

CITY COUNCIL MEETING
APRIL 18, 2022
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Monday, April 18, 2022 in the Council Chambers of the City Office Building, 214 N. Lafayette, Marshall, MO 65340, with the following members present: Mayor Dewey Hendrix; Council Members Kirk Arends, Leon Thompson, Robert Ashford, Charles Guthrey, Craig Thompson, Dan Brandt and Phesa Wright; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis.

Council Member Ashford made a motion, seconded by Craig Thompson, to approve the agenda. A roll call vote was taken with Leon Thompson, Ashford, Guthrey, Craig Thompson, Brandt, Wright and Arends voting aye. Motion carried.

Mayor Hendrix said Police Chief Donnell would like to make an introduction.

Police Chief Donnell introduced Officer Aaron Waibel and his new K-9 Officer Raven. Raven was certified April 14th and is now in service to assist with drugs, article searches and search & rescue efforts.

BUSINESS FROM THE AUDIENCE

Tim Reeder, 1109 Redwing, spoke to the Council regarding the Sanitation Department and potential disbursement of assets. He read the following statute of the state of Missouri:

RSMo. 91.550. Referendum on sale of municipal utility by third class city.
Before any city of the third class shall sell or dispose of, in any way, or abandon or cease to operate any electric light plant, waterworks plant, gas plant, street railway or any other public utility which may be owned by it, it shall first submit the proposition for such sale or disposition or abandonment or ceasing to operate, by ordinance, to the voters of said city and it shall require a majority of the votes cast to be in favor of the proposition before any authority shall exist for such sale, disposition, abandonment or ceasing to operate.

Mr. Reeder stated Black's law defines a public utility as the following:

The provider of a service to the public such as transport, energy, telecommunications, waste disposal, or water and any other public goods and services.

Mr. Reeder said it will be a flagrant violation of state law to enact the ordinance authorizing a contract for the collection of trash. He believes it must be a vote of the people.

Drew Green, 738 S. Lake Drive, spoke regarding the potential ordinance authorizing the transfer of funds from MMU to the City for economic development purposes. He said this has been going on for 6 months. He gave a detailed timeline of events.

He asked if Council has sat down with MMU and the Board of Public Works since MPAU was here on March 7th.

Mr. Green said the Council started with an administrative fee and now it is called economic development. He has an email from Jeff Bergstrom stating all members have the time to meet and want to help but will not harm the utility.

Mr. Green discussed the results of the MPAU peer review and their recommendations to MMU. He asked that an ordinance be drafted with a formula based on the type of financial year instead of what is currently being considered.

Mr. Green spoke about the City of Lebanon's ordinance that is similar to what is being proposed here.

Mr. Green continued to discuss the BOPW and MMU regarding the services provided to the community.

Council Member Wright said everyone is so upset; we are one Marshall and we are all City. This needs to be figured out peacefully.

Council Member Craig Thompson said we all want to grow Marshall and the way to do that is through economic development. He asked Mr. Bergstrom how long they need before an agreement can be reached.

Mr. Bergstrom said they would need a couple of months.

Council Member Craig Thompson said he would like to see this completed by July.

Mr. Bergstrom agreed.

Mayor Hendrix said in order to keep on schedule he would like for the Council, BOPW and administration to meet monthly.

Mr. Bergstrom agreed to monthly meetings.

Mr. Green indicated the potential for Hancock Amendment violations and read an amicus brief.

Crystal Noamesi, 601 Gordon, asked if there are plans to live stream the City Council meetings in the future.

Council Member Leon Thompson said the groundwork has been done and live streaming will begin in May.

Ms. Noamesi said she had an email conversation with Council Members Ashford and Arends regarding the City's waste services and worker's wages. She has received feedback from the community and the general consensus is to increase the sanitation worker's wages. Community

members are willing to pay more for the service in order to increase wages and keep the service here.

Ms. Noamesi discussed specific budget numbers with Council Members Ashford and Arends.

Lucia Campbell, S. Ellsworth, spoke against the proposed ordinance authorizing a contract with RTS Waste Services. She said that department makes a profit and shouldn't be sold out.

Staffing issues within the Sanitation Department and Street Department were discussed by audience members and Council members.

