

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, JANUARY 12, 2009 – 7:00 P.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 7:00 P.M. with Councilmember Braid Kilgore leading the opening prayer.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Larry Crain	Present
Councilmember Braid Kilgore	Present
Councilmember Dianna Rogers	Present
Councilmember Debra Grant	Present
Councilmember David Black	Absent
Councilmember Dick Beall, Jr.	Present
Councilmember Cynthia Earnheart	Present

7 Councilmembers were present.

**OTHERS ATTENDING:** Lead Man (Street) Dewayne Rogers, CEO Danny Grant, Police Chief Jarrett Bullock, Airport Manager Barbara Crayne, Fire Chief Winford German and City Clerk Marilyn Fiddler.

**15-MINUTE OPEN FORUM:**

**Citizen Lynnette Jenkins of Ward I -- 634 Goldsmith Street** spoke to the council regarding Councilmember Kilgore resigning and the seat to be vacated by Councilmember Kilgore. Ms. Jenkins stated she had a petition from the residents of Ward I. Ms. Jenkins asked that the residents of Ward I be allowed to choose the Councilmember for their Ward. Ms. Jenkins stated the residents chose Mr. Donnie Jenkins to represent Ward I. Mayor Santie stated Councilmember Kilgore had not resigned yet and when he did the person appointed would only be able to participate in one meeting, maybe there is not a need to appoint a person to that position. Ms. Jenkins thanked Mr. Kilgore for his service and wished him prosperity and many blessings.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Earnheart to amend the Minutes of December 8, 2008 to change the vote of Councilmembers Earnheart and Grant to vote NO instead of Yes for a salary increase for the position of Chief of Police.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>1-No</b>
Councilman Beall	Yes	Councilman Black	Absent
Councilwoman Earnheart	Yes	Councilman Crain	No
Councilwoman Grant	Yes	Councilman Hinson	Yes
Councilman Kilgore	Yes	Councilwoman Rogers	Yes

**MOTION:** By Councilmember Earnheart to approve the amended Minutes of December 8, 2008.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>1-No</b>
Councilman Beall	Yes	Councilman Black	Absent
Councilwoman Earnheart	Yes	Councilman Crain	No
Councilwoman Grant	Yes	Councilman Hinson	Yes
Councilman Kilgore	Yes	Councilwoman Rogers	Yes

**MOTION:** By Councilmember Earnheart to approve the Minutes of the Special Session of December 18, 2008.

**SECOND:** By Councilmember Rogers.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>1-No</b>
Councilman Beall	Yes	Councilman Black	Absent
Councilwoman Earnheart	Yes	Councilman Crain	No
Councilwoman Grant	Yes	Councilman Hinson	Yes
Councilman Kilgore	Yes	Councilwoman Rogers	Yes

Councilmember Crain had some questions regarding "Spot Zoning" and Ordinance No. 3002-An Ordinance to approve a zoning change from Commercial 1 (C-1) to Commercial 2 (C-2) on Madison Street South to include both sides of Cypress Street. Councilmember Earnheart stated there will be another meeting to discuss including the C-2 area to Hester Street. Mayor Santie stated these minutes are the recommendations of the Planning & Zoning Board and these minutes have already been approved. Mayor Santie stated Atty. Preyer was at the meeting when this Ordinance was approved.

**MOTION:** By Councilmember Earnheart to approve the Closed Session Minutes of December 8, 2008.

**SECOND:** By Councilmember Grant.

**Motion Carried 7/0.**

### **JARRETT BULLOCK—HOMELAND SECURITY:**

**Police Chief Bullock reported** FEMA/SEMA will pay for tower that was damaged by the storm; I would like to use the funds that were left from the siren grant to purchase an identification machine with a laptop to make ID's for the city employees which is a requirement of FEMA under the Homeland Security Act. Chief Bullock stated if there was a natural disaster everyone would need an ID to get on city property. Chief Bullock stated he had already spoken to USDA Rural Development personnel. Chief Bullock stated he received two (2) bids from local business Hy-Tek --- \$5,192.92 and Shelton's Business Machines --- \$4,621.00. Chief Bullock also stated he would be able to make IDs for the surround communities for the cost of materials.

**MOTION:** By Councilmember Beall to accept the bid from Shelton's Business Machines for \$4,621.00 to purchase the ID machine.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 7/0.**

**EMA Director Jim Kalkbrenner** spoke to the council regarding the disaster plan; Mr. Kalkbrenner stated he has updated the manual and is continuing to do so and it will be time to revisit the manual in March 2009.

**MOTION:** By Councilmember Earnheart to approve the manual as presented.

**SECOND:** By Councilmember Rogers.

**Motion Carried 7/0.**

Councilmember Earnheart stated she would like to have a workshop to review the manual before the March 2009 meeting. Mayor Santie stated he thought this would be a good idea.

### **DEPARTMENT REPORTS:**

**Airport Manager Barbara Crayne** reported the Airport had received a grant to demolish the old Saddle Club". Mrs. Crayne also reported the rail project may be completed by May 2009.

### **COUNCIL REPORTS:**

**Councilmember Hinson** thanked Councilmember Kilgore for serving on the Council and stated he appreciated working with him.

**Councilmember Beall** stated he enjoyed working with Councilmember Kilgore and wished him good luck.

**Councilmember Rogers** stated she enjoyed working with Councilmember Kilgore and wished him good luck.

**MOTION:** By Councilmember Rogers to purchase one table at the Bootheel Youth Museum's annual event "Mardi Gras".

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION FAILED</b>	<b>3-Yes</b>	<b>4-No</b>
Councilman Beall	No	Councilman Black	Absent
Councilwoman Earnheart	No	Councilman Crain	Yes
Councilwoman Grant	No	Councilman Hinson	No
Councilman Kilgore	Yes	Councilwoman Rogers	Yes

**Councilmember Kilgore** thanked the council and asked the council to do what is best for the City of Malden and to keep the citizens first. Councilmember Kilgore stated he enjoyed working with everyone on the council and he will miss everyone.

**Councilmember Crain** stated he hated to see Councilmember Kilgore go and he appreciated him being his own man and making up his own mind.

**Councilmember Earnheart** stated Councilmember Kilgore is a good guy and good luck.

Councilmember Earnheart welcomed the new business to Malden. Councilmember Earnheart asked about the Scout Hut. CEO Grant stated Mr. Dave Green has spearheaded fundraising for the Scout Hut and Mr. Butch Burrows has donated the materials for repairs. Mr. Grant stated the Scout Hut will be vacated for 120 days to complete the repairs.

**Councilmember Grant** wished Councilmember Kilgore well. Councilmember Grant asked Mayor if he was going to appoint someone for Councilmember Kilgore's position (Ward I). Mayor Santie stated he would address that in his report.

### **MAYOR'S REPORT:**

**Mayor Santie** read a thank you note from City Clerk Fiddler for the cards she received while she was off ill. Mayor Santie informed the council he would set a Special Called Session for Thursday, January 15, 2009 @ 7:00 p.m. to meet with Jean & Company to discuss the financials, sick days personal days, comp-time and personal leave. Mayor Santie reported on the Downtown Renovation project meeting attended by various state and local personnel. Mayor Santie also reported there would be a pre-construction meeting on January 21, 2009 with a start date for the project as February 2, 2009 and a completion date as May 1, 2009 depending on the weather.

Councilmember Earnheart asked if the interviews for the Street Commission position were set and where the City stood with the financials. Mayor Santie stated the financials would be discussed at the Special Called Session on Thursday, January 15, 2009 and there would be a report from Jean & Company.

**MOTION:** By Councilmember Hinson to adjourn the Regular Session of January 12, 2009

**SECOND:** By Councilmember Beall.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>7-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Absent
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Hinson	Yes
Councilman Kilgore	Yes	Councilwoman Rogers	Yes

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**CITY CLERK MARILYN FIDDLER**

**SPECIAL CALLED SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, JANUARY 15, 2009 – 7:00 P.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 7:00 P.M. with Councilmember Tommy Hinson leading the opening prayer.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Larry Crain	Present
Councilmember Dianna Rogers	Present
Councilmember Debra Grant	Absent
Councilmember David Black	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Cynthia Earnheart	Present

6 Councilmembers were present.

**OTHERS ATTENDING:** City Attorney Mark Preyer, CEO Danny Grant, Officer Jimmy Phelps, Airport Manager Barbara Crayne, City’s CPA Jean & Company, Fire Chief Winford German, Deputy City Clerk Lynn Hughes and City Clerk Marilyn Fiddler.

**GUEST:**

**CPA Pam Jean** explained the financials to the Mayor and Council. Mrs. Jean stated the Downtown Renovation Project need to be set up on the City’s books.

**MOTION:** By Councilmember Hinson to setup a fund and setup a bank account at First State Community Bank with check signer as Mayor Santie, Councilmembers Beall and Crane.

**SECOND:** By Councilmember Beall. **Motion Carried 6/0.**

Mayor Santie explained the funding and the contracting regarding the Downtown Renovation Project to the Council. Mrs. Jean informed the council that the account should be set up in order for bill to be paid in a timely manner. Mayor Santie stated the Board of Public Works will incur a \$51,000 cost for the lighting. Councilmember Hinson asked if the project was capital improvement. Atty. Preyer stated he would look into this.

**CPA Pam Jean** requested accrued time for the employees and discovered there were employees with more time than the incentive book allows. Mrs. Jean also stated there are discrepancies in the way the sick, vacation and comp-time is accrued.

**MOTION:** By Councilmember Hinson to modify the incentive book (employee handbook) to read; vacation shall be earned at the rate of .01925 hours of vacation for each hour worked at regular time (not to include any overtime) during the first year of employment, and then .0385 hours of vacation for each hour worked at regular time (not to include overtime hours) during the second (2<sup>nd</sup>) through the tenth (10<sup>th</sup>) year of service. For the eleventh (11<sup>th</sup>) year the latter shall be adjusted per the above schedule.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Absent	Councilman Hinson	Yes
Councilwoman Rogers	Yes		

**MOTION:** By Councilmember Earnheart to approve maximum hours carried from one year to the next year is 120 hours beginning January 15, 2009 from this day forward and as of December 31, 2009 all time except 120 hours carried from one year to the next will be lost if not used.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>5-Yes</b>	<b>1-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Absent	Councilman Hinson	Yes
Councilwoman Rogers	No		

Mrs. Jean stated she needed to meet with City Attorney Preyer and City Clerk Marilyn Fiddler.

**MOTION:** By Councilmember Black to adjourn the Special Called Session of January 15, 2009

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Absent	Councilman Hinson	Yes
Councilwoman Rogers	Yes		

**RAY SANTIE, MAYOR**

**ATTEST:**

**CITY CLERK MARILYN FIDDLER**

**EMERGENCY CALLED SESSION**  
**MALDEN CITY COUNCIL**  
**WEDNESDAY, JANUARY 28, 2009 – 11:00 A.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 11:00 P.M.

**ROLL CALL:**

Councilmember Tommy Hinson	Absent
Councilmember Larry Crain	Present
Councilmember Dianna Rogers	Present
Councilmember Debra Grant	Present
Councilmember David Black	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Cynthia Earnheart	Present

5 Councilmembers were present.

Mayor Santie read a proclamation declaring the ice storm a “State of Emergency” as of 12:00 noon January 28, 2009. County Commissioner Jeanie Herbst stated the Dunklin County Commissioners were offering services to the county; Ms. Herbst stated the First Christian Church would be open if anyone needed the church open. EMA Director Jim Kalkbrenner stated the First Southern Baptist Church is being used as a shelter for citizens in need.

Mayor stated the city will need a total rebuild and stated the main source of electric is down. Mayor Santie reported it may be 24/48 hours before businesses would be back on line. Mayor Santie stated help is on the way from Nixa and Kirkwood for maybe a week. Mayor Santie stated the households will be the last to receive power; the main grid is presently being repaired. Mayor Santie stated if this weather continues everything will be shut down.

BPW Director stated there are eight (8) men coming to help with the work. Councilmember Crain asked everyone to document everything so that FEMA will have records.

EMA Director Mr. Kalkbrenner informed the group the school is serving soup for everyone.

**MOTION:** By Councilmember Black to adjourn the Special Called Session of January 28, 2009

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Hinson	Absent
Councilwoman Rogers	Yes		

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**CITY CLERK MARILYN FIDDLER**

**REGULAR SESSION  
MALDEN CITY COUNCIL  
MONDAY, FEBRUARY 9, 2009 – 7:00 P.M.  
CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 7:00 P.M. with First Southern Baptist Minister Alden LaBlount leading the opening prayer.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Larry Crain	Present
Councilmember Dianna Rogers	Present
Councilmember Debra Grant	Present
Councilmember David Black	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Cynthia Earnheart	Present

7 Councilmembers were present.

**OTHERS ATTENDING:** Lead Man (Street) Dewayne Rogers, CEO Danny Grant, Police Chief Jarrett Bullock, Airport Manager Barbara Crayne, Fire Chief Winford German and City Clerk Marilyn Fiddler.

**GUEST:**

**BPW Utility Director Ted Bellers** gave an update on the ice storm of January 2009 stating the ice was 1½ to 2 inches thick which broke electric lines and light poles and broke lines belonging to Southwestern Power Association. SWPA is the power company the City of Malden has an agreement with for electric power. Mr. Bellers stated with SWPA's lines being down the City had to use the city's power plant which is the City's backup generator. Mr. Bellers stated the City of Malden was isolated because the lines were down Malden to New Madrid. Mr. Bellers stated the cities of Kirkwood, Mason, Minnesota and Nixa came to help restore the electrical lines. Mr. Bellers stated Floye Mungle was an asset to the department. Mr. Bellers stated the train took out the lines and poles in the Spoonerville area. Mr. Bellers stated generating power at Malden's power plant used a tanker of fuel each day for ten (10) days which is expensive. Mr. Bellers stated Ameren UE was kind to the city and worked with the city to allow the city to hook up with them and it will take from fifteen minutes to one hour to switch from the city's power plant to Ameren UE. Mr. Bellers stated almost every line was down, 100 or more poles was down and 30/40 transformers were down. Mr. Bellers stated the City of Malden was fortunate; a lot of people came together as a result of the storm. Mr. Bellers stated the worst damage was east and west. Mr. Bellers thanked the people of Malden, the City of Malden, the employees and everyone that helped to restore the power.

Mayor Santie read a letter of thanks to all that was/are involved in the restoration of power to the City of Malden.

**MOTION:** By Councilmember Black to give a copy of the letter of thanks read by Mayor Santie to all involved in the natural disaster and restoration of power.

**SECOND:** By Councilmember Hinson.

**Motion Carried 7/0.**

**Citizen Lynnette Jenkins of 614 Goldsmith (Ward I)** thanked the Mayor/Council and thanked Councilmember Debra Grant for getting the information to Ward I residents because the information was not getting to that area; and that a hand of appreciation be given to Councilmember Grant. Ms. Jenkins stated the Malden School set up a text with the teachers and she received some information that way. Ms. Jenkins reminded the Mayor/Council there is only one representative for Ward I. Ms. Jenkins stated she and Ward I residents are asking that Donnie Jenkins be appointed to represent Ward I after they accept Mr. Kilgore's resignation.

**MOTION:** By Councilmember Beall to accept the resignation of Braid Kilgore as a Councilmember for Ward I.

**SECOND:** By Councilmember Rogers.

**Motion Carried 7/0.**

**Ms. Jenkins** stated she is asking the Mayor or Council to appoint Donnie Jenkins until that term expires. Mayor Santie stated he will not because Mr. Jenkins is a candidate for that position with another gentleman; Mayor Santie suggested Ms. Jenkins. Ms. Jenkins stated she and Ward I asked this of the Mayor before Mr. Jenkins became a candidate. Councilmember Grant asked what the problem was. Mayor Santie stated there will be a free and open election in April. Ms. Jenkins asked Mayor Santie what would be his choice. Mayor Santie stated he would appoint Ms. Lynnette Jenkins. Atty. Preyer stated that is not on the agenda but the Mayor could appoint Ms. Jenkins under the Mayor's report.

#### **15-MINUTE OPEN FORUM:**

**Malden Citizen Mrs. Patricia Morehead** spoke regarding a scholarship she and her husband offered several years ago---the participants were asked to write an essay "why Malden was a good place to live". Mrs. Morehead stated the board made a recommendation and Mrs. Barbara Crayne won. Mrs. Morehead stated a foreign exchange student wrote an emotional essay about Malden that moved both she and Dr. Morehead because the student seemed to care about Malden. Mrs. Morehead stated back then Malden residents seemed to care about each other.

#### **APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Earnheart to approve the Regular Session Minutes of January 12, 2009.

**SECOND:** By Councilmember Grant.

**Motion Carried 7/0.**

**MOTION:** By Councilmember Black to approve the Special Called Minutes of January 15, 2009.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 7/0.**

**MOTION:** By Councilmember Rogers to approve the Emergency Called Minutes of January 28, 2009.

**SECOND:** By Councilmember Grant.

**Motion Carried 7/0.**

#### **CITY CLERK SCHOOL (MARCH 2009):**

**MOTION:** By Councilmember Beall to approve the expenditures for the City Clerk to attend the Annual City Clerk's school at the Lake of the Ozarks.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 7/0.**

#### **KRAFT MILES & TATUM:**

**Mayor Santie** reminded everyone there needed to be a meeting set with the Auditors to discuss the recommendations of the Auditors and to hear the report from the auditors.

Mayor Santie set the meeting for Thursday, February 12, 2009 at 6:00 p.m. to meet with Mr. Greg Ponder. Mayor Santie reported the meeting will be a public meeting.

#### **PRO RATE TRASH FEE?**

**NO ACTION TAKEN BY THE COUNCIL.** **Mayor Santie** report the county has offered to contract the hauling of the limbs (storm debris) the City of Malden needs to vote on hauling the debris.

