

**CITY COUNCIL MINUTES
NOVEMBER 21, 2023
6:00 P.M.**

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, November 21, 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, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Craig Thompson excused absent.

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

Council Member Green made a motion, seconded by Guthrey, to approve the Regular Session minutes of November 7, 2023. A voice vote was taken with all in attendance in favor, Thompson excused absent. Motion carried.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

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

Building Permits Issued – 19	Electrical Permits Issued – 15
Plumbing Permits Issued – 10	Mechanical Permits Issued – 1
Total Permits Issued – 45	
Total Construction Value - \$365,847.00	Permit Fees Collected - \$1323.50

There were a total of 9 citations issued for junk, debris, property maintenance and nuisance vehicles.

Council Member Cook indicated that junk and debris is not a good look for our town.

The Board of Building Code Enforcement will conduct hearings tomorrow morning at 8:30 a.m.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Guthrey said he had a discussion with the Fire Chief regarding the Fire Department being short staffed. Three positions were removed several years ago in order to balance the budget and those positions have not been restored. He would like to talk about that prior to next year's budget.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt said the Municipal Services Committee will meet next Tuesday, November 28, 2023 at 2 p.m. in the Conference Room of City Hall. The Committee plans to discuss the bid process in relation to scheduling street work such as mill and overlay and slurry seal. The Committee will also be discussing updating airport fees.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Green said there is no report regarding finances. The Committee is reviewing City Hall roof replacement bids.

CITY ADMINISTRATOR’S REPORT:

City Administrator JD Kehrman said there is a need for pedestrian improvements at the intersection of College and Miami. After preliminary engineering, it was determined the project would cost just over \$350,000. The City made application for a Transportation Alternative Program (TAP) grant and was awarded funding through the highly competitive grant program. Engagement agreements will be presented to Council at the December 5th meeting.

Mr. Kehrman said sidewalks will be brought down the west side of Miami at the Housing Authority with special attention to the corner of Vers where children wait for school buses. Also included will be improvements to the crosswalk at the College and Miami intersection; sidewalks along the south side of College including an ADA accessible ramp into the Breaktime parking lot.

Mr. Kehrman stated the successful award of the grant is, in part, due to support letters from stakeholders in the area such as the Marshall Housing Authority, Wild Blue Car Wash, Mallory Place Apartments, Marshall Public Schools, Community Bank and Marshall Municipal Utilities. This same program funded the sidewalks on Miami in front of the High School several years ago. We eventually hope to extend sidewalks to the doorstep of 65 Highway and create a safe passage across 65 Highway to the retail corridor.

MAYOR’S REPORT:

Mayor Lutterbie said he would like to have a Council Work Session to discuss the insurance benefits. The Work Session will be held on Wednesday, November 29, 2023 at 6 p.m. in the Council Chambers of City Hall.

Mayor Lutterbie asked Council Members if they preferred their packet in digital format or paper format. Council Members Cook, Guthrey and Perkins prefer the paper formant, Council Members Allen, Green and Swisher prefer digital format and Councilmember Brandt said he is good with either.

BUSINESS FROM THE AUDIENCE

Keith Zinn, resident of Lakeview, asked how much Missouri Valley College paid the City for the land on Lincoln Ave.

Mayor Lutterbie said the sale amount was \$250,000.00

Mr. Zinn asked why the property wasn’t put out for bid and said it is a slap in the face to citizens after everything that was presented in a special meeting at the Martin Center several year’s ago.

Tom Ward, resident of Ward 2, spoke about \$4.18 being collected from each residential customer for trash service. He understands that Council is proposing putting it on the ballot for citizens to decide. He feels the past administration's track record for being financially responsible is questionable and he has raised questions. The past administration has obligated taxpayer dollars to pay for the abatement and demolition of the old re-hab center, demolition of the old hospital, investment into a building not owned by the city and subsidizing a private company by allowing sanitation assets and equipment to be purchased over time. Taxpayers are still on the hook for the roll carts. Council members should consider making a concession and drop the pilot fees from water and electric bills.