Ms. Noamesi said there was a street tax that has sunset and discussed the potential for a new tax.

Mr. Keith Zinn asked if RTS will have retirement for the employees.

City Administrator JD Kerhman said employees transitioning to RTS would not be eligible for LAGERS, however, RTS does offer a 401K plan. He said he feels there have been a lot of bad investments made recently including the purchase of the old hospital and the loan to demolish the old IGA building.

Ms. Noamesi asked if GFL offered a discount in order to keep trash services here.

Mr. Kerhman said GFL did offer a per ton decrease equating to \$36,000 in saving per year if the City does not contract for trash services but did not offer the decrease at the time of their recent contract renewal.

COMMITTEE REPORTS

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

No report.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt reported a total of 757 tons of solid waste was collected during the month of March; that number is up considerably from February. Last year, a total of 829 tons of solid waste was collected during March.

Airport activity for January, February and March of 2022 totaled 665, exceeding last year's total of 544.

Yard waste pick up began on April 4th. Ward 1 is Thursday, Ward 2 is Wednesday, Ward 3 is Tuesday and Ward 4 is Monday.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Leon Thompson reported revenue for the month of March was \$666,580 and expenditures were \$568,931. Year-to-date revenue is \$7,394,327 which is 61.92% of the

budgeted amount of \$11,941,516. Year-to-date expenditures are \$4,599,595 which is 38.60% of the budgeted amount of \$11,917,270. April through July are expected to be busy months.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

No report.

CITY ADMINISTRATOR'S REPORT:

No report.

MAYOR'S REPORT:

No report.

DISCUSSION AND APPROPRIATE FOLLOW UP

CERTIFICATION OF ELECTION RESULTS:

City Counselor Josh Taylor said there was no candidate for the position of Ward 4 Council Member – 1 year term – which resulted in a 12 way tie of write-in candidates. The race will likely be determined by a Special Election on August 5, 2022. He is working with the City Administrator and City Clerk to notify those write-in candidates and if they wish to move forward in the election process.

Council Member Leon Thompson asked if the Ward 4 – 1 year term seat will be vacant.

Mr. Taylor said the current member remains in the seat until the election.

Council Member Wright said she will be moving from Ward 4.

Mr. Taylor said the Council will need to appoint someone to the seat vacated by Council Member Wright and that person will serve until the Special Election.

Certification of the April 5, 2022 Election Results

Summary for: COUNCIL MEMBER for CITY OF MARSHALL WARD 1, SALINE COUNTY, COUNCIL MEMBER for CITY OF MARSHALL WARD 2, SALINE COUNTY, COUNCIL MEMBER for CITY OF MARSHALL WARD 3, SALINE COUNTY, COUNCIL MEMBER for CITY OF MARSHALL WARD 4 – 2 YEAR TERM, SALINE COUNTY, COUNCIL MEMBER for CITY OF MARSHALL WARD 4 – 1 YEAR TERM, SALINE COUNTY, All Precincts, All Tabulators, All Counting Groups

“CERTIFICATION”

OFFICIAL RESULTS OF THE APRIL 5, 2022 GENERAL MUNICIPAL ELECTION
I, DEBBIE RUSSELL, SALINE COUNTY CLERK, DO HEREBY AFFIRM THE
FOLLOWING ELECTION RESULTS ARE ACCURATE AND HAVE BEEN CERTIFIED ON
THIS DATE BEGINNING 8TH DAY OF APRIL, 2022

/s/ Debbie Russell

DEBBIE RUSSELL, SALINE COUNTY CLERK

COUNCIL MEMBER FOR CITY OF MARSHALL WARD 1

Drew Green	Received	174	Votes
Write-in	Received	1	Votes

COUNCIL MEMBER FOR CITY OF MARSHALL WARD 2

Tim R. Reeder	Received	106	Votes
Write-in	Received	5	Votes

COUNCIL MEMBER FOR CITY OF MARSHALL WARD 3

Dan Brandt	Received	78	Votes
Write-in	Received	13	Votes
Josh Garrison -Write-In	Received	10	Votes

