

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

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

Council Member Perkins made a motion, seconded by Guthrey, to adopt the agenda. A voice vote was taken with all in attendance in favor. Motion carried.

Council Member Brandt made a motion, seconded by Green, to approve the Regular Session Minutes of November 21, 2023, Work Session Minutes of November 29, 2023 and Special Session Minutes of December 8, 2023.

PUBLIC HEARING

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

Mayor Lutterbie explained the purpose of the Public Hearing is to hear comments or concerns regarding a request by Marshall Public Schools to rezone a tract of land from R-1 Residential to R-2 Residential and a portion from C-2 Highway Business to R-2 Residential located at 215 East Mitchell Street, Marshall, Missouri.

A member of the audience asked what the plan is for the property.

The property owner said apartments are planned for the location.

Audience members discussed the proposed plans in relation to environmental concerns.

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

**MARSHALL SALINE DEVELOPMENT CORPORATION
QUARTERLY REPORT – PRESENTED BY SANDY HISLE**

Sandy Hisle, Marshall Saline Development Corporation President, gave a brief history of MSDC. They are a non-profit that began in December of 1998. Their Board of Directors is made up of 8 members/investors representing the City of Marshall, Marshall Municipal Utilities,

Wood & Huston Bank, City of Slater and Exchange Bank, Saline County and the Marshall Investors Group. There are also 2 at-large members.

MSDC has identified access to talent and a robust work force as an essential component to Economic Development in Saline County. There are 4 key areas that have been hit on – childcare, health care, housing and education. A subcommittee has been meeting in collaboration with YMCA, local businesses, Marshall Public Schools and Missouri Valley College regarding a 96 child center. Health care is strong with continued support. Housing is at a critical stage with a need for multiple types of housing. MSDC is working with local partners to promote multi use housing developments, infill and senior housing. MSDC is working with Saline County Public Schools on strategic initiatives and collaborating with the Career Center, State Fair Community College and Missouri Valley College to help align academic programming with workforce needs.

MSDC’s current project list includes the proposed development of the Marshall Junction area, which is detailed in a brochure provided to Council.

MSDC received grant funding from CORI – Center on Rural Innovation – to create a tech based community. Additional funding has been received to help MSDC implement 2 free entrepreneurial workshops in 2024. There will also be a study on the feasibility of an incubator/shared work facility.

MSDC is also working with developers to find property for future housing projects.

COMMITTEE REPORTS

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Guthrey reported the Marshall Fire Department responded to 4 fires, 1 excessive heat call, 31 medical calls, 3 hazardous conditions calls, 1 service call, 5 good intent calls and four false alarms during the month of November for a total of 61 calls.

Council Member Guthrey gave the Police Department report for the month of November:

Traffic Stops – 213

Citations – 39

Arrests – 9

Warrants

Municipal Court - 5

Officers Calls for Service – 1514

Police Reports Taken – 134

Arrests – 31

Public Relations:

On Wednesday, 12/13/23, the officers of the Marshall Police Department had their annual Shop With a Cop. We were able to take 29 kids shopping for everything from clothing to toys. We also had 13 families do some grocery shopping for the holidays. After shopping was completed, they went to Domino’s Pizza and got pizza for the family.

We would like to thank all the people and businesses that donate to make this event happen.

Safety Tip:

Please cut your boxes up and put them into bags. Putting all your empty boxes by the curb just shows anyone that drives by what you got for the holidays and what is inside your home.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt gave the following Storm Water Tip:

Get Involved! Help educate your friends on ways to prevent stormwater pollution.
Where stormwater flow, everything goes!

The Municipal Services Committee met on November 28th to discuss the bid process in relation to the street program. They also discussed updating the airport fee ordinance. The Committee will meet again to discuss these items.

The Compost Area winter hours will go into effect January 2, 2024. Hours will be Monday, Wednesday and Friday from 7 a.m. until 4 p.m. and Saturday from 7 a.m. until noon. You can call Municipal Services at 660-886-3945 with any questions.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Green reported revenues are at 17.79% of budgeted amounts and expenditures are at 19.5% of budgeted amounts.

Council Member Swisher said roof replacement bids have been received to replace the roof on City Hall. He has reviewed bids and will recommend a bid from Apple Roofing that includes a new skylight, coping, a 20 year warranty and skylight warranty.

The City is still in negotiations with Saline Animal League.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

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

Building Permits – 16	Electrical Permits – 9
Mechanical Permits – 1	Plumbing Permits – 2
Total Permits Issued – 28	Construction Value - \$955,052.00
Permit Fees Collected - \$1,487.75	

A total of 5 notices were sent for code violations; 2 for accumulations/junk/debris and 3 for off street parking.

