

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

The Marshall City Council met in Regular Session at 6:00 p.m. on Monday, April 17, 2023, 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 Leon Thompson, Phil Perkins, Drew Green, Robert Ashford, Craig Thompson, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Charles Guthrey excused absent.

Council Member Brandt made a motion, seconded by Perkins, to adopt the agenda as written. A roll call vote was taken with Ashford, Craig Thompson, Brandt, Cook, Leon Thompson, Perkins and Green voting aye; Guthrey excused absent. Motion carried.

Council Member Perkins made a motion, seconded by Craig Thompson, to approve the Regular Session Minutes of April 3, 2023 and Work Session Minutes of April 6, 2023. A roll call vote was taken with Craig Thompson, Brandt, Cook, Leon Thompson, Perkins, Green and Ashford voting aye; Guthrey excused absent. Motion carried.

BUSINESS FROM THE AUDIENCE

Carl Gerding, resident of Marshall, asked what the cost per hour is for the law firm that could potentially provide a hearing officer. He said Council cannot vote on the ordinance without knowing the cost per hour.

Council Member Cook said the engagement letter states \$250 per hour.

Tom Ward, resident of Ward 2, read a statement against certain City Council actions. He encouraged citizens participation in government and accountability.

Crystal Noamesi, resident of Marshall, asked Council to table the proposed code of conduct ordinance and the proposed law firm agreement ordinance. She wished all of the Council members the best of luck.

COMMITTEE REPORTS

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

No report.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

No report

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Green reported the Committee has met regarding a proposed UTV/Golf Cart ordinance and will have something to present to Council soon. Chief Donnell is working to implement a system for permits.

Chief Donnell is looking at staffing alternatives so that officers are free to patrol instead of doing office work.

Council Member Green said he met with Dan Brandt and Derek Davis about the proposed truck route on High Street. They were able to come up with an alternate route that will keep trucks out of a residential area. The proposed alternate route will need to be presented to MoDOT and the committee will need to speak with property owners as well.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt reported household hazardous waste can be disposed of at the Saline County Household Hazardous Waste Drop Off Facility located at 26523 245th Road. The facility is open on the fourth Wednesday of each month from 8 a.m. until noon. In order to drop off waste, an