#### **DEBRIS CONTRACTING (STORM DEBRIS):**

**MOTION:** By Councilmember Hinson to accept the proposal from Dunklin County Commissioners to

contract the ice storm of January 2009 debris removal.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 7/0.**

**Councilmember Crain** asked if the City was going to put people to work. Mayor Santie stated the city has established a place to put limbs--- between the street shed and cemetery on AB highway.

**COUNCIL REPORTS:**

**Councilmember Hinson** thanked everyone involved in getting the electricity back on.

**Councilmember Beall** thanked those involved in getting the electricity back on; Councilmember Beall also thanked Chris Lacey for cutting the trees in his yard. Councilmember Beall asked when the council would interview for the Street Commissioner position. Mayor Santie stated the council needs to make a decision and set a salary.

**Councilmember Rogers** thanked the electricians for their efforts in getting the city's lights back on. Councilmember Rogers also thanked the citizens of Malden for pulling together in a time of need. Mayor Santie stated he saw Councilmember Rogers at the school working.

**Councilmember Crain** thanked the Mayor and everyone involved in helping the citizens of Malden and the surrounding area.

**Councilmember Black** thanked all citizens of Malden and stated it was amazing that all of the citizens worked and came together. Councilmember Black asked that the EMA Director set a meeting while the ice storm of 2009 was fresh on everyone's mind. Councilmember Black stated some of the topics for discussion will be how to better get the word out and how to better utilize the community center. Thanks to the Mayor who did an outstanding job to bring all together.

**Councilmember Earnheart** thanked everyone then stated she would like the City to be more prepared by allowing the Police to use their PA systems. Councilmember Earnheart asked why was part of the people working during the ice storm being paid and not all of the workers, do we need to make a motion? Mayor Santie stated Pam Jean of Jean & Co. accounting services did some research on the cost of paying the other workers and she came up with an \$8,000 figure for the police. Councilmember Earnheart stated the persons should be paid in cash not comp-time. Fire Chief Winford German stated we need to go by the FEMA schedule for hours worked.

**MOTION:** By Councilmember Earnheart to pay all employees who have overtime from January 27, 2009 through February 8, 2009 overtime at time and one-half in lieu of comp-time not to exceed \$2500 and as determined by the Federal wage and hour laws.

**SECOND:** By Councilmember Rogers.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>5-Yes</b>	<b>2-No</b>
Councilman Beall	Yes	Councilman Black	No
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Hinson	No
Councilwoman Rogers	Yes		

**Mayor Santie** asked how many people were involved in the overtime pay. Councilmember Earnheart stated it does not matter the people should be paid.

**Councilmember Grant** thanked all involved in helping to get the lights back on.; thank God and thank Ward I residents for coming out tonight because I don't always get the information so keep coming out. Councilmember Grant stated it is a shame that a disaster had to bring us together. Councilmember Grant

asked Mayor Santie if FEMA came to town. Mayor Santie FEMA bought generators to town and sent mechanics to repair them because the generators did not work.

### **MAYOR'S REPORT:**

**Mayor Santie appointed Lynnette Jenkins to serve the unexpired term of Braid Kilgore.**

**MOTION:** By Councilmember Hinson to approve the appointment of Ms. Lynnette Jenkins as Ward I Councilmember to serve the unexpired term of Braid Kilgore.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>7-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Hinson	Yes
Councilwoman Rogers	Yes		

**Mayor Santie** reported there was a meeting with FEMA in Kennett to estimate the cost of the ice storm damages and many attended; the City of Malden has an estimated 2.2 million dollars in storm damages. Mayor Santie stated he expects President Obama will designate Missouri for 100% reimbursement. Mayor Santie stated FEMA will need a list of cost of equipment and salaries for employees according to the schedule that FEMA uses. Mayor Santie stated there are guidelines that are used by FEMA that have to be met. Mayor Santie informed the Council that the designation will be given to various cities by level of need. Mayor Santie reported the meter service will absorb the majority of cost for the repairs for the meter mass (135/150 meters were repaired). Mayor Santie reported the inspection fee was waived; the residents should be great full that the City owns the electrical system. CEO Grant reported there is less than a half dozen meter left to repair. Mayor Santie stated he would like a meeting with EMA to discuss a satellite cell phone. Citizen Ron Dell informed the Mayor that the Water and sewer department was not mentioned in the letter of thanks. Mayor stated Southwest Power Administration was in town on Thursday, they expect to have the repairs to the grid and service restored in 30/90 days. Water/Sewer Superintendent Richard Blagg reported that a fuse blew at the power plant which was the cause of the outage. Mr. Blagg stated portable generators was used at all fourteen the lift stations. Mr. Blagg reported the boil order was used as a precaution because of the temporary pressure drop in the water when the pump malfunctioned.

Mayor Santie informed the council that AmeriCorps offered to come in to help the elderly with their yards. Mayor Santie stated the Red Cross was not needed because the school was used as a shelter and hot meals and a warm place to stay was available to all; persons were picked up and taken to the school if they needed a ride. Mayor Santie reported more than 1400 meals were served at the school thanks to Malden school, nutrition center and Harps provided food to help feed the citizens. Mayor Santie stated the City of Malden turned in an estimated 2.2 million dollars in damages to FEMA for the city of Malden. Councilmember Crain asked if there was a deal between BPW and Ameren UE and if the council should have been consulted for the deal to be a binding agreement. Atty. Preyer stated the council would have to be involved if there was an agreement but there is not an absolute agreement. Councilmember Crain asked if the two gentlemen BPW hired were qualified. CEO Grant stated the two gentlemen were qualified but not certified. CEO Grant stated BPW Board elected to waive the license and permit fee and he concurred with the Board's request. Mayor Santie the Red Cross was not needed everyone had what was needed. Mr. Blagg stated the price of the power purchased from Ameren UE is the same as the power purchased from Southwest Power Administration. Mayor Santie stated when SWPA goes back on

line the City of Malden will switch back. Mayor Santie stated Mr. Lancaster, Miller, Shelton and Mr. Wilson hooked up a screen to watch the Superbowl at the school.

City Clerk Fiddler informed the Council there were funds left over from the siren grant that could be spent on a generator for the City.

**MOTION:** By Councilmember Earnheart to approve the expenditure up to \$3800 to purchase a generator and seek competitive bids.

**SECOND:** By Councilmember Grant.

**Motion Carried 8/0.**

**MOTION:** By Councilmember Hinson to adjourn the Regular Session of February 9, 2009.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Hinson	Yes
Councilwoman Rogers	Yes	Councilwoman Jenkins	Yes

**RAY SANTIE, MAYOR**

**ATTEST:**

**CITY CLERK MARILYN FIDDLER**

**SPECIAL CALLED SESSION**  
**MALDEN CITY COUNCIL**  
**THURSDAY, FEBRUARY 19, 2009 – 6:00 P.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 6:00 P.M.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Larry Crain	Present
Councilmember Dianna Rogers	Absent
Councilmember Debra Grant	Absent
Councilmember David Black	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Cynthia Earnheart	Present

6 Councilmembers were present.

**OTHERS ATTENDING:** City Attorney Mark Preyer, CEO Danny Grant, Officer Brad Burge, Airport Manager Barbara Crayne, BPW Board Members Brad French & Clark Duckett, Fire Chief Winford German, and City Clerk Marilyn Fiddler.

**GUEST:**

Mr. Greg Ponder of Kraft Miles & Tatum spoke to the Mayor/Council regarding the audit for 2007/2008. Mr. Ponder thanked the Mayor and Council for the opportunity to do the audit fiscal year ending June 30, 2008. Mr. Ponder explained that there are several sub sections and significant findings. Mr. Ponder stated there adjustments, BPW had four pages of adjustments as did the Malden Capital Improvement Corporation. Mr. Ponder explained the adjustments will be reflected in Jean & Company's financials and he commended Jean & Company on their work on the financial records. Mr. Ponder informed the Council that pages 9, 10 and 11 include financial statements (net assets, income and prior adjustments) also page 44 has the findings and page 45 has the risk documents. Mr. Ponder stated he hope that BPW Director Ted Bellers and Financial Director Steven Crump address BPW's financial issues. Mr. Ponder stated he sent a word document to Mayor Santie and the city; please read this document. Mr. Ponder stated once you acknowledge there are problems you should be on a path to correct those problems. Mr. Ponder stated there shouldn't be any finger pointing, the boards and the council should unify and get down to business.

Mr. Ponder stated the first three (3) comments are large items to be attended; if these items are taken care of the problems will be solved. Mr. Ponder stated he feels the city has made a step in the right direction by hiring an outside firm to do the financials since there was not a person in the city that was handling this task. Atty. Preyer stated it would take one and a half person to do the work that Jean & Co. is doing. Mr. Ponder stated the governance needs to define what the employees do; all duties should be defined. Mayor stated he gave the responses to the questions asked by the auditors. Mr. Ponder stated "do not walk away things these things cannot be done; these things can be done"! Mr. Ponder thanked the Mayor and Council for their time.

**AMEREN UE AGREEMENT:**

**MOTION:** By Councilmember Beall to enter into a contract with Ameren UE until Southwestern Power Administration had their lines repaired and back on line or up to May 31, 2009.

**SECOND:** By Councilmember Black.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Absent	Councilman Hinson	Yes
Councilwoman Rogers	Absent	Councilwoman Jenkins	Yes

**Councilmember Jenkins** asked if there would be a rate increase because the city is using Ameren UE and was stated with their regular customers. Mayor Santie stated this just a short term contract and we are purchasing the power for the same cost as if we were purchasing the power from SWPA; no.

Mayor Santie reported Dunklin County has chosen a contractor to remove the storm debris for \$4.23 a cubic yards, they will pick up the debris in the alley and on the streets. Councilmember Earnheart asked what about the trees that is still in the power lines. Mayor Santie stated only the public right-of-way will be cleared.

**MOTION:** By Councilmember Hinson to approve March 2, 2009 as the last day to place storm debris on the curb or alley at no cost to the resident.

**SECOND:** By Councilmember Jenkins.

**Motion Carried 6/0.**

Mayor Santie the central location for limb debris will be at the street shed. Councilmember Beall asked what about the hanging limbs. Mayor Santie stated there will be some tree trimming on public easements.

**MOTION:** By Councilmember Hinson to adjourn the Special Called Session of February 19, 2009.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Absent	Councilman Hinson	Yes
Councilwoman Rogers	Absent	Councilwoman Jenkins	Yes

**RAY SANTIE, MAYOR**

**ATTEST:**

**CITY CLERK MARILYN FIDDLER**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, MARCH 9, 2009—7:00p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Police Chief Jarrett Bullock leading the opening prayer.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Dianna Rogers	Present
Councilmember Lynnette Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**8 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Police Chief Jarrett Bullock, Fire Chief Winford German, CEO Danny Grant, EMA Director Jim Kalkbrenner, and Airport Manager Barbara Crayne (Crayne served as Acting Clerk).

**GUEST:**

EMA Director Jim Kalkbrenner informed the Council of a State-wide Tornado Drill to be held on Tuesday, March 10, 2009 at 1:30 p.m. and of a meeting with SEMA scheduled for Friday, March 13, 2009 at 11:30 at City Hall to discuss what was done correctly/incorrectly during the Ice Storm and to discuss any future needs of the City of Malden.

**15-MINUTE OPEN FORUM:**

No one spoke during the open forum.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Earnheart to approve the Regular Session Minutes of February 9, 2009.

**SECOND:** By Councilmember Grant

**Motion Carried 8/0**

**MOTION:** By Councilmember Jenkins to amend the Special Session Minutes of February 19, 2009 to show Councilmember Jenkins as present.

**SECOND:** By Councilmember Crain

**Motion Carried 8/0**

**MOTION:** By Councilmember Hinson to approve the AMENDED Special Session Minutes of February 19, 2009.

**SECOND:** By Councilmember Beall

**Motion Carried 8/0**

**PAM JEAN, JEAN & COMPANY:**

Pam Jean presented the Council with copies of a Financial Statement showing activity through September 2008. Ms. Jean indicated that Street Department Funds are regulated and that July/Dec timesheets had

been summarized to move expenses from the Street Department to the Maintenance Crew. Ms. Jean said that the Airport’s reimbursements would offset expenses.

Ms. Jean asked for a Special Meeting to be scheduled during the week of March 23rd to (1) go over Financials & review the Budget, (2) discuss accrued comp time and vacation in order to get the accruals down, and (3) discuss revisions to the Employee Incentive Book.

A Motion was made by Councilmember Black, seconded by Councilmember Crain, to schedule a Special Meeting for March 23<sup>rd</sup> at 6:00 p.m., but, after discussion, no vote was taken and Mayor Santie will schedule the Special Meeting.

Ms. Jean spoke of other personnel issues by questioning if the **Fire Department**, who are paid 91 hrs bi-weekly for work, should receive 45.5 hrs or 65 hours for ½ pay Sick Leave (as usually paid in January each year). In January 2007, 45.5 hrs were paid, but in January 2008, 65 hrs were paid (no one could definitely explain why). Employee Incentive Book reads 5/6 of a working day for each month—not to exceed 30 days. It was said that at a January 2009 meeting, 91 hrs for Firemen was discussed, but at a January 2006 meeting it was said that 8 hrs was a working day. Fire Chief Winford German said that a Fireman is paid for 13 hrs per day while being at the Fire Station 24 hrs.

Ms. Jean indicated that 2 Firemen had called asking about the sick pay and at what level. Councilmember Black asked what employees were told. Ms. Jean said that the Callers did not mention anything about what they were being told.

**MOTION:** By Councilmember Crain to pay the Firemen at a rate of 65 hrs for ½ Sick Leave, instead of 45.5 hrs, only for the calendar year of 2008 as paid in 2009.

**SECOND:** By Councilmember Black

**POLL VOTE: MOTION PASSED** **7- YES and 1- NO**

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Councilmember Rogers-Yes	Councilmember Jenkins-Yes
Councilmember Hinson-Yes	Councilmember Earnheart-No
Councilmember Beall-Yes	Councilmember Black-Yes
Councilmember Crain-Yes	Councilmember Grant-Yes

Ms. Jean next wished to discuss the **Police Department** vacation accruals. All Departments had been asked to submit information on total vacation accrued per employee through 12/31/08. The Police Department did submit information, but had only accrued through the last anniversary date per employee. Question of if the Police accrue at 80 hrs or 100 hrs. City Attorney Mark Preyer referred to January 2006 meeting in that the City considered 80 hrs, but the Police were apparently using 100 since considering days instead of hours in their formula. The January 2009 meeting set the rate at 80 hrs beginning in 2009.

**MOTION:** By Councilmember Rogers to pay the Police at the accrual rate of 100 hours for vacation through 2008 only.

**SECOND:** By Councilmember Beall

**Motion Carried 8/0**

Next to be discussed was **Personal Days** as referenced on page 14 of the Incentive Book. Ms. Jean questioned if Personal Days are to be paid at 8, 10, or 13 hrs per day for the currently allowed 3 days per calendar year.

**MOTION:** By Councilmember Jenkins for Personal Days to be paid at the same hours as an employee works.

**SECOND:** By Councilmember Hinson.

**Motion Carried 8/0**

Ms. Jean indicated that she would present some proposed changes to the Employee Incentive Book to the Council after City Attorney Preyer reviews the changes.

Next topic brought up by Ms. Jean was the lack of access to **City Hall's computers** when Lynn Hughes and/or Marilyn Fiddler are absent. Shelton Computer could set up a password for Jean & Company if approved by the Council.

**MOTION:** By Councilmember Black to allow Jean & Company to gain access to City Hall's computers during normal working hours.

**SECOND:** By Councilmember Crain

**Motion Carried 8/0**

Ms. Jean then explained that originally the **delivery of Payroll Checks** was to be on a Thursday with timesheets being submitted on a Monday. That schedule was altered to delivery on Wednesday to allow more time for checks to be signed and for direct deposits to be made. For the Mayor/Council payroll, if processed on the 1<sup>st</sup>, the checks should be delivered on the 3<sup>rd</sup> unless a weekend falls between the dates. The Mayor indicated that he had heard of an instance of a Councilperson chastising an employee for not getting a check on time. The Mayor said that he has continually heard the Council say that they do not serve for the money, but work for the people. The instance was not fair to the employee.

**APPROVAL OF RECREATION PARK BILLS:**

Councilmember Hinson said that, after the City had contracted with Jean & Company, the Council had said, that if a Department did not have the funds—do not pay the bills. Since the Recreation Park did not have funds, recent invoices were not paid. Pam Jean explained that probably in the past, other funds were used temporarily to pay and since in a joint account there would not have been an overdraft.

Hinson suggested that a name change be made from Recreation Park to Golf in order to avoid confusion with the Park Department. City Attorney Preyer clarified that the Park revenue is from a Park Tax. Mayor Santie asked for the Ordinance that established the Park Tax to be reviewed, but the Ordinance could not be found.

Councilmember Earnheart brought up the issue of \$15,000 being budgeted from General Fund to the Recreation Park for assistance with the needed repairs to the Golf Sheds. It was decided to discuss the \$15,000 and a possible name change to Golf at the upcoming Special Meeting.

**MOTION:** By Councilmember Black to pay the bills for the Recreation Park (Golf) with a General Fund loan to the Recreation Park for \$11,000 to be repaid by June 30, 2009.

**SECOND:** By Councilmember Hinson

**POLL VOTE: MOTION PASSED 6 YES and 2 NO**

- |                          |                            |
|--------------------------|----------------------------|
| Councilmember Rogers-Yes | Councilmember Jenkins-Yes  |
| Councilmember Hinson-Yes | Councilmember Earnheart-No |
| Councilmember Beall-Yes  | Councilmember Black-Yes    |
| Councilmember Crain-Yes  | Councilmember Grant-No     |

**ADD LINE ITEM OF RECREATION PARK FINANCE:**

Council decided by general consent to wait on this topic for the upcoming Special Meeting.