There will be a Code Enforcement Hearing on December 27, 2023 at 8:30 a.m.

CITY ADMINISTRATOR'S REPORT:

City Administrator JD Kehrman reported the City is requesting RFPs for the development of the old Fitzgibbon site. The site contains memorial trees and consideration will be given regarding the trees. The City expects to receive the final clearance letter from the DNR this month.

Mr. Kehrman said a draft of an ordinance regarding infill lots has been provided to Council Members for review. The Council will need make a recommendation to the Planning and Zoning Commission.

Council Member Brandt made a motion, seconded by Allen, to refer the proposed ordinance to the Planning and Zoning Commission for review. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Thompson, Brandt and Cook voting aye. Motion carried.

MAYOR'S REPORT:

Mayor Lutterbie said Council was unable to meet for the December 5th Regular Council meeting due to lack of a quorum. A special session was held on December 8th to approve the appropriation.

BUSINESS FROM THE AUDIENCE

Tom Ward, resident of Ward 2, stated for public record, that he is bringing to the Council's attention that the open meeting procedures that this administration has used for closed sessions appears to conflict with the Sunshine Law. The Council is adjourning and going home from a closed session that started out as a public meeting. The Sunshine Law states when a public body goes into closed session members of the public be allowed to remain to attend any subsequent open session held by the public governmental body following a closed session. There is an anticipation of an open session after the closed session and you aren't doing that. Council should be returning back to the open meeting and conduct any further business in open session to include business that is allowed in closed session, pursuant to the Sunshine Law. Items 1, 2 and 3 are used, and in each one of them there are requirements to disclose public information when it is available. It should be done regardless of the number of citizens remaining in the meeting hall after a closed session or after the live stream has been shut off. You should come back out here and close your open meeting from an open meeting and adjourn. Continuing this practice is a blatant disregard to the intent of the Sunshine Law and appears as nothing more than a contempt for the public.

Mr. Ward said the Mayor stated on November 21st that it is insurance time and there are Council Members on various insurance plans, this is something that has come up in closed session in conversation and we need a plan. Mr. Ward does not believe talking about our tax dollars being used to subsidize health insurance premiums is an enumerated reason to go into closed session so that is a violation of the Sunshine Law.

Mr. Ward commented on the RFP's for the development of the old Fitzgibbon Hospital site and asked Council to review the public register 31 CFR part 35 regarding the use of ARPA funds relating to green space and the requirement to build affordable housing

Mr. Ward wished the Council a Merry Christmas and provided Missouri Sunshine Law booklets for the Council Members.

DISCUSSION AND APPROPRIATE FOLLOW UP

LIBRARY BOARD APPOINTMENT:

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

Library Board

Jim Papreck – New Appointment – Serve Remainder of Unexpired Term – Term Expires July, 2026

Council Member Guthrey made a motion, seconded by Brandt, to approve the appointment as presented. A voice vote was taken with all in attendance in favor. Motion carried.

BOARD OF PUBLIC WORKS APPOINTMENT:

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

Board of Public Works

Steven Mills – Re-Appointment – Term Expires January 2028

Council Member Thompson made a motion, seconded by Brandt, to approve the appointment as presented. A voice vote was taken with all in attendance in favor. Motion carried.

EVENT REQUEST – ANNUAL SALINE COUNTY BBQ:

The Saline County Fair Association is requesting permission to use North Jefferson and West Arrow on the Marshall Square on June 1, 2024 between the hours of 2 p.m. and 10 p.m. for the Annual Saline County BBQ.

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

RESOLUTIONS

A resolution entitled “A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO TRANSFER CERTAIN UNIMPROVED LOTS IN THE CITY OF MARSHALL” was read by title only.

Council Member Swisher asked for an explanation.

Mr. Kerhman stated when negotiations were taking place regarding the railroad crossing closures, it was determined that one of the closures would disproportionately affect River Valley Ag Services. The City obtained 2 lots on Jefferson that would later be conveyed to the owner of River Valley Ag Services with MoDOT providing reimbursement to the City for the purchase of those lots. The owner of River Valley Ag Services provided approximately \$10,000 in

demolition services on one of the lots and would not object to the closure that would affect his business. MoDOT had originally agreed to reimburse the City \$7,500 per crossing closure but a supplemental agreement was made increasing that amount to \$75,000 per closure for 3 closures with the purpose being to reimburse the City for costs associated with acquiring those lots.

