

FEBRUARY 16, 2016

The City Council met in Regular Session at 5:19 p.m., Tuesday, February 16, 2016, in the Council Chamber of the City Office Building, 214 N. Lafayette, Marshall, Missouri, with the following members of the City Council present: Mayor Pro Tem Dan Brandt; Council Members Barbara Utlaut, Sheila Cook, Vince Lutterbie, Gabe Ramsey, Charles Guthrey and Ron Duvall; City Administrator Connie Latimer; City Counselor Josh Taylor and City Clerk Janet French. Mayor Mark Gooden and Council Member Tom Hagedorn absent.

On motion of Cook, seconded by Ramsey, the Agenda was adopted.

On motion of Utlaut, seconded by Cook, the minutes of the Regular Council Meeting of February 1, 2016, were approved as written and recorded.

BUSINESS FROM THE AUDIENCE

Mayor Pro Tem Brandt asked if there was any business from the audience, if not, they would move to the Committee Reports.

COMMITTEE REPORTS

PUBLIC RELATIONS & PUBLIC SAFETY COMMITTEE

Council Member Lutterbie presented the following recommendations from the Police Personnel Board:

The Police Personnel Board recommends the following officer for consideration and approval of the Mayor and City Council, to be promoted as follows:

Second Class Officer Alex Ciccone to First Class Officer

The Police Personnel Board recommends the following applicants for consideration and approval of the Mayor and the City Council, for hire within the Marshall Police Department as Entry Level Police Officers:

Timothy Davis
Haley Ferguson

On motion of Lutterbie, seconded by Ramsey, the recommendations of the Police Personnel Board were approved by the Council with no objection from the Chief of Police.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE

Mayor Pro Tem Brandt said the Storm Water Tip of the Month states that cars create lots of storm water pollution. When possible, walk or ride your bike instead of riding in the car.

PROPERTY, FINANCE, BUDGET & AUDIT COMMITTEE

Council Member Cook said that she just wanted to notify everyone that we have received the final approval of our Audit. Everything came back clean, and we are okay.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE

Council Member Guthrey reported that the Committee had a Monthly Nuisance Violation Report. From January 1st thru February 16th, we had a total of 88 complaints. Seventy-four of those were in January, and 14 so far in the first two weeks of February. Sixty-nine of those complaints have been resolved. The properties have been cleaned up or the problems there removed or repaired. The Department is still working on 19 of the complaints and ended up issuing 9 citations this month. One thing to mention, there were 18 vehicles that were either on blocks, in the yard, unlicensed, whatever, that have been resolved. They have either been removed, disposed of, licensed, or put in working repair and gotten off the blocks from whatever was wrong with them.

CITY ADMINISTRATOR

City Administrator Connie Latimer said the only thing she had this evening was a progress report on the Airport Terminal Building. She said the inside has been gutted and there is still some cleanup to do. The framing of the offices and the conference room should be done sometime this week. As of today, they are ahead of schedule, but that could change. With the good weather this week, they should get the roof on. She said it was coming together nicely, and very quickly, so they should be finished in May.

MAYOR'S REPORT

Mayor Mark Gooden absent.

Mayor Pro Tem Brandt stated the Council had received in their packet a letter from the Mayor regarding the following appointment to the Plumbing Board:

Grant Piper ó New Appointment ó Indefinite Term

Mr. Piper will fill the vacancy on the Plumbing Board of Monte Chase who is retiring from the Municipal Utilities.

Council Member Lutterbie asked Mayor Pro Tem Brandt if he could speak on this.

Mayor Pro Tem Brandt indicated that he could.

Council Member Lutterbie said he wanted to go back two weeks ago when Steve Mills was recommended for appointment to the Board of Public Works. He said that he was caught off guard. In the past when we knew there could be problems, we have asked for a delay and gotten a delay, but it did not happen this time. We went straight to a roll call vote instead of a straight up or down vote, and I was caught off guard, because my intent was to ask for a two-week table on that so that I would get a chance to talk to Mr. Mills and the rest of the Council too. I want to take total blame for not doing that, but I was first on the roll call, and I voted no and went with that. We want to encourage people to be on boards, we want new blood, we want new people, but as Council Members, we need to know these people and know a little bit about them, so I am going to apologize to Mr. Mills for the way it went down. Not necessarily for the vote, but for the embarrassment it caused. The Council was embarrassed, the Mayor was embarrassed and it was a bad situation. In the future, if all the Council doesn't know a person being appointed to a committee or board, I would like to see that we get the nomination at one meeting in order to talk to this person, and then vote on the recommendation for appointment at the next meeting. I am going to request that we table this one for two weeks in order to do that with this one, and I apologize to Mr. Mills for the way this went down.

Ms. Latimer told Mr. Lutterbie that she did not think he was aware who this is.

