The Minutes of the Macon City Council Meeting

**May 9, 2023 – 6:30 P.M.**

**106 West Bourke Street**

**Macon, Missouri 63552**

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

Absent: None.

**Approval of the Agenda:**

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

**Approval of minutes from previous meeting:**

Councilman Iwanowicz moved to approve the Minutes of the March 30, 2023, special meeting and April 11, 2023, regular meeting. The motion was seconded by Councilwoman Blaise and approved by all present voting in favor.

**Accounts Payable:**

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

**Financial Report:**

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

**Old Business:**

None.

**New Business:**

**Oath of Office new Chief of Police:**

City Clerk Craigg administered the Oath of Office to the newly appointed Chief of Police, Joey P. Roberts.

**Approval of Boots & Black-Tie Event request – June 3, 2023:**

The Maples Repertory Theatre has scheduled the 19th annual Boots & Black-Tie fundraiser event for Saturday June 3rd and submitted the usual request for closure of the 100-block of Rubey Street (between Vine and Bourke), waiver of the noise ordinance, and permission to allow alcoholic beverages to be served on the street during the event contingent upon acquiring the proper state and city liquor license and liability insurance for the event.

Councilman Lea moved to approve the Boots & Black-Tie Event requests. The motion was seconded by Councilman Iwanowicz and approved by all present voting in favor.

**Approval of Maple Repertory Theater 20th Anniversary Event request-June 14, 2023:**

The Maples Repertory Theatre has planned a 20th Anniversary Party for June 14th and submitted the usual request for closure of the 100-block of Rubey Street (between Vine and Bourke), waiver of the noise ordinance, and permission to allow alcoholic beverages to be served on the street during the event. Additionally, they requested permission to discharge Class-C fireworks at 11:00pm in a location near the event.

Councilman Lea moved to approve the Maples Repertory Theater 20th Anniversary Event requests with permission for discharge of any Class-C fireworks contingent upon final approval by the Fire Department Chief, Travis Austin. The motion was seconded by Councilman Iwanowicz and approved by all present voting in favor.

**Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI AUTHORIZING EXECUTION OF THE PROFESSIONAL SERVICES AGREEMENT – TASK ORDER ENGINEER-OWNER AGREEMENT BETWEEN THE CITY OF MACON AND BURNS & McDONNELL ENGINEERING COMPANY RELATED TO PRELIMINARY DESIGN FOR SEWER SEPARATION IN THE COMBINED SEWER AREA:**

This project is associated with the American Rescue Plan Act (ARPA) Stormwater Grant for diverting stormwater from the combined sewer system.

Councilman Lea moved to place on the first reading the bill approving the ordinance authorizing execution of the professional services agreement – task order engineer-owner agreement between the City of Macon and Burns & McDonnell Engineering Company related to preliminary design for sewer separation in the combined sewer area. The motion was seconded by Councilman Iwanowicz and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.

Nay: None.

Absent: None.

Abstain: None.

Councilman Carr moved to place on the second reading the bill approving the ordinance authorizing execution of the professional services agreement – task order engineer-owner agreement between the City of Macon and Burns & McDonnell Engineering Company related to preliminary design for sewer separation in the combined sewer area. The motion was seconded by Councilman Dwiggins and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.

Nay: None.

Absent: None.

Abstain: None.

**Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, AUTHORIZING EXECUTION OF THE CONTRACT AGREEMENT BETWEEN THE CITY OF MACON AND JT HOLMAN CONSTRUCTION, LLC, RELATED TO THE FIRE STATION ACCESS BAY IMPROVEMENTS PROJECT:**

Councilman Holman removed himself from discussion and vote of this topic to avoid any conflict of interest as his construction company submitted a proposal in response to the public advertisement request for sealed bids for the project.

On May 4th MECO Engineering, the engineering firm overseeing the fire department access bay floor improvements project, held a bid opening. Only one bid was received for the project and MECO determined that bid was reasonable compared to their estimate of anticipated construction costs. MECO Engineering recommended awarding JT Holman Construction LLC the project at a cost of $73,400 (Base Bid $67,900 plus the Add Alternate item at $5,500).

