

**CITY COUNCIL MINUTES
SEPTEMBER 19, 2023
6:00 P.M.**

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, September 19, 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, Phil Perkins, Nathan Swisher, Charles Guthrey, Craig Thompson and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Dan Brandt excused absent.

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

Council Member Green made a motion, seconded by Allen, to approve the Work Session Minutes of August 29, 2023, Regular Session Minutes of September 5, 2023 and Special Session Minutes of September 12, 2023. A voice vote was taken with all in attendance in favor; Dan Brandt excused absent. Motion carried.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook reported the Board of Building Code Enforcement did not meet in August. The Board of Building Code Enforcement will hold a hearing on September 28, 2023 at 8:30 a.m.

Council Member Green exited the meeting at 6:03 p.m.

Council Member Cook reported a total of 26 code enforcement notices were sent out in August.

Accumulations/Junk/Debris – 3
Unregistered/Junk Vehicles – 3

Property Maintenance – 17
Vehicle Parking/Off Street – 2

Inspection Department Report:

Building Permits – 35
Electrical Permit – 8
Plumbing Permit – 8

Demolition Permit – 1
Mechanical Permit – 1
Total Permits Issued – 53

Construction Value - \$326,084

Permit Fees Collected - \$1,714.50

Council Member Green returned to the meeting at 6:05 p.m.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

No report.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

No report.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Green reported the budget has been finished. He complimented Finance Director Aimee Klinge.

Council Member Green explained he had an emergency and exited the meeting at 6:07 p.m.

CITY ADMINISTRATOR'S REPORT:

City Administrator JD Kehrman reported Capital Paving will be in town next week to begin milling of certain streets. More information will be provided regarding where and when.

Underground storage tanks located at the old Fitzgibbon site will be pumped out and removed next week.

The City is continuing to work with ESS Engineering and MoDOT regarding an alternate truck route.

Stormwater upgrade projects, such as the area behind Eastwood School, are eligible for FEMA money. The Federal Economic Development Department also has some funding available for projects that were not covered by FEMA. We are currently working with the Regional Planning Commission out of Concordia along with several engineers to build an application for funding to deal with the antiquated stormwater structures.

MAYOR'S REPORT:

Mayor Lutterbie said Council Member Brandt recently had surgery and will be back soon.

The City Council will meet for a Special Session on September 28th at noon; this will be the final meeting of the fiscal year.

BUSINESS FROM THE AUDIENCE

Mr. Tom Ward, resident of Ward 2, addressed the Council regarding the rules for Business from the Audience. He feels the Mayor and Council violated his civil rights. He explained there is no better place to express his viewpoints and grievances than before the City Council, Mayor and public. He feels this administration has taken exception to the concerns he has raised during the public comment period and that extraordinary measures have been taken to prevent him from expressing his viewpoints. He believes the Mayor's greatest and first responsibility is the protection of the citizen's civil rights. He requested the restoration of his constitutional right of free speech to redress his government of grievances and not to be censored or discriminated against. He said he will not comply with rule number 6 of the rules of order regarding speaking about past administrations.

Mayor Lutterbie said he has given Mr. Ward alternative methods, including coming in to meet with him, and Mr. Ward has not taken advantage of these things. He has provided answers to Mr. Ward but they have not been accepted.

Mr. Ward said he is not required to take advantage of the alternatives that were suggested. He is entitled to do this right here and right now. This is a designated forum for the public to express their viewpoints and the only restrictions that can be placed are for time, place and manner. He requested rule number 6 be removed from the rules of order.

Mr. Ward asked the following questions:

What provision does the City have to recover \$30,000 that was paid to ContainerPros for assembly, delivery and unloading of 4800 roll carts?

Why is RTS being subsidized by taxpayers money for being able to buy this equipment on time?

Did the City get voter approval to cover the costs associated with the enforcement of property nuisance ordinance #8605 passed by Council in July of 2021? The ordinance allows for recovery or imposing fees on properties such as the old IGA. The City cannot impose the fees since they were not voter approved. Is the Council aware of this?

Mr. Ward said he sent an email disputing a ratification joinder and acknowledgement that was supposed to fix the tax lien that was executed. RSMo. 137.170 states each tract of land shall be charged with its own taxes so he thinks that should be revisited in order to get it right. That brings him back to the question of “What authority does the City have to use public money for private end?” The debt of tearing down the old IGA has not even been secured. He would like answers to all of that.