Mr. Lutterbie said he was not.

Ms. Latimer said Grant Piper is going to replace Monty Chase. He has worked with Mr. Chase at the Utilities, and that is why this appointment came about for the Plumbing Board. That is how this works, whoever is in charge of the water is on the Plumbing Board.

Mr. Lutterbie asked if this needed a nomination.

Ms. Latimer said it reads in our Ordinances that it is done by appointment. Grant Piper is going to replace Monty Chase as head of the Water Department.

Mr. Lutterbie said that is this situation, but he is talking in general. He would just as soon not find out about something on Friday and have to make a decision on Monday, without having a chance to talk to that person, especially if I don't know them. I will hold back on this one, but in the future, I am going to ask for a two week table on someone that I am not aware of.

Ms. Latimer said he would need to talk to the Mayor about that, because he does those. She said she did not know anything about the Mr. Mills thing.

Mr. Lutterbie said he figured if we could wait six to eight months for a new Supreme Court Justice, we can surely wait two weeks for the Plumbing Board.

Mayor Pro Tem Brandt said we have a recommendation from the Mayor for an appointment to the Plumbing Board, so do I have a motion.

Motion was made by Duvall, seconded by Utlaut, to appoint Grant Piper to the Plumbing Board for an indefinite term. Motion carried.

ORDINANCES

Mayor Pro Tem Brandt stated the first Ordinance would authorize a Supplemental Agreement between the City of Marshall and the Missouri Highways and Transportation Commission. He asked the City Clerk to give the first reading of the Ordinance by title only.

**AUTHORIZE
SUPPLEMENTAL
AGREEMENT** An Ordinance entitled "AN ORDINANCE
AUTHORIZING AND DIRECTING THE MAYOR OF
THE CITY OF MARSHALL, MISSOURI, TO EXECUTE
A SUPPLEMENTAL AGREEMENT WITH THE
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION CONCERNING
THE CONSTRUCTION OF SIDEWALKS IN THE CITY OF MARSHALL" was given
its first reading by title only.

Mayor Pro Tem Brandt asked City Administrator Connie Latimer to explain the agreement.

Ms. Latimer said we have already done the Ordinance approving this project. What this does is switch the name of the funds; it takes some out of one fund, and some out of the supplemental fund. It does not change what we pay or what the State will pay.

Council Member Duvall asked if the sidewalk project was from Arrow Street to the High School.

Ms. Latimer said yes.

Ms. Latimer stated there were a couple of people living in that area that were not overly excited about having a sidewalk in their yard, and I can understand that. If you will look at the yards down through there, people walk in them all the time. This will just make it a little safer. The reason it is on the west side instead of on the east side, is because it will tie in with the sidewalk that is already there that comes up from the High School, and everything is handicapped accessible on that corner. We are working with them and trying to reassure them that they are still going to be able to park in their driveway. People start to get a little nervous when you tell them nine feet, but five feet is for the sidewalk, and four feet of easement for us to work, because we cannot stand on it

and work on it at the same time. That four feet is still theirs, but the sidewalk has to be five feet wide, that is one of the requirements.

Council Member Ramsey asked if it was all on the west side of Miami Street.

Ms. Latimer said yes, all on the west from Arrow to Vest Street.

The Ordinance was given its second reading by title only and put to its final passage by its ayes and nays as follows: Brandt, Lutterbie, Ramsey, Duvall, Guthrey, Utlaut and Cook voting aye; Hagedorn absent; the ordinance is thereupon declared passed and so endorsed by the President Pro Tem of the Council, approved by the Mayor Pro Tem and numbered Ordinance No. 8289.

Mayor Pro Tem Brandt stated the second Ordinance would amend the Zoning Ordinance No. 5757, by changing the zoning classification of certain property from I-L Light Industrial to R-1 Residential. He noted this was the item on the Public Hearing held earlier this evening. The Clerk was asked to proceed with the reading of the Ordinance by title only.

**AMEND
ZONING
ORDINANCE**

Ordinance No. 8290 entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN

PROPERTY FROM "I-L" LIGHT INDUSTRIAL DISTRICT TO "R-1" SINGLE FAMILY DISTRICT" was read two times by title only and put to its final passage by its ayes and nays as follows: Ramsey, Cook, Lutterbie, Duvall, Utlaut, Guthrey and Brandt voting aye; Hagedorn absent; the ordinance is thereupon declared passed and so endorsed by the President Pro Tem of the Council and approved by the Mayor Pro Tem.

Mayor Pro Tem Brandt stated the third Ordinance would authorize a contract between the City of Marshall, Board of Public Works and Shafer, Kline & Warren, Inc. He asked Kyle Gibbs, General Manager of Municipal Utilities, to comment on the proposed contract.