Councilman Dwiggins moved to place on the first reading the ordinance authorizing execution of the contract agreement between the City of Macon and JT Holman Construction, LLC, related to the fire station access bay improvements project. The motion was seconded by Councilman Thompson and approved by roll call as:

Yea: Dwiggins, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.

Nay: None.

Absent: None.

Abstain: Holman.

Councilman Lea moved to place on the second reading the ordinance authorizing execution of the contract agreement between the City of Macon and JT Holman Construction, LLC, related to the fire station access bay improvements project. The motion was seconded by Councilman Carr and approved by roll call as:

Yea: Dwiggins, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.

Nay: None.

Absent: None.

Abstain: Holman.

**Ordinance – OF THE CITY COUNCIL OF THE CITY OF MACON, MISSOURI, REQUIRING REPAYMENT TO CUSTOMERS THE AMOUNTS COLLECTED BY THE GAS ADDER:**

During the period of February 13-16, 2021, the United States suffered severe cold weather due to Winter Storm Uri. This cold weather significantly affected the Texas power system causing a significant loss in the production of natural gas at the same time that demand for gas surged. Predictably natural gas market prices skyrocketed. These exponential price hikes increased natural gas commodity expenses for Macon Municipal Utilities (MMU) in excess of 1.8 million dollars. To recoup the increased expense a “Gas Adder” was applied to MMU gas customer billings and was anticipated to remain in place for a period of three years.

For each active natural gas account, the actual usage was metered during winter storm Uri. However, in an effort to ease the sudden impact that the extreme increase in the natural gas purchase price would cause the MMU customers, MMU calculated the true cost to each account based on the actual usage but only billed a portion of that true cost to each customer on their March 2021 billing. The remaining unbilled/unpaid cost associated to the service address was split into incremental “Gas Adder” charges on each subsequent billing for the address until the total cost of usage from Storm Uri was paid in-full.

Through correspondence with legal counsel, the City Council understands there to be two cost recovery options: Payment agreement or user fee/temporary rate increase. The problem with the chosen collection method of the “Gas Adder” billing is that it was neither a payment agreement nor a user fee/temporary rate increase. It was not a payment agreement because there were cases where the customer that used the gas during Storm Uri was not the customer that paid the debt. For example, if the Storm Uri customer moved before the debt was paid in full, the usage charges remained with the property and each subsequent occupant of the address, who did not personally use the gas during Storm Uri, was held responsible by MMU to pay on the debt through a monthly Gas Adder until the original occupant’s debt was paid in full. It was not a user fee either as it was not uniformly applied to all MMU gas customers. Instead, it was a collection of a fixed fee equal to the amount of unpaid prior Storm Ure usage specific to each address rather than current usage at a rate applied uniformly to all gas accounts.

The Board of Public Works discontinued charging the Gas Addin in March 2023. The method used to implement recoupment of the Storm Uri costs resulted in some accounts paying none of the Storm Uri costs while other accounts had been paid in full several months before March. City Council along with legal counsel deemed this was inappropriate.

Following multiple meetings and discussions with legal counsel and MMU, the City Council determined that the collection method implemented [the Gas Adder] was not permissible and the ordinance presented for approval requires a 100% refund of all paid Gas Adder charges.

Councilman Dwiggins moved to place on the first reading the bill approving the ordinance requiring repayment to customers the amounts collected by the gas adder. The repayment can be in the form of a refund check or account credit (if the account is still active or has an outstanding balance). The repayment of the gas adder funds must be completed by December 31, 2023. The motion was seconded by Councilman Iwanowicz and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Blaise, Walk, Iwanowicz, Lea.

Nay: Thompson.

Absent: None.

Abstain: None.

Councilman Lea moved to place on the second reading the bill approving the ordinance amending Ordinance requiring repayment to customers the amounts collected by the gas adder. The repayment can be in the form of a refund check or account credit (if the account is still active or has an outstanding balance). The repayment of the gas adder funds must be completed by December 31, 2023. The motion was seconded by Councilman Walk and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Blaise, Walk, Iwanowicz, Lea.

Nay: Thompson.

Absent: None.

Abstain: None.

