

**CITY COUNCIL MINUTES
OCTOBER 17, 2023
6:00 P.M.**

The Marshall City Council met in Regular Session at 6:08 p.m. on Tuesday, October 17, 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, Nathan Swisher, Craig Thompson, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Members Phil Perkins and Drew Green excused absent.

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

Council Member Brandt made a motion, seconded by Guthrey, to approve the Regular Session Minutes of October 3, 2023. A voice vote was taken with all in attendance in favor; Perkins and Green excused absent. Motion carried.

COMMITTEE REPORTS

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt reported the Slurry Seal project should begin around November 1st, depending upon the weather. Notice will be put out as to which streets will be done and when.

Municipal Services and Personnel Committee will call a meeting soon in order to plan ahead for scheduling next year's mill and overlay project.

Mayor Lutterbie thanked Council Members Brandt and Guthrey for being here despite recent personal matters.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

No report.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook gave the following Inspection Department report for the month of September:

Building Permits – 26	Mechanical Permit – 1
Electrical Permits – 17	Plumbing Permits – 4
Total Construction Value - \$655,813.00	Permit Fees Collected - \$2,597.00

The Code Enforcement Summary for the month of September listed 11 citations issued; 3 for accumulations/junk/debris and 8 for property maintenance.

The Board of Building Code Enforcement will conduct hearings on October 18, 2023 at 8:30 a.m.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Guthrey gave the Marshall Police Department report for the month of September.

Traffic Stops: 166
Citations 10
Arrests 6

Warrants:
Municipal Court 6

Officers Calls for Service: 1782
Police Reports Taken: 134
Arrests: 35

Public Relations:

Trick-or-Treat on the Square will be October 19th from 5 p.m. until 7 p.m. Please bring your children out to this fun event. There will be a food truck on Court Street. Police Officers will be at all corners of the square and travel around for event safety.

There will also be a haunted house at the movie theater on October 19th and 20th.

If you trick or treat on Halloween, please only go to doors with a front porch light on. Also have something reflective or a light on children walking in the street after dark. We want everyone to have fun, be safe and make it home safely.

Council Member Guthrey reminded drivers to slow down and be cautious as well.

CITY ADMINISTRATOR’S REPORT:

City Administrator JD Kehrman reported soil samples taken from the old Fitzgibbon site after tank removal have come back below threshold so no action is necessary. The holes have been filled. The City is currently waiting on a clearance letter issued by the Missouri Department of Natural Resources.

Mr. Kehrman said the Municipal Services Committee plans to include the street contractors in their discussion regarding next year’s street program schedule. There will be more information later.

MAYOR’S REPORT:

Mayor Lutterbie reported there was a Mayor’s Forum this evening prior to this meeting, he is very pleased with the forum and will continue to work towards a resolution with the Saline Animal League.

Everything is going well at the Fitzgibbon site; street work is looking good.

BUSINESS FROM THE AUDIENCE

Tom Ward, resident of Ward 2 spoke about being restricted during the “Business from the Audience” portion of the meeting. He feels it is a violation of his right to speak.

Mayor Lutterbie explained he intends to keep the meeting going and the business moving. He has given multiple options for Mr. Ward to express his opinions.

Cassie Bruce, resident of Ward 3 asked about the issues between the Saline Animal League and the Marshall Animal Shelter. She asked why the Memorandum of Understanding was terminated and if there was a list of action items prior to the termination. She said the public needed to know and there needed to be a plan.

Mayor Lutterbie said there are personnel issues that cannot be discussed.

Emma Luscombe, resident of Marshall, asked for an update on the proposed Railroad crossing closures and truck route. She also spoke about parking issues at her home.

City Administrator JD Kehrman said the crossing upgrades will begin in November and crossing closures will begin shortly after that.

Municipal Services Director Randy Cornine will follow up with Ms. Luscombe tomorrow regarding the parking issues.

Council Member Drew Green present via videoconference at 6:22 p.m.

ZONING BOARD OF ADJUSTMENTS APPOINTMENTS:

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

Zoning Board of Adjustments

Jim Steinmetz – Re-appointment – Term Expires July 2028

Zacary Forrer – New Appointment – Serve Remainder of Unexpired Term – Term Expires July 2027

J.L. Waters – New Appointment – Serve Remainder of Unexpired Term – Term Expires July 2026

Robert Ashford – New Appointment – Serve Remainder of Unexpired Term – Term Expires July 2025

Connie Latimer – New Appointment – Serve Remainder of Unexpired Term – Term Expires July 2024

Mayor Lutterbie explained the Board has not met in quite some time and will need to meet soon due to a request.

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

RESOLUTION

City Administrator Kehrman explained the following resolution will provide for storm drainage engineering services. Mr. Kehrman introduced Engineering Surveys and Services representative John Frerking.

Mr. Frerking said federal funds are available for the proposed storm drainage project and a Preliminary Engineers Report is required.

Council Member Green's videoconference connection failed at 6:42 p.m.

Council Member Green's videoconference connection restored at 6:43 p.m.

Council Members discussed stormwater drainage projects with Mr. Frerking.

Council Member Green's videoconference connection failed at 6:46 p.m.

A resolution entitled "A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A TASK ORDER FOR PROFESSIONAL SERVICES WITH ENGINEERING SURVEYS AND SERVICES LLC FOR STORM DRAINAGE ENGINEERING SERVICES" was read by title only.

Council Member Brandt made a motion, seconded by Guthrey, to approve the resolution. A roll call vote was taken with Brandt, Cook, Allen, Swisher, Guthrey and Thompson voting aye, Perkins and Green 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. 2023-6.

ORDINANCES

City Administrator JD Kehrman said the following ordinance will provide for engineering services related to moving utility lines to accommodate future construction.

An ordinance entitled "AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MASHALL, 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 Brandt, seconded by Allen. A roll call vote was taken with Cook, Allen, Swisher, Guthrey, Thompson and Brandt voting aye; Perkins 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. 8789.

Council Member Greens videoconference connection restored at 6:51 p.m.

An ordinance entitled “AN ORDINANCE PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, IN THE CITY OF MARSHALL, MISSOURI FOR ELECTION OF CITY OFFICERS THEREIN” was given its first reading by title only.

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

Ordinance No. 8780 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 upon motion of Brandt, seconded by Thompson. A roll call vote was taken with Swisher, Guthrey, Thompson, Brandt, Cook, Allen and Green voting aye; Perkins 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 apologized for his tone of voice earlier in the meeting.

Council Member Guthrey reminded Council Members of the MML Regional Lunch Meeting tomorrow at the Martin Community Center at 11:30 a.m.

There being no other Council Business, Council Member Swisher made a motion, seconded by Allen, to go into Executive Session concerning legal actions, causes of action or litigation involving a public governmental body or its representative and its attorneys; leasing, purchase or sale of real estate by a public governmental body, per RSMo. 610.021 (1,2), with the meeting being adjourned at the completion of such session. A roll call vote was taken with Guthrey, Thompson, Brandt, Cook, Allen, Green and Swisher voting aye; Perkins excused absent. Motion carried and Council entered into Executive Session at 6:55 p.m.

Julie A. Lewis
City Clerk