

The Minutes of the Macon City Council Meeting
November 14, 2023 – 6:30 P.M.
106 West Bourke Street
Macon, Missouri 63552

Mayor Tony Petre called the meeting to order with the following members in attendance: Caleb Dwiggins, Talt Holman, Jerold Carr, Jerry Thompson, Cheryl Blaise, Chris Walk, Steve Iwanowicz, and Ernie Lea.

Absent: None.

Approval of the Agenda:

Councilman Dwiggins moved to approve the agenda. The motion was seconded by Councilman Carr and approved by all present voting in favor.

Approval of minutes from previous meeting:

Councilman Carr moved to approve the Minutes of the October 4, 2023, special meeting and October 10, 2023, regular meeting. The motion was seconded by Councilman Dwiggins and approved by all present voting in favor.

Accounts Payable:

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

Financial Report:

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

Old Business:

Discussion of proposed changes to sign codes:

Following discussion, Council determined that the sign code amendment document, proposed in July 2023, and a copy of current code with Nathan's comments, identifying flaws and ambiguous language, should be forwarded to the Planning & Zoning Commission for review. The Planning & Zoning Commission should create a vision of what they want signage to look like in the use districts/areas of town and then fine-tune the proposed code to accomplish that vision. Mayor Petre encouraged attendance of those P&Z public hearings to provide community input.

New Business:

Mayor Petre introduced the new Interim City Administrator, Steve Norwood, who hails from Arlington, Texas, Home of the Texas Rangers. Norwood spoke briefly of his personal background and work experience. Norwood will assist in the search for and placement of a permanent City Administrator.

Mayor presentation of FAQ's:

Mayor Petre introduced a new item to the agenda format to address questions or topics of public interest submitted to him during the previous month, stating "we're listening, and we hear you." Anyone who would like to submit a question or topic for future presentation was invited to email Petre at mayor@cityofmacon-mo.gov.

The question of transparency and information availability was brought up multiple times recently. Petre advised that the Council has been actively working to inform citizens about city business activities. Petre noted that one way information has been provided is through newsletters mailed with citizens monthly utility bill. Newsletters will continue to be used as items become noteworthy.

Rules governing City Council and procedures of local government operations have been core components to recent conversations as well; specifically, the three following topics.

(1) Mayor appointment – Why was the mayor appointed to fill the vacancy instead of holding a municipal election.

Missouri Statute, Title VII, Chapter 77, Section 77.240 dictates that the City Council of the City of Macon, as a third-class city in a third-class county, select a successor to fill the vacancy created by the resignation of Mayor Bigham by nominating a successor and approving that nominee as Mayor by a majority vote of the elected council members. Councilman Tony Petre was duly appointed as Mayor and will serve the remainder of the 4-year term vacated by Bigham.

The appointment of Petre as Mayor created a Council seat vacancy. Filling a council seat vacancy has slightly different rules regarding the appointee's term of service. Missouri Statute, Title VII, Chapter 77, Section 77.450 dictates that the City Council of the City of Macon, as a third-class city in a third-class county, select a successor to fill the council seat vacancy through appointment by the Mayor with consent of a majority of the remaining elected council members, and that successor shall serve until the next available regular municipal April election. Steve Iwanowicz was duly appointed and served until the next April election (April 2023) where the voters elected him to serve the remaining year of Petre's vacated council seat.

(2) Duties and privileges of the Mayor and Council – Why is it done that way?

The City of Macon is a third-class city in a third-class county with a Mayor-Council-City Administrator form of government. Mayor serves a four-year term, while Council members serve a two-year term. Petre enumerated the Statutory duties and privileges of the Mayor and Council, including the ability to delegate specific duties and responsibilities to an appointed City Administrator who is accountable to and serves at the pleasure of the mayor and council.

Petre reiterated that Council has one voice. Council members may have varying opinions while discussing issues but once Council votes, that vote becomes the singular unified voice of the Council and as such those votes are supported and enacted as the ruling of the City.

(3) Social Media Policy – control of information dispersal method and content.

The City originally adopted a social media policy in 2022. The policy was revised in August 2023 to adjust language in response to activities that conflicted with the intent of the policy. The policy was written by special counsel, Nathan Nickolaus, and reviewed by City Attorney, Tim Bickhaus, to ensure that no individual's rights were violated. The policy was drafted based on a standard model used by many cities and most employers have similar policies.

