

FEBRUARY 20, 2020

The Monett City Council met in regular session, Thursday, February 20, 2020 at 9:30 a.m. in the Monett City Hall Council room at 217 Fifth Street, Monett, Missouri. Attendance was as follows: Mike Brownsberger-Mayor, Jerry Dierker-Commissioner, Al Dohmen-Commissioner, Dennis Pyle-City Administrator, Lisa Crawford-City Clerk, Mechele James-Municipal Court Clerk, Georges Daoud-Police Chief, Murray Bishoff-Media and Melonie Roberts-Media.

Mayor Brownsberger called the meeting to order and noted a change to the agenda. Bill No. 8749 would have first & second readings. Minutes of the previous session dated January 20, 2020 were approved as written with a motion from Commissioner Dohmen and a second from Commissioner Dierker. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

Monthly expenditures were approved for payment in the amount of \$1,745,380.89. Motion was made by Commissioner Dohmen to approve payment with a second from Commissioner Dierker. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

BILL NO. 8743 – SECOND READING: AN ORDINANCE AMENDING TITLE 1, SECTION 130 OF THE MONETT CITY CODE RELATING TO CHAPTER 702 (DRUG AND ALCOHOL USE) OF THE EMPLOYEE HANDBOOK

City Administrator-Dennis Pyle noted this relates to the passage of Amendment 2, which legalized the use of medical marijuana with a qualifying patient card. He noted the change to City Code is to amend the drug and tobacco policy in the Employee Handbook to prohibit the use, or being under the influence, of medical marijuana during work hours. Asked if the City had testing requirements to determine the usage of medical marijuana, Mr. Pyle stated the City has a policy in place that utilizes “reasonable suspicion” testing and random drug testing for CDL and non-CDL “safety sensitive” positions. If an employee is found to be impaired following a positive drug test, the employee could be subject to disciplinary action for violating the policy. The policy amendment specifies that employees with patient identification cards for medical marijuana are covered by the policy as well. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Commissioner Dierker to approve the ordinance with a second from Commissioner Dohmen. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

BILL NO. 8748 – FIRST READING: AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF MONETT, MISSOURI FOR THE FISCAL YEAR BEGINNING APRIL 1, 2020 AND ENDING ON MARCH 31, 2021

Bill 8748 was presented for introduction and first reading.

City Administrator-Dennis Pyle noted the proposed budget for fiscal year 2020-2021 is \$44,632,482 for City operations and capital improvements, with anticipated revenues of \$44,419,289 and a projected ending fund balance of \$17,773,792 as of March 31, 2021.

Second reading was set for March 19, 2020.

BILL NO. 8749 – FIRST & SECOND READING: AN ORDINANCE AMENDING TITLE 1, SECTION 135 OF THE MONETT CITY CODE BY ADDING A NEW SECTION 135.290 RELATING TO STATE COURT AUTOMATION FEES

Bill 8749 was presented for introduction and first reading.

Municipal Court Clerk-Mechele James, explained the implementation of the Show-Me Courts (SMC) court automation software at the direction of Presiding Judge, Jack Goodman. Ms. James noted the Office of the State Court Administrator will require all municipal courts in the State of Missouri to implement the new software, which will link all court systems in the State. In doing this, the Municipal Court will no longer operate with the Caselle Court module which has been in place since 2004. There will be a \$7 State Court Automation Surcharge in all cases in which court costs are taxed. The fees will be collected through the Municipal Court and transmitted to the Missouri Director of Revenue to the credit of the Missouri Statewide Automation Fund.

City Administrator-Dennis Pyle noted that the automation fees will only be assessed and collected as court costs when the new case management system is implemented.

Bill 8749 was presented for second reading. Mayor Brownsberger called for public comment, there being none, he called for a motion.

Motion was made by Commissioner Dohmen to approve the ordinance with a second from Commissioner Dierker. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

BILL NO. 8750 – FIRST READING: AN ORDINANCE AUTHORIZING THE COLLECTION OF SHERIFF RETIREMENT FUND FEES THROUGH THE MUNICIPAL COURT

Bill 8750 was presented for introduction and first reading.

City Administrator, Dennis Pyle noted that Judge Victor W. Head issued an order on February 11, 2020 to rescind the previous order of Judge, Michael D. Garrett which stated the imposed Sheriff's Retirement Fund surcharge in the Monett Municipal Court would be a violation of the Missouri Constitution and would not be collected by the Monett Municipal Court until further notice or until a ruling to the contrary by a higher court. Judge Head has ordered the Monett Municipal Court Clerk to collect, as part of the Court's costs, the amount of \$3 per guilty case. The surcharge

will only be assessed and collected upon the implementation of the Show Me Courts case management system, (May 1, 2020 target date).

Second reading was set for March 19, 2020.

