

CITY COUNCIL MINUTES
JUNE 6, 2023
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, June 6, 2023, in the Council Chambers of the City Office Building, 214 N. Lafayette, Marshall, MO 65340, with the following members present: Mayor Vincent Lutterbie; Council Members John Allen Jr., Drew Green, Phil Perkins, Nathan Swisher, Charles Guthrey, Craig Thompson, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Don Stouffer and City Clerk Julie Lewis.

Council Member Green made a motion, seconded by Brandt, to adopt the agenda. A voice vote was taken with all in favor. Motion carried.

Council Member Brandt made a motion, seconded by Perkins, to approve the minutes of Regular Session of May 15, 2023. A voice vote was taken with all in favor. Motion carried.

BUSINESS FROM THE AUDIENCE

Mr. Tom Ward, resident of Ward 2 spoke about the demolition of the old IGA building on South Odell. He asked where did the City get the authority to use public funds to demolish a building on private property. Mr. Ward quoted Missouri Constitution Article VI, Section 25 “No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation except as provided in Article VI, Section 23(a)”

Counselor Don Stouffer said public funds are used for private purposes depending upon several different statutes including one that relates to properties that are in a condition that need to be torn down.

Mr. Ward discussed the process of a tax lien and stated this is not a tax lien. The City used public funds to tear down a private individuals personal property building. It was masked or disguised as a lien when it is simply a loan. The City paid Remco to tear down that building so the private owner indirectly received benefit from those public funds and that does not sit well with Article VI of the Missouri Constitution.

Mr. Ward requested to be placed on the next regular City Council meeting agenda.

COMMITTEE REPORTS

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Guthrey gave the Fire Department report for the month of May:

Fire Incidents – 15

Hazardous Conditions – 2

Good Intent Calls – 9

Rescue & EMS Incidents – 39

Service Calls – 10

False Alarm & False Calls – 4

Total Incidents for May – 79

Council Members Guthrey and Perkins are working on a revised code of conduct.

Council Member Guthrey also reported work is being done on an ordinance regarding the use of UTV vehicles on city streets. There will be certain requirements in order to be compliant with the proposed ordinance. The Committee will bring the proposed ordinance for discussion soon.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt gave the following Storm Water Tip:

Consider Using Rain Barrels To Collect Rain Water From Your Roof.
All Natural Rain Water Is Better For Your Garden and Saves You Money.

There will be a curbside Bulk Item Pick Up during the week of June 12 through June 15.

Ward 4 – Monday

Ward 3 – Tuesday

Ward 2 – Wednesday

Ward 1 – Thursday

Items that contain freon will not be picked up. Please call Municipal Services at 886-3945 with any questions. Regular curbside trash pickup will continue on the regular schedule.

Council Member Allen asked if there are plans for a hazardous waste pick up.

Council Member Brandt said there are no plans at this time.

The Committee met today regarding private hangar construction at the Airport. There are some utilities that run through the area that will need to be rerouted and that will help with future development of the area as well.

The Committee met several weeks ago to interview several employees that are interested in the position of Municipal Services Director. There will be a recommendation later in the meeting.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Green reported the City is three quarters of the way through the fiscal year. Revenues are at \$10,497,253 or 79.79% of budgeted amounts; expenditures are at \$8,804,374 or 61.64% of budgeted amounts. The budget is in a positive position.

The Committee has met with the Finance Director a couple of times to get familiar with the budgeting process. An email was sent to Council regarding future processes.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook reported a total of 39 permits were issued by the Inspection Department during the month of May; total construction value was \$6,194,630 with \$6,970.75 in permit fees collected.

The Board of Building Code Enforcement held hearings on May 24, 2023; the next hearings will be held on June 28, 2023 at 8:30 a.m. Hearings are held to deal with property maintenance issues and tall grass.

Council Member Allen said he would like to acknowledge receipt of phone calls and emails regarding some property issues within Ward 1 and questions regarding an easement.

Council Member Allen said some residents in Ward 1 have been receiving mail that appears to be from him personally about yards. He is not sending these letters, they are not from him.

Council Member Green inquired about the citation process for code violations.

City Administrator JD Kerhman said City Counselor Josh Taylor will have an update regarding the citation process.

Mayor Lutterbie asked that Code Official Aaron Gibson be at the next meeting to make a presentation regarding the citation process.

CITY ADMINISTRATOR'S REPORT:

City Administrator JD Kehrman reported he met with the Mayor and the Area Engineer from MoDOT. They spent a good deal of time looking at projects including the High St. alternate route.

HDR is in the process of preparing documents for rebuilding of the parallel taxiway at the Airport.

Mr. Kehrman said he met with the engineer for our stormwater disaster mitigation. He also had a call with FEMA and SEMA. There are a number of big projects that FEMA has committed funding for including drainage way behind Eastwood School. We will also be resubmitting projects that were previously denied as funding criteria has changed.

Upon passage of the ordinance authorizing an environmental site study at the old Fitzgibbon site, work will begin right away.

Mayor Lutterbie has asked that a Request for Proposals be put together for the old Fitzgibbon site and that should be released when the site study is completed.

Council Member Green asked that the new hangar work at the Airport coincide with the work on the taxiway as we are getting close to ag sprayer season and the additional parking spaces will be needed. He also spoke about reviewing all of the hangar contracts currently in place.

MAYOR’S REPORT:

Mayor Lutterbie reported there will be a Special Session meeting of the City Council on Monday, June 12, 2023 at 6:00 p.m.

