

CITY COUNCIL MINUTES
AUGUST 15, 2023
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, August 15, 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, Drew Green, Nathan Swisher, Charles Guthrey, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Members Phil Perkins and Craig Thompson excused absent.

Council Member Brandt made a motion, seconded by Green, to adopt the agenda as written. A voice vote was taken with all in attendance voting aye; Perkins and Thompson excused absent. Motion carried.

Council Member Swisher made a motion, seconded by Allen, to approve the Regular Session Minutes of August 1, 2023. A voice vote was taken with all in attendance voting aye; Perkins and Thompson excused absent.

PUBLIC HEARING

Council Member Brandt made a motion, seconded by Guthrey, to open the Public Hearing. A roll call vote was taken with Brandt, Cook, Allen, Green, Swisher and Guthrey voting aye; Perkins and Thompson excused absent. Motion carried.

Mayor Lutterbie explained the purpose of the Public Hearing is to hear comments or concerns regarding the following issues:

- A. To consider a request by Shirley R. Sumilang to re-zone a tract of land Described as parcel #03-17-50-15-01-030-002.000, part of lot 2, block 35, Marshall Original Town, known as 102 East Washington Street, Marshall, MO From P-D Planned Development to R-1 Single-Family Residential District.

- B. To consider a request by the City of Marshall to re-zone a tract of land described as parcel # 03-17-60-14-03-009-001.000, pt. of the NE of the SW, known as 868 South Brunswick Avenue, Marshall, MO from R-2 Residential District to R-1 Single-Family Residential District.

There were no comments or concerns brought forward.

Council Member Green made a motion, seconded by Allen, to close the Public Hearing. A roll call vote was taken with Cook, Allen, Green, Swisher, Guthrey and Brandt voting aye; Perkins and Thompson excused absent. Motion carried.

PUBLIC HEARING

Council Member Brandt made a motion, seconded by Green, to open the Public Hearing. A roll call vote was taken with Allen, Green, Swisher, Guthrey, Brandt and Cook voting aye; Perkins and Thompson excused absent. Motion carried.

Mayor Lutterbie explained the purpose of the Public Hearing is to hear comments or concerns regarding the 2023 Tax Levy.

There were no comments or concerns brought forward.

Council Member Guthrey made a motion, seconded by Green, to close the Public Hearing. A roll call vote was taken with Green, Swisher, Guthrey, Brandt, Cook and Allen voting aye; Perkins and Thompson excused absent. Motion carried.

Mayor Lutterbie explained Business from the Audience has been moved and will take place after the Committee Reports.

COMMITTEE REPORTS

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt reported the mill and overlay project is on track for the end of September or beginning of October.

Council will discuss the purchase of a striping machine later in the meeting.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Green reported they are working on the 2023-24 budget; the current year's budget is doing good.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook reported there will be Board of Building Code Enforcement hearings on August 30th at 8:30 a.m. in the Council Chambers of City Hall.

Mayor Lutterbie said if there are nuisance complaints, this is the committee to talk to.

PUBLIC RELATIONS AND PUBLIC SAFETY:

Council Member Guthrey said the Police Department would like to purchase two cars.

Police Chief Donnell said two cars have recently gone down and the price to repair is almost twice as high as the value of the cars. He has found two vehicles for a total of \$82,511. Equipment replacement funds can be used to purchase the vehicles. The two police vehicles that were ordered last year still haven't been received.

Council Member Green discussed the purchase of police cars and the potential for a plan to rotate new cars in the future.

Council Member Guthrey made a motion, seconded by Allen, to approve the purchase of two police cars. A voice vote was taken with all in attendance voting aye; Thompson and Perkins excused absent. Motion carried.

CITY ADMINISTRATOR'S REPORT:

City Administrator JD Kehrman updated Council on the upcoming removal of two underground tanks from the old Fitzgibbon Hospital site. Mr. Kerhman explained the process for removal, documentation and disposal. After completion, the City will receive a clearance letter from the Missouri Department of Natural Resources. A supplemental agreement with Terracon is on the agenda for consideration this evening.

Mr. Kerhman said the City is currently working with MoDOT on the alternate truck route issue and hopes to have more information in September after a meeting in Jefferson City.

MAYOR'S REPORT:

Mayor Lutterbie said the agenda item for the Digital Engagement Platform has gone through the Finance Committee, however there have been some slight changes in the term of the agreement so we will be getting a two year agreement with a 3 year option.

Mayor Lutterbie said Council will conduct a Work Session on August 29th at 6:00 p.m. at the MMU Service Center located at 1459 W. Arrow. The purpose of the meeting will be to hear about the economic impact of new housing within the community. There will not be any votes taken during the meeting and we will try to have it live streamed.

The Council Chambers has been hard wired so there should not be any problems with future Council meeting live streams.

Mayor Lutterbie thanked the members of the Ad-Hoc Committee for their work on establishing rules for "Business from the Audience". A copy of the rules are available on the table in front of the Council Chambers. Discussion regarding non-agenda items will take place on the first Tuesday of each month at 5:30 p.m. prior to the regular Council Meeting.

BUSINESS FROM THE AUDIENCE

Sandy Moten, 430 E. Vest, thanked the City Administrator, Mayor and everyone involved in getting sidewalk installed in the 400 block of East Vest. The project was completed on July 6, 2023.