**CONTRACT EMPLOYEES:**

Councilperson Earnheart indicated that she wanted an up-to-date Financial and a copy of the Contract with Jean & Company, but a Contract could not be found at City Hall. Pam Jean indicated that an Engagement Letter is the document that was signed and a copy would be supplied to City Hall.

Councilperson Earnheart indicated that City Clerk Marilyn Fiddler's office needs to be organized so that others can find information. Discussion of having Ms. Fiddler and extra office workers to work on the task.

Councilperson Crain mentioned that the Ordinance Book also needs to be updated.

**REVIEW EPA/DNR DOCUMENTS:**

Mayor Santie indicated that this topic is in relation to ongoing discussions with an EPA Attorney about a Covenant for the Bee Cee Superfund Site. City Attorney Preyer said that an Amended Covenant had been received, but has some issues to resolve yet. Preyer asked for the topic to be placed on the next agenda.

**DEPARTMENT HEAD REPORTS:**

**Fire Chief Winford German** reminded all that a No Burn is in effect and needs to remain until all tree debris is gone. Council indicated that the decision should be the Fire Chief's.

Councilperson Rogers asked if tree debris can be curb or alley ways. Scotty Mitchum (from the audience) said that curbside would be best. Mayor Santie said that the tree debris removal is a Dunklin County contract and should be left up to the County.

**Street Lead Man Dewayne Rogers** reported that the backhoe repairs cost approximately \$600 more than expected due to a broken glass & hydraulic casing—total of \$8,600. Rogers said that the Downtown Renovation project is ahead of schedule. Rogers reported damage to the cab of the tractor while clearing limbs. Expected cost of \$4,200 as approved by MIRMA for repair with a \$1,000 deductible.

**MOTION:** By Councilmember Beall to authorize repair to the tractor as damaged due to Ice Storm cleanup for the \$1,000 insurance deductible.

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0**

**Police Chief Jarrett Bullock** reported that new tires would need to be purchased from the budget line item of Vehicle Maintenance.

Bullock also indicated that the Stimulus Plan would reactivate the Cops Hiring & Recovery Program. Would be a 3-year grant 100% funded as long as show intent to hire for 1 year. If cannot financially support hiring, just would not get another grant for 1 year. If a hired Officer quits, would be allowed to hire someone else. If not hired without good reasons, would have to pay back the grant. Will take 80-90 hrs for application. Would hope for 2 Officers, which would put Malden back to a full Police Force, and help alleviate some of the comp/vacation excess problems.

**MOTION:** By Councilmember Rogers to authorize Chief Jarrett Bullock to pursue a grant under the Stimulus Package to hire 2 Officers for a 3-year period.

**SECOND:** By Councilmember Beall.

**Motion Carried 8/0**

Bullock also reported that the ID Badge machine has arrived and Bullock will be scheduling photos with all Departments.

**CEO Danny Grant** reported that a copy of a letter concerning debris cleanup was on the counter for all Council and the Mayor.

Grant also reported that Career Opportunities has been funding 2 Street Department Helpers and 1 City Hall Helper. When time runs out at 100% pay by the Program, would be available for more on-the-job

training for 60 days with ½ pay reimbursements. Motion was made by Councilperson Earnheart, seconded by Councilperson Jenkins, to retain the 3 persons for 60 days at ½ pay, but motion withdrawn by Earnheart when discussion included that, if the City pays these workers for 40 hrs per week, would that make them eligible for full-time benefits. CEO Grant will research further and report at the upcoming Special Meeting.

**Airport Manager Barbara Crayne**—no report.

#### **COUNCIL REPORTS:**

**Councilperson Hinson**—no report.

**Councilperson Beall**—no report.

**Councilperson Rogers**—Relayed a request for a *Children at Play* sign for the 1700 block of Sydney. Dewayne Rogers indicated the sign would be in stock and could install—Council gave general consent. Rogers reported of an incident at a School ballgame where the ambulance took 25 minutes to respond. After discussion, it was decided for Rogers, Crain, and Beall to approach the Ambulance Board for discussion about response times.

**Councilperson Jenkins**—Indicated that she could attend a March 23<sup>rd</sup> meeting, but not the 24<sup>th</sup>. City Attorney Preyer indicated that Court would be held on the 24<sup>th</sup> & have the building occupied anyway.

**Councilperson Crain**—Reported that he will be gone the 25<sup>th</sup>-28<sup>th</sup>. Crain also reported that a news article said that Farmers Home Administration (FHA) takes applications, based on income, for loans to repair roofs, windows, doors, heat, etc with a very low monthly payment. Crain suggested that any extra City Hall personnel assist citizens in filling out applications. After further discussion of FHA and DAEOC programs (DAEOC programs brought up by Kenny Thompson in the audience), it was generally decided that if the information is given to City Hall, Citizens could pick up the information at City Hall.

**Councilperson Black**—Complimented Police Chief Bullock on the good job with grant applications and recognized Councilperson Tommy Hinson's years of service on the City Council.

**Councilperson Earnheart**—Welcomed new businesses of Captain Jack's Restaurant and Morgan Buildings/Spas. Earnheart next made a motion, as seconded by Jenkins, to set the Street Commissioner's wage \$14.75 - \$18.00 per hour commiserate on experience, but withdrew the motion after learning that some invalid information had been given to her. Earnheart asked CEO Grant about codification—CEO Grant indicated that FEMA documentation was the current priority. Earnheart asked City Attorney Preyer about annexation progress—Preyer said trying for the April docket.

**Councilperson Grant**—No report.

#### **MAYOR REPORT:**

Mayor Ray Santie announced that the Board of Public Works and the Malden Schools will be hosting an Appreciation Dinner for all those assisting with services during the Ice Storm. Dinner scheduled for March 17<sup>th</sup>, 5:00-7:00 p.m., at the High School Commons with a menu of Chicken-n-Dumplings. Mayor Santie read a news article on the Sunshine Law Coalition that promotes transparency in MO Government.

**MOTION:** By Councilmember Hinson to go into Closed Session with Closed Minutes for Legal Claims and Legal Advice.

**SECOND:** By Councilmember Rogers

**POLL VOTE: MOTION PASSED 8 YES**

Councilmember Rogers-Yes

Councilmember Jenkins-Yes

Councilmember Hinson-Yes

Councilmember Earnheart-Yes

Councilmember Beall-Yes

Councilmember Black-Yes

Councilmember Crain-Yes

Councilmember Grant-Yes

**Note:** No motions in Closed Session other than to Reconvene into Open Session.

**MOTION:** By Councilmember Beall to adjourn the Regular Session of March 9, 2009.

**SECOND:** By Councilmember Black.

**Motion Carried 8/0**

**ATTEST:**

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**BARBARA CRAYNE**  
**ACTING CLERK**

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**RAY SANTIE**  
**MAYOR**

**SPECIAL CALLED SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, MARCH 23, 2009 – 6:00 P.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 6:00 P.M.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Larry Crain	Present
Councilmember Dianna Rogers	Present
Councilmember Lynnette Jenkins	Present
Councilmember Debra Grant	Present
Councilmember David Black	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Cynthia Earnheart	Present

8 Councilmembers were present.

**OTHERS ATTENDING:** City Attorney Mark Preyer, CEO Danny Grant, Officer Jimmy Phelps, Airport Manager Barbara Crayne, Acting Commissioner Dewayne Rogers, Fire Chief Winford German, and City Clerk Marilyn Fiddler.

**GUEST:**

**Mrs. Pam Jean of Jean & Company.**

**NUTRITION CENTER PROPOSED PROPERTY:**

**Mayor Santie** spoke with the council regarding the old AT&T building located on North Madison. Mayor Santie stated the Nutrition Center needs a place for the thrift shop because when the Nutrition Center moves to their new building everything will have to be moved out of that building. Mayor Santie stated the person from AT&T asked that the city make them an offer: the building will need a bathroom and a ramp to make it handicapped accessible.

**MOTION:** By Councilmember Beall to have CEO Danny Grant and Nutrition Center Director Betty Qualls investigate some buildings (old AT&T building, Fields Paint Store and old Norrid City Drug) to be used as a thrift center and bring their findings back to the council at the next regular meeting.

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0.**

**Mayor Santie** stated he thought the council would set a dollar amount.

**JEAN & COMPANY:**

**Mr. Pam Jean** discussed pages 1-3 of the budget the transfer of funds from Capital Improvement funds to the Nutrition Center, Inc. Mrs. Jean also spoke to the council regarding a loan to Recreation Park/Golf in the amount of \$11,000 to be paid to general fund by June 30, 2009. Mrs. Jean asked if the funds spent for FEMA should be put back in the fund where it was taken from. Mrs. Jean informed the council that she has started a line item to put the funds from the proceeds of the sale of the old police cars; sale of assets. Mrs. Jean reported there would be an additional \$7,000 and penalties when the payroll was corrected.

**MOTION:** By Councilmember Hinson to change Rec Park to Golf/Recreational Vehicles (RV).

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0.**

**Councilmember Hinson** stated this would be a good idea since Rec Park takes care of the RV Park.

**Councilmember Rogers** asked if the financials could be included in the council packets so that they might be reviewed before the council meeting. Mrs. Jean said no because she needs two (2) weeks to get

the financials together. Councilmember Earnheart stated she has a problem with that because of the expenditures. Attorney Preyer stated the council might want to change the night.

**MOTION:** By Councilmember Crain to change the regular monthly council meeting from the second Monday of each month to the third Monday of each month beginning April 2009.

**SECOND:** By Councilmember Black. **Motion Carried 8/0.**

**Mrs. Jean** read a paragraph from the incentive book regarding vacation time/vacation hours. Fire Chief German stated the accrual should be accrued according to the number of hours worked in a regular day. Mrs. Jean asked what is to be done with prior amount of vacation time on the books since the vacation is capped at 120 hours a year – (1 year—2 years). Mrs. Jean also stated that persons need to use present vacation and all vacation over the capped amount of 120 hours. Councilmember Hinson stated those with 300 hours plus should be given 2 years to use the time or lose the time. Mayor Santie asked Mrs. Jean to make a suggestion to the council at the April 2009 meeting to discuss vacation and compensatory time.

**MOTION:** By Councilmember Hinson to instruct the accountant Jean & Company to propose suggestions to bring to the Council at the April 2009 meeting to discuss vacation and Comp-time.

**SECOND:** By Council member Crain. **Motion Carried 8/0.**

**Airport Manager Barbara Crayne** asked if the cap was only on carry over and Mrs. Jean stated yes. Mrs. Jean reported personal days are normal hours worked in a day. Mrs. Jean also stated there is a \$20,000/\$25,000 unfunded mandate for comp-time. Mayor Santie stated the City cannot have an unfunded mandate.

**CEO DANNY GRANT:**

**Mr. Grant** spoke to the council regarding retaining the two (2) AO Workforce Partnerships employees. Mr. Grant reported these are inductor employees and he spoke with acting Street Commissioner Dewayne Rogers and they both agree both gentlemen are not qualified to fill Mr. Joiner’s position (Community Service Supervisor).

**MOTION:** By Councilmember Hinson to concur with Mr. Grant and Mr. Rogers not to retain these two (2) employees as community service employees.

**SECOND:** By Councilmember Earnheart. **Motion Carried 8/0.**

**Fire Chief Winford German** stated the “NO BURN ORDER” has been lifted and the AD need to be removed from channel 4.

**MOTION:** By Councilmember Hinson to adjourn the Special Called Session of March 23, 2009.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Beall	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Absent	Councilman Hinson	Yes
Councilwoman Rogers	Absent	Councilwoman Jenkins	Yes

**RAY SANTIE, MAYOR**

**ATTEST:**

**CITY CLERK MARILYN FIDDLER**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, APRIL 20, 2009—7:00p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Judge Phillip Santie leading the opening prayer.

**ROLL CALL:**

Councilmember Tommy Hinson	Present
Councilmember Dick Beall, Jr.	Present
Councilmember Dianna Rogers	Present
Councilmember Lynnette Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**8 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Police Chief Jarrett Bullock, Fire Chief Winford German, CEO Danny Grant, Airport Manager Barbara Crayne and Marilyn Fiddler City Clerk.

**OLD BUSINESS:**

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Earnheart to amend the Regular Session Minutes of March 9, 2009

**SECOND:** By Councilmember Rogers. (Motion: By Councilmember Crain to pay the Firemen at a rate of 65 hours for ½ of their sick pay instead of 45.5 hours, only for the calendar year of 2009 as paid in 2008).

**Motion Carried 8/0.**

**MOTION:** By Councilmember Rogers to approve the amended Regular Session Minutes of March 9, 2009.

**SECOND:** By Councilmember Beall.

**Motion Carried 8/0.**

**MOTION:** By Councilmember Earnheart to approve the Closed Session Minutes of March 9, 2009

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0.**

**MOTION:** By Councilmember Earnheart to approve the Special Called Session of March 23, 2009.

**SECOND:** By Councilmember Grant.

**Motion Carried.**

**CERTIFICATION OF ELECTION RESULTS:**

**MOTION:** By Councilmember Hinson to certify the Election Results of Tuesday, April 7, 2009.

**SECOND:** By Councilmember Beall.

**Motion Carried 8/0.**

**Councilmember Jenkins** stated she received many complaints regarding electioneering; she would like to stop all electioneering on Election Day. Atty. Preyer stated he would look into this then contact the Secretary of State and the City of Cape Girardeau. Atty. Preyer informed Councilmember Jenkins this action might have constitutional restrictions. Mayor Santie thanked all that have served on the Council and congratulated the new Council members.

**SWEARING IN OF THE NEW COUNCIL:**

The City Clerk swore in the Mayor and the Chief of Police prior to the meeting. The Clerk then swore in Judge Phillip Santie. Judge Santie performed a symbolic swearing in with the family Bible of Mayor Ray Santie and Police Chief Jarrett Bullock. The City Clerk then swore in each Council member one by one.

**NEW BUSINESS:**

**ROLL CALL:**

Councilmember Ronnie Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**8 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Police Chief Jarrett Bullock, Fire Chief Winford German, CEO Danny Grant, Airport Manager Barbara Crayne and Marilyn Fiddler City Clerk.

**ELECTING THE MAYOR PRO-TEMP:**

**MOTION:** By Councilmember Earnheart to nominate Councilmember Debra Grant as Mayor Pro-Temp for 2009/2010.

**SECOND:** By Councilmember Black.

**Motion Carried 8/0.**

**Mayor Santie asked if there were other nominations.**

**MOTION:** By Councilmember Thompson to nominate Councilmember Dell as Mayor Pro-Temp for 2009/2010.

**Motion Failed.**

**Nominations are closed.**

**ORDINANCES/RESOLUTIONS:**

**MOTION:** By Councilmember Earnheart to approve Resolution 2874—A Resolution authorizing execution of a supplemental agreement with Crawford, Murphy and Tilly (CMT) for LPV approach survey information.

**SECOND:** By Councilmember Grant.

**Motion Carried 8/0.**

**REVISED ENVIRONMENTAL COVENANT:**

**MOTION:** By Councilmember Dell to approve entering into an agreement with United States Environmental Protection Agency.

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0.**

**Mayor Santie** expressed reservations regarding the City accepting full responsibility for the BeeCee property. Atty. Preyer stated a copy of this document will be on file in the Dunklin County Recorder's Office in Kennett.

**CHANNEL FOUR ADS:**

**Councilmember Black** stated public ads are not permitted according to the contract with New Wave Communications.

**MOTION:** By Councilmember Black to examine the contract as to commercials to see if the City is permitted to advertise on Channel four.

**SECOND:** By Councilmember Dell.

**Motion Carried 8/0.**

**NUTRITION CENTER THRIFT CENTER:**

**Mayor Santie** reported he spoke ATT representatives and was told that ATT would take nothing less than \$4,000 for 115 N. Madison (old telephone office). CEO Grant informed the council he inspected the building and feel this would be the best building for the money. There was some discussion regarding the cost to repair other buildings.

**MOTION:** By Councilmember Earnheart to purchase the building located at 115 N. Madison Street at a cost of \$4,000 and spend \$6,000 and to use the funds from the Capital Improvements Fund to repair the building for the Malden Nutrition Center Thrift Center.

**SECOND:** By Councilmember Grant.

**Motion Carried 8/0.**

**CEO Grant** stated there will be a cost for the ADA ramp and bathrooms. Mayor Santie stated the Nutrition Center will move into the new building the first part of June 2009 and the thrift center will need a place to go.

**DANNY GRANT:**

**CEO Grant** spoke to the council regarding hiring a person to help with the paperwork in the office. Mr. Grant stated this would help to keep him on the streets.

**MOTION:** By Councilmember Black to hire Martha Gentry beginning May 25, 2009 until September 25, 2009 under the career opportunity program.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 8/0.**

**MOTION:** By Councilmember Earnheart to hire Martha Gentry at 29 hours weekly until May 25, 2009.

**SECOND:** By Councilmember Thompson.

**Motion Carried 8/0.**

**DEPARTMENT HEADS REPORT:**

**Airport Manager Barbara Crayne** reported she hope to finish the rail grant in 2009.

**Chief of Police Jarrett Bullock** reported he is waiting on notification from the cop grant he applied for.

**Acting Street Commissioner Dewayne Rogers** spoke to the council regarding 300 ton of pond rock that was ordered and put at the FEMA limb site at a cost of \$4799. Mayor Santie stated the bill belongs to Dunklin County not the City of Malden. Councilmember Earnheart asked who ordered the rock. Mr. Grant stated he ordered the rock.

**Councilmember Dell** asked CEO Grant to the Commissioner's office in Kennett to give them the invoice for the gravel; this should not be a cost to the city.