The policy balances personnel's individual right to freedom of speech with the City's rights to regulate that speech, particularly in instances where the individual might be interpreted as speaking on behalf of the City. Additionally, the policy regulates the use of city assets (computers, printers, supplies, etc.) and employee activities while the employee is working. Petre emphasized that the policy applies to all current and former employees, as well as all current and former elected officials and appointed board and committee members.

Public Participation – Rusty Neill:

Rusty Neill thanked the Council for the opportunity to speak. Neill acknowledged the progress made in our community over the last several years and commended the Council Members for their efforts stating, "it is vitally important that we focus on the positive things that are happening in our community."

However, Neill continued on to say he believed that much of the recent progress is being overshadowed by what he sees as Council's egregious limitations of free, open, and transparent discussion of controversial topics; most recently as it relates to the Council's unwillingness to openly debate the removal of a Board of Public Works member in a public forum and the constraint personnel must exercise because of the City's social media policy.

The Council and Board of Public Works did not sponsor nor participate in the recent event being commonly referred to as "the town hall meeting".

Neill formally asked the City Council to rescind and remove all language that could be construed as limiting or discouraging the ability to speak openly, freely, and candidly without fear or concern of possible recourse; excepting appropriate limits placed on social media and other types of dialogue that may not be constructive overall.

Mayor Petre thanked Mr. Neill for the positive input, the recognition of the progress made within the community, and the comments regarding communications.

Public Participation – Dick Schlanker:

Dick Schlanker began by thanking the Council and the Mayor for the work they do and for enduring the past couple of weeks stating, "peoples are misinformed and there were some outright lies spoken at the recent town hall meeting and put on facebook. This is very unfortunate and has had a snowball effect on the reputation of the Mayor and the Council. I have set on both sides of the table, and I truly know that the Mayor and the Council are not the son of a bitches that they have been made out to be on facebook. They are not here to line their pockets or take advantage of the citizens of Macon. I have been under five mayors while serving on the Council and Tony is probably one of the most reputable and honest mayors that we've had, with the second-place person sitting here in this room. So, I ask that the people stop spreading these rumors and thank you Council."

Mayor Petre thanked Mr. Schlanker for his comments.

Approval of Christmas Parade Permit request – December 1st, 2023:

This is an annual event with lots of community support. The route remains the same request as previous years.

Councilman Lea moved to approve the requested Parade Permit and street closures for the parade and staging areas as depicted on the map for the Chamber of Commerce Macon Christmas Parade event on December 1, 2023. The motion was seconded by Councilman Carr and approved by all present voting in favor.

Approval to participate in the 2023 Local Law Enforcement Block Grant (LLEBG):

The Missouri Department of Public Safety Local Law Enforcement Block Grant application period opens soon. Awards may be received in amounts up to \$10,000.00 for the purchase of equipment directly related to units of local government to improve officer and public safety. Police Chief Roberts requested approval to participate. Chief Roberts proposes to apply for two MOSWIN portable radios and has \$2,000 in the 2024 Budget to cover the cost of the equipment above the grant award.

Councilman Thompson moved to approve participation in the 2023 Local Law Enforcement Block Grant (LLEBG). The motion was seconded by Councilman Carr and approved by all present voting in favor.

Discussion of sidewalk crossing Bourke/Wentz/Allen Intersection:

Council reviewed route options for the installation of sidewalk and pedestrian crosswalks at the intersection at Bourke/Allen/Wentz streets. The purpose for construction is to provide a pedestrian access route to the new municipal pool facility and park located at 903 West Bourke Street. Safety of pedestrians navigating the intersection was the predominate priority, particularly since we anticipate many children will use the route.

Council decided to re-designate the intersection as a 4-way stop and to plan the downtown portion of the sidewalk construction along the south side of Bourke Street (from Duff Street across to the west side of Allen Street), constructing a crosswalk over Allen Street at the stop sign. Then constructing a crosswalk over the west side of the intersection, crossing Bourke Street at the stop sign, and continuing the sidewalk along the north side of Bourke Street on out to the new municipal pool location, terminating at the pool facility parking lot.

McClure Engineering will prepare the project preliminary engineering report (PER) and TAP grant application incorporating this preferred layout.