Tom Ward, resident of Ward 2, asked the following questions:

Will you amend tonight's agenda for discussion about actions of the past administration?

Mayor Lutterbie said not tonight.

Will you amend tonight's agenda to include discussion on new rules of order for the public comment period?

Mayor Lutterbie said that can be talked about on the first Tuesday in September, questions and ideas can be emailed ahead of time.

Will you allow a citizen to be placed on the agenda for comments not likely to be included in the City's agenda items?

Mayor Lutterbie said that will be looked at on a case by case basis and he would like a 48 hour notice.

Mr. Ward said since he is no longer allowed to talk about his interests, actions of past administration or rules of order as they have come out, he will save that for another day and will be back in two weeks and try again.

DISCUSSION AND APPROPRIATE FOLLOW UP

PARK BOARD APPOINTMENTS:

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

Ronnie Hill – Re-appointment – Term Expires July 2025
Nancy Kleinschmidt – Re-appointment – Term Expires July 2025
John Angelhow – Re-appointment – Term Expires July 2025
Robin Baker – Re-appointment – Term Expires July 2026
Danielle Callanan – Re-appointment – Term Expires July 2026
Scott Fann – Re-Appointment – Term Expires July 2026

Mayor Lutterbie said he wants to continue with the current members at this time but will consider new members in the future; there are a lot of people in town that would like to serve and they have good ideas.

Council Member Brandt made a motion, seconded by Guthrey, to approve the Park Board appointments. A voice vote was taken with all in attendance voting aye; Perkins and Thompson excused absent. Motion carried.

BID – PAINT MACHINE SYSTEM:

The Municipal Services Department submitted a request for approval of the purchase of a LineLazer 3900 HP Automatic, 2-gun Laser Guided Layout System Line Driver HD, Ride-on System with Graco Glass Bead kit in the amount of \$20,659.00 from Crafcoc Inc., in Lee's Summit, Missouri.

Council Member Brandt indicated this is a budgeted purchase and the quote was obtained through Sourcewell Purchasing, a purchasing alliance in which all vendors are pre-qualified.

Council Member Green made a motion, seconded by Brandt, to approve the purchase as presented. A voice vote was taken with all in attendance voting aye; Perkins and Thompson excused absent. Motion carried.

BID – DIGITAL ENGAGEMENT PLATFORM:

The Mayor in conjunction with the Property, Finance, Budget and Audit Committee submitted a request for the purchase of implementation and yearly subscription fee of Engagement HQ Platform (a digital engagement platform) in the amount of \$10,000 from Granicus LLC.

Council Member Green said this is a way for Council to interact with citizens and for citizens to interact with Council; it will also be a good way to inform citizens about projects, etc.

Council Member Cook made a motion, seconded by Swisher, to approve the request for purchase as submitted. A voice vote was taken with all in attendance voting aye; Perkins and Thompson excused absent. Motion carried.

ORDINANCES

An ordinance entitled “AN ORDINANCE PROVIDING FOR THE LEVYING OF TAXES ON ALL TAXABLE PROPERTY SUBJECT TO TAXATION IN THE CITY OF MARSHALL, MISSOURI FOR THE YEAR 2023” was given its first reading by title only.

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

Ordinance No. 8772 entitled “AN ORDINANCE PROVIDING FOR THE LEVYING OF TAXES ON ALL TAXABLE PROPERTY, SUBJECT TO TAXATION IN THE CITY OF MARSHALL, MISSOURI FOR THE YEAR 2023” was given its second reading by title only and put to its final passage and approval upon motion of Brandt, seconded by Green. A roll call vote was taken with Swisher, Guthrey, Brandt, Cook, Allen and Green voting aye; Thompson and Perkins excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

An ordinance entitled “AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 115 OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF MARSHALL, MISSOURI” was given its first reading by title only.

City Administrator Kehrman explained the proposed ordinance deals with the appointment of the Street Superintendent without the annual re-appointment requirement. This will be the first of several updates to the Code relating to department heads.

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

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A SUPPLEMENT TO AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND TERRACON CONSULTANTS, INC.” was given its first reading by title only.

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

An ordinance entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “P-D” PLANNED DEVELOPMENT TO “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT” was given its first reading by title only.

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

An ordinance entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “R-2” RESIDENTIAL DISTRICT TO “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT” was given its first reading by title only.

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

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

Ordinance No. 8773 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 Green, Swisher, Guthrey, Brandt, Cook and Allen voting aye; Perkins and Thompson excused absent. 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 Green inquired about the proposed UTV ordinance.

Council Member Guthrey said the ordinance will be brought before Council on September 5th.

Council Member Green said a citizen has asked if turn signals are required or if arm signals can be used.

Mayor Lutterbie said there has been some talk about replacing the flag poles outside of City Hall.

Council Member Cook said he has not seen the new guidelines for “Business from the Audience” and he feels blindsided.

Mayor Lutterbie discussed reasons for making changes to “Business from the Audience”.

Council Member Green said this is a good reminder to make sure Committee chairs email the Council with updates after Committee meetings.

There being no other Council Business, Council Member Green made a motion, seconded by Allen to adjourn the meeting. A voice vote was taken with all in attendance voting aye; Perkins and Thompson excused absent. Motion carried and the meeting adjourned at 6:45 p.m.

Julie A. Lewis, City Clerk