**MOTION:** By Councilmember Earnheart to recoup the funds from Dunklin County Commissioners.

**SECOND:** By Councilmember Grant.

**Motion Carried 8/0.**

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>7-Yes</b>	<b>1-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	No

**CEO Grant** reported the debris pick up is officially over.

**MOTION:** By Councilmember Jenkins to hire a Community Service Supervisor.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 8/0.**

**MOTION:** By Councilmember Dell to advertise in the local paper for these positions.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 8/0.**

**Safety Coordinator Winford German** informed the council that the assessment for MIRMA is 82%.

### COUNCIL REPORTS:

**Councilmember Dell** stated the four people that left the council had a tough job and he appreciated their service. Councilmember Dell stated he would like to have a budget meeting with Jean & Company.

**MOTION:** By Councilmember Jenkins to schedule a Budget Committee Meeting as permitted.

**SECOND:** By Councilmember Grant.

Budget Committee Meeting is scheduled for Monday, April 27, 2009 at 6:00 p.m. Mayor Santie stated he will contact Jean & Company.

**Councilmember Thompson** stated he would like to bring some new businesses in to Malden. Mayor Santie stated if he knows of any businesses they should get in touch with Keith Grantham, Mayor Santie or any Councilmember.

**Councilmember Schaffer** asked about the trash pick-up and a place to put tires.

**Councilmember Jenkins** spoke about the lack of sidewalks on the west side of Goldsmith Street. Mayor Santie stated it may take a while that is not in the budget maybe it can be put in next year's budget because that is a significant amount of funds. Mayor Santie stated some engineering would have to be done. Councilmember Jenkins asked that some maintenance be done on the ball field at Martin Luther King Park.

Mayor Santie stated Councilmember Jenkins should contact David Langley of the Parks.

**Councilmember Dell** stated the recommendations of the Auditor's need to be implemented.

**Councilmember Black** thanked the previous Council and congratulated the new Council and stated he look forward to working the new Council. Councilmember stated the parking lot at Wal-Mart holds water; the Economic Development Council needs to get with the owners of the property to see if there is a solution to draining this property. Councilmember Black stated there will be a mosquito problem and it leaves a bad reflection on the City of Malden.

**Councilmember Earnheart** welcomed the new Council members and stated she is looking forward to working with them. Councilmember Earnheart asked Atty. Preyer if Judge Sharp was a little farther on regarding annexation. Councilmember Earnheart stated she would like to set the salary of the Street Commissioner since the position has been vacant for five (5) months.

**MOTION:** By Councilmember Earnheart to set the Street Commissioner's salary at \$17/\$20 an hour depending on their experience.

**SECOND:** By Councilmember Grant.

### **POLL VOTE MOTION FAILED**

**3-Yes**

**5-No**

Councilman Thompson	No	Councilman Black	No
Councilwoman Earnheart	Yes	Councilman Crain	No
Councilwoman Grant	Yes	Councilman Dell	No
Councilwoman Schaffer	No	Councilman Jenkins	Yes

**MAYOR’S REPORT:**

**Mayor Santie** stated he was sworn by the City Clerk earlier in the day. Mayor Santie reported BPW will have a meeting Thursday, April 23, 2009 and all is invited to attend. Mayor Santie stated the meeting is about Plum Point transmission and the transmission.

Mayor Santie stated he would like to create an EMA Board by Ordinance or Resolution that would have 4,5 or 6 members with fire, medical and rescue persons on the board.

Mayor Santie asked the council to consider filing the City Administrator’s position.  
Councilmember Earnheart will sign checks and Councilmember Dell will sign the invoices.

Mayor Santie stated he would like the Position of City Administrator to be on the May 2009 agenda.

**MOTION:** By Councilmember Black to adjourn the Regular Session of April 20, 2009.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

\_\_\_\_\_  
**RAY SANTIE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK MARILYN FIDDLER**

**SPECIAL CALLED SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, APRIL 27, 2009 – 6:00 P.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 6:00 P.M. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ronnie Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**7 Council Members present.**

**Others Attending: Deputy City Clerk/Treasurer, City Attorney Mark Preyer, BPW Boardmember Clark Duckett, BPW Utility Director Ted Bellers and City Clerk Marilyn Fiddler.**

Mayor Santie opened the meeting and turned the meeting over to BPW Boardmember Clark Duckett. Mr. Duckett informed the council that the Board of Public Works (BPW) is purchasing the old Swindle property with the blessing of the City of Malden. Mr. Duckett stated the cost of the building is \$20,100 and the property will be used as a fuel depot. Councilmember Black asked if the entire city would be allowed to use the fuel depot. Mr. Duckett stated the entire city will be invited to use the property but not required to use the fuel depot. Mr. Duckett stated the goal is for the entire city to use the depot as it will make this a better investment.

**MOTION:** By Councilmember Dell to approve the purchase the Swindle property on S. Madison Street.

**SECOND:** By Councilmember Black.

**Motion Carried 7/0.**

Councilmember Schaffer asked if the cost would be for the building and fuel. Mr. Duckett stated the purchase includes the building and grounds the tanks are empty at present there are no plans to use the building. Councilmember Crain asked if the tanks leaked. Mr. Duckett stated the tanks are 9 years old and they are made of fiberglass. Councilmember Earnheart asked what the life expectancy of the tanks were. Mr. Duckett stated the life expectancy is 50 years. Mr. Duckett stated estimated the savings to be about \$100,000.

Mr. Bellers reported there will be a cost of \$100,000 over a number of years; everything will be computerized and ID cards will be used and BPW will take care of everything, the balances will be zeroed out each month. Mr. Bellers stated this will be a two year investment.

Mr. Bellers spoke regarding the Downtown Renovation, stating there is a cost of \$100,000 for the lightening. Mr. Bellers reported the sidewalks are looking good although some areas were not included in the original plans but because of some other funds from Laclede to the Swindle property will have new sidewalks and from Beckwith to Overturfs and the Church will have new sidewalks BPW will handle the extra cost and the Enhancement funds from MoDot will cover the rest. Mr. Bellers stated the City of Malden may be asked to expend \$15,000 but nothing else. Mr. Bellers stated with the enhancement funds from MoDOT and the stimulus funds there should be enough to pay for the entire Phase II. Mr. Bellers

stated the property adjacent to BPW’s office will be used as municipal parking and the property will be landscaped to have birds and butterflies. Mayor Santie stayed when the project is completed from police station to Douglass, from Madison to Beckwith and from Main Street to the Swindle property will have new sidewalks.

**MOTION:** By Councilmember Dell to adjourn the Special Called Session of April 27, 2009.

**SECOND:** By Councilmember Black.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>7-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**CITY CLERK MARILYN FIDDLER**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, MAY 18, 2009—7:00p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**8 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Police Officer Jimmy Phelps, Fire Chief Winford German, CEO Danny Grant, BPW Utility Director Ted Bellers, BPW Boardmember Clark Duckett, BPW Boardmember James Fair and Marilyn Fiddler City Clerk.

**15-MINUTE OPEN FORUM:**

**Citizen Lynnette Jenkins** asked why the name of the Malden Nutrition Center changed with the consent of the Board. Ms. Jenkins stated she was of the understanding that the Board made recommendations to the Council. Mayor Santie stated there are one and the same with the addition of six (6) citizens. Atty. Preyer stated the Malden Nutrition Center, Inc. is a non-for-profit organization and the name can be changed to anything the board wants. Ms. Jenkins asked why he changed the name to Demaree/McDonald. Mayor Santie stated they are two of the oldest families in Malden.

**APPROVAL OF THE MINUTES:**

**MOTION:** By Councilmember Jenkins to amend the Regular Session Minutes of April 20, 2009 to show Councilmember Donnie Jenkins was present not Councilmember Lynnette Jenkins.

**SECOND:** By Councilmember Earnheart. **Motion Carried 8/0.**

**MOTION:** By Councilmember Earnheart to approve the amended minutes of the Regular Session on April 20, 2009.

**SECOND:** By Councilmember Dell. **Motion Carried 8/0.**

**MOTION:** By Councilmember Jenkins to amend the Special Called Session Minutes of April 27, 2009 to show Councilmember Donnie Jenkins was present not Councilmember Lynnette Jenkins.

**SECOND:** By Councilmember Earnheart. **Motion Carried 8/0.**

**MOTION:** By Councilmember Earnheart to approve the amended minutes of the Special Called Session of April 27, 2009.

**SECOND:** By Councilmember Jenkins. **Motion Carried 8/0.**

**MALDEN NUTRITION CENTER:**

**MOTION:** By Councilmember Earnheart to approve the Malden Nutrition Center's budget and to authorize the Mayor to sign the contract with the Area Agency on Aging.

**SECOND:** By Councilmember Dell. **Motion Carried 8/0.**

**ORDINANCE/RESOLUTION:**

**MOTION:** By Councilmember Dell to accept the first reading of Bill No. 3003---An ordinance of the City Council of the City of Malden, Missouri, authorizing the execution of an agreement an agreement and contract with the Missouri Highway and transportation commission concerning the downtown renovation project: providing for the repeal of any ordinance in conflict herewith; and providing for an effective date.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**MOTION:** By Councilmember Dell to accept the second and final reading of **Bill No. 3003**---An ordinance of the City Council of the City of Malden, Missouri, authorizing the execution of an agreement an agreement and contract with the Missouri Highway and transportation commission concerning the downtown renovation project: providing for the repeal of any ordinance in conflict herewith; and providing for an effective date.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**Thus Bill No. 3003 is declares to Ordinance No. 3003.**

**MOTION:** By Councilmember Donnie to approve the first reading of Bill No. 3004---An Ordinance providing for the placement of four-way stop signs at certain designated intersections within the City of Malden, Missouri; providing for a penalty; providing for the repeal of any conflicting ordinances; and providing for an effective date.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**MOTION:** By Councilmember Earnheart to approve the second and final reading of **Bill No. 3004**---An Ordinance providing for the placement of four-way stop signs at certain designated intersections within the City of Malden, Missouri; providing for a penalty; providing for the repeal of any conflicting ordinances; and providing for an effective date.

**SECOND:** By Councilmember Dell.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**Thus Bill No. 3004 is declares to Ordinance No. 3004.**

**MOTION:** By Councilmember Dell to approve **Resolution 2875**—A resolution of the City of Malden Missouri authorizing the execution of an energy management agreement between the City of Poplar Bluff, Missouri; Paragould, Arkansas City Light and Water Commission; The Jonesboro, Arkansas City Light and Water Plant and Westar Energy Incorporation.

**SECOND:** By Councilmember Crain.

**Motion Carried 8/0.**

Mr. Bellers informed the council this is an amendment to the contract that was passed in 2007 to increase the rates; the City of Malden will pay the minimum of approximately \$2,000 monthly.

#### **BID OPENING:**

Mayor Santie informed the council that Mr. Green of William A. Green & Associates had presented the City of Malden/Nutrition Center, Inc. with a bid for a back-up generator for the Nutrition Center to be used if there is a disaster and the lights are out; the building could be used as an emergency shelter.

Mayor Santie further explained the cost will be \$86,000 with a 50/50 loan/grant with seven years to pay for the generator at \$648 monthly but the loan can be paid off at the end of one year and you would be amending your Nutrition Center, Inc. lease.

**MOTION:** By Councilmember Dell to approve an additional \$648 monthly cost for a back-up generator for at least one year and no more than seven years; total cost to corporation will be \$46,250.

**SECOND:** By Councilmember Thompson.

**Motion Carried 8/0.**

**Mr. Duckett**, BPW Boardmember, stated BPW is planning to run underground electricity to BPW office and City Hall maybe electricity can be run to the Nutrition Center also, but is just in the planning stage.

#### **STREETS AND SIDEWALKS:**

**Mayor Santie** explained the purpose of this item being on the agenda is to discuss what is to be done with streets and sidewalks. Mayor Santie asked how the council wanted to approach the repairs or lack of repairs. Councilmember Black stated there should be some planning and with the street commissioner & Mr. Bellers. Councilmember Jenkins suggested maybe patch if the streets cannot be resurfaced. Councilmember Dell stated the council should wait on the budget to see where the funds are.

#### **INDUSTRIAL DEVELOPMENT AUTHORITY:**

**Mayor Santie** reported Mr. Doug Dirks had called him to say the Industrial Development Authority had not met since 1997. Mayor Santie gave a brief description of what the Industrial Development Authority's responsibilities are. Mayor Santie stated Mr. Dirks reported there is \$1200 in the bank and that it may be futile jester. Mayor Santie asked Atty. Preyer if the Department of Economic and the Industrial Development Authority might be combined. Atty. Preyer stated these boards could not be combined. Councilmember Dell stated these boards should be kept on the books until further notice.

#### **PERMISSION TO INVOICE BOARD OF PUBLIC WORKS:**

**MOTION:** By Councilmember Crain to instruct the City Clerk to invoice the Board of Public Works for street cuts in the amount of \$25,000 on behalf of the Malden Properties.

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0.**

#### **REVIEW OF CONTRACTS:**

**Mayor Santie** reviewed the contracts with the city council.

**POSITION OF CITY ADMINISTRATOR:**

**Mayor Santie** informed the council he had appointed Mr. Ted Bellers as City Administrator; there was some discussion.

**MOTION:** By Councilmember Dell to approve the appointment of Ted Bellers as City Administrator.

**SECOND:** By Councilmember Black.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>5-Yes</b>	<b>3-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	No	Councilman Crain	Yes
Councilwoman Grant	No	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	No

Councilmember Grant stated she has nothing personally against Mr. Bellers, just the position of City Administrator. Councilmember Grant stated she does not think the City of Malden need a City Administrator. Mayor Santie read the responsibilities of the City Administrator. Councilmember Crain asked who would be the boss of the administrator BPW/Council. Councilmember Jenkins asked if Mr. Bellers could handle both jobs. Councilmember Earnheart reminded the council that the ordinance for City Administrator was to be reworked. Atty. Preyer stated Section II that speaks of input from BPW; the input is considered.

Mr. Bellers stated he would like to have a three year contract if the City Administrator position does not work he would be able to go back to the Board of Public Works. Mr. Bellers stated he feels confident he can handle both positions. Mr. Bellers stated he will be between BPW and City Hall for the next couple of months. Mr. Bellers stated the council will set the rules. Mayor Santie stated Mr. Bellers will receive \$50,000 from BPW and \$50,000 from the City. Mr. Bellers stated he was a military person for 28 years and he believes in a strong staff. Mayor Santie stated the City has six (6) weeks to work out the contract for Mr. Bellers and Mr. Bellers will start as City Administrator Wednesday, July 1, 2009.

**PAM JEAN OF JEAN & COMPANY:**

**Mrs. Pam Jean** gave a brief report of vacation and compensatory time accrual and the liability the accrual is to the city. Councilmember Dell thanked Mrs. Jean for the report.

**MOTION:** By Councilmember Dell to pay one half (1/2) of all compensatory time for City employees and the balance of the compensatory time will be used within two (2) years.

**SECOND:** By Councilmember Crain. **Motion Carried 8/0.**

**DEPARTMENT HEAD REPORT:**

**Acting Commissioner Dewayne Rogers** apologize for Ms. Peggy Rogers losing her muffler on Broadwater Road. Mr. Rogers informed the council that some of the street signs needed to be replaced, did the council want the new signs or the old style put up. Councilmember Dell asked if the cost of the new signs was in his budget. The conscience of the council is to replace the missing signs with the new style signs.

**CEO Danny Grant** offered the council a spreadsheet for the properties maintained by the city. Mr. Grant also spoke to the council regarding applicants for Community Service positions to be filled. Mr. Grant stated the applications needed to be reviewed. Mayor Santie stated the applications will be reviewed at 2:00 p.m. on Friday, May 29, 2009 at City Hall.

**MOTION:** By Councilmember Dell to keep the two (2) part-time employees that was hire temporary during the 2009 ice storm.

**SECOND:** By Councilmember Grant.

**Motion Carried 8/0.**

**COUNCIL REPORTS:**

**Councilmember Ron Dell** informed the council that the Budget Committee recommends the payment of one-half (1/2) of the compensatory time for all employees and be paid in a separate check by Friday.

**MOTION:** By Councilmember Dell to approve the one-half (1/2) the compensatory time for all employees be paid in a separate check by Friday.

**SECOND:** By Councilmember Crain.

**Motion Carried 8/0.**

**Councilmember Dell** recommended no raises.

**MOTION:** By Councilmember Dell to approve no raises for the employees of the City of Malden until further review except step raises which are to be paid.

**SECOND:** By Councilmember Crain.

**Motion Carried 8/0.**

**Atty. Preyer** suggested to the Boards there be no raises and this be followed or members of the Boards could be replaced.

**Councilmember Thompson** asked that review of the personnel manual be tabled until the City Administrator is on board.

**Councilmember Schaffer** thanked the Street Department and BPW for the work they performed.

**Councilmember Crain** stated the streets downtown looks nice and the financials are getting straighten out.

**Councilmember Black** stated he is looking forward to working with Mr. Bellers.

**Councilmember Earnheart** thanked Mr. Dewayne Rogers and Mr. Blagg for the work done in the Wal-Mart parking lot.

**Councilmember Grant** thanked the Community Service for cleaning up the streets. Councilmember Grant stated she has nothing personal against Mr. Bellers, she feels he will do a good job.

**MAYOR'S REPORT:**

**Mayor Santie** read a letter from citizen Peggy Rogers regarding the loss of the muffler form her car. Attorney Preyer advised against the payment of this claim, where do you stop.

**MOTION:** By Councilmember Dell to deny the claim for Ms. Peggy Rogers for the repair of the muffler on her car.

**SECOND:** By Councilmember Crain.

**Motion Carried 8/0.**

**Mayor Santie** spoke to the council regarding the creation of a Board for EMA instead of EMA. Mayor Santie informed the council the board would consist of a medical, school and police personnel.