Mr. Gibbs said this contract was with the firm Shafer, Kline & Warren, Inc., an engineering firm that we have used in the past. They will be designing a new building and foundation work for a new warehouse that we are expected to build on our existing property at the corner of Highway 20 and 65 adjacent to the underground facilities and electrical distribution buildings. This has been on our back burner for many years. Some issues at the Power Plant are currently our warehouse is in the Power Plant where it is located in a building built in the 1920s. Some of that is going to have to be removed, so we are looking down the road for the future. In 2000, we built those buildings on 65 Highway, and the majority of the people that actually use the warehouse, that is where they are working, so that will be more conveniently located for them. He said that he would be glad to answer any questions, and noted that the budget for the construction is right at \$2 million dollars, but this is just the engineering phase.

Mayor Pro Tem Brandt asked if there were any further comments or questions, if not, he would ask the Clerk to proceed with the reading of the Ordinance by title only

AUTHORIZE Ordinance No. 8291 entitled "AN ORDINANCE
CONTRACT AUTHORIZING AND DIRECTING THE MAYOR OF
THE CITY OF MARSHALL, MISSOURI, TO EXECUTE
A CONTRACT BETWEEN THE CITY OF MARSHALL, BOARD OF PUBLIC
WORKS, AND SHAFER, KLINE & WARREN, INC. (SKW)." was read two times by
title only and put to its final passage by its ayes and nays as follows: Guthrey, Brandt,
Duvall, Utlaut, Cook, Lutterbie and Ramsey voting aye; Hagedorn absent; the ordinance
is thereupon declared passed and so endorsed by the President Pro Tem of the Council
and approved by the Mayor Pro Tem.

Mayor Pro Tem Brandt stated the next Ordinance would authorize a Supplemental Agreement with Burns & McDonnell Engineering Co., Inc. concerning the Marshall Airport Project. He asked City Administrator Connie Latimer to comment on that.

Ms. Latimer stated this agreement was for our Airport Terminal Building. We had entered into this agreement with the State and Burns & McDonnell back in October, 2013. That is how long it has taken to get to this point on our Terminal Building. We did the contract, but when it came time to do the Ordinance, that was this past July when her husband died, they sent a copy of the Ordinance to her and a contract, but she missed it. We have a signed contract but not an Ordinance to go with it. She said that she would take responsibility, because it was her fault. They did not realize that we didn't have one either until they wanted to get paid. I thanked them for all the free work they had done, that we really appreciated it.

Mayor Pro Tem Brandt said that it did not change anything or cost us anything. We are just cleaning it up.

Ms. Latimer reiterated that it did not change anything that we already had the contract.

Mayor Pro Tem Brandt said if there was nothing further that he would ask the Clerk to proceed with the reading of the Ordinance by title only.

AUTHORIZE Ordinance No. 8292 entitled "AN ORDINANCE
SUPPLEMENTAL AUTHORIZING AND DIRECTING THE MAYOR OF
AGREEMENT THE CITY OF MARSHALL, MISSOURI, TO EXECUTE
A SUPPLEMENTAL AGREEMENT WITH BURNS &
MCDONNELL ENGINEERING COMPANY, INC. CONCERNING THE MARSHALL
AIRPORT PROJECT" was read two times by title only and put to its final passage by its
ayes and nays as follows: Cook, Utlaut, Lutterbie, Guthrey, Brandt, Duvall and Ramsey
voting aye; Hagedorn absent; the ordinance is thereupon declared passed and so endorsed
by the President Pro Tem of the Council and approved by the Mayor Pro Tem.

Mayor Pro Tem Brandt said the last Ordinance was the Appropriation Ordinance, and if there were no questions or comments, he would ask the Clerk to proceed with the reading of the Ordinance by title only.

APPROPRIATION Ordinance No. 8293 entitled "AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS" was read two times by title only and put to its final passage by its ayes and nays as follows: Duvall, Utlaut, Cook, Lutterbie, Brandt, Ramsey and Guthrey voting aye; Hagedorn absent; the ordinance is thereupon declared passed and so endorsed by the President Pro Tem of the Council and approved by the Mayor Pro Tem.

Mayor Pro Tem Brandt asked if there was any other Council business, if not, he would entertain a motion to adjourn to Executive Session concerning litigation, hiring, firing, discipline or promotion of personnel or purchase of real estate RSMo 610.021(1,2,3).

Motion was made by Ramsey, seconded by Utlaut, to adjourn to Executive Session. A roll call vote was taken with Utlaut, Cook, Ramsey, Lutterbie, Guthrey, Brandt and Duvall voting aye; Hagedorn absent.

Motion carried and the meeting adjourned to Executive Session at 5:37 p.m.

Janet French
City Clerk

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