



**MINUTES OF THE
CITY OF MOBERLY, MISSOURI
CITY COUNCIL MEETING
JULY 15, 2024**

The Moberly City Council met in regular session at 6:00 p.m. in the City Hall Council Chambers, 101 West Reed Street, Moberly, MO, with Mayor Lucas presiding.

All stood and recited the pledge of allegiance led by Mayor Lucas.

Council Members answering the roll call were: Brandon L. Lucas, John W. Kimmons, Jr, Austin Kyser, Chuck McKeown, and Sarah Barfield Graff.

A motion was made by Kyser and seconded by Kimmons to approve the agenda. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

A motion was made by Kimmons and seconded by Graff to approve the minutes of the June 29, and July 9, 2024, Council meetings as presented. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Mayor Lucas asked to entertain any motion to remove an item from the Consent Agenda for discussion. Hearing none, Mayor Lucas asked for a motion for the Consent Agenda to be read by City Clerk, Shannon Hance. Kimmons made a motion for City Clerk, Shannon Hance, to read the Consent Agenda. Graff seconded the motion. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

BILL NO. R1671: "A RESOLUTION ACCEPTING PERMANENT SEWER EASEMENTS FOR THE ROUTE JJ REGIONAL SEWER PROJECT"

BILL NO. R1672: "A RESOLUTION ACCEPTING THE PROPOSAL OF SUMMIT MECHANICAL, INC., TO MAKE SEWER LINE REPAIRS AT FIRE STATION NUMBER ONE"

BILL NO. R1673: "A RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE MOBILE COMMAND VEHICLE FROM ED MORSE CHEVROLET GMC NORTH"

The Resolution Bills having previously been made available for public inspection were read by title one time. A motion was made by Kimmons and seconded by Kyser to adopt the Resolutions. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Kyser introduced a bill for an ordinance entitled: **“AN ORDINANCE AUTHORIZING AN APPLICATION FOR A FEDERAL BLOCK GRANT TO CONSTRUCT T-HANGARS AT THE OMAR N. BRADLEY AIRPORT”** and moved that the bill be read two times by title for passage. Kimmons seconded the motion, and upon said motion the vote was as follows: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The bill having previously been made available for public inspection was read by title two times. Kimmons moved that the bill be enacted into an ordinance. Kyser seconded the motion. The presiding officer, having called for a vote on the motion, the vote was as follows: Roll Call: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Graff introduced a bill for an ordinance entitled: **“AN ORDINANCE APPROVING A MUTUAL AID AGREEMENT WITH THE MISSOURI PUBLIC UTILITY ALLIANCE”** and moved that the bill be read two times by title for passage. Kyser seconded the motion, and upon said motion the vote was as follows: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The bill having previously been made available for public inspection was read by title two times. Kimmons moved that the bill be enacted into an ordinance. Graff seconded the motion. The presiding officer, having called for a vote on the motion, the vote was as follows: Roll Call: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Kimmons introduced a bill for an ordinance entitled: **“AN ORDINANCE APPROVING A COOPERATIVE AGREEMENT WITH MOBERLY AREA COMMUNITY COLLEGE FOR BALL FIELD FENCING”** and moved that the bill be read two times by title for passage. Graff seconded the motion, and upon said motion the vote was as follows: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The bill having previously been made available for public inspection was read by title two times. Kyser moved that the bill be enacted into an ordinance. Kimmons seconded the motion. The presiding officer, having called for a vote on the motion, the vote was as follows: Roll Call: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

