

CITY COUNCIL MINUTES
JULY 18, 2023
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, July 18, 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, Phil Perkins, Drew Green, Nathan Swisher, Charles Guthrey, Craig Thompson, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Don Stouffer and City Clerk Julie Lewis.

Mayor Lutterbie noted agenda item Number 11 “Other Council Business” was added to the agenda after Council Members received their packet.

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

Council Member Guthrey made a motion, seconded by Thompson, to approve the Regular Session Minutes of July 5, 2023. A voice vote was taken with all in favor voting aye. Motion carried.

**APPOINTMENTS TO
COMMUNITY COMMENT AD-HOC COMMITTEE**

Mayor Lutterbie said an Ad-Hoc Committee has been set up to create guidelines for the “Business from the Audience” section of the Agenda. The following individuals were appointed to serve on the Ad-Hoc Committee:

Phil Perkins, Chair Person	Linda Wilson
Dan Brandt	Crystal Noamesi
Anmarie Gibson	Mike Harlow
Jeff Allen	

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook reported there will be a Board of Building Code Enforcement Hearing on July 26, 2023 at 8:30 a.m. in the Council Chambers.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Guthrey gave the Marshall Police Department Report for the month of June:

<u>Traffic Stops:</u>	104	<u>Warrants:</u>	
Citations	8	Municipal Court:	18
Arrests	9		

Officers Calls for Service: 2073
Arrests: 41

Police Reports Taken: 127

Public Relations:

Remember with hot temperatures to make sure your animals have plenty of water and shade during the heat of the day. The Police Department responded to 182 animal calls in the month of June alone.

Fact for the Month

Fridays had the most calls for the month with 498, and the busiest hour for the month is between 11:00 a.m. and 12:00 p.m. with 202.

The average response time to a call is 3 minutes and 7 seconds.

The ward with the most calls is ward 3, closely followed by ward 1.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt said information was provided to Council Members regarding the Vest Street sidewalk project. The information provided a breakdown of the entire project including cost, materials and labor.

The mill and overlay project schedule has been delayed due to weather and other issues. We are currently trying to get an update on when work will begin. Citizens will be informed once we know.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Green reported the city is coming up on the end of the budget year and the budget is looking good so far.

CITY ADMINISTRATOR REPORT:

City Administrator JD Kehrman reported on the old "Fitzgibbon" site. Two underground tanks have been located, samples have been taken and sent to lab for review, DNR has been notified of the findings and the process to get a certified contractor for handling, removal, cleaning & disposition is underway.

City Council recently approved the purchase of an arm mower and tractor, we do not have a delivery date at this time but we expect it to be November. After exploring other options, we will move forward with the purchase of the arm mower and tractor knowing that we will have to catch up on the ditch clean out in November.

Mr. Kerhman said he has met with an attorney that specializes in land use policy regarding infill development and zoning codes. We may be looking at creating a specialized zoning category or an overlay district within the city that would expediate and incentivize development on infill lots.

Mr. Kerhman introduced Kurtis Gregory, State Representative of District 51.

Representative Gregory said he has worked to successfully secure \$3.9 million in funding in the State budget for water infrastructure improvements and projects within the City of Marshall.

Senate Bill 186 will allow for ballot enabling language for a Public Safety Sales Tax, if one is needed.

Representative Gregory received a round of applause.

MAYOR'S REPORT:

No report.

EVENT REQUEST

BUD'S CAFÉ STREET PARTY:

Bud's Café is requesting the closure of South Lafayette from Arrow Street to the alley way that runs near 161 S. Lafayette for a Street Party on September 16, 2023. They would also like to request the suspension of Section 600.070 (G) of the Code of Ordinances related to drinking in public.

Council Member Brandt made a motion, seconded by Perkins, to approve the event request as presented. A voice vote was taken with all in attendance voting aye. Motion carried.

LIBRARY BOARD APPOINTMENTS:

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

Library Board

Rev. Molly Vessell – New Appointment – Serve Remainder of Unexpired Term – Term Expires July 2026

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

PLANNING AND ZONING RECOMMENDATION

Mayor Lutterbie said the Planning and Zoning Commission met regarding several rezoning requests and would like to recommend the City Council schedule a Public Hearing.