RESOLUTION NO. 8751: APPROVING CHANGE ORDER #1 WITH SOUTHARD CONSTRUCTION CO. OF JOPLIN, INCORPORATED RELATING TO THE LOWE'S LANE & US HIGHWAY 60 WATER LINE EXTENSION

City Administrator, Dennis Pyle noted the change order is to extend the time of completion to April 1, 2020 due to unsuitable weather conditions, and an adjustment in the contracted materials and supplies which will decrease the original contract price by \$3,320. This will change the contract price to \$90,235 from the original \$93,555. Mayor Brownsberger noted the change in cost was due to a fire hydrant that was not needed. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Commissioner Dierker to approve the resolution with a second from Commissioner Dohmen. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

RESOLUTION NO. 8752: APPROVING THE ACQUISITION OF REAL ESTATE AND RELATED STRUCTURES AS PART OF THE KELLY CREEK FLOOD BUYOUT PROJECT

City Administrator, Dennis Pyle noted there are three properties that were evaluated and appraised. Meetings were held with property owners where they were given the appraised value of their property and an offer made for the purchase. Mr. Pyle noted the federal funds for the purchase of the properties would come from FEMA and CDBG as part of the Hazard Mitigation Program and no City funds were being spent. All three property owners had subsequently accepted the offers. The properties are as follows:

107 Fifth Street	Jose & Teresa Soriano	\$50,000
601 Front Street	Gerald Doennig, Trustee UTA	\$95,000
1101-1/2 E. Broadway	David W. & Judith A. Marshall	\$50,500

There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Commissioner Dohmen to approve the resolution with a second from Commissioner Dierker. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

RESOLUTION NO. 8753: ACCEPTING THE LOWEST AND BEST BID SUBMITTED BY MARION COMPANY, LLC (CONSTRUCTION SERVICES GROUP) FOR THE SANITATION BUILDING PROJECT

City Administrator, Dennis Pyle noted bids were sought for the construction of a separate 50' x 65' building to house the City's three Sanitation trucks. The building will be located near the new Public Works and Mechanics buildings have been constructed. The City received two bids as follows:

Marion Company, LLC	\$ 79,868*	Alternate #1: \$13,062
Dalton-Killinger Construction Co.	\$106,385	Alternate #1: No Bid

*Deduct \$5,000 for utilizing R-19 Batt insulation in walls and R-38 blown insulation in attic space in lieu of specified foam insulation.

Mr. Pyle recommended the City accept the low bid from Marion Company, LLC in the amount of \$74,868. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Commissioner Dierker to approve the resolution with a second from Commissioner Dohmen. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

RESOLUTION NO. 8754: APPROVING CHANGE ORDER #4 FOR THE PUBLIC WORKS & MECHANICS SHOP FACILITIES PROJECT WITH DALTON-KILLINGER CONSTRUCTION COMPANY

City Administrator, Dennis Pyle noted Change Order #4 would add \$4,528 bringing the contract amount to \$1,568,660. The additional cost is for modifying door strikes and adding magnetic locks to eight doors at the Public Works facility. This modification will allow employees to use key cards to enter buildings versus keys, which Public Works Superintendent, Russ Balmas felt would be beneficial. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Mayor Brownsberger to approve the resolution with a second from Commissioner Dierker. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

RESOLUTION NO. 8755: APPROVING THE LOWEST AND BEST BID FROM VAUGHN DIRTWORKS, LLC FOR THE DEMOLITION OF COMMERCIAL STRUCTURES LOCATED AT 305 NORTH CENTRAL AVENUE

City Administrator, Dennis Pyle noted the City had sought bids for the demolition of property that was purchased at 305 N. Central, (former Davis & Sons). There were four bids received as follows:

AD Demolition & Recycling	\$35,525
Roper Excavating LLC	\$45,500
Vaughn Dirtworks, LLC	\$ 7,700

DR&M Demolition

\$23,450

Mr. Pyle recommended the City accept the low bid from Vaughn Dirtworks, LLC in the amount of \$7,700. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Mayor Brownsberger to approve the resolution with a second from Commissioner Dohmen. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

RESOLUTION NO. 8756: ACCEPTING PERMANENT UTILITY EASEMENTS FROM: LACOB HOME, INC., LESTER E. COX MEDICAL CENTER (2), DAVID & ANGELA LONG, LARRY & ANNA LONG, MIRACLE RECREATION EQUIPMENT CO. RIGHT OF WAY CONVEYANCE FROM: KEVIN M. KEELING REVOCABLE TRUST, LACOB HOMES, INC., LESTER E. COX MEDICAL CENTER, MIRACLE RECREATION EQUIPMENT CO. PERMANENT DRAINAGE EASEMENT FROM: LACOB HOMES, INC.

Mr. Pyle explained the City receives Easements and Right of Way Conveyances throughout the year for utility access purposes. The City combines them into one resolution bi-annually or annually. Asked why the City felt it necessary to act on them with a resolution, Mr. Pyle noted this wasn't done in the past, but he felt it was in the best interest of the City to show that Council had approved the acceptance of the Easements or Right of Way Conveyances with the passage of a resolution. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Commissioner Dierker to approve the resolution with a second from Commissioner Dohmen. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

RESOLUTION NO. 8757: APPROVING PARTICIPATION IN THE OKLAHOMA MUNICIPAL ALLIANCE'S MUTUAL AID AGREEMENT

Mr. Pyle noted the City has a mutual aid agreement in place with the Oklahoma Municipal Alliance but it hadn't been updated since 2015. He explained, with a signed agreement in place, if mutual aid is needed, the receiving City would be reimbursed through FEMA for the services provided, without the agreement, they would not. There being no further comments, Mayor Brownsberger called for a motion.

Motion was made by Mayor Brownsberger to approve the resolution with a second from Commissioner Dierker. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.

02-20-2020

Page 6

There being no further business, motion to adjourn was made by Commissioner Dierker with a second from Commissioner Dohmen. The following vote was taken: Brownsberger-yes, Dierker-yes, Dohmen-yes.


Lisa Crawford, City Clerk