carr.
 Nay: None.
 Absent: None.

Councilman Lea moved to place on the second and final reading, the ordinance accepting Providence Street as a dedicated city street. The motion was seconded by Councilman Dwiggins and approved by roll call vote as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggins, Walk, Carr.
 Nay: None.
 Absent: None.

Discussion – Truck Route designation

Following multiple complaints regarding semi-truck traffic property damage around the downtown area, the Transportation Infrastructure Committee met to discuss practical solutions. Committee Chairman, Councilman Lea, reported that the committee

unanimously recommended the placement of preferred truck route identification signage directing both in-bound and out-bound traffic to affect a reduction of traffic into areas that lack sufficient road width for semi-truck navigation. Further, Councilman Lea would like to have the designated route passed by ordinance so that the Police Department could enforce it in the future and perhaps being passed by ordinance could get GPS navigation apps to direct drivers to the new preferred route. Police Chief Dawdy agrees signage by ordinance would be the best.

Councilman Schlanker moved to approve purchasing appropriate signage. The motion was seconded by Councilman Dwiggin and approved with all present voting in favor.

Council directed staff not to post and signage directing traffic across any bridges until satisfactory weight limit information could be substantiated.

City administration will have the City Attorney draft an ordinance to be brought to Council as soon as possible to enable enforcement.

Discussion of amendment to Electric Policy regarding Emergency Disconnects:

Municipal Utilities General Manager, Stephanie Wilson, reported that the Board of Public Works would like to incorporate language in the MMU Electric Policy that would adopt a policy change requiring installation of an emergency disconnect switch in certain situations. Though requiring an emergency disconnect is becoming an electric industry standard, for uniformity the Board has recommended that no change be adopted unless the Council also adopts/incorporates an identical language change to the 2012 Residential Building Code for residential properties and the 2011 National Electric Code for commercial properties. At a cost of \$220 it is not considered prohibitive. Since at an estimated annual install of 25-30 units it would take years until the majority of the homes have an emergency disconnect switch installed, MMU will provide training and equipment (puller, gloves, and shield) for the firefighters to remove electric meters manually if needed before MMU can arrive on the fire scene. The cost of the installation would be absorbed by MMU initially.

Council expressed that adopting the 2012 Building Code rather than a later edition was deliberate and inserting various portions of a later edition seems a rather messy practice and potentially confusing for contractors.

Code Enforcement Director, Kevin Myers, stated that he has previously discussed with Wilson that he inspects for ICC compliance at/inside the structure and expressed that in his opinion MMU could change their policy effecting the electrical service prior to the structure and enforced it without the Council approval or adoption and insertion of changes into the ICC codes. He further stated that all inserts are reported in all responses to contractor inquiries.

Council disagrees that MMU could affect a change without consent of the Council.

Since the installation of an emergency disconnect switch has been proposed primarily for City employee safety (utility and Fire Department employees), Council recommends that MMU continue to encourage underground service conversion and the installation/upgrade of emergency disconnect switch. Council further recommends that the utilities allocate the cost of the upgrade across all system users as it does currently with other safety protocols. If, however installation is for the safety of the homeowner, then it should be the homeowner's choice.

Councilman Dwiggins moved to send it back to MMU to set as a policy to require the disconnect switch and that MMU absorbs all associated cost. Motion dies for lack of a second.

Mayor's report:

Mayor Bigham thanked all the voters for entrusting the position of Mayor to him and personally thanked Talt for all his years of service and what he has done for the community. He congratulated Councilwoman Blaise on her election and the other members on their re-election and expressed that he was looking forward to getting to know everyone, including each department head, and working towards accomplishing unified goals and improved communications.

Bigham reported that "Telecommunications Week" 2022 is April 10-16 and extended appreciation to our community's emergency personnel that answer that 911 call.

Bigham extended condolences to Councilman Chris Walk and Code Enforcement Director Kevin Myers over the death of Rose Ann Duckworth (Walk's grandmother, Myers's Aunt).

Council reports:

Council welcomed Mayor Bigham and new Council member Blaise.

City Administrator's report:

The following was reported:

- Transportation crew has a large repair project coming up on Rustic Drive that will require closure of one lane.
- Annual audit work is underway and will occupy much of the City staff's time.
- Work on the Rubey Street "pocket park" continues.
- Police Officer Crisis Intervention and MILO Training continues.
- Planning has begun for the upcoming Fire Department 150th Anniversary.

City Clerk's report:

City Clerk, Mary Lou Craigg, advised Announcements for upcoming training and events will be e-mailed out shortly.

Craigg reported that the Historical Society sent a Thank You card for all the help that the City provided to their sign project which utilized the salvaged columns from the original Samaritan Hospital structure.

Closed Session:

At 8:27 P.M. Councilman Petre moved to go into closed session pursuant to RSMo. §610.021(1) Litigation, §610.021(2) Leasing, purchasing, or sale of real estate §610.021(3) Personnel, and §610.021(9) Preparations. The motion was seconded by Councilman Schlanker and approved by roll call vote as follows:

Yea:	Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggans, Walk, Carr.
Nay:	None.
Absent:	None.

Closed session attendance: Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggans, Walk, Carr, Bigham, Marshall, Craigg, and Nathan Nicholas.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI TO SELL AND CONVEY ALL OF LOT 7 OF MACON LAKE ESTATES TO THE CITY OF MACON, MACON COUNTY, MISSOURI:

Councilman Dwiggins moved to place on the first reading, the ordinance to sell and convey all of Lot 7 of Macon Lake Estates to the City of Macon, Macon County, Missouri. The motion was seconded by Councilman Lea and approved by roll call as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggans, Walk, Carr.
Nay: None.
Absent: None

Councilman Petre moved to place on the second and final reading, the ordinance to sell and convey all of Lot 7 of Macon Lake Estates to the City of Macon, Macon County, Missouri. The motion was seconded by Councilman Schlanker and approved by roll call vote as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggans, Walk, Carr.
Nay: None.
Absent: None.

At 10:25 P.M. Councilman Lea moved to come out of closed session. The motion was seconded by Councilman Dwiggins and approved by roll call vote as follows:

Yea: Petre, Schlanker, Lea, Dwiggins, Blaise, Wiggans, Walk, Carr.
Nay: None.
Absent: None.

City Clerk announced that the ordinance approving the sale of Macon Lake Estates Lot #7 was approved and passed.

Adjournment:

Councilman Petre moved to adjourn the meeting. The motion was seconded by Councilman Lea.

The meeting was adjourned at 10:27 P.M.

Mary Lou Craig, City Clerk

Scott Bigham, Mayor