COUNCIL MEMBER FOR CITY OF MARSHALL WARD 4 – 2 Year Term

Craig Thompson	Received	50	Votes
Write-in	Received	1	Votes

COUNCIL MEMBER FOR CITY OF MARSHALL WARD 4 – 1 Year Term

Write-in	Received	14	Votes
Chris Keith– Write-in	Received	1	Vote
Gary Pennock– Write-in	Received	1	Vote
Christy Daugherty– Write-in	Received	1	Vote
Patrice Cook– Write-in	Received	1	Vote
Steve Cook- Write-in	Received	1	Vote
Michael Atkisson- Write-in	Received	1	Vote
Lois Foster-Write-in	Received	1	Vote
Harold Simmons-Write-in	Received	1	Vote
Bob Robinson- Write-in	Received	1	Vote
Bruce Knowles- Write-in	Received	1	Vote
Tonya Varner- Write-in	Received	1	Vote
Donnie Blackwell-Write-in	Received	1	Vote

On motion of Arends, seconded by Brandt, the Certification of Election results were approved as presented. A roll call vote was taken with Guthrey, Craig Thompson, Brandt, Wright, Arends, Leon Thompson and Ashford voting aye. Motion carried.

EVENT REQUEST:

Friends of Jim the Wonder Dog are requesting permission to close Lafayette Ave. from North Street to Marion Street on May 14, 2022 from noon to 3 p.m. to hold Wonder Dog Day. Traffic cones will be obtained from Municipal Services to block the street.

Council Member Ashford made a motion, seconded by Guthrey, to approve the event as presented. A roll call vote was taken with Craig Thompson, Brandt, Wright, Arends, Leon Thompson, Ashford and Guthrey voting aye. Motion carried.

ORDINANCES

An ordinance entitled “AN ORDINANCE AMENDING THE CITY’S STORMWATER MANAGEMENT ORDINANCE” was given its second reading by title only and put to its final passage upon motion of Brandt, seconded by Craig Thompson. A roll call vote was taken with Guthrey, Craig Thompson, Brandt, Wright, Arends, Leon Thompson and Ashford 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. 8672.

An ordinance entitled “AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN FUNDS FOR ECONOMIC DEVELOPMENT PURPOSES BETWEEN THE CITY OF MARSHALL, MISSOURI, AND THE CITY’S BOARD OF PUBLIC WORKS” was given its second reading by title only.

Council Member Craig Thompson made a motion, seconded by Wright, to table the proposed ordinance until July.

Spencer Fricke asked Mayor Hendrix when he would like to start the meetings.

Mayor Hendrix said he will get information to BOPW Members, Council and Administration soon.

Council Member Arends discussed insurance reserves with Mr. Bergstrom.

A roll call vote was taken with Brandt, Wright, Leon Thompson, Ashford, Guthrey and Craig Thompson voting aye; Arends voting nay. Motion carried and the ordinance is table until July, 2022.

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 RTS WASTE SERVICES LLC FOR THE PROVISION OF SOLID WASTE COLLECTION SERVICES IN THE CITY OF MARSHALL” was given its first reading by title only.

Council Member Ashford asked Counselor Taylor to address Mr. Reeder’s concern regarding Missouri Revised Statute 91.550.

Counselor Taylor said he is unaware of any case law interpretations that include solid waste but will do some research.

Council Member Ashford gave props to Mr. Reeder; he expressed a concern regarding getting rid of all of the equipment so the contract now includes the option to purchase our equipment back, if the need arises. The majority of people he has talked with are in favor after the addition of the equipment buy back option; they want to see the streets fixed and infrastructure maintained.

Council Member Ashford made a motion, seconded by Leon Thompson, to approve the first reading. A roll call vote was taken with Brandt, Arends, Leon Thompson, Ashford and Guthrey voting aye; Wright and Craig Thompson voting nay. Motion carried.

An ordinance entitled “AN ORDINANCE VACATING GIERINGER ADDITION SUBDIVISION PLAT I IN THE CITY OF MARSHALL” was given its first reading by title only.

City Counselor Taylor explained the property had been previously platted in 1998. In order to begin with a clean slate on the property, it has been requested to vacate the previous plat.

Council Member Ashford made a motion, seconded by Guthrey, to approve the first reading. A roll call vote was taken with Arends, Leon Thompson, Ashford, Guthrey, Craig Thompson, Brandt and Wright voting aye. Motion carried.