McKeown introduced a bill for an ordinance entitled: **“AN ORDINANCE APPROVING A DEPOT PARK PATH IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH THE DOWNTOWN MOBERLY COMMUNITY IMPROVEMENT DISTRICT”** and moved that the bill be read two times by title for passage. Kimmons seconded the motion, and upon said motion the vote was as follows: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The bill having previously been made available for public inspection was read by title two times. Kimmons moved that the bill be enacted into an ordinance. Graff seconded the motion. The presiding officer, having called for a vote on the motion, the vote was as follows: Roll Call: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Kyser introduced **“A RESOLUTION APPOINTING GREGORY HODGE AS INTERIM CITY TREASURER AND ACCEPTING THE APPOINTMENT BY THE CITY MANAGER OF GREGORY HODGE AS INTERIM CITY COLLECTOR”** and made a motion for it to be read. Kimmons seconded the motion. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The Resolution bill having previously been made available for public inspection was read by title one time. A motion was made by Graff and seconded by Kimmons to adopt the Resolution. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Graff introduced **“A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTRONIC BUSINESS SERVICES AGREEMENT WITH THE CENTRAL BANK AND AUTHORIZING GREGORY HODGE TO EXECUTE AN ASSOCIATED RESOLUTION OF AUTHORIZATION WITH CENTRAL BANK”** and made a motion for it to be read. Kimmons seconded the motion. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The Resolution bill

having previously been made available for public inspection was read by title one time. A motion was made by Kimmons and seconded by Kyser to adopt the Resolution. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Kimmons introduced **“A RESOLUTION APPROPRIATING MONEY OUT OF THE TREASURY OF THE CITY OF MOBERLY, MISSOURI TO PAY EXPENSES DUE BETWEEN JUNE 26, 2024 AND JULY 11, 2024, IN THE AMOUNT OF \$703,236.21”** and made a motion for it to be read. McKeown seconded the motion. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none. The Resolution bill having previously been made available for public inspection was read by title one time. A motion was made by Kyser and seconded by Kimmons to adopt the Resolution. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Monthly reports were received from various departments.

Mayor Lucas nominated John Meystrik to the Moberly, Missouri, Public Building Corporation for a three-year term. Kyser made a motion to appoint John Meystrik to the Moberly, Missouri, Public Building Corporation for a three-year term. McKeown seconded the motion. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Kyser made a motion to move the September 2nd City Council Meeting to September 3rd, due to Labor Day, and the September 16th meeting to September 23rd, due to the MIRMA Conference. Kimmons seconded the motion. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Eugene Johnson of 2085 Fisk Avenue was present and spoke to the Council regarding our City Codes. He presented a packet to Council members and thanked them for serving. He then requested that the City repeal and remove city code sections regarding occupancy permits stating that they violate his fourth and fourteenth amendment rights. He said that occupancy inspections were unreasonable searches, and his consent is coerced in order to get water turned on, believing that is an illegal action. He said our application for water is deceptive and that he would have to follow the rules and regulations of the City as it stands now and in the future if we change our ordinances, and he questioned why we don't let citizens know they are giving up their constitutional rights. He then asked the Council if they have all of their family members, including their children, registered with the City.

Karl Harmston of 45 Urbandale Drive was present and thanked the Council for the work they do for the City and its Citizens, stating that Moberly is a great place to live. He then asked the Council to remove ordinances regarding occupancy permits stating that he has been in violation of our ordinances three separate times when he had a granddaughter, grandson, and son living with him that he didn't report to the City. He said that we have a \$200 per day fine associated with the ordinance if citizens don't report any changes in occupancy in their homes. Councilman Kyser responded that the City of Moberly and 50 other communities in Missouri require occupancy permits to guarantee safe housing.

Velma R. Green of 319 Wisdom Drive was present and asked the City to repeal ordinances stating that she had recently purchased a home in Moberly last fall and that these ordinances would greatly affect her income if she had to do any work on the home. She then asked Councilman Graff if she would vote to appeal the ordinances, asking for a yes or no answer. Graff asked Ms. Green if this issue had been litigated. Ms. Green responded that she did not know.