Mr. Ward then spoke about the Mayor and Council's behavior during the last few Council meetings and how they violated their own rules of order by shouting him down, not allowing him to speak, using profanity and making derogatory remarks, with the exception of Council Members Green and Swisher. He considers comments made by Council as slanderous and with malice; actions have been taken to silence him. He said the Mayor should consider stepping down and the rest of the Council Members should reconcile with themselves because they know the truth. He wished everyone a happy Thanksgiving.

UPDATES

PROPERTY EXCHANGE CONTRACT WITH MARSHALL PUBLIC SCHOOLS:

Mayor Lutterbie said a draft contract is being worked on and will be presented to Council at their regular meeting on December 5th. There are several interested parties that would like to obtain the Eastwood School building; the contract states the building is to be demolished so various options will need to be discussed.

SALINE ANIMAL LEAGUE:

A contract has been drafted but still needs some work. The extension given to Saline Animal League ends on January 1st.

BRUNSWICK PROPERTY (OLD FITZGIBBON SITE):

The final certification letter from the DNR has not been received yet but is expected soon. There have been some discussions regarding the memorial trees and "greenspace". The City will seek input from citizens.

PLANNING AND ZONING RECOMMENDATION

Mayor Lutterbie said the Planning and Zoning Commission met to consider 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. The property is the Southeast School building and a local developer plans to turn the building into apartments. They would like to begin work as soon as possible so the Mayor will be requesting two readings of the ordinance at the December 19th meeting.

The Planning and Zoning Commission is recommending a Public Hearing be scheduled for Tuesday, December 19, 2023.

Council Member Brandt made a motion, seconded by Perkins, to schedule a Public Hearing for December 19, 2023. A roll call vote was taken with Cook, Allen, Perkins, Green, Swisher, Guthrey and Brandt voting aye; Thompson excused absent. Motion carried.

RESOLUTION

A resolution entitled “A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF MARSHALL AND HDR ENGINEERING, INC. was read by title only.

City Counselor Josh Taylor explained the City must meet the Missouri Department of Transportation’s Disadvantaged Business Enterprise (DBE) requirements in order to receive grant funding for the airport. The resolution does not change the contracted dollar amounts.

Council Member Cook asked if there was anyone local that could be hired.

City Counselor Taylor said he did not know.

Council Member Green made a motion, seconded by Cook, to approve the resolution. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Brandt and Cook voting aye; 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. 2023-7.

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 PHILHARMONIC ORCHESTRA 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 Brandt, seconded by Guthrey. A roll call vote was taken with Perkins, Green, Swisher, Guthrey, Brandt, Cook and Allen voting aye; Thompson 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. 8793.

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 THE MARSHALL MUNICIPAL BAND” was given its second reading by title only and put to its final passage and approval upon motion of Allen, seconded by Perkins. A roll call vote was taken with Green, Swisher, Guthrey, Brandt, Cook, Allen and Perkins voting aye; Thompson 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. 8794.

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

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 first reading by title only.

Council Member Cook said MSDC is supposed to give quarterly reports and he hasn't heard one yet.

MSDC member Sandy Hisle said MSDC has sold one lot at the Industrial Park to NAPA, they are developing a 5 year plan to create housing, a better school system, childcare, etc. MSDC has applied for a CORI grant to become a tech based community. They are also working on development plans for Marshall Junction and will be advertising for a Director soon. She will be back to give a full report at the next regular Council meeting.

Council Member Perkins made a motion, seconded by Brandt, 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 AMENDING ORDINANCE NO. 8734 AUTHORIZING AND DIRECTING THE INTERNAL TRANSFER OF BALANCES BETWEEN CERTAIN CITY FUNDS” was given its first reading by title only.

Mayor Lutterbie explained the Council had previously approved transferring money from the Sanitation fund to the Street fund in 3 yearly installments of one million dollars each. He has asked that the amounts be amended to \$750,000 for 2024 and \$500,00 for 2025.

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

Ordinance No. 8795 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 Perkins. A roll call vote was taken with Cook, Allen, Perkins, Green, Swisher, Guthrey and Brandt 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

Council Member Green said he was confused by Mr. Zinn’s statement regarding the timeline of events.

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 in favor; Thompson excused absent. Motion carried and the meeting adjourned at 6:43 p.m.

Julie A. Lewis,
City Clerk