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AMENDMENT TO AN AGREEMENT WITH BURNS & MCDONNELL ENGINEERING CO., INC.” was given its first reading by title only.

MMU General Manager Jeff Bergstrom said this ordinance is for the second part of the North Street Pump Station Improvement project.

Council Member Ashford made a motion, seconded by Craig Thompson, to approve the first reading. A roll call vote was taken with Ashford, Guthrey, Craig Thompson, Brandt, Wright, Arends and Leon Thompson 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 Guthrey made a motion, seconded by Ashford, to take the ordinance to a second reading. A roll call vote was taken with Craig Thompson, Brandt, Wright, Arends, Leon Thompson, Ashford and Guthrey voting aye. Motion carried.

Ordinance No. 8673 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 Brandt, seconded by Leon Thompson. A roll call vote was taken with Wright, Arends, Leon Thompson, Ashford, Guthrey, Craig 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.

UNFINISHED BUSINESS

There was no unfinished business brought forward.

Council Member Arends made a motion, seconded by Leon Thompson, to adjourn sine die. A roll call vote was taken with Brandt, Wright, Arends, Leon Thompson, Ashford, Guthrey and Craig Thompson voting aye. Motion carried.

Council Member Wright exited the meeting at approximately 8:20 p.m.

APRIL 18, 2022

The Oath of Office was administered by City Clerk Julie Lewis to Drew Green, Council Member Ward 1; Tim R. Reeder, Council Member Ward 2; Dan Brandt, Council Member Ward 3 and Craig Thompson, Council Member Ward 4.

Certificates of Election were presented by Mayor Hendrix to the newly elected Council Members.

The roll was called with the following members of the City Council present: Mayor Dewey Hendrix, Council Members Tim Reeder, Drew Green, Robert Ashford, Charles Guthrey, Craig Thompson and Dan Brandt, Council Member Phesa Wright excused absent; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis.

BUSINESS FROM THE AUDIENCE

Mike Harlow, 405 Shamrock, said there is still a mess behind Eastwood School near the railroad tracks and he would like to see that cleaned up right away.

GRIEVANCE BOARD ELECTION

Mayor Hendrix asked the Council Members to elect two members to serve on the Grievance Board.

Council Member Brandt and Council Member Ashford served on the Grievance Board for 2020-2021.

Council Member Reeder made a motion, seconded by Guthrey, to retain the present members of the Grievance Board for 2022-2023. A roll call vote was taken with Reeder, Green, Ashford, Guthrey, Thompson and Brandt voting aye; Wright excused absent. Motion carried.

OTHER COUNCIL BUSINESS

Council Member Reeder said he is confused as to whether we are short of help or short of money so he would like to propose a joint meeting of the Budget Committee and the Municipal Services Committee to determine the shortcomings.

Mayor Hendrix asked City Administrator Kehrman to set the meeting.

Council Member Green asked when Ms. Wright will be moving from her ward.

Council Member Thompson indicated he thought it would be two weeks.

Mayor Hendrix said he would like to make an appointment to the vacant Council seat in Ward 1. He would like to appoint Leon Thompson as Ward I Council Member due to his budget knowledge.

Council Member Brandt said Leon Thompson has been involved with the budget for quite some time and he would like to make a motion to appoint Leon Thompson as Ward 1 Council Member. The motion was seconded by Council Member Ashford.

Council Member Green asked if there was a letter sent to the City from an individual wishing to be appointed to the Ward 1 Council seat.

Council Member Brandt said Mr. Ken Bryant hand delivered a letter to him stating he was interested in being appointed to the vacant Ward 1 Council seat and that letter was distributed to Council Members.

A roll call vote was taken with Brandt, Ashford, Guthrey and Craig Thompson voting aye; Reeder and Green voting nay; Wright excused absent. Motion carried.

There being no other Council Business, Council Member Reeder made a motion, seconded by Ashford to adjourn the meeting. A roll call vote was taken with Reeder, Green, Ashford, Guthrey, Thompson and Brandt voting aye; Wright excused absent. Motion carried and the meeting adjourned at 8:30 p.m.

Julie A. Lewis, City Clerk