Marvin Chatman of 308 S Morley Street was present to discuss article 3, section 10-94 and article 5 dwelling permit and occupancy permits. He said there is an intrusive knock on the door when the City inspector comes to inspect the property and occupants do not have a choice in this. He said that his brother also came to live with him and

asked if he was in violation for not reporting this to the Council. He stated that he doesn't understand the wording of our ordinances to be in compliance with the law. He would like clarification on the wording, stating it is vague. Kyser stated if he purchased a home, then there would not be an annual reinspection. The annual reinspection ordinance was written for landlords that have the utilities in their name, not the tenants name.

Norman Wright of 1352 County Road 1217 stated this his rights are being violated and asked if the council would vote to repeal the ordinances to charge them for warrantless inspections. He stated it was wrong and asked the council to change the ordinances at this council meeting. Kyser stated that this issue was litigated in 2001. Mr. Wright stated that the city manager 20 years ago who was from Tennessee said that he would take the money aspect out of inspections and make them free. A code officer at the time told them "we have bigger fish to fry". He said the city is not consistent when going after slumlords

Pam Wright of 1352 County Road 1217 spoke about landlords being required to pay water bills that a tenant leaves. She said that landlords do not have control over tenants. She also stated that the city is not quick enough with billing and by the time a final bill arrives the tenants are already gone.

Ivan Thomas of 1941 County Road 2445 stated that he is not a Moberly citizen, but that he owns many rental properties in Moberly. He said that a home inspector on the free market solves this problem. He said that landlords resolve safety issues and Moberly's code enforcement is too strict, for example, they are worried about paint on a soffit flaking off. He said that the changes in our building codes make landlords a moving target and that it is expensive for landlords. He said there is no reason that the City should charge landlords for a tenant's unpaid water bills, and that it is illegal to put an individual's liability on a landlord. He said that the cost of the inspection is not \$45, as per our code, but much higher to complete all of the work that has to be done to get properties up to our code. He additionally said that our code inspectors are not trained.

Josh Sudholt of 301 Allen Street said that we can figure out a better way to handle this, that we should have to get a warrant to enter properties stating that this is tyranny at every angle, unfathomable, a violation of his fourth and fourteenth amendment rights, and people are constitutionally defending their home.

Mayor Lucas thanked everyone for coming and sharing their thoughts with the Council.

A motion was made by Kimmons and seconded by Kyser to adjourn to a work session followed by a closed session to discuss the status of negotiated contract matters. §(610.021)(12) RSMo. Roll Call Vote: Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

A closed session was held.

Mayor Lucas reopened the meeting.

A motion was made by Kyser and seconded by Kimmons to adjourn. Ayes: Lucas, Kimmons, Kyser, McKeown and Graff. Nays: none.

Work Session

The Following Was Discussed At The Work Session:

Request From Brittany Long To Hold A Colt's Cure 5K On September 7, 2024.

A Resolution Approving A Single Source Purchase Agreement With Lexipol To Update Police Department Policies.

Notification To Local Governing Body Of Police Department Intent To Request Property From The Federal Government.

Proposal From Notionfront For A Video And Photography Project For The Police Department's Advertising And Recruitment.

A Resolution Authorizing The Moberly Fire Department To Purchase A Hose Roller Unit From RollnRack, LLC.

A Resolution Authorizing The Moberly Fire Department To Purchase A Polaris Ranger Crew XP (Emergency Response Edition) "Brush Unit" With Blade.

A Request For Approving A Resolution Authorizing The Moberly Fire Department To Purchase Rope Rescue Equipment, Replacing Old And/Or Outdated Equipment.

A Resolution Authorizing The Moberly Fire Department To Purchase A Hose Testing Machine From Dinges Fire Company.

A Request To Purchase A Carlson BRx7 GPS Network Rover For The Capital Projects Department.

A Resolution Accepting A Quit Claim Deed From The Warren And Helen Heuton Family Living Trust For Real Estate Located At 901 Henry Street.

Consideration Of Three Appointments To The Planning And Zoning Commission.