DISCUSSION AND APPROPRIATE FOLLOW UP

PARK BOARD APPOINTMENT:

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

Park Board

Charles Avilez – New Appointment – Term Expires July 2025

Mayor Lutterbie said Park Board member Nancy Kleinschmidt recently submitted her resignation so Mr. Avilez will take her place on the board. He thanked Nancy Kleinschmidt for her good work while serving on the Park Board.

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

BID – FLAG POLES AT CITY HALL:

Mayor Lutterbie presented a bid recommendation for 3 aluminum flag poles with external halyards for Council consideration and approval. City crews will take care of installation.

Council Member Cook asked about the lights beneath the flags.

Mayor Lutterbie said the lighting will be fixed.

Council Member Thompson made a motion, seconded by Guthrey, to accept the quote from Liberty Flagpoles, LLC for the purchase of 3 aluminum flagpoles with external halyard systems in the amount of \$5,442.00. A voice vote was taken with all in attendance in favor; Brandt and Green excused absent. Motion carried.

LIQUOR LICENSE:

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

The Valley Canteen, LLC – Travis Manroe, Managing Officer – Liquor By Drink with Sunday Sales

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

ORDINANCES

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, APPROVING THE ANNUAL OPERATING BUDGET FOR THE CITY’S BOARD OF PUBLIC WORKS” was given its second reading by title only and put to its final passage and approval upon motion of Guthrey, seconded by Thompson. A roll call vote was taken with Allen, Perkins, Swisher, Guthrey, Thompson and Cook voting aye; Green and Brandt excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No. 8779.

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RULES AND REGULATIONS PERMITTING THE USE OF GOLF CARTS ON CERTAIN CITY STREETS AND ALLEYS” was given its second reading by title only and put to its final passage and approval upon motion of Perkins, seconded by Thompson. A roll call vote was taken with Perkins, Swisher, Guthrey, Thompson, Cook and Allen voting aye; Green and Brandt excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No. 8780.

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 GRANICUS, LLC” was given its second reading by title only and put to its final passage and approval upon motion of Swisher, seconded by Perkins. A roll call vote was taken with Swisher, Guthrey, Thompson, Cook, Allen and Perkins voting aye;

Green and Brandt excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No. 8781.

An ordinance entitled “AN ORDINANCE ENACTING A NEW SECTION 140.090, TITLED “CREDIT CARD PAYMENTS AND PROCESSING FEES” OF CHAPTER 140 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF MARSHALL TO ALLOW SURCHARGES AND CONVENIENCE FEES TO BE CHARGED FOR CREDIT CARD PAYMENTS MADE TO THE CITY” was given its first reading by title only.

Council Member Swisher explained the ordinance will provide for the collection of a processing fee when credit cards are used as payment to the City.

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

An ordinance entitled “AN ORDINANCE ENACTING A NEW SECTION 140.090, TITLED “CREDIT CARD PAYMENTS AND PROCESSING FEES” OF CHAPTER 140 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF MARSHALL TO ALLOW SURCHARGES AND CONVENIENCE FEES TO BE CHARGED FOR CREDIT CARD PAYMENTS MADE TO THE CITY” was given its second reading by title only.

Council Member Cook said he does not agree with charging a convenience fee for using a credit card.

The ordinance was put to its final passage and approval upon motion of Allen, seconded by Thompson. A roll call vote was taken with Guthrey, Thompson, Allen, Perkins, and Swisher voting aye; Cook voting nay; Brandt and Green excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No. 8782.

An ordinance entitled “AN ORDINANCE ACCEPTING THE BUDGET FOR 2023-2024 OF THE CITY OF MARSHALL, MISSOURI, AS SUBMITTED BY THE COUNCIL COMMITTEE ON THE FINANCES FOR SAID CITY OF MARSHALL, MISSOURI, AND ESTABLISHING ALL SALARIES AS SET OUT IN SAID BUDGET” was given its first reading by title only.

Mayor Lutterbie said the budget is balanced. Copies are available upon request.

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

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

Mayor Lutterbie said Council has discussed the proposed ordinance. All Department Director job descriptions will be updated in the Code of Ordinances.

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

Ordinance No. 8783 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 Thompson, seconded by Swisher. A roll call vote was taken with Allen, Perkins, Swisher, Guthrey, Thompson and Cook voting aye; Green and Brandt 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

Mayor Lutterbie reminded Council Members there will be a Special Session on Thursday, September 28, 2023. Please let us know as soon as possible if you are unable to attend.

There being no other Council Business, Council Member Allen made a motion, seconded by Perkins, to adjourn the meeting. A voice vote was taken with all in attendance in favor; Green and Brandt excused absent. Motion carried and the meeting adjourned at 6:34 p.m.

Julie A. Lewis
City Clerk