Mayor Lutterbie expressed condolences and is sending the Council’s sympathies to Mayor Allegri’s family and the City of Slater.

Chick-Fil-A will be bringing a mobile food truck to Marshall.

LIQUOR LICENSE

The following Liquor License was presented to Council for consideration and approval:

Mister’s Café LLC, Reginald Chaimov, Managing Officer – Beer and Light Wine By Drink With Sunday Sales

Council Member Brandt made a motion, seconded by Perkins, to approve the Liquor License as presented. A voice vote was taken with all in favor. Motion carried.

DISCUSSION AND APPROPRIATE FOLLOW UP

PROPOSAL FOR SALE OF PROPERTY LOCATED AT 262 WEST ARROW:

Council Member Green said the City asked for proposals for the sale of property located at 262 West Arrow. Two proposals were received and it is the recommendation to accept the proposal of Powerhouse Community Development Corporation in the amount of \$20,000 for the sale of City owned property located at 262 W. Arrow.

Council Member Guthrey asked what the plans are for the property.

Council Member Green said they presented a nice proposal with plans for a community center.

Council Member Green made a motion, seconded by Craig Thompson, to accept the proposal of Powerhouse Community Development Corporation in the amount of \$20,000 for the property located at 262 West Arrow. A voice vote was taken with all in favor. Motion carried.

BOARD OF BUILDING CODE ENFORCEMENT APPOINTMENT:

Mayor Lutterbie presented the following appointment for Council consideration and approval:

Board of Building Code Enforcement
Steve Cook – New Appointment – Serve as Alternate Member

Council Member Perkins made a motion, seconded by Thompson, to approve the appointment as presented. A voice vote was taken with all in favor. Motion carried.

LIBRARY BOARD APPOINTMENTS:

Mayor Lutterbie presented the following appointments for Council consideration and approval:

Library Board

Debbie Hollrah – Reappointment – Term Expires July, 2026

Tracy Crumbaugh – Reappointment – Term Expires July, 2026

Brooke Lindsenbardt – Reappointment – Term Expires July, 2026

Council Member Cook made a motion, seconded by Swisher, to approve the appointments as presented. A voice vote was taken with all in favor. Motion carried.

APPOINTMENT TO POSITION OF DIRECTOR OF MUNICIPAL SERVICES:

Council Member Brandt said interviews were conducted to fill the position of Director of Municipal Services.

Council Member Allen made a motion to appoint Randy Cornine to the position of Director of Municipal Services. Council Member Thompson seconded the motion. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Thompson, Brandt and Cook voting aye. Motion carried.

ORDINANCES

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL CONCERNING THE RETENTION OF RECORDS” was given its second reading by title only.

Council Member Green said there were some questions regarding retention of records, state law will be followed regarding retention.

Mayor Lutterbie said a disposition log will be on the City’s website.

Council Member Brandt made a motion, seconded by Perkins, to approve the ordinance. A roll call vote was taken with Cook, Allen, Perkins, Green, Swisher, Guthrey, Thompson and Brandt voting aye. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No. 8759.

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO OBTAIN AN ENVIRONMENTAL STUDY AT 868 SOUTH BRUNSWICK AVENUE IN THE CITY OF MARSHALL” was given its second reading by title only.

Council Member Cook asked what would trigger a Phase 2 site assessment.

City Administrator Kerhman said there a number of things, it depends on what is discovered during the Phase 1 site assessment.

Council Member Brandt made a motion, seconded by Green, to approve the ordinance. A roll call vote was taken with Perkins, Green, Swisher, Guthrey, Thompson, Brandt, Cook and Allen voting aye. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No 8760.

An ordinance entitled “AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS” was given its first reading by title only.

Council Member Guthrey made a motion, seconded by Thompson, to take the ordinance to a second reading. A roll call vote was taken with Cook, Allen, Perkins, Green, Swisher, Guthrey, Thompson and Brandt voting aye. Motion carried.

Ordinance No. 8761 entitled “AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS” was given its second reading by title only and put to its final passage and approval upon motion of Green, seconded by Guthrey. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Thompson, Brandt and Cook 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 Thompson asked about the sidewalk at the intersection of Vest and 65 Highway.

City Administrator Kehrman said that is a FEMA project and the City has not been given a timeframe for repair. Eastwood, Vest and South Lake Drive area have all been designed and we are waiting for the green light.

Council Member Guthrey asked about the replacement of sidewalks on Eastwood.

City Administrator Kerhman said MoDOT will have a round of Multimodal Funding available in the fall and application will be made for the that project.

Council Member Thompson asked if the street program is still on track.

Mr. Kerhman said the crack sealing will begin in a couple of weeks. We are waiting for the milling and paving schedules. Doorhangers will be distributed in affected areas.

Council Member Green asked for an update on the railroad project.

Mayor Lutterbie said the MoDOT engineer was impressed with the alternate to High Street; they are trying to see if the money can be transferred.

Council Member Green said he has sent a response and proposal to Council regarding the disciplinary hearing. He would like to open the floor to any questions or recommendations.

Council Member Green said he wants this to be done in open session.

Council Member Thompson told Municipal Services Director Terry Gibson that the area on Vest that has been connected looks good.

Director Gibson discussed several other projects planned for the near future.

Council Member Perkins made a motion, seconded by Allen, to adjourn the meeting. A voice vote was taken with all in favor. Motion carried and the meeting adjourned at 6:51 p.m.