**MOTION:** By Councilmember Black to create an EMA Board that will consist the EMA Director.

**SECOND:** By Councilmember Crain.

**Motion Carried 8/0.**

**MOTION:** By Councilmember Black to create a seven (7) member commission.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 8/0**

**MOTION:** By Councilmember Black to adjourn the Regular Session of May 18, 2009 and go into Closed Session.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**The Council voted to rehire and retain Marilyn Fiddler as City Clerk after much discussion 6/2. City Council voted to allow Mayor Santie set the job description for the City Clerk.**

**MOTION:** By Councilmember Black to adjourn the Regular Session of May 18, 2009.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**CITY CLERK MARILYN FIDDLER**

**SPECIAL CALLED SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, JUNE 1, 2009 – 6:00 P.M.**  
**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie presided and brought the meeting to order at 6:00 P.M.

**ROLL CALL:**

Councilmember Ronnie Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Absent
Councilmember David Black	Absent
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** Deputy City Clerk/Treasurer, Police Chief Jarrett, Asst. Chief Linda Sanders and City Clerk Marilyn Fiddler.

**CEO Grant** informed the Council Billy Barnes and Kelly Carter was already working for the City and had been since the ice storm.

**MOTION:** By Councilmember Dell to approve the hiring of Billy Barnes, Kelly Carter, Raymond Kimball and Rodney Atchley to be hired to work 29 hours a week.

**SECOND:** By Councilmember Jenkins. **Motion Carried 6/0.**

**CHIEF OF POLICE – JARRETT BULLOCK:**

**Chief Bullock** stated he spoke to the committee members regarding the police department’s compensatory time and the manner in which it was paid. Chief Bullock stated his staff work 40 hour weeks and should be paid accordingly and not by state statue. Councilmember Thompson stated the employees should be paid by the incentive book.

**MOTION:** By Councilmember Thompson to approve the payment \$1884 for compensatory time that should have been paid at time and one half; a one-time payment.

**SECOND:** By Councilmember Jenkins. **Motion Carried 6/0.**

**Mayor Santie** asked if it would be better to hire another officer.

**MOTION:** By Councilmember Jenkins to approve the payment of expenses for the City Clerk to attend a two (2) day conference at the Lodge of Four Seasons.

**SECOND:** By Councilmember Grant. **Motion Carried 6/0.**

**MOTION:** By Councilmember Crain to adjourn the Regular Session of June 1, 2009.

**SECOND:** By Councilmember Jenkins.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Absent
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**RAY SANTIE, MAYOR**

**ATTEST:**

**CITY CLERK MARILYN FIDDLER**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, JUNE 15, 2009—7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Absent
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Assistant Police Chief Linda Sanders, Fire Chief Winford German, BPW Utility Director Ted Bellers, BPW Boardmember Clark Duckett, and Marilyn Fiddler City Clerk.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Dell to amend the minutes of May 18, 2009 (changing Atty. Preyer suggested to the Boards they follow the lead of the City saying if the Boards do not follow the rules of the City the members “could” be replaced instead of “may” be replaced).

**SECOND:** By Councilmember Earnheart. **Motion Carried 6/0.**

**MOTION:** By Councilmember Earnheart to approved the amended Regular Session Minutes of May 18, 2009.

**SECOND:** By Councilmember Dell. **Motion Carried 6/0.**

**MOTION:** By Councilmember Earnheart to the Closed Session Minutes of May 18, 2009.

**SECOND:** By Councilmember Dell. **Motion Carried 6/0.**

**MOTION:** By Councilmember Dell to amended Special Called Session Minutes of June 1, 2009 to reflect Councilmember Grant Seconded the Motion instead of Councilmember Jenkins.

**SECOND:** By Councilmember Crain. **Motion Carried 6/0.**

**MOTION:** By Councilmember Crain to approve the amended Special Called Session Minutes of June 1, 2008.

**SECOND:** By Councilmember Dell. **Motion Carried 6/0.**

**ORDINANCE/RESOLUTION:**

**MOTION:** By Councilmember Black to amend Ordinance No. 3005 to strike the word “**visual**”--An Ordinance of the City of Malden, Missouri providing for the establishment of an Arts Commission; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

**SECOND:** By Councilmember Dell.

<b><u>POLL VOTE</u></b>	<b><u>MOTION PASSED</u></b>	<b><u>6-Yes</u></b>	<b><u>0-No</u></b>
Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes

Councilwoman Schaffer Yes Councilman Jenkins Absent

**MOTION:** By Councilmember Earnheart to accept the first reading of Ordinance No. 3005-- An Ordinance of the City of Malden, Missouri providing for the establishment of an Arts Commission; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

**SECOND:** By Councilmember Black.

**POLL VOTE MOTION PASSED 6-Yes 0-No**

Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Black to accept the second and final reading of Ordinance No. 3005-- An Ordinance of the City of Malden, Missouri providing for the establishment of an Arts Commission; providing for the repeal of all ordinances in conflict herewith; and providing for an effective date.

**SECOND:** By Councilmember Earnheart.

**POLL VOTE MOTION PASSED 6-Yes 0-No**

Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Black to postpone the approval of Ordinance No. 3006 until the next scheduled council meeting.

**SECOND:** By Councilmember Earnheart. **Motion Carried 6/0.**

**JEAN & COMPANY:**

**Mrs. Pam Jean of Jean & Co.** spoke to the Council regarding the financials of the City. Mrs. Jean reported the income of the city is down but was offset by grants last year. Mrs. Jean asked that a Council meeting be set to amend the budget and approve the budget for 2009/2010 prior to July 1, 2009. **Councilmember Dell** reported the budget has been meeting regularly; we are asking that the department heads reduce their budget by 2/3%. Councilmember Dell asked that a council meeting be set for Thursday, June 25, 2009 at 6:30 p.m. to amend the 2008/2009 budget and to approve the 2009/2010 budget. Councilmember Dell informed the council that no funds for Air Evac were not included in the budget; the health insurance will pay for the helicopter ride. Councilmember Dell stated the budget could be passed as is but he would like the budget be passed with the reserves.

**POLICE SCHEDULE:**

**Councilmember Dell** stated comp- time is of no real advantage to the City, just building a liability for the City.

**MOTION:** By Councilmember Earnheart to replace compensatory time with overtime beginning July 1, 2009.

**SECOND:** By Councilmember Grant. **Motion Carried 6/0.**

**BOARD APPOINTMENTS:**

**MOTION:** By Councilmember Dell to reappoint Billy Elder and Alvin Owens to the Airport Board.

**SECOND:** By Councilmember Crain. **Motion Carried 6/0.**

**COMPUTERS:**

**MOTION:** By Councilmember Black to approve the bid from Shelton's Business Machines for four (4) computers for \$3266.

**SECOND:** By Councilmember Crain. **Motion Carried 6/0.**

**COMMUNITY CENTER:**

**Mayor Santie** read a letter of resignation from Community Center Boardmember Loyd Chairman. Mayor Santie stated he will appoint someone by the July 20, 2009 meeting.

**RECYCLE TRAILER:**

**Councilmember Dell** stated he has received complaints regarding the recycle trailer being moved to the Street shed because the residents cannot get to the trailer after certain hours; it is an inconvenience to the residence. Streets Lead Man Dewayne Rogers stated maybe some signs would help; the residents are putting garbage in the in the trailer, the recycle people will not take the items; the street department has to separate them before the recycle agency will take the items.

**MOTION:** By Councilmember Crain to place signs on the recycle trailer and place the trailer back at Town Plaza.

**SECOND:** By Councilmember Earnheart. **Motion Carried 6/0.**

**DEPARTMENT HEAD REPORTS:**

**CEO Danny Grant** reported Willard Adams of Bootheel Regional Planning and Economic Development Commission, called to inform him there would be a tire round up in July 2009 and the fall of 2009 of about 200 tires each roundup with 16" tires or smaller.

**MOTION:** By Councilmember Earnheart to have a tire roundup of tires 16" or smaller.

**SECOND:** By Councilmember Dell. **Motion Carried 6/0.**

Fire Chief/Safety Coordinator Winford German informed the council of the need to repair the aerial truck; Chief German stated he called Banner to repair the truck and Banner is to give him an estimate. Chief German reported that the annual meeting with MIRMA will be July 22, 2009 thru July 24, 2009.

**MOTION:** By Councilmember Black for Chief German and City Administrator Bellers to attend the annual MIRMA meeting on July 22 thru July 24, 2009.

**SECOND:** By Councilmember Grant. **Motion Carried 6/0.**

**Airport Manager Barbara Crayne** informed the council of the fireworks show stating the fireworks show will be July 4, 2009 at dusk and the rain date will be July 5, 2009. Mrs. Crayne informed the public that she is short \$3000 and she is still accepting donations.

**COUNCIL REPORTS:**

**Councilmember Schaffer** informed the council of a meeting she attended with a dairy representative regarding a dairy farm coming to the Malden Airport properties. Councilmember Schaffer stated the dairy farm will hire 10/15 full time people and over 400 part time people.

**Councilmember Crain** stated he would prefer two (2) meeting a month; the ordinances need to be read at one meeting and then passed at the next meeting giving you time to ask questions regarding the ordinance.

**Councilmember Black** asked who was in charge of the little league ball field on Broadwater Road. CEO Grant stated SEMO College owns that property. Mr. Grant also stated the college will clean up the

property, they intended to maintain with the farm ground. Councilmember Black asked who was in charge of maintaining the flags on the city’s property. Mr. Grant stated he will make sure the flags are changed.

**Councilmember Earnheart** spoke regarding the street sign and cost estimate given to the council by Leadman Dewayne Rogers.

**MOTION:** By Council Earnheart to replace signs by wards beginning with Ward I and proceed with the next ward; one ward per year.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>5-Yes</b>	<b>1-No</b>
Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	No
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**Councilmember Grant** thanked Atty. Preyer for the tickets to the Chamber of Commerce’s Annual Banquet. Councilmember Grant reported she accepted an award of appreciation for the City from the Chamber of Commerce for the work done during the Ice Storm of 2009. Councilmember Grant asked that the Board of Public Works repair the lights at the ball field at the Martin Luther King Park and the Park Department repair the bathrooms and install some benches for the players. Councilmember Grant spoke regarding the Community Garden stating the garden is for the whole city not just Ward I; the Community Garden is in need of some hoses and hoes.

**MOTION:** By Councilmember Crain to adjourn the Regular Session of June 15, 2009.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**RAY SANTIE, MAYOR**

**ATTEST:**

**CITY CLERK MARILYN FIDDLER**

# **SPECIAL CALLED SESSION**

## **MALDEN CITY COUNCIL**

**MONDAY, JUNE 29, 2009 – 6:30 P.M.**

**CITY HALL – 201 S. MADISON STREET**

Mayor Ray Santie called the meeting to order at 6:30 p.m. with Councilmember Regina Schaffer leading the opening prayer.

### **ROLL CALL:**

Councilmember Ronnie Dell	Present
Councilmember Kenneth Thompson	Absent
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** Deputy City Clerk/Treasurer, Police Chief Jarrett, BPW Boardmember Clark Duckett, Utility Director/City Administrator, CEO Danny Grant and City Clerk Marilyn Fiddler.

### **AUTHORIZE THE MAYOR TO SIGN A CONTRACT FOR CONSULTING ENGINEERING FOR PHASE II OF THE DOWNTOWN PROJECT:**

**Utility Director Ted Bellers** spoke to the council regarding a contract for consulting engineering for phase II of the Downtown Renovation Project. Mr. Bellers recommended the Council authorize the Mayor to sign the necessary documents to receive the funds for the project. Mr. Bellers reported that Strickland Engineering would be the engineering firm presented as consulting engineering for the second phase of the Downtown Renovation Project.

**MOTION:** By Councilmember Black to authorize the Mayor to sign the contract for Phase II of the Downtown Project.

**SECOND:** By Councilmember Earnheart. **Motion Carried 6/0.**

### **DISCUSSION OF THE BUDGET:**

**Councilmember Dell** informed the council that the present budget (2008/2009) needed to be amended before the 2009/2010 budget could be passed. Councilmember Dell stated the budget for 2009/2010 is a balanced budget although the budget is tight it is a good budget and he recommends passing this budget. Councilmember Earnheart asked questions regarding the auditing fee and they were answered by Councilmember Dell and Mrs. Pam Jean of Jean & Company.

**Mrs. Jean** informed the council that all expenditures as of June 22, 2009 would be included in the 2008/2009 budget amendment. Mrs. Jean stated the city should follow state statute and record the expenditures and revenues of the Downtown Renovation Project and make some adjustments between four funds (Street Funds, Cemetery Funds, Rec Park/Golf-RVPark Fund and General Fund).

**MOTION:** By Councilmember Crain to approve the 2008/2009 amended budget as presented by Jean & Company.

**SECOND:** By Councilmember Dell.

**Motion Carried 6/0.**

**MOTION:** By Councilmember Dell to approve the 2009/2010 budget as presented by the budget committee.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Black to adjourn the Special Called Session of June 29, 2009.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Absent	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**RAY SANTIE, MAYOR**

**ATTEST:**

**MARILYN FIDDLER, CITY CLERK**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, JULY 20, 2009 — 7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Absent
Councilmember David Black	Present
Councilmember Larry Crain	Present

**7 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Assistant Police Chief Linda Sanders, Fire Chief Winford German, City Administrator Ted Bellers, BPW Boardmember Clark Duckett, and Marilyn Fiddler City Clerk.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Dell to approve the Regular Session Minutes of June 15, 2009.

**SECOND:** By Councilmember Crain. **Motion Carried 7/0.**

**MOTION:** By Councilmember Dell to approve the Special Called Session Minutes of June 29, 2009.

**SECOND:** By Councilmember Crain. **Motion Carried 7/0.**

**MOTION:** By Councilmember Thompson to change Councilmembers Thompson and Jenkins were present to absent on the Roll Call.

**SECOND:** By Councilmember Jenkins. **Motion Carried 7/0.**

**MOTION:** By Councilmember Black to change Councilmembers Thompson and Jenkins were present to absent on the Roll Call.

**SECOND:** By Councilmember Grant. **Motion Carried 7/0.**

**MOTION:** By Councilmember Black to approve the Closed Session Minutes of June 15, 2009 as amended.

**SECOND:** By Councilmember Grant. **Motion Carried 7/0.**

**RESOLUTION/ORDINANCE:**

**MOTION:** By Councilmember Dell to approve Resolution No. 2876 – A Resolution authorizing execution of a design/bid consultant agreement with Crawford, Murphy & Tilly (CM & T) for the aviation pavement project Phase I.

**SECOND:** By Councilmember Black. **Motion Carried 7/0.**

**MOTION:** By Councilmember Crain to approve the first reading of Ordinance No. 3006---An Ordinance creating the “Board of Emergency Management”; providing a procedure for the appointment and the terms of tenure, qualifications, duties, and powers; providing for a severance clause; providing for the repeal of conflicting ordinances; and providing for an effective date.

**SECOND:** By Councilmember Thompson.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>7-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**MOTION:** By Councilmember Thompson to approve the second and final reading of Ordinance No. 3006--An Ordinance creating the "Board of Emergency Management"; providing a procedure for the appointment and the terms of tenure, qualifications, duties, and powers; providing for a severance clause; providing for the repeal of conflicting ordinances; and providing for an effective date.

**SECOND:** By Councilmember Jenkins.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>7-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

**Mayor Santie thus declared Bill No. 3006 to become Ordinance No. 3006.**

#### **ARTS COMMISSION:**

**MOTION:** By Councilmember Black to approve the board appoint for the Arts Commission: Mr. Max Hilfiker, Ms. Sue Bostic, Ms. Sally Ware, Ms. Liz Provance, Ms. Charla Royal, Mr. Johnny Downing and Mrs. Pat Morehead.

**SECOND:** By Councilmember Crain.

**Motion Carried 7/0.**

#### **TRANSFER OF FUNDS:**

**MOTION:** By Councilmember Crain to transfer \$17,775.77 from Capital Improvement Funds to the Malden Nutrition Center, Inc. Fund.

**SECOND:** By Councilmember Dell.

**Motion Carried 7/0.**

#### **DISCUSSION OF INSURANCE—HEALTH/LIABILITY:**

There was some discussion as whether to explore companies/plans to see if the city could get a better plan and cheaper price on both health insurance and liability insurance.

**MOTION:** By Councilmember Dell to instruct the City Administrator Tell Bellers to make some inquiries regarding health insurance not to exceed \$300,000 to \$325,000 per fiscal year.

**SECOND:** By Councilmember Black

**Motion Carried 7/0.**

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

**Mr. Bellers** reported he had included in the council packets a purchasing policy that covers the procedures for purchasing for the city. Mr. Bellers stated the policy can be changed at any time but it needs to be adopted.

**MOTION:** By Councilmember Black to adopt the purchasing policy that is included in the council packet.

**SECOND:** By Councilmember Crain.

**Motion Carried 7/0.**

Mr. Bellers explained the purchasing policy and stated he has the oversight. Mr. Bellers explained the purchases will be handled by the department heads but will be reviewed by the Administrator, Mayor and persons on bank signature cards.

**DOWNTOWN RENOVATION REPORT:**

**Administrative Assistant to Mr. Bellers Ms. Linda Stewart** gave a report on the Downtown Renovation project. Ms. Stewart stated there will be a lightning ceremony on Thursday September 3, 2009, the Homecoming Weekend; there will be food, refreshments and other activities. Ms. Stewart reported there will be council members past and present there will also be dignitaries invited, an invitation will be hand delivered to the Governor. Ms. Stewart asked Councilmember Black to prepare the invitations and asked Councilmember Grant to sing a song at the ceremony.

**DOWNTOWN PARK PRESENTATION:**

Mr. Bellers asked Mr. Crump of the Board of Public Works (BPW) to show a video of how the lot across the street from City hall will look when the project is complete. Councilmember Black asked that the video be shown on channel 4.

**CITY ORGANIZATIONAL CHART:**

City Administrator Bellers gave the City Council Members a City Organizational Chart and explained how the city's organization is set up and made the following recommendations:

Stephen Crump, Financial Officer for BPW will serve as Treasurer/Director of Finance for the City and BPW. Richard Blagg, BPW Water/Wastewater Superintendent will serve as the Public Works Superintendent over the City Streets and BPW Water/Wastewater Department. Dewayne Rogers, Leadman over the Street Department be promoter to a Street Supervisor at an hourly rate of \$15.02 per hour. Mr. Rogers will work under the Public Works Superintendent.

