

CITY COUNCIL MINUTES
JULY 5, 2023
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Wednesday, July 5, 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, Nathan Swisher, Charles Guthrey, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Drew Green Absent and Council Member Craig Thompson excused absent.

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

Council Member Brandt made a motion, seconded by Swisher, to approve the Regular Session Minutes of June 20, 2023, Special Session Minutes of June 12, 2023 and Special Session Minutes of June 26, 2023. A voice vote was taken with all in attendance voting aye; Green absent and Thompson excused absent. Motion carried.

BUSINESS FROM THE AUDIENCE

Mr. Keith Zinn, resident of Lakeview, asked if the Council has gotten anything settled regarding High Street.

Mayor Lutterbie said an alternate plan has been submitted to MoDOT. We are currently waiting on MoDOT so if the plan is good we will request transferring the funding to the alternate route.

Mr. Zinn asked if the City is going to repay the loan from MMU for the Habilitation center.

Mayor Lutterbie said monthly payments are being made and the loan will be paid in full in four years.

Mr. Zinn asked where the City plans to come up with money for sidewalks, curb and gutter by the school all the way down to Great Circle.

City Administrator JD Kehrman said the City has talked with MoDOT's Area Engineer about flashers and appropriate signage. MoDOT will conduct an initial review along their right-of-way and determine if they will allow sidewalks to be constructed. We would look for some sort of partnership with MoDOT regarding potential funding.

Mr. Tom Ward, resident of Ward 2, asked the Mayor if he has any responses to the questions he emailed to him regarding the RTS billing, City Administrator employment contract and the "old IGA" lien.

Mayor Lutterbie said the employment contract is being reviewed, the RTS billing is being looked into and a lien has been filed for the “old IGA” building.

Mr. Ward spoke about the “old IGA” property lien. There are two parcels there and the city only put a lien on one so if the lien is defaulted, the city would only receive one of the parcels. This needs to be fixed because the whole object is to protect and secure public funds.

Mr. Ward said he specifically asked, in an email to the city clerk, to be placed on the June 20th agenda to discuss transparency and accountability of city operations and activity. The agenda was created and posted by city staff with the item reduced to “Presentation by Tom Ward, Ward 2 Resident”. The meeting notice, per RSMo. 610.020 shall give notice of the time, date and place of each meeting and its tentative agenda, in a manner reasonably calculated to advise the public of matters to be considered. It is a violation of the Sunshine Law. Considering the two previous botched live streams where he was the only public speaker, he considers that to be censorship. He asked Mayor Lutterbie to look into this and also requested to be placed on the next Council meeting agenda.

Mayor Lutterbie indicated the request may not be granted, this is not a forum and issues will not be solved on the floor.

Mr. Ward said the Mayor will not deny him his right to inform the public; that he doesn’t get to decide what the public hears.

COMMITTEE REPORTS

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Swisher reported year-to-date revenue is at \$11,210,872 or 85.21% of budgeted amounts and expenditures are at \$9,511,824 or 66.59% of budgeted amounts. We just entered month 10, or 83.33% of this fiscal year so our numbers are looking great.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook gave the Inspection Department Report for the month of June:

Building Permits Issued – 20	Electrical Permits Issued - 11
Demolition Permit Issued – 1	Plumbing Permits Issued – 6
Total Permits Issued in June – 38	
Total Construction Value - \$564,845.00	Permit Fees Collected - \$1,578.75

During June, Code Enforcement notices were sent for tall weeds, accumulation of debris, illegal fencing and semi-parking.

The Board of Building Code Enforcement will conduct hearings on July 26, 2023 at 8:30 a.m.

Council Member Allen reported he attended the Park Board meeting. Park programs are up over last year

The Park Board is currently in policy making mode relating to dress code issues.

*Note – The following two Committee reports were not given in the order listed on the agenda.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt gave the Storm Water tip:

Lawn fertilizer and pesticides can wash across pavement and down drains taking toxics with them. Where stormwater flows, everything goes!

The Municipal Services Committee will set a meeting for next week to discuss the upcoming mill and overlay project and the crack seal project.

Council Member Brandt introduced Mr. Randy Cornine as the Director of Municipal Services. Mr. Cornine has been employed with the City of Marshall for 19 years.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

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

Fires – 5	Rescue and EMS – 33
Hazardous Conditions – 4	Services Calls – 5
Good Intent Calls – 9	False Alarm/False Call – 1
Total Calls for June - 57	

CITY ADMINISTRATOR’S REPORT:

City Administrator JD Kehrman reported the Phase 1 Environmental Report from Terracon relating to the old Fitzgibbon Hospital was received this past Friday. There is concern about the possibility tanks in the ground. The next phase will be to discover those tanks and determine pollution in the soil or ground water.

Council Member Green present at 6:24 p.m.

Terracon provided a proposal to conduct a limited site investigation which will include ground penetrating radar and soil boring. The lump sum for the limited site investigation is \$12,100.00. If tanks are found, we will work to establish a plan with the State of Missouri Department of Natural Resources to remove the tanks and remediate the soil.

Mr. Kehrman said if Council chooses to approve the addendum to the original Terracon contract, work can begin right away with a 20 day turnaround.

Council Member Cook asked if city crews are able to excavate and pull tanks, if they are found.

Mr. Kehrman said that may be a possibility.

