

## MAY 2, 2015

The City Council met in Regular Session at 6:00 p.m., Monday, May 2, 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 Mark T. Gooden; Council Members Barbara Utlaut, Ron Ott, Kirk Arends, Gabe Ramsey, Dan Brandt, Charles Guthrey, Rudy Reyes and Tom Hagedorn; City Administrator Connie Latimer; City Counselor Josh Taylor and City Clerk Julie Lewis.

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

On motion of Utlaut, seconded by Hagedorn, the minutes of the Regular Council Meeting of April 18, 2016 and Work Session of April 25, 2016 were approved as written and recorded.

### BUSINESS FROM THE AUDIENCE

Ms. Lori Wandell of 21370 Highway YY stated she has some concerns regarding the Missouri Department of Mental Health's purchase of land directly behind her home for the construction of a Crisis Center. Ms. Wandell asked why this issue was not brought to the public for comments and concerns prior to being approved. There is a large community and it is continuing to grow, it is full of children. She feels this could be a large safety risk to her community and it has not been brought to their attention to be able to have their concerns addressed. What can be done to ensure their children's safety and to ensure that people are not getting out of the Crisis Center and into their yards, outbuildings and homes? Ms. Wandell asked why other, more suitable locations have not been looked at for this type of Crisis Center. Additionally, another concern is how this will affect property values in the community. She feels this is much less of a concern than her children's safety, but still a concern. This Crisis Center will literally be feet from her home with nothing between them but a thin line of trees. She would like to know what the Council's plans are to address these concerns and the development of the Crisis Center.

### COMMITTEE REPORTS

#### **PROPERTY, FINANCE, BUDGET & AUDIT COMMITTEE**

No report by Council Members Gabe Ramsey and Ron Ott.

#### **COMMUNITY DEVELOPMENT AND CODE COMMITTEE**

Council Member Charles Guthrey reported a total of 46 building permits for the month of April with a total construction value of \$928,000. Collected permit fees totaled \$2067.50

**PUBLIC  
RELATIONS  
AND PUBLIC  
SAFETY  
COMMITTEE**

No report by Council Member Utlaut.

**MUNICIPAL  
SERVICES AND  
PERSONNEL  
COMMITTEE**

Council Member Brandt reported a total of 759 tons of solid waste for the month of April, which was down slightly from March and April of last year. One thing to note, which is very positive, is the recycling at 91 tons in April, the highest figure we have had all through last year. It's a combination of curbside and the recycling center and it's fantastic that the service is being utilized.

Airport Activity is up this month with a total of 180 aircraft versus 100 in March. Last year it was 181 so we are right in line with last year.

The slurry seal coat process has been completed by Vance Brothers. That is part of what our street program is, we will have some other repairs and other streets done within our process. Please drive around and look at them, they look really nice.

**CITY  
ADMINISTRATOR**

Ms. Latimer said she has several things. The first item is a used police vehicle, a 2006 Chevy Impala, that was advertised for bid. We received one bid from Cadwell's Towing for \$75.00. Council Member Brandt asked if it would be appropriate to reopen for bids since only one bid was received. Ms. Latimer asked Chief Donnell to explain what is wrong with the vehicle. Chief Donnell explained there are a number of things wrong with it, including it will not start. The Council discussed bid alternatives.

On motion of Guthrey, seconded by Hagedorn, the Council accepted the bid from Cadwell's Towing for \$75.00 for the sale of the used 2006 Chevy Impala.

City Administrator Latimer said Mr. Arends had asked for an update on the old Fitzgibbon project and she received one today from Mr. Nash of the Zimmer Group. They have had it inspected, done the engineering and architectural design, and are now working on securing their funds for the development. She read an excerpt from that update: "Finally, with each source we are tracking critical time lines and dates in an effort to put together a package to fund the project. We are doing this as quickly as the system (i.e. red bureaucracy) will allow in an effort to try to get something done as soon as practically possible."

Council Member Arends said he had driven by and noticed doors ajar and open.

Ms. Latimer said we close them, but they keep getting opened.

Council Member Ott asked who is responsible for the building.

Ms. Latimer said it is probably us. The property is still owned by Patrick O'Hanlon but the option on it is for the Zimmer Group.

Mr. Ott asked if they are waiting to see if they get financing to actually own it.

Ms. Latimer stated they have already let go of the earnest money and they have until October to do the option. They have assured us they will keep it mowed this summer.

Discussion continued regarding securing the property.

Mr. Mike Morgan, Code Official, stated the property is being maintained by Fabian Phythian. Mr. Phythian is working with the owner to maintain it, mow the grass, board up the windows and lock the doors. Mr. Morgan said he met with Mr. Phythian last week and he should have it all secured by now.

Ms. Latimer said she has an update on the Solar Farm. She has spoken with the Airport Engineer and MC Power. There is some wording in the contract the FAA does not like so we are in the process of reworking that. The suggestions from their attorney have been sent to City Counselor Josh Taylor. There are a couple of things the Airport Engineer has to check into and then we should be able to get this wrapped up pretty quickly. They are working hard, we are working hard and we are moving forward and hope to have it done in the next 30 to 45 days.

Council Member Ott asked if the information they were not satisfied with has to come from the City.

Ms. Latimer explained some of it is from the City and some is from the Airport Engineer. We had a couple of things to get from MC Power that should have been gotten a year ago and that has snowballed into getting more information from us.

Council Member Reyes asked who is responsible for maintaining the area inside the fence once it is up and running. He drives past daily and noticed it is getting grown up with weeds.

Ms. Latimer said the area will be maintained by MC Power. They will plant buffalo grass that will grow to 18 inches tall. It will not hurt anything and will keep the erosion down.