**MOTION:** By Councilmember Jenkins to promote Dewayne Rogers to supervisor in the Street Department and increase his pay from \$14.02 per hour to \$15.02 per hour.

**SECOND:** By Councilmember Thompson. **Motion Carried 7/0.**

**Councilmember Dell** cautioned Mr. Bellers to keep the funds separate.

**MOTION:** By Councilmember Black to accept the recommendations of the City Administrator.

**SECOND:** By Councilmember Crain. **Motion Carried 7/0.**

**COUNCIL REPORTS:**

**Councilmember Dell** reported he had received complaints from irate citizens regarding Occupancy permits and having to return to city hall to for the permit. City Administrator Bellers stated he will work with the code enforcement officer to improve this system. Mr. Bellers stated he will have a report on this issue at the next council meeting.

**Councilmember Thompson** asked that a stop sign be placed at Alberta and Broadwater Rd. making that a three way-stop.

**MOTION:** B y Councilmember Thompson to instruct Atty. Preyer to prepare an ordinance for a stop sign to be placed at Broadwater Road and Alberta Street making that a three-way stop.

**SECOND:** By Councilmember Black. **Motion Carried 7/0.**

Councilmember Thompson reported some citizens that live in the area of the Corner Market are complaining about the large trucks traveling in the alley and blocking the alley adjacent to the Corner Market.

**Councilmember Schaffer** asked Mrs. Crayne, Airport Manager, if she had received any correspondence from the proposal for a business to locate on the Airport. Mrs. Crayne stated she had not heard from the business.

**Councilmember Crain** stated he had received complaints regarding firecrackers and dogs.

Councilmember Crain recommended higher fines for the dogs.

**Councilmember Black** stated he would like to see an ordinance for no burning and no fireworks.

Councilmember Black stated he is excited about the downtown project. Councilmember Black welcomed City Administrator Bellers to his first council meeting as City Administrator and stated he would like to see

the presentation of the future downtown area on channel four and also show last council meetings between the next council meeting.

### **MAYOR'S REPORT:**

**Mayor Santie** reported that through a grant the City had about \$3500 left and he has spoken to Ms. Minner about using the funds for signage to replace the name on city hall to have the name read: Malden City Hall.

**MOTION:** By Councilmember Black to adjourn the Regular Session of July 20, 2009.

**SECOND:** By Councilmember Grant.

<b><u>POLL VOTE</u></b>	<b><u>MOTION PASSED</u></b>	<b><u>7-Yes</u></b>	<b><u>0-No</u></b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**MARILYN FIDDLER, CITY CLERK**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, AUGUST 17, 2009 — 7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Absent
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Street Lead Man Dewayne Rogers, Police Chief Jarrett Bullock, Fire Chief Winford German, City Administrator Ted Bellers, Airport Boardmember Charlie Dierks, BPW Asst. Utility Director Brian Haley and Marilyn Fiddler City Clerk.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Grant to approve the Regular Session Minutes as presented.

**SECOND:** By Councilmember Thompson. **Motion Carried - 5/0 with Councilmember Earnheart abstaining.**

**ORDINANCE/RESOLUTION:**

**MOTION:** By Councilmember Earnheart to approve the first reading of Ordinance No. 3007-An Ordinance approving a settlement and binding unilateral agreement with Southwestern Bell Telephone Company and related entities relating to payment of business license taxes.

**SECOND:** By Councilmember Grant.

<b><u>POLL VOTE</u></b>	<b><u>MOTION PASSED</u></b>	<b><u>6-Yes</u></b>	<b><u>0-No</u></b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Absent
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Earnheart to approve the second and final reading of Ordinance No. 3007-An Ordinance approving a settlement and binding unilateral agreement with Southwestern Bell Telephone Company and related entities relating to payment of business license taxes.

**SECOND:** By Councilmember Grant.

<b><u>POLL VOTE</u></b>	<b><u>MOTION PASSED</u></b>	<b><u>6-Yes</u></b>	<b><u>0-No</u></b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Absent
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Earnheart to approve Resolution No. 2877—A Resolution of the City of Malden, Missouri stating intent to seek funding the Community Development Block Grant Program and authorizing the Mayor/Presiding Commissioner to pursue activities in an attempt to secure funding.

**SECOND:** By Councilmember Black.

**Motion Carried 6/0.**

**BOARD APPOINTMENTS:**

**MOTION:** By Councilmember Earnheart to appoint Tommy Hinson to the Malden Airport Board.

**SECOND:** By Councilmember Grant.

**Motion Carried 6/0.**

**MOTION:** By Councilmember Black to accept the members listed below to the Emergency Management Board (EMA).

**SECOND:** By Councilmember Earnheart.

**Motion Carried 6/0.**

**Jarrett Bullock**

**Police Chief**

**Winford German**

**Fire Chief**

**Ken Cook**

**Superintendent of Schools**

**Nikki Santie**

**Golden Living Nursing Center**

**Jim Hollingshad**

**Dunklin County Health Board**

**D. W. Summers**

**Retired Helicopter Pilot & Retired School Principal**

**Anita Mathies**

**Active Member of National Guard**

**JEAN & COMPANY --- CITY'S FINANCIALS REPORT:**

**Mrs. Pam Jean** explained the change in the financials ending June 30, 2009; stating the change was caused by grants which is \$15,800.00. Mrs. Jean went on to give an overview of July 31, 2009 stating the bills were lower and the expenses were on target. Mrs. Jean stated she would answer questions but would not go through the 69 page document.

**Airport Board Chairman Charlie Dierks** stated the purpose of this resolution is to seek CDBG funding for Phase II of the Rail Spur (671,000.00). Mr. Dierks reported the Airport Board gave Airport Manager Barbara Crayne permission in May 2009 to seek funding for Phase II of the Rail Spur.

**TRANSFER OF FUNDS (TO MALDEN NUTRITION CENTER, INC.):**

**MOTION:** By Councilmember Thompson to transfer \$37258.00 per the promissory note with USDA Rural Development to the Malden Nutrition Center, Inc's account from the Capital Improvement Fund.

**SECOND:** By Councilmember Black.

**Motion Carried 6/0.**

**COUNCIL REPORT:**

**Councilmember Black** asked the council to take a serious look at a tax increase to pay the Police Department for protection. Councilmember Black asked the City Administrator to research a professional custodial service cleaning the City's facilities. Councilmember Black stated the volunteers are doing a good job cleaning up downtown.

**Councilmember Earnheart** stated there are two part-time workers at the Community Center; consider making the workers full time and let these two persons be custodians for all the city buildings. Councilmember Earnheart asked that the old Cemeteries be cleaned up and the sidewalks be cleared. City Administrator stated he has persons working on the cemeteries. Councilmember Earnheart asked that the Community Center parking lot be paved and the door that needs to be repaired be replaced with a handicapped door. Councilmember Earnheart asked City Attorney Mark Preyer when the annexation

would be heard. City Attorney Preyer stated September 2009. Councilmember Earnheart thanked all those that volunteered on the Downtown Project.

**CITY ADMINISTRATOR'S REPORT:**

**Malden Arts Commission** - City Administrator Ted Bellers reported the first meeting of the Arts Commission was August 4, 2009. Mr. Bellers reported the Commission elected its new officers and minutes of that meeting are in the council packet.

**DOWNTOWN LIGHTING CEREMONY** - Mr. Bellers stated the plans for the evening of September 4 ceremony is still underway. Mr. Bellers reported Ms. Stewart will give the Council an update on the activities.

**DOWNTOWN PARK** – Mr. Bellers reported that on August 25<sup>th</sup> the Arts Commission will meet at BPW conference room to review the latest park development plan. Mr. Bellers also reported the Commission has agreed to help with this project.

**CITY ORGANIZATIONAL DEVELOPMENT** – Mr. Bellers informed the council the City's staff is continuing to work on improving its department's organization. Mr. Bellers reported that Bob Burke, Humane Officer will work out of the Police Department under Chief Jarrett Bullock; Danny Grant, Code

Enforcement Officer will move his office to the Board of Public Works Department. Mr. Bellers stated this should help reduce complaints that we've had from our citizens. Mr. Bellers reported he has appointed the Human Resource Officers for the City. They are as follows: Stephen Crump, Board of Public Works; Marilyn Fiddler, City Administration, Police, Streets; and Barb Crayne, Airport Board.

**PERSONNEL POLICE** – Mr. Bellers reported the Human Resource Officers are in the process of updating our current personnel policy. Mr. Bellers stated he and Councilperson Ken Thompson are working with staff to prepare a draft for the City Council's approval.

**CHANNEL 4 – MALDEN** – Mr. Bellers stated we are currently in the process of working with Newwave Communications on updating the city's equipment and software for improving Channel 4- the public service network channel. Mr. Bellers stated he will keep the Council updated on the progress.

**CITY OF MALDEN'S WEB PAGE** – Br. Bellers informed the Council that a staff member from all departments of the City to review the City's current page. Mr. Bellers stated recommendations will be made and the City will look at ways to make improvements and ways to maintain the website.

**FEMA – ICE STORM 09** – Mr. Bellers conveyed that we are still currently in the process of receiving funds requested from FEMA for damages caused from this year's ice storm. Mr. Bellers also reported FEMA has approved around \$927,263.74. Mr. Bellers stated the city and BPW has received \$131,996. Mr. Bellers reported he hopes to receive \$563,452 in the near future. Br. Bellers reported BPW staff has performed a system wide review and identified 132 line sections (71.66 miles) of the electric power distribution system which met FEMA guidelines for Re-conducting. Mr. Bellers stated the total estimated project cost is around \$7,000,000.00. Mr. Bellers also stated BPW is in the process of determining the amount of work to be performed. Mr. Bellers reported BPW has appealed the determination by FEMA for BPW not to be eligible for funding of \$545,527.63 on the operating of the BPW Power Plant during the ice storm. City Attorney Mark Preyer is representing BPW.

**STREET, ALLEYS AND SIDEWALKS** – Mr. Bellers stated he is in the process of working with the Superintendent on a plan to improve the alleys and resurface the City streets. Mr. Bellers stated this month we are in the process of cleaning up the main right-of-way of the City. Mr. Bellers informed the council of the two big events that will be occurring in downtown Malden in the next few weeks. Mr. Bellers thanked James “Butch” Burrow for pressure washing.

**DOWNTOWN CLEAN-UP** – Mr. Bellers reported the MHS Alumni Association is working hard to work with local downtown business owners to give their store fronts a lift. Mr. Bellers thanked the owners and Alumni directors.

**POLICE CHIEF JARRETT BULLOCK:**

**Police Chief Jarrett Bullock** spoke to the Council regarding the lack of complete overtime pay for police officers. Chief Bullock stated the officers have not been paid properly because they were paid straight time.

Chief Bullock announced that he was not awarded the grant for which he applied. Chief Bullock stated the cities of Parma and Kennett each received a grant for their Police Department. Chief Bullock reported the last 45 days have been the busiest day in three (3) years. Chief Bullock stated he has nine officers and he is having a hard time with the schedule since he only has nine officers. Councilmember Crain stated it is the responsibility of the Council to see that the community is protected.

**MOTION:** By Councilmember Earnheart to hire a full-time officer if funds are available.

**SECOND:** By Councilmember Crain.

**Motion Carried 6/0.**

**City Administrator Bellers** stated he and Chief Bullock will look at how to come up with the funding and they will report back to the Council at the next Meeting. Chief Bullock informed the council that he needed to advertise for the position. Councilmember Black requested Chief Bullock to put a package together to hire an officer. Mayor Santie asked how long it would to hire an officer. Chief Bullock stated it will take at least two weeks to hire an officer. Atty. Preyer stated the council is doing the right thing by reviewing the budget first.

**MOTION:** By Councilmember Black to approve the first reading of Bill No. 3008—An Ordinance of the City of Malden, Missouri, fixing the AD Valorem property tax rate for the 2009 property tax year for the City of Malden, Missouri; setting out the valuation by category of property; setting forth the amount of revenue required to be provided from the property tax in the annual budget; and providing an effective date.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Absent
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Earnheart to approve the second and final reading of Bill No. 3008—An Ordinance of the City of Malden, Missouri, fixing the AD Valorem property tax rate for the 2009 property tax year for the City of Malden, Missouri; setting out the valuation by category of property; setting forth the amount of revenue required to be provided from the property tax in the annual budget; and providing an effective date.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Absent
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

Mayor Santie thus proclaimed Bill No. 3008 Ordinance No. 3008 of the City of Malden.

**MOTION:** By Councilmember Black to adjourn the Regular Session of August 17, 2009.

**SECOND:** By Councilmember Earnheart.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Absent
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**MARILYN FIDDLER, CITY CLERK**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, SEPTEMBER 21, 2009 — 7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Absent
Councilmember David Black	Present
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Police Chief Jarrett Bullock, City Administrator Ted Bellers, Airport Boardmember Charlie Dierks, BPW Asst. Utility Director Brian Haley and Marilyn Fiddler City Clerk.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Thompson to amend the Regular Session Minutes of August 17, 2009 (strike the first entry of Ordinance No. 3007).

**SECOND:** By Councilmember Dell. **Motion Carried 6/0.**

**MOTION:** By Councilmember Thompson to approve the amended Regular Session Minutes of August 17, 2009.

**SECOND:** By Councilmember Crain. **Motion Carried 6/0.**

**ORDINANCE/RESOLUTION:**

**Ordinance No. 3009**—An Ordinance providing for the placement of stop signs at certain intersections within the City of Malden, Missouri.

**MOTION:** By Councilmember Thompson to approve the first reading of Ordinance No. 3009-- An ordinance providing for the placement of stop signs at certain intersections within the City of Malden, Missouri.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**MOTION:** By Councilmember Thompson to approve the second and final reading of Ordinance No. 3009—An Ordinance providing for the placement of stop signs at certain intersections within the City of Malden, Missouri.

**SECOND:** By Councilmember Grant.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**Mayor Santie thus declared Bill No. 3009 Ordinance No. 3009.**

**PHASE II --- RAIL PROJECT:**

**MOTION:** By Councilmember Dell to approve Phase II Rail Project “contingent” on funding by CDBG-R funds.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

City Attorney Mark Preyer stated Phase II would not be an additional cost to the city. Atty. Preyer stated the funds were approved by the Missouri Department of Economic Development on September 3, 2009.

**JEAN & COMPANY, LLC:**

Mrs. Pam Jean informed the Council the City was on target with expenditures. Mrs. Jean reported there would be a couple of reclassifications in the Solid Waste Fund. Mrs. Jean also stated she would watch the sales tax because the sales tax received is lower than projected.

**PLANNING & ZONING RECOMMENDATIONS:**

**CEO Danny Grant** informed the council the first item on the Planning & Zoning minutes is to be tabled until the Planning & Zoning Board meet on October 1, 2009. CEO Grant stated the discussion should involve item No. 2(reduce the lot size from R-1—10,500 sq ft to R-2 –5,000 sq ft), item No. 3(reduce R-1 to R-2 for multi housing selected R-1 zoned area), and item No. 4(Rezone from R-2 to C-2, north of Arnold of Arnold Blvd. from HWY 25 to “E” Street).

Atty. Preyer advised CEO Grant to attach a legal description to the Motion made by the Planning & Zoning Board to justify the reason to rezone to put two (2) small 500 sq ft to 700 sq ft houses on one lot.

Atty. Preyer also stated the setbacks could be modified as needed to build the two homes.

**MOTION:** By Councilmember Black to approve the recommendations of the Planning & Zoning Board and to Modify the setback requirements as needed.

**SECOND:** By Councilmember Thompson.

City Attorney Preyer recommends the Planning & Zoning recommendations be tabled until October 19, 2009.

Councilmember Black rescinded his motion to approve the recommendations of the Planning & Zoning Board.

**MOTION:** By Councilmember Black to table recommendations of the Planning & Zoning Board until the October 19, 2009 Council meeting to clarify the setbacks.

**SECOND:** By Councilmember Crain.

**Motion Carried 6/0.**

**City Administrator Bellers** asked that each item on the Planning and Zoning agenda be defined so that everyone might understand what is being proposed.

**MOTION:** By Councilmember Dell to approve the “Conditional Use” permit for DAEOC preschool to build a new building on the north side of Arnold and “E” Street.

**SECOND:** By Councilmember Thompson.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>5-Yes</b>	<b>1-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	No

Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

**Councilmember Black** asked if this was not spot zoning. CEO Grant stated Planning and Zoning Board issued a "Conditional Use" permit.

#### **TRANSFER OF FUNDS:**

**MOTION:** By Councilmember Dell to transfer \$3,611.25 from Capital Improvement Fund to Malden Capital Improvement Corporation.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

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

1. **Police Department:** -- On August 17, 2009 the City Council approved to employ an additional police officer if were available in the city budget. I have reviewed the city budget and have determined that additional funds of \$31,318 are available. See Chief of Police, Jarrett Bullock's recommendation. Note that one of his officers will be transferring to the Water Department of the Board of Public Works.

Recommendation: Employ Mr. Justin James and Mr. Robyn Meredith for the position of entry-level police officer starting September 22, 2009 with a starting hourly rate of \$10.25 per hour plus benefits offered to all employees.

**MOTION:** By Councilmember Black to follow the recommendations of the City Administrator.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

2. **Community Center** – The Community Center needs to replace one of the heating and cooling units. This unit is no longer in operation and parts of the building have no heating or cooling. This unit is the oldest unit and the other units have been replaced recently.

Recommendation: Add around \$11,000.00 to the Community Center budget for equipment replacement, and advertise for a ten ton heating and cooling system to be installed.