Discussion of updating Fire Code (to 2015-IFC or 2018-IFC):

The city currently operates under the 2012 International Fire Code. The City's ISO inspection is scheduled for the first week in December. In 2018 the city scored 61; A score less than 60 points will cause the city to lose the 40/04X classification. Updating to the IFC-2018 would prevent loss of the associated 10-points within the community risk reduction category. Fire Chief, Travis Austin, proposed adoption of the 2018 International Fire Code and provided a summary of differences/changes between IFC-2012-to-2015 and IFC-2015-to-2018.

The city attorney would prepare an ordinance to approve adoption of the 2018-IFC except any/all section(s) selected by Council to be excluded. The City Council scheduled a special council meeting for 5:30 P.M. on November 29, 2023, to conclude this issue.

Discussion of proposed changes to Driveway codes:

Special Counsel Nathan Nickolaus drafted proposed language for updating driveway codes. Council reviewed the proposed language particularly focusing on maximum width, number allowed per lot, proximity to intersections, speed and density of traffic, and ditch/culvert depth requirements. The topic will be discussed again at the December meeting.

Discussion of proposed changes to Parking requirement codes:

Special Counsel Nathan Nickolaus drafted proposed language for updating parking requirements focusing on business districts. The proposed language would remove the requirement of building additional parking when there is no increase in square footage of the remodeled or re-constructed building regardless of whether there was a change in use of the space. If no additions are made at the December meeting, the topic will be forwarded to Planning & Zoning for the public hearing process to begin.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, AUTHORIZING THE THREE-YEAR PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MACON AND GRIMSHAW AND ASSOCIATES LLC RELATED TO BOOKKEEPING AND FINANCIAL STATEMENT SERVICES:

This contract is a continuation of services and covers the years ending December 2024, 2025, and 2026 at a cost of \$43,940, \$46,120, and \$48,420 respectively.

Councilman Holman moved to approve the first reading, the bill approving the ordinance authorizing execution of a three-year professional services agreement between the City of Macon and Grimshaw and Associates LLC related to bookkeeping and financial statement services. The motion was seconded by Councilman Iwanowicz and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Councilman Dwiggins moved to approve the second reading, the bill approving the ordinance authorizing execution of a three-year professional services agreement between the City of Macon and Grimshaw and Associates LLC related to bookkeeping and financial statement services. The motion was seconded by Councilman Lea and approved by roll call as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, ADOPTING THE 2024 ANNUAL OPERATING BUDGET FOR THE COMMON FUND FOR MACON CITY GOVERNMENT OPERATIONS:

Mayor Petre provided a brief summary of the highlights of the FY2024 Budgets reviewed and recommended by the Finance Committee.

Councilman Dwiggins moved to approve the first reading, the bill approving the ordinance adopting the 2024 annual operating budget for the Common Fund for Macon city government operations. The motion was seconded by Councilman Iwanowicz and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Councilman Thompson moved to approve the second reading the bill approving the ordinance adopting the 2024 annual operating budget for the Common Fund for Macon city government operations. The motion was seconded by Councilman Carr and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, ADOPTING THE 2024 ANNUAL OPERATING BUDGET FOR THE AMERICAN RESCUE PLAN ACT FUND (ARPA), AIRPORT FUND, ASSET REPLACEMENT FUND, CAPITAL IMPROVEMENTS SALES TAX FUND, CITY PARK FUND, FIRE DEPARTMENT OPERATIONS SALES TAX FUND, INDUSTRIAL DEVELOPMENT FUND, MOTOR FUEL FUND, PROJECT FUND, AND TRANSPORTATION SALES TAX FUND.

Councilman Lea moved to approve the first reading, the ordinance adopting the 2024 annual operating budget for the America Rescue Plan Act Fund (ARPA), Airport Fund, Asset Replacement Fund, Capital Improvements Sales Tax Fund, City Park Fund, Fire Department Operations Sales Tax Fund, Industrial Development Fund, Motor Fuel Fund, Project Fund, and Transportation Sales Tax Fund. The motion was seconded by Councilman Holman and approved by roll call as:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Councilman Thompson moved to approve the second and final reading, the ordinance adopting the 2024 annual operating budget for the America Rescue Plan Act Fund (ARPA), Airport Fund, Asset Replacement Fund, Capital Improvements Sales Tax Fund, City Park Fund, Fire Department Operations Sales Tax Fund, Industrial Development Fund, Motor Fuel Fund, Project Fund, and Transportation Sales Tax Fund. The motion was seconded by Councilman Dwiggins and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, ADOPTING THE 2024 ANNUAL OPERATING BUDGET FOR THE MACON PUBLIC LIBRARY:

Councilman Carr moved to approve the first reading, the ordinance adopting the 2024 annual operating budget for the Macon Public Library. The motion was seconded by Councilman Holman and approved by roll call as:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Councilman Holman moved to approve the second and final reading, the ordinance adopting the 2024 annual operating budget for the Macon Public Library. The motion was seconded by Councilman Dwiggins and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, ADOPTING THE 2024 COMPENSATION OF THE MACON MUNICIPAL UTILITIES GENERAL MANAGER:

Councilman Holman moved to approve the first reading, the bill approving the ordinance approving the 2024 compensation of the Macon Municipal Utilities General Manager. The motion was seconded by Councilman Thompson and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Councilman Lea moved to approve the second reading the bill approving the ordinance approving the 2024 compensation of the Macon Municipal Utilities General Manager. The motion was seconded by Councilman Iwanowicz and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, ADOPTING THE 2024 ANNUAL OPERATING BUDGET FOR THE BOARD OF PUBLIC WORKS:

Councilman Lea moved to approve the first reading, the bill approving the ordinance adopting the 2024 annual operating budget for the Board of Public Works. The motion was seconded by Councilman Thompson and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Councilman Carr moved to approve the second and final reading, the ordinance adopting the 2024 annual operating budget for the Board of Public Works. The motion was seconded by Councilman Thompson and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Council selection of Council Liaison to Planning & Zoning Commission:

Councilman Holman moved to elect Jerry Thompson as Council Liaison to the Planning & Zoning Commission. The motion was seconded by Councilman Dwiggins and approved by all present voting in favor.

Appointment to Industrial Development Board:

Mayor Petre recommended re-appointment of David Walker and Taylor Wesley to the Industrial Development Board to serve through October 2027.

Councilman Thompson moved to approve the re-appointment of David Walker and Taylor Wesley to the Industrial Development Board to serve through October 2027. The motion was seconded by Councilman Dwiggin and approved by all present voting in favor.

Appointment to Police Merit Board:

Mayor Petre recommended appointment of Kevin Linear to the Police Merit Board to serve through August 2025.

Councilman Lea moved to approve the appointment of Kevin Linear to the Police Merit Board to serve through August 2025. The motion was seconded by Councilman Thompson and approved by all present voting in favor.

Mayor's report:

Mayor Tony Petre extended condolences to Councilman Jerold Carr on the recent passing of his wife, Iva Lee Carr.

Petre reported that the Macon Lake Archery Range is open for use, and that a ribbon cutting ceremony is scheduled for November 22nd at the WiFi Park at 501 Main Street. Petre also reported that the City Council and the Board of Public Works members attended a joint training session with Strategic Government Resources (SGR).

Council reports:

Councilwoman Blaise reported that those attending the Macon Lake Archery Range ribbon cutting ceremony were treated to an entertaining archery demonstration as Ted Seiler shot an arrow to "cut" the ribbon in half.

Blaise also reported on attending the unveiling of the restored Tiffany stained-glass window at the Macon Presbyterian Church. The unique large Tiffany Window, depicting Jesus and the Samaritan Woman at the Well, is one of four stained-glass windows original to the 1899 historic structure which were saved by the restoration project completed by the Scottish Stained Glass Window Company based out of Denver Colorado.

City Administrator's report:

None.

City Clerk's report:

None.

Closed Meeting:

At 8:53 P.M. Councilman Iwanowicz moved to go into closed session pursuant to §610.021(2) Leasing, purchasing, or sale of real estate, §610.021(3) Personnel, and §610.021(12) Contract Negotiations. The motion was seconded by Councilman Carr and approved by roll call vote as follows:

Yea: Dwiggin, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.
Nay: None.
Absent: None.

Closed session attendance: Dwiggin, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea, Petre, Special Counsel Nathan Nickolaus, Interim City Administrator Steve Norwood, and Craig.

Closed Session ended at 9:57 P.M.

No closed session action is reportable at this time.

Adjournment:

The meeting was adjourned at 9:58 P.M.

Mary Lou Craig, City Clerk

Anthony E. Petre, Mayor