Ms. Latimer said she has run a survey through the Municipal League and the City Managers Association regarding in-house demolitions of substandard properties. Of those she has heard back from, about two-thirds said no and one-third said yes. Those that do said they only do those that are out by themselves, away from other houses simply because of the liability and lack of expertise. Slater and Chillicothe do not do their own. Some of the bigger cities said they will do it once in a while if they do not have anything else to do but they try not to get too involved in it. It also depends on the size and location.

Mr. Arends thanked Ms. Latimer for the information and asked if she had a chance to get the cost of an average tear down.

Ms. Latimer stated she has the numbers but has not put them in spreadsheet format yet. The house that was torn down on the corner of Porter Street and Jefferson Street cost us \$5,300 and so far without any insurance costs or anything, ours was about \$6,400. We may be able to do some to save a little money, but for the most part, other cities have tried and it just hasn't worked that well.

Mr. Reyes said the ordinance reads "work shall be done by the City and its crews or by contractors employed by the City." He asked if the City employs a contractor or if it goes out for bid.

Ms. Latimer said it goes out for bid. Requirements must be met, such as bid bonds, performance bonds, and workers' comp insurance.

Mr. Reyes asked if Mike Morgan goes in to inspect for asbestos and that sort of thing.

Mr. Morgan said those inspections are done by private contractors. Residential structures we do as a City are exempt from that kind of stuff.

Ms. Latimer said she had been to the Annual Workers' Compensation Board Meeting last week. The first of June they will be starting an online training video program that our employees will be able to utilize. Our rates will be somewhat affected by how much we use the videos so we will be making sure our employees use them. We have done really well with cutting our costs and we want to continue in that direction. Ms. Latimer also said she has been elected to the Workers' Compensation Board to serve another term.

Ms. Latimer stated demolition grants were due this year by April 1<sup>st</sup> instead of May 1<sup>st</sup>. We didn't have anything put together for that. The next round will be due April 1, 2017. In order for a property to qualify the taxes must be paid, there cannot be any liens against it and the owner must be willing to pay 20%.

Mr. Arends asked if we can apply April 1, 2017.

Ms. Latimer said it is a one-time grant of \$250,000. It can be for a number of properties, one must be commercial and the rest can be residential. We can start getting our information together this fall to apply April 1, 2017.

Ms. Latimer explained, in the past, the properties either had been taken care of or the criteria could not be met in order for the grant application to be made. The emergency clause is if there had been a storm or something happened. The old Lighthouse building does not fall into that category even though it's getting worse. The Building Code of Enforcement Board has met regarding that building and are planning to address the situation.

## **MAYOR'S REPORT**

Mayor Gooden told Ms. Wandell the City is in the process of looking into the issue with the Crisis Center, even though it's the State of Missouri. The City doesn't actually have control over that land, the State can come in and put it where they want.

Council Member Ott asked Ms. Wandell if she had seen the statement from the State in the Marshall Democrat News.

Ms. Wandell said she had and is addressing a letter to the State as well.

## **ORDINANCES**

Mayor Gooden said if there were no questions or comments regarding the Appropriation Ordinance that he would ask the Clerk to proceed with the reading of the Appropriation Ordinance by title only.

Council Member Arends said he had two different things in his packet. The first is cash distributions with the water fund, electrical fund and sewer fund and he believes that to be Kyle Gibbs report with Municipal Utilities; the second one is the City's payment distributions. He asked if it is possible to get more detail of what these things are for. For example, Lamm Technical Resources, this one is for \$1,800 and we have spent \$24,600 so far. In comparison to Mr. Gibbs report that explains lab chemicals or inventory.

City Administrator Connie Latimer said she will see if we can break it down further, if not, we can get a copy of the invoice.

Mr. Arends asked what the expenditures to Lamm Technical Resources are for.

Ms. Latimer explained that's our computer software and hardware contract.

Council Member Ott said Mr. Arends brings up a good point. We are approving these expenses and we really have no idea the details of them. It would be helpful to have more detail.

**APPROPRIATION** Ordinance No. 8300 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: Hagedorn, Reyes, Ramsey, Ott, Utlaut, Arends, Guthrey and Brandt voting aye; the Ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

## **OTHER COUNCIL BUSINESS**

Council Member Arends asked Ms. Latimer if the City is under contract for the current website. Ms. Latimer stated we do not have a contract for the website.

Mr. Arends said, if it is appropriate, he would like to take on the task of creating something for the Council to look at that would update and modernize the site including making it mobile friendly.

Mr. Ott said it certainly needs to be looked at.

Mr. Reyes would like to see something more navigable and eye appealing.

Mr. Arends said he is willing to look into this. There is a lot of opportunity to be transparent by posting things such as bids, so there is no question in the community.

Mr. Brandt said he thinks it would be a great idea to have Mr. Arends take a look at it since he knows a lot about it.

Mr. Arends said he will put something together to show the Council what it could look like. He said we would have access to update and post as needed instead of paying \$55 a month. He would be willing to train staff or take it on himself.

Mayor Gooden asked if there was any other Council business, if not, he would entertain a motion to adjourn to Executive Session concerning legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys; hiring, firing, discipline or promotion of personnel or purchase of real estate RSMo 610.021(1,2,3).

Motion was made by Brandt, seconded by Ramsey, to adjourn into Executive Session. A roll call vote was taken with Guthrey, Brandt, Hagedorn, Reyes, Ramsey, Ott, Utlaut and Arends voting aye.

Motion carried and the meeting adjourned to Executive Session at 6:32 p.m.

Julie Lewis  
City Clerk