The first request is to rezone a tract of land known as 102 E. Washington from P-D Planned Development to R-1 Single Family Residential District and the second request is to rezone a tract of land known as 868 South Brunswick from R-2 Residential District to R-1 Residential District.

The City had also requested to rezone the Gieringer property to Agricultural, however, due to receiving feedback, the City has formally removed that request.

Council Member Brandt made a motion, seconded by Perkins, to schedule a Public Hearing on August 15, 2023 at 6:00 p.m. A roll call vote was taken with Perkins, Green, Swisher, Guthrey, Thompson, Brandt, Cook and Allen voting aye. Motion carried.

RESOLUTION

A resolution entitled “A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, RATIFYING AND CONFIRMING THE APPROVAL OF ADDITIONAL ENVIRONMENTAL WORK AT 868 SOUTH BRUNSWICK AVENUE IN THE CITY OF MARSHALL” was read by title only.

Council Member Green made a motion, seconded by Brandt, to approve the Resolution. A roll call vote was taken with Green, Swisher, Guthrey, Thompson, Brandt, Cook, Allen and Perkins voting aye. The resolution is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Resolution No. 2023-4.

ORDINANCES

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO THE MARSHALL MUNICIPAL AIRPORT” was given its second reading by title only and put to its final passage and approval upon motion of Swisher, seconded by Green. A roll call vote was taken with Swisher, Guthrey, Thompson, Brandt, Cook, Allen, Perkins and Green 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. 8765.

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS” was given its second reading by title only and put to its final passage and approval upon motion of Green, seconded by Thompson. A roll call vote was taken with Guthrey, Thompson, Brandt, Cook, Allen, Perkins, Green and Swisher 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. 8766.

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RULES AND REGULATIONS PERMITTING THE USE OF LOW-SPEED VEHICLES AND UTILITY VEHICLES IN THE CITY OF MARSHALL” was given its second reading by title only.

Council Member Perkins said there are a couple of items that need more discussion prior to passage.

There being no motion, the ordinance died on the floor.

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO TRANSFER CERTAIN REAL PROPERTY IN THE CITY OF MARSHALL TO POWERHOUSE COMMUNITY DEVELOPMENT CORPORATION” was given its second reading by title only and put to its final passage and approval upon motion of Brandt, seconded by Perkins. A roll call vote was taken with Brandt, Cook, Allen, Perkins, Green, Swisher, Guthrey and Thompson 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. 8767.

An ordinance entitled “AN ORDINANCE REGARDING THE PASSAGE AND APPROVAL OF ORDINANCES FOR THE CITY OF MARSHALL” was given its second reading by title only and put to its final passage and approval upon motion of Allen, seconded by Thompson. A roll call vote was taken by 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. 8768.

An ordinance entitled “AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE CITY OF MARSHALL, MISSOURI” was given its first reading by title only.

Mayor Lutterbie explained the code of conduct has been cleaned up and we are currently working to update the personnel policy handbook. Both documents will fit well together.

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

Ordinance No. 8769 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 Brandt, seconded by Perkins. A roll call vote was taken with Swisher, Guthrey, Thompson, Brandt, Cook, Allen, Perkins and Green 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 Green said there have been some good changes made to the Code of Conduct.

Council Member Brandt agreed with Council Member Green.

Council Member Cook asked if he missed a meeting regarding removing public comment from the agenda.

Mayor Lutterbie said there was not a meeting, it was discussed on the floor. He intends to lower the temp in town.

Council Member Cook said this came out last Wednesday, and there may be some who came this evening to speak. It could have been done in a different way.

There being no other Council Business, Council Member Swisher made a motion, seconded by Brandt, to enter into Executive Session concerning legal actions, causes of actions or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorney with the meeting being adjourned at the completion of such session. A roll call vote was taken with Brandt, Cook, Allen, Perkins, Green, Swisher, Guthrey and Thompson voting aye. Motion carried and the Council went into Executive Session at 6:29 p.m.

Julie A. Lewis,
City Clerk