**MOTION:** By Councilmember Dell to transfer \$11,000 from Capital Improvement Fund to Community Center budget.

**SECOND:** By Councilmember Grant.

**Motion Carried 6/0.**

3. **Planning and Zoning Commission** -- The Planning and Zoning Commission has set a public hearing on October 1, 2009 to hear a request to rezone several residential lots to a C-2 commercial zone. Lots are on South Madison Street beginning at Cypress Street, thence south on Hester Street connecting to C-2 Commercial zoning.
4. **Board of Emergency Management** – The Board of Emergency Management has scheduled their first meeting on Tuesday, 12 noon, September 22, 2009 at BPW Conference Room.
5. **Board of Public Works** – The Board of Public Works is continuing to look for funds to repair the City's electrical system that was damaged severely from natural disasters that occurred during 2008 and 2009. The Board has applied for a \$2,069,550 Community Development Block Grant that would fund part of a \$2,400,550 project. FEMA has approved \$7,142,678 to reconstruct

71.664 miles of distribution lines. The City would only receive 75 per cent of the approved construction cost. The Board is working on a plan to be presented in November to the City Council. See attached reports.

6. **Downtown Lighting Ceremony** – The Downtown Lighting Ceremony was a success. A thanks to Linda Stewart, Coordinator of the event and all the helpers and supports. Thanks to the Malden Alumni Association for all the volunteer work on the downtown store fronts. Thanks to the owners for their support to improve their businesses.
7. **Allied Waste Services** – Allied Waste Services has agreed to schedule a citywide bulky item pickup on October 31, 2009. This service is provided annually to the city residents of Malden at no additional cost.
8. **Malden Public Information and Educational Channel 4** – Improvements are being made to our hometown channel. New wave Communication is working with the City to purchase the computer software that we have recommended. The software will allow the City to display video and audio files. It can display internet web pages for things such as the weather radar, news, and other items of community interest. It can show Power Point presentations. The graphics are much improved, so more interesting and informative announcements can be created. Text can be animated. It can do database displays. It has split screen/independent region support and remote programming.

**MOTION:** By Councilmember Black to promote James Wilkerson to Building Maintenance at a rate of \$10.00 per hour and make the \$10.00 per hour retroactive from July 1, 2009 until present.

**SECOND:** By Councilmember Thompson.

**Motion Carried 5/1-abstention.**

Councilmember Dell asked from what budget would building maintenance be funded. City Administrator Bellers stated General Fund Budget the records will be kept by the Code Enforcement Officer.

#### **CHIEF JARRETT BULLOCK –REPORT:**

**Chief Bullock** reported at a previously scheduled Council meeting the Council rendered the decision if there was proper funding allocated that the Council would allow the Malden Police Department to hire an additional officer which would increase the number of actual road officers to ten (10). In discussion with Mr. Bellers, he informed me that he is confident that the funding is there and instructed me to begin the process and to properly advertise for the job opening.

After running the advertisement, the police department received several new applications along with some of the applications we recently had on file. In reviewing the applicants, some applicants did not meet the proper requirements and others were no longer available for hire. There were approximately eight applicants that were scheduled for the pre-employment screening, which has been implemented by the Malden Police Department.

The applicant screening process for the Malden Police Department consists of the following: Fit for Duty Exam, Oral interview and Background Check along with the standard medical physical which is required by the City of Malden's insurance carrier MIRMA.

As a result of the screening, there has been three candidates that have placed themselves above all other candidates. With this being said, the police department currently has two open positions. One position is from the additional officer and the other is from the transfer of Mr. James Burrow to the Malden Board of Public Works (Water Dept.).

I have spoken with Mr. Bellers and presented him with some information that was received as a result of the screening process and I am now presenting these names before the City Council for consideration. I am asking that the City hire Mr. Justin James and Mr. Robyn Meredith for the position of entry-level police officer for the City of Malden. With the approval of the Council, I am recommending that both men have a starting date of 09/22/2009 with a starting rate of pay at \$10.25 hourly with any and all benefits offered to all employees. Both Mr. James and Mr. Meredith have been made aware of the six-month probationary period.

With this being said, I am also presenting to the Council Mr. Burrow's letter of resignation. The letter was dated on 08/22/09; I want to express to the Council my appreciation to the BPW for allowing the police department to retain Mr. Burrow until I was comfortable in allowing him to transfer. I am requesting that Mr. Burrow be transferred effective 10/13/2009. If this is allowed it will be three more weeks and in that time the police department would continue to pay Mr. Burrow and this is at an extra expense of about \$1,326.00 in salary, but it would afford our department the opportunity to have with another officer during this time.

On behalf of the Malden Police Department, I want to thank the City Council for your immediate attention to this issue.

#### **COUNCIL REPORTS:**

**Councilmember Dell** thanked all City employees for their prayers, support and comments.

**Councilmember Schaffer** stated the lighting ceremony was great.

**Councilmember Crain** stated the lighting ceremony was great and it gave everyone a reason to come downtown. Councilmember Crain stated the daycare should not be on property on the airport because it might knock the city out of selling property to industry.

**Councilmember Black** getting the lighting ceremony ready was hard work. Councilmember Black reported he has a video of the lighting ceremony and the homecoming parade ready for channel 4.

#### **MAYOR'S REPORT:**

**Mayor Santie** spoke to the Council regarding repairs and replacement of the electrical system due to disasters. Mayor Santie also reminded the citizens of Malden of the City Wide clean-up on October 31, 2009.

**MOTION:** By Councilmember Black to adjourn the Regular Session of September 19, 2009.

**SECOND:** By Councilmember Thompson.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**MARILYN FIDDLER, CITY CLERK**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, OCTOBER 19, 2009 — 7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Present
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Present
Councilmember David Black	Present
Councilmember Larry Crain	Present

**8 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Police Chief Jarrett Bullock, City Administrator Ted Bellers, Airport Manager Barbara Crayne, BPW Treasurer/Finance Director Stephen Crump and Marilyn Fiddler City Clerk.

**Mayor Santie** asked Police Chief Bullock to give his report for the Malden Police Department first. Chief Jarrett Bullock reported the Police Department was awarded a grant in the amount of \$9,800.00 with a \$900 match to purchase cameras for two cars; this means there will be three (3) police cars with cameras. Chief Bullock stated this will bring down the rating with the city's insurance company (MIRMA).

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Earnheart to amend the Regular Session Minutes of September 21, 2009 (change Council member Dell from "absent" to "yes" and Councilmember Earnheart to "absent from "yes" in the adjournment section).

**SECOND:** By Councilmember Dell. **Motion Carried 8/0.**

**MOTION:** By Councilmember Dell to approve the corrected Regular Session Minutes of September 21, 2009.

**SECOND:** By Councilmember Crain. **Motion Carried 8/0.**

**ORDINANCE/RESOLUTION:**

**Ordinance No. 3010**—An Ordinance amending "Chapter 400: Zoning Regulation" as originally adopted in an ordinance Number 2268 on February 22, 1982; providing for a legal description of the area to be changed and amended as to zone district designation; providing for a severance clause; providing for the repeal of conflicting ordinances; and providing for an effective date.

**MOTION:** By Councilmember Earnheart to approve the first reading of Ordinance No. 3010-- An Ordinance amending "Chapter 400: Zoning Regulation" as originally adopted in an ordinance Number 2268 on February 22, 1982; providing for a legal description of the area to be changed and amended as to zone district designation; providing for a severance clause; providing for the repeal of conflicting ordinances; and providing for an effective date.

**SECOND:** By Councilmember Black.

Atty. Preyer stated the plat should be attached to Ordinance No. 3010.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

Councilmember Schaffer stated the value of the property would not be changed unless the home was sold or if a home had to be rebuilt then the replaced building would have to be C-2. CEO Grant stated a home would have to be 60% or more destroyed before the property would become C-2. Councilmember Crain asked that the plat be attached to Ordinance No. 3010.

**MOTION:** By Councilmember Earnheart to approve the second and final reading of Ordinance No. 3010-- An Ordinance amending "Chapter 400: Zoning Regulation" as originally adopted in an ordinance Number 2268 on February 22, 1982; providing for a legal description of the area to be changed and amended as to zone district designation; providing for a severance clause; providing for the repeal of conflicting ordinances; and providing for an effective date.

**SECOND:** By Councilmember Black.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

Mayor Santie thus declared Bill No. 3010 an Ordinance of the City of Malden.

### **JEAN & COMPANY – CITY'S FINANCIAL REPORT:**

**Mrs. Pam Jean** reported she had given the city a revised statement – corrected September 2009 statement. Mrs. Jean stated the FEMA revenue was not included in the budget. Mrs. Jean reported the budget is close to actual with some revenues being higher than projected.

Councilmember Dell set a budget for Tuesday, October 27, 2009 at 7:00 p.m. in the BPW conference room.

### **TRANSFER OF FUNDS---TO MALDEN NUTRITION CENTER, INC (\$1,231.52):**

**MOTION:** By Councilmember Black to transfer \$1,231.52 from Capital Improvement Funds to Malden Nutrition Center, Inc. to pay for the sign on the building.

**SECOND:** By Councilmember Earnheart.

**Motion Carried 8/0.**

### **PARK & GOLF/RV PARK (REC PARK):**

**Mr. Rick Allen, Chairman** spoke to the council regarding a lease for golf carts at the golf course. Mr. Allen explained the carts were replacements for ten (10) carts previously leased by the golf course. Mr. Allen informed the Council the carts generated \$22,000 last year. Mr. Allen stated cart rental has been good. Mr. Allen also stated the Board voted on the replacement of the carts and the budget should reflect the lease amount of the old carts but less \$25 monthly per cart for the new carts.

**MOTION:** By Councilmember Dell to authorize the Mayor to sign the lease for the golf carts (Park—Golf/RV Park Board).

**SECOND:** By Councilmember Jenkins.

**Motion Carried 8/0.**

Mr. Allen stated the cart sheds lost funds because of the economy. Mr. Allen stated the Board are looking at options to increase the revenue. City Administrator Bellers asked if the Gold/RV Park purchased a

tractor. Mr. Allen answered that the Parks purchased the mower.

Referring back to the carts Councilmember Thompson asked if there was an out option in the lease agreement. Mr. Allen stated everything is good except the shed rentals. Councilmember Thompson asked if the City was going to pay for something that is not being used. Mr. Allen stated the carts are not the problem.

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

- 1. Community Center --** The City Council approved to amend the Community Center budget to Add \$11,000.00 for replacement of a ten ton heating and cooling system. Advertisement for bids was published in the local newspaper. Ever Ready Electric, Inc. of Malden, Missouri had the only in the amount of \$9,790.00. It is my recommendation to the City Council to except this bid.

**MOTION:** By Councilmember Dell to accept the bid of \$9,790.00 from Every Ready Electric, Inc.

**SECOND:** By Councilmember Crain.

**Motion Carried 8/0.**

- 2. Board of Public Works –** I would like to remind the City Council that the Board of Public Works will be meeting Wednesday at 4:30 p.m. to discuss methods of financing capital improvements to the electric system. A workshop with the City Council was held on Thursday, October 15, 2009. A copy of the presentation is available on DVD if any of the council members weren't able to attend.
- 3. Allied Waste Services –** I would like to remind everyone that Allied Waste Services will be providing the residence of Malden free bulk item pickup services on Saturday, October 31. If anyone has questions, please call us at City Hall.

City Administrator Bellers went on to say there are lots of things going on the Auditors have finished at the Airport and are now at BPW and in a week will be at City Hall. Mr. Bellers also stated he will bring the Council up to date and pray we don't have a bad winter.

#### **COUNCIL REPORT:**

**Councilmember Dell** stated there was a good turnout at the Hot Chili Cool Cars event.

**Councilmember Thompson** stated there was a good turnout at the Hot Chili Cool Cars event and the VFW had a good turnout for their benefit. Councilmember Thompson stated the flag pole is leaning at the Police Station and is in need of repair. Atty. Preyer stated the repairs should be paid out of Capital Improvements (MCIC) funds.

**Councilmember Crain** stated he enjoyed himself at the Hot Chili Cool Cars event and it was really nice.

**Councilmember Black** stated this was the first time he was not able to get photos of Hot Chili Cool Cars event. Councilmember Black stated he is on the Board of the VFW and the Board has asked that a handicapped parking space be designated in front of the building (122 W. Main).

**MOTION:** By Councilmember Black to approve designating one (1) parking space in front of 122 W. Main (VFW).

**SECOND:** By Councilmember Earnheart.

**Motion Carried 8/0.**

**Councilmember Black** stated the building located 313 W. Main is a disaster; when will the Nutrition Center shop move to the old telephone building. Atty. Preyer stated the title is in the hands of the legal department and we should have a signed deed by the end of the month. City Administrator stated the city should try to sell the building.

**Councilmember Earnheart** spoke to Atty. Preyer regarding the pending annexation. Atty. Preyer stated the City is closer, the zoning issues has slowed him down.

**MAYOR'S REPORT:**

**Mayor Santie** read a thank you note from Councilmember Schaffer for the plant sent by the Council. Mayor Santie informed the Council that Planning & Zoning Board member Jim Darnell resigned from the Board and he would like to appoint Denny Blake to fill the position at the November Council meeting. Mayor Santie read a request from City Administrator Bellers requesting the Council meeting be rescheduled from November 16, 2009 to November 9, 2009. Mayor Santie announced that the Regular scheduled Council meeting will rescheduled to November 9, 2009 at 7:00 p.m. Mayor Santie reminded the Council of the Board of Public Works meeting to be held on Wednesday, October 21, 2009 at 4:30 p.m.

**MOTION:** By Councilmember Black to adjourn the Regular Session of September 19, 2009.

**SECOND:** By Councilmember Jenkins.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>8-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Yes	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Yes

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**MARILYN FIDDLER, CITY CLERK**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, NOVEMBER 9, 2009 — 7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Regina Schaffer leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Absent
Councilmember David Black	Present
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** City Attorney Mark Preyer, Police Officer Roy German, City Administrator Ted Bellers, BPW Treasurer/Finance Director Stephen Crump, CEO Danny Grant, Asst. Utility Director Brian Haley, Fire Chief Winford German and Marilyn Fiddler City Clerk.

**15-MINUTE OPEN FORUM:**

**Malden Citizen Patrina Love** spoke to the Council regarding her application for a dance license for her establishment located at 109 & 111 W. Main Street. Atty. Preyer spoke to the Council regarding a work meter. Atty. Preyer stated the work is finished and an inspection has been done and Ms. Love now has a permanent meter. Ms. Love stated she is the only employee but will have help from friends and family. Ms. Love stated she has applied for a sales tax number. Atty. Preyer read SECTION 625.060 thru SECTION 625.090 (pertaining to dancing halls and annual dance permits) of the City Codes. There were numerous questions from the Council. Atty. Preyer stated the building passed inspection on November 9, 2009.

**MOTION:** By Councilmember Grant to approve an annual dance permit for “The Trap---109 & 111 W. Main Street.

**SECOND:** By Councilmember Crain.

**Motion Carried 6/0.**

Councilmember Dell asked how many occupants were allowed in the building. Councilmember Thompson asked Ms. Love if she had a certificate of insurance. Atty. Preyer stated a certificate of insurance and the number of occupants in the building was not necessary to obtain an annual dance permit. Ms. Love stated she would like to open a place of entertainment because there is not much to do in the City of Malden and she is mature enough to call the police if there is a need. Ms. Love stated she is working full time and going to school and she wants a youth program back in the City of Malden. Councilmember Crain asked if liquor would be served. Ms. Love stated she will see how things work out before applying for a liquor license and she will allow eighteen year old person and older to enter her establishment and if she decides to apply for liquor license she will only allow twenty-one year old persons to enter her establishment. Mayor Santie read the ordinance and asked if anyone thought Ms. Love did not meet those qualifications.

Citizen and Pastor of Macedonia Baptist Church Cleveland Brown spoke to the council regarding the special taxes/lien on the property located at 709 N. Edwards. Pastor Brown stated the church now owns this property and would like the city to forgive the special taxes.

**MOTION:** By Councilmember Crain to forgive the special taxes on the property located at 709 N. Edwards Street.

**SECOND:** By Councilmember Dell.

**Motion Carried 5/0 with 1 abstention.**

### **RESOLUTIONS:**

**MOTION:** By Councilmember Dell to approve **Resolution No. 2879-A** Resolution of the City of Malden, Missouri authorizing the Mayor to execute a power purchase agreement with Jonesboro City Water and Light.

**SECOND:** By Councilmember Crain.

**Motion Carried 6/0.**

**MOTION:** By Councilmember Crain to approve **Resolution No. 2880**—A Resolution appointing a director and an alternate director to the Missouri Joint Municipal Electric Utility Commission.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

**MOTION:** By Councilmember Crain to approve **Resolution No. 2881**—A Resolution of the City Council of Malden, Missouri, authorizing the execution of a “lease Application” with the “Missouri Association of Municipal Utilities (MAMU) for purposes of financing a “Special Capital Improvement Project” to repair and improve the electrical distribution system of the City of Malden, Missouri.

**SECOND:** By Councilmember Dell.

**Motion Carried 6/0.**

**BPW Boardmember Duckett** explained Resolution No. 2881 and the time limits associated with Resolution No. 2881.

### **ORDINANCES:**

**MOTION:** By Councilmember Dell to approve the first reading of Ordinance No. 3013—An Ordinance of the City of Malden, to set and establish electric rates; to set and establish a “Special Capital Improvement Project” charge adjustment to the electric rates and restricting the use of such funds; to set and establish a “power cost adjustment” to the electric rates; to set and establish an “ annual operating cost adjustment” to the electric rates; to provide for a severance clause; to provide for the repeal of conflicting ordinance; and to provide for an effective date.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Schaffer	Yes	Councilman Thompson	Yes
Councilwoman Jenkins	Absent	Councilman Grant	Yes
Councilwoman Dell	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes

**MOTION:** By Councilmember Thompson to approve the second and final reading of Ordinance No. 3013—An Ordinance of the City of Malden, to set and establish electric rates; to set and establish a “Special Capital Improvement Project” charge adjustment to the electric rates and restricting the use of such funds; to set and establish a “power cost adjustment” to the electric rates; to set and establish an “ annual operating cost adjustment” to the electric rates; to provide for a severance clause; to provide for the repeal of conflicting ordinance; and to provide for an effective date.