Council Member Swisher made a motion, seconded by Allen, to approve the resolution. A roll call vote was taken with Perkins, Green, Swisher, Guthrey, Thompson, Brandt, Cook and Allen voting aye. The resolution is thereupon declared passed, so endorsed by the President of the Council, approved by the Mayor and numbered Resolution No. 2023-8.

A resolution entitled “A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RATES FOR COMMERCIAL SOLID WASTE COLLECTION” was read by title only.

Mr. Kehrman explained the contract with RTS has a provision that allows RTS to petition to raise commercial rates every year in December. RTS has requested changes to the commercial billing schedule and the Municipal Services Committee has reviewed the changes and sees them as acceptable.

Mr. David Kruger, owner of RTS, explained the schedule of rates and said the increase will not be much higher than it currently is. The proposed fees are approximately 60% of the standard fees across the state. There are many dumpsters that are in need of replacement or refurbishment and RTS plans to do that in the next calendar year.

Council Member Guthrey made a motion, seconded by Cook, 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, so endorsed by the President of the Council, approved by the Mayor and numbered Resolution No. 2023-9.

ORDINANCES

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI TO EXECUTE A CONTRACT BETWEEN THE CITY OF MARSHALL AND THE MARSHALL COMMUNITY CHORUS FOR THE PROVISION OF CONCERTS IN THE CITY OF MARSHALL” 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, 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. 8797.

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A CONTRACT BETWEEN THE CITY OF MARSHALL AND THE MARSHALL-SALINE DEVELOPMENT CORPORATION” 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. 8798

Mayor Lutterbie explained the following ordinance will amend Ordinance No. 8734 which had previously authorized transfers from the Sanitation Fund to the Street Fund. The ordinance is being amended to reduce the amount of the annual transfers.

An ordinance entitled “AN ORDINANCE AMENDING ORDINANCE NO. 8734, AN ORDINANCE AUTHORIZING AND DIRECTING THE INTERNAL TRANSFER OF BALANCES BETWEEN CERTAIN CITY FUNDS” was given its second reading by title only and put to its final passage upon motion of Brandt, seconded by Cook. A roll call vote was taken with Thompson, Brandt, Cook, Allen, Perkins, Swisher and Guthrey voting aye; Green voting nay. The ordinance is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Ordinance No. 8799.

Mayor Lutterbie said he would like to have both readings of the following ordinance this evening. A public hearing was conducted earlier in the meeting to address any concerns regarding the property that is known as the old Southeast elementary school.

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-1” SINGLE FAMILY RESIDENTIAL DISTRICT AND “C-2” HIGHWAY BUSINESS DISTRICT TO “R-2” RESIDENTIAL DISTRICT” was given its first reading by title only.

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

Ordinance No. 8800 entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT AND “C-2” HIGHWAY BUSINESS DISTRICT TO “R-2” RESIDENTIAL DISTRICT” 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 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 and approved by the Mayor.

Mayor Lutterbie said Council had conducted a Work Session prior to the Council Meeting to discuss the following proposed ordinance.

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, MISSOURI, AND MARSHALL SCHOOL DISTRICT, FOR

THE EXCHANGE OF CERTAIN REAL PROPERTY IN THE CITY OF MARSHALL” was given its first reading by title only.

Council Member Thompson made a motion, seconded by Perkins, 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 Green 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, Allen and Perkins voting aye. Motion carried.

Ordinance No. 8801 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 Guthrey, seconded by Brandt. 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 Swisher said a citizen contacted him with a concern regarding a trash truck that was leaking liquid onto the street.

David Kruger, owner of RTS Trash Service, said the issue has been fixed.

Council Member Green said he had recently met with Mr. Kruger regarding trash service billing and he wanted to thank him publicly for reaching out.

Council Member Guthrey said the sidewalk at 65 Highway and Vest looks good.

Mr. Kehrman said MoDOT made the repairs at no expense to the taxpayers.

Mayor Lutterbie said he believes the Council to be in compliance when it comes to Executive Sessions.

Council Member Green asked City Counselor Taylor if he is familiar with the ARPA fund requirements Mr. Ward spoke about.

Mr. Taylor indicated his is not but will work with Mr. Kehrman in looking into that.

Mayor Lutterbie said he believes the insurance discussion Mr. Ward referred to was done in a work session.

Council Member Swisher said he really enjoys seeing green spaces as do the citizens.

Mayor Lutterbie explained the memorial trees located at the old Fitzgibbon site have been examined and it is determined that they are healthy trees. RFPs will be accepted with or without regard to the green space and Council will review all proposals and make a decision. There will be a specific process to replace any memorial trees that may be removed.

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. Motion carried and the meeting adjourned at 7:04 p.m.

Julie A. Lewis
City Clerk