Council Member Perkins made a motion, seconded by Guthrey, to expend \$12,100 for the limited site investigation. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Brandt and Cook voting aye; Thompson excused absent. Motion carried.

MAYOR’S REPORT:

Mayor Lutterbie said there has been some concern regarding the status of our current street signs, some of which are missing or in bad repair. The signs are being replaced in phases with approximately 10 -15% of the signs already replaced. The next phase will be in a few months. If citizens notice signs with issues, please contact Municipal Services or City Hall.

We would like to do a series of seminars to educate citizens on how to run for elected office, such as City Council. We hope to do that during September, October and November and the videos will be on YouTube.

Mayor Lutterbie stated Council Member Thompson is not here this evening but would like for the Mayor to make a statement for him regarding fireworks. There were no problems reported with fireworks, however, some neighborhoods experienced fireworks as early as July 1st and late into the evenings leading up to the 4th. We will look into the issue.

DISCUSSION AND APPROPRIATE FOLLOW UP

BID – TRACTOR AND ARM MOWER:

The Municipal Services Committee submitted a bid for a 2023 New Holland Tractor and 2023 Tiger Bengal Boom Mower in the amount of \$150,800.93 from S & H Farm Supply.

The tractor and arm mower will be used to clean up drainage ditches.

Council Member Brandt made a motion, seconded by Green, to approve the bid of S & H Farm Supply for the purchase of a 2023 New Holland Tractor and 2023 Tiger Bengal Boom Mower in the amount of \$150,800.93. A voice vote was taken with all in attendance voting aye; Thompson excused absent. Motion carried.

BID – ANIMAL SHELTER MAINTENANCE AND CONCRETE WORK:

Police Chief Donnell explained the Marshall Animal Shelter is inspected by the State of Missouri and several items have been identified that need to be fixed. Several contractors were given specifications and one bid was returned.

It is the recommendation to accept the bid of Poppy’s Remodeling and Design in the amount of \$26,400 for Animal Shelter maintenance and concrete work.

Council Member Brandt made a motion, seconded by Perkins, to accept the bid as recommended. A voice vote was taken with all in attendance voting aye; Thompson excused absent. Motion carried.

RESOLUTION

A resolution entitled “A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, DISMISSING THE PROCEEDINGS INITIATED PURSUANT TO COUNCIL RESOLUTION NO. 2023-1” was read by title only.

Mayor Lutterbie explained the Council held a closed session last week since this is a personnel issue first. Communication was good and this is the best possible outcome.

Council Member Cook said he is still not sure how we got here, he feels this should have been settled through the public hearing process.

Mayor Lutterbie said there will be a proposed code of conduct and the city’s personnel policy will be updated.

Council Member Green indicated that he agrees with Mayor Lutterbie. There was not one defining moment but a confluence of missteps. Communication is huge and it made it possible for us to work through the issues and set up a procedure for the future.

Council Member Allen made a motion, seconded by Guthrey, to approve the Resolution. A roll call vote was taken with Perkins, Swisher, Guthrey, Brandt and Allen voting aye; Cook voting nay; Green abstain; Thompson excused absent. The resolution is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Resolution No. 2023-3.

ORDINANCES

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND ITS BOARD OF PUBLIC WORKS AND CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 2 OF LAFAYETTE, JOHNSON, AND SALINE COUNTIES, MISSOURI FOR THE SALE OF WATER” was given its first reading by title only.

Marshall Municipal Utilities General Manager Jeff Bergstrom explained the ordinance will provide for a water supply contract that is currently in place but is set to expire in 2026. Due to the need to secure USDA funding, he is requesting a second reading and approval this evening.

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

Ordinance No. 8763 entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND ITS BOARD OF PUBLIC WORKS AND

CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 2 OF LAFAYETTE, JOHNSON AND SALINE COUNTIES, MISSOURI FOR THE SALE OF WATER” was given its second reading by title only and put to its final passage and approval upon motion of Green, seconded by Perkins. A roll call vote was taken with Swisher, Guthrey, Brandt, Cook, Allen, Perkins and Green voting aye; Thompson 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 AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR THE ENGINEERING SERVICES RELATED TO THE MARSHALL MUNICIPAL AIRPORT” was given its first reading by title only.

Eric Hanson, HDR Engineer, spoke to the Council regarding the rehabilitation of the parallel taxiway at the Marshall Municipal Airport.

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

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 first reading by title only.

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

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 first reading by title only.

Council Member Guthrey explained the proposed ordinance relating to low speed vehicles. There will be vehicle requirements, including an inspection, and must be operated by a licensed driver.

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

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 first reading by title only.

Council Member Green explained bids were taken on the property and Power House Ministries presented a great plan and bid. The bid amount will cover the fees that are tied up with that lot.

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

An ordinance entitled “AN ORDINANCE REGARDING THE PASSAGE AND APPROVAL OF ORDINANCES FOR THE CITY OF MARSHALL” was given its first reading by title only.

Mayor Lutterbie explained the process for the passage of ordinances. If there is public safety involved or a contract deadline, consideration will be given for passage at one meeting.

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

Ordinance No. 8764 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 Perkins, seconded by Green. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Brandt and Cook voting aye; 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

There being no other Council Business, Council Member Perkins made a motion, seconded by Allen, to adjourn the meeting. A voice vote was taken with all in attendance voting aye; Thompson excused absent. Motion carried and the meeting adjourned at 7:12 p.m.

Julie A. Lewis,
City Clerk