**SECOND:** By Councilmember Dell.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Crain	Yes	Councilman Jenkins	Absent

Councilwoman Grant	Yes	Councilman Black	Yes
Councilwoman Schaffer	Yes	Councilman Earnheart	Absent
Councilwoman Dell	Yes	Councilman Thompson	Yes

Councilmember Black asked if there was a sunset clause in Ordinance. BPW Boardmember Duckett stated the sunset clause is on page three (3).

**Mayor Santie thus declared Bill No. 3013 an Ordinance of the City of Malden.**

Atty. Preyer stated the legal description on page2 should be changed and South should be inserted (Block 27).

**MOTION:** By Councilmember Crain to approve the first reading of Ordinance No. 3011with corrections ---An Ordinance pursuant to “Chapter 400: Zoning Regulation” providing a legal description on an area to be re-zoned so as to change its district designation; providing for and approving a “variance” in the area described within the ordinance; providing for a severance clause; providing for the repeal of conflicting ordinances; providing for an effective date.

**SECOND:** By Councilmember Dell.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Schaffer	Yes	Councilman Thompson	Yes
Councilwoman Jenkins	Absent	Councilman Grant	Yes
Councilwoman Dell	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes

Councilmember Schaffer stated some citizens are concerned about the detached dwellings; will trailers be allowed. CEO Grant stated there will be three (3) individual buildings and the investors are local private citizens.

**MOTION:** By Councilmember Thompson to approve the second and final reading of Ordinance No. 3011---An Ordinance pursuant to “Chapter 400: Zoning Regulation” providing a legal description on an area to be re-zoned so as to change its district designation; providing for and approving a “variance” in the area described within the ordinance; providing for a severance clause; providing for the repeal of conflicting ordinances; providing for an effective date.

**SECOND:** By Councilmember Crain.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Crain	Yes	Councilman Jenkins	Absent
Councilwoman Grant	Yes	Councilman Black	Yes
Councilwoman Schaffer	Yes	Councilman Earnheart	Absent
Councilwoman Dell	Yes	Councilman Thompson	Yes

**Mayor Santie thus declared Bill No. 3011 an Ordinance of the City of Malden.**

**MOTION:** By Councilmember Crain to approve the first reading of Ordinance No. 3012—An Ordinance defining and enacting Missouri State House Bill 1549 as part of the Ordinances and policy of the City of Malden.

**SECOND:** By Councilmember Dell.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Schaffer	Yes	Councilman Thompson	Yes
Councilwoman Jenkins	Absent	Councilman Grant	Yes
Councilwoman Dell	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes

**Atty. Preyer stated the purpose of this Bill is to comply with the State of Missouri’s reporting requirements for illegal immigrants; just housekeeping.**

**MOTION:** By Councilmember Crain to approve the second and final reading of Ordinance No. 3012— An Ordinance defining and enacting Missouri State House Bill 1549 as part of the Ordinances and policy of the City of Malden.

**SECOND:** By Councilmember Thompson.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Crain	Yes	Councilman Jenkins	Absent
Councilwoman Grant	Yes	Councilman Black	Yes
Councilwoman Schaffer	Yes	Councilman Earnheart	Absent
Councilwoman Dell	Yes	Councilman Thompson	Yes

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

**City Administrator Ted Bellers** reported that Fire Chief Winford German is requesting that three of the six vacant slots for the volunteer fire department be filled with Kaleb Loughary, Shawn Duffer and James Burrow; all three persons are residents of the City of Malden. Chief German stated there will not be an extra cost to the City except the cost of a coat for Shawn Duffer; the funds are in the budget to purchase a coat for Mr. Duffer.

**MOTION:** By Councilmember Black to hire Kaleb Loughary, Shawn Duffer and James Burrow as volunteer Firemen.

**SECOND:** By Councilmember Grant.

**Motion Carried 6/0.**

**City Administrator Bellers** thanked Allied Waste for the City Wide pick-up on Saturday, October 31, 2009. Mr. Bellers informed the Council that the City Crews had picked up over 600 tires. Mr. Bellers thanked everyone for cleaning up the community.

Mr. Bellers informed the Mayor/Council that he and the staff is still working on the personnel manual along with Councilmember Thompson. City Administrator Bellers also reported the Web Page will be impressive when it is finished and the Fire Department has some good ideas to add.

City Administrator Bellers stated Stephen Crump, IT person met with New Wave Communications representative in reference to the cameras and other channel 4 equipment. City Administrator Bellers informed the Council that New Wave Communications will pay for the equipment needed to operate channel 4.

### **SIDEWALK IMPROVEMENTS:**

City Administrator Ted Bellers stated Public Works Superintendent Richard Blagg and Code Enforcement Officer Danny Grant are in the process of inspecting the sidewalks and identifying the damage sidewalks.

Mr. Bellers stated with the help of funds from MoDOT the City has cleaned up part of E. Laclede and S. Madison streets.

### **RESURFACEING:**

South Graham will be reviewed in the spring of 2010.

### **COUNCIL REPORTS:**

**Councilmember Dell** informed the Councilmember of the budget meeting and the outcome.

Councilmember Dell stated Mrs. Jean stated she had to move things around but everything looked good.

Councilmember Dell stated Mrs. Cato of 1609 Sidney Street asked that the Board of Public Works look into placing a street light in the middle of the block because it is extremely dark in that area.

Councilmember Dell stated the blocks are rather long in that area. City Administrator Bellers stated he would look at the policy on putting up street lights in the middle of the block.

Councilmember Dell reported he has received some complaints regarding residents burning trash. Fire Chief Winford German stated there is an Ordinance that governs burning and it stated, no burning after 6:00 p.m. and no burning trash; only yard waste can be burned. City Administrator Bellers stated some cities furnish yard waste removal, burning is a nuisance. Administrator stated to help alleviate this problem we could put the no burn notice on channel 4 and put an ad in the newspaper.

**Councilmember Crain** apologized for not attending the budget meeting.

**Councilmember Black** informed the council that the City Seal had been completed. Councilmember Black stated he and Mr. Pots, the gentleman whose design was chosen by the council worked on the final design of the City Seal.

### **MAYOR'S REPORT:**

**Mayor Santie** read two thank you notes one from the Earnheart family for flowers sent to the family in their time of bereavement and the other thank you note from the Burrow family for flowers sent to the services of Rick Burrow.

**MOTION:** By Councilmember Thompson to approve the appointment of Mr. Denny Blake to the Planning & Zoning Board.

**SECOND:** By Councilmember Dell.

**Motion Carried 6/0.**

Mayor Santie thanked Mr. Jim Darnell for the time he served on the Planning & Zoning Board and other Boards he served.

**MOTION:** By Councilmember Dell to thank Mr. Darnell for his service to the City of Malden for many years.

**SECOND:** By Councilmember Crain.

**Motion Carried 6/0.**

Mayor Santie read an invitation to the holiday luncheon for the City to be held on Wednesday, November 25, 2009 from 11:00 a.m. to 1:00 p.m. –Malden Community Center.

**MOTION:** By Councilmember Dell to adjourn the Regular Session of November 9, 2009.

**SECOND:** By Councilmember Jenkins.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
Councilman Thompson	Yes	Councilman Black	Yes
Councilwoman Earnheart	Absent	Councilman Crain	Yes
Councilwoman Grant	Yes	Councilman Dell	Yes
Councilwoman Schaffer	Yes	Councilman Jenkins	Absent

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**RAY SANTIE, MAYOR**

**ATTEST:**

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**MARILYN FIDDLER, CITY CLERK**

**REGULAR SESSION**  
**MALDEN CITY COUNCIL**  
**MONDAY, DECEMBER 14, 2009 — 7:00 p.m.**  
**CITY HALL—201 SOUTH MADISON**

Mayor Ray Santie called the meeting to order at 7:00 p.m. with Councilmember Debra Grant leading the opening prayer.

**ROLL CALL:**

Councilmember Ron Dell	Present
Councilmember Kenneth Thompson	Present
Councilmember Regina Schaffer	Present(arriving @ 7:05 p.m.)
Councilmember Donnie Jenkins	Absent
Councilmember Debra Grant	Present
Councilmember Cynthia Earnheart	Absent
Councilmember David Black	Present
Councilmember Larry Crain	Present

**6 Council Members present.**

**Others Attending:** Police Chief Jarrett Bullock, City Administrator Ted Bellers, BPW Treasurer/Finance Director Stephen Crump, CEO Danny Grant, Airport Manager Barbara Crayne, Airport Boardmember Charlie Dierks and Marilyn Fiddler City Clerk.

**15-MINUTE OPEN FORUM:**

Jeanie Collins, RSVP Director asked the City Council to relinquish the sponsorship of RSVP so that the Malden branch of RSVP will not be in violation of their grant. Mrs. Collins stated she was informed by their grantor that she could not work for the Malden Community Center and work for RSVP.

**MOTION:** By Councilmember Black to relinquish sponsorship of RSVP and relinquish any other arrangements RSVP has with the City of Malden as of March 31, 2010.

**SECOND:** By Councilmember Dell.

Councilmember Crain asked who would take care of the Community Center. Councilmember Black asked if this matter could be addressed at the next council meeting. City Administrator Bellers asked if he would be allowed to research this matter.

**Motions withdrawn.**

**MOTION:** By Councilmember Black to table until January 11, 2010 meeting.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

**GUEST:**

City Administrator Bellers introduced Damon Canon of the US Census Bureau. Mr. Cannon spoke regarding jobs at the census bureau. Mr. Cannon also spoke regarding the importance of getting an accurate count for the City of Malden. Mr. Cannon explained the process of counting persons in Malden and the help the community might need. Mayor Santie asked what the City of Malden could do to help get a correct count. Mr. Cannon asked that the Council educate the community and encourage the community to fill out their questionnaire they will receive in the mail. Mr. Cannon stated there will be three phrases and each phrase will need to be completed. Councilmember Black asked that a video be given to the City to be placed on the public service channel. Mr. Cannon stated it is very important that all persons be counted. Mr. Cannon stated

the Census Bureau will contact Community leaders, faith based organizations and other organizations that will help the community to get an accurate count.

**CERTIFICATE OF APPRECIATION:**

Mayor Santie presented Citizen and former board member James “Jim” Darnell a Certificate of Appreciation for his years of service on various boards; Mayor Santie also presented Mrs. Darnell with a bouquet of flowers. Mr. Darnell stated he has served on many boards both elected and appointed all he did was to work for the betterment of Malden.

**ALLIED WASTE:**

Mr. Dan Rizagio, General Manager spoke to the Council regarding the placement of large dumpster at every resident at no additional charge. Mr. Rizagio stated the company is moving toward automated collection. Mr. Rizagio stated there is already one vehicle on the streets and the plan is to have two more in Malden by mid March 2010. Mr. Rizagio reminded the Council there would be no additional charge and the truck will work from the right side. Mr. Rizagio informed the Council that the trucks would not be able to enter the alleys because of the size of the trucks but would make two passes on each street. Mayor Santie asked what the Council needed to do. Mr. Rizagio stated nothing.

**APPROVAL OF MINUTES:**

**MOTION:** By Councilmember Dell to approve the Regular Session Minutes of November 9, 2009.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

**CITY FINANCIALS:**

Councilmember Dell asked where the financials were for the month of November; the month of October is in the packet. City Administrator Bellers explained because the City had moved the meeting up one week the accountants would need that week to complete the financials.

**RESOLUTIONS:**

**MOTION:** By Councilmember Crain to approve Resolution No. 2882—a Resolution authorizing the execution of documents in relation to the Malden Phase II Rail Project.

**SECOND:** By Councilmember Thompson.

**Motion Carried 6/0.**

Airport Manager Barbara Crayne stated these funds are stimulus funds there are two (2) contracts to approve.

**MOTION:** By Councilmember Grant to approve the contracts for the Malden Airport and the Rail Project.

**SECOND:** By Councilmember Black.

**Motion Carried 6/0.**

**BUSINESS LICENSE:**

Mayor Santie stated there is not enough information to grant Ms. Patrina Love the liquor license; the City Attorney is not present and the City’s Attorney is not present, we will present the license application at the next council meeting.

**CITY SEAL:**

Councilmember Black presented the City Seal to the Council for final approval. Councilmember Crain asked what MMB stood meant. Councilmember Black stated he did not know what MMB stood for.

Councilmember Crain stated more should have been put into the design. Councilmember Black stated the job is done invite the artist to the Council Meeting to explain.

**MOTION:** By Crain to table the City Seal until next council meeting on January 11, 2010.

**SECOND:** By Councilmember Dell.

**Motion Carried 6/0.**

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

#### **City Administrator Bellers reported to the Mayor/Council on the following issues:**

1. Sales Tax Revenues – The City of Malden's collection of city sales tax for the first four months is above budget by \$8,389.36 or 4.3 per cent. The budget was projected to be under last year's collection by 5.1 per cent. Collections this year are down by \$4,876.00 or 2.4 per cent.
2. Personnel Policies and Procedures Advisory Committee – HR staff from the City, Board of Public Works and Airport are working on updating the City Personnel Policies and Procedures Manual. I would like to recommend to the City Council to allow the City Administrator to appoint an Advisory Committee made up of one each Council Member, a Board Member from Board of Public Works, Airport Board and Park and Recreation Board. This Committee will be asked to assist the staff in their recommendations to the City Council.

**MOTION:** By Councilmember Thompson to appoint persons to an Advisory Committee that represent the Airport Board, Board of Public Works, City Council and Park and Recreation Board.

**SECOND:** By Councilmember Dell.

**Motion Carried 6/0.**

3. City Employee One Time Salary Adjustment – I would like to recommend to the City Council a one-time salary adjustment of \$200.00 to all full time and part time employees of the City including volunteer fireman, with approval of the appropriate Boards. This would be around a \$14,260 budget adjustment to the city budget that would be split among all departments by the number of employees in each department. Funds are available as of December 1, 2009.

**MOTION:** By Councilmember Grant to give the employees, including the volunteer firemen, a one-time salary adjustment.

**SECOND:** By Councilmember Dell

**Motion Carried 6/0.**

Administrator Bellers stated he is including the employees that work under the administrator and other employees with the approval of the Board. Mr. Bellers stated no elected officials or himself will receive the salary adjustment.

Mr. Bellers also included material in his report for the Allied Waste, 2010 Census and changes and additions to the State Statues.

Administrator Bellers reminded the Council of the Loss Prevention Manual in the back of their book.

**MOTION:** By Councilmember Black to adopt the loss prevention Manual.

**SECOND:** By Councilmember Crain.

**Motion Carried 6/0.**

### **COUNCIL REPORTS:**

**Councilmember Dell** asked if the old building once occupied by the Nutrition Center and the Golf Sheds are still on the City's insurance and if so will they meet the specifications.

**Administrator Bellers** reported he is working on the list of recommendation from MIRMA and the cart sheds and the old Nutrition Center building are both on the list. Administrator Bellers stated the old Nutrition Center building will be closed as of December 14, 2009 to the public and the Nutrition Center will give away some of the merchandise.

**Councilmember Dell** informed the Council that the Scout Hut is almost finished with the remodeling; the park department received many donations to help refurbish the building and a local business man did most of the work on the Scout Hut.

**Councilmember Thompson** stated he recently became aware of “Shop With A Cop” through the VFW making donations. Councilmember Thompson asked Chief Bullock if he was still accepting donations to increase the number of children to eighteen. Councilmember Thompson stated this is good public relations.

**Councilmember Schaffer** stated a citizen informed her they are having a problem with the trash; these large dumpsters will solve the problem.

**Councilmember Black** wished everyone a Merry Christmas and a Happy New Year. Councilmember Black asked when is the dedication ceremony for the Scout Hut.

**MAYOR’S REPORT:**

**Mayor Santie** read a thank you note from Gerald Morris, Mayor of Piggott AR, thanking the Mayor and Council for the flower arrangement for the services for his wife.

**Mayor Santie** read a letter from the Ministerial Alliance informing the city that the Christmas baskets will be given away at the Family Life Center at the First Southern Baptist Church in Malden.

**Mayor Santie** reported he had received a fax from Attorney Preyer stating the Law Suit against the City of Malden filed by Mr. Richard Murray was dismissed.

**MOTION:** By Councilmember Thompson to table the approval of the Emergency Management Manual until January 11, 2010.

**SECOND:** By Councilmember Dell.

**Motion Carried 6/0.**

Mayor Santie changed the dates of the January 2010 Council Meeting from January 18, 2010 to January 11, 2010; and changed the February Council Meeting from February 15, 2010 to February 22, 2010.

The Mayor and Council sang Jingle Bells and wished everyone a Merry Christmas.

**MOTION:** By Councilmember Thompson to adjourn the Regular Session of December 14, 2009.

**SECOND:** By Councilmember Dell.

<b>POLL VOTE</b>	<b>MOTION PASSED</b>	<b>6-Yes</b>	<b>0-No</b>
<b>Councilman Thompson</b>	<b>Yes</b>	<b>Councilman Black</b>	<b>Yes</b>
<b>Councilwoman Earnheart</b>	<b>Absent</b>	<b>Councilman Crain</b>	<b>Yes</b>
<b>Councilwoman Grant</b>	<b>Yes</b>	<b>Councilman Dell</b>	<b>Yes</b>
<b>Councilwoman Schaffer</b>	<b>Yes</b>	<b>Councilman Jenkins</b>	<b>Absent</b>

**RAY SANTIE, MAYOR**

**ATTEST:**

**MARILYN FIDDLER, CITY CLERK**