**Discussion of Macon Affordable Housing Corporation Lift Station Project:**

At the April 17, 2023, Board of Public Works meeting, the Macon Affordable Housing Corporation (MAHC) proposed to provide $15,000 towards the retrofit of the sewer lift station serving the Lakeside Estates to bring it up to the current DNR standards and requested that MMU take ownership of the lift station upon completion of the project. The Board agreed to cost share the project by paying all expenses for the project above the MAHC’s $15,000 contribution and further agreed to assume ownership of the lift station once the retrofit project was completed contingent upon City Council approval and concurrence that the project was in the best interest of the community and an appropriate legal expenditure of public funds.

The Council agreed with and supported all aspects of the proposed project. Councilman Dwiggins moved to approve the project as presented. The motion was seconded by Councilman Thompson and approved by all present voting in favor.

**Mayor’s report:**

Mayor Tony Petre reported that funding for Macon By-pass study was included in the states 2024 budget and has been passed by the House and Senate and is waiting for the Governors approval. A By-pass would alleviate many of the unfunded safety needs for our community along the Highway 63 route through Macon, including the 63/36 interchange congestion and much of the school entrance/pedestrian crossing hazards.

Petre wished Stephanie Wilson well in her future endeavors. Wilson submitted her resignation as the Macon Municipal Utilities General Manager effective May 19th.

Petre attending a meeting with REC and Macon County Economic Development regarding local housing availability. REC sponsored a company called Hometown Housing to conduct surveys to assess local housing availability. The study determined that Macon is short on available rental properties. They have also worked with local banks to facilitate funding assistance for home purchase down payments and construction of new homes. There will two program test run projects that will hopefully develop into more expanded housing projects.

**Council reports:**

Councilman Lea encouraged everyone to support the Maples Repertory Theatre events (Boots & Black-Tie tickets available now)

Councilman Thompson encouraged everyone to get out and see Macon School activities stating we have a great bunch of kids doing well at baseball, golf, and FFA.

Councilman Dwiggins reminded everyone to focus on safety and watch out for pedestrians/children now that the kids out of school for the summer.

**City Administrator’s report:**

The following was reported:

* Big CONGRATULATIONS to all the 2023 graduates
* Annual financial audit fieldwork is complete. The final report will be presented for approval at the June meeting.
* Welcome new Police Chief Roberts
* Street pothole patching underway as well as ditching work to improve drainage.
* Fire/Police Department parking lot striping completed.
* Mowing season has begun and the annual notice for Woodlawn Cemetery clean up has been published. Flowers need removed by May 15th and can be replaced after May 24 to allow for maintenance in preparation for Memorial holiday.
* Braxton Cross was promoted from Reserve Firefighter to Fulltime Firefighter and is doing a great job.
* LEPC grant hazmat response equipment has arrived.
* RHSOC grant Radios have arrived and installation will be scheduled.
* Welcome to two new businesses, Maple City Art Studio and Tractor Supply Co.
* Annual maintenance of 416 Hydrants has begun.

**City Clerk’s report:**

City Clerk Mary Lou Craigg reported that the wading pools are scheduled to open the Tuesday after Memorial Day as usual and employment applications are available for wading pool attendant positions.

**Closed Session:**

At 7:04 P.M. Councilman Dwiggins moved to go into closed session pursuant to §610.021(1) Litigation, §610.021(2) Leasing, purchasing, or sale of real estate, §610.021(3) Personnel, and §610.021(12) Sealed bids & Contract Negotiations. The motion was seconded by Councilman Carr and approved by roll call vote as follows:

Yea: Dwiggins, Holman, Carr, Thompson, Blaise, Walk, Iwanowicz, Lea.

Nay: None.

Absent: None.

Abstain: None.

Closed session attendance: Dwiggins, Holman, Carr, Walk, Thompson, Blaise, Iwanowicz, Lea, Petre, Marshall, and Craigg.

Closed Session ended at 7:58 P.M.

No closed session action is reportable at this time.

**Adjournment:**

Councilman Thompson moved to adjourn the meeting. The motion was seconded by Councilman Dwiggins.

The meeting was adjourned at 7:59 P.M.

Mary Lou Craigg, City Clerk

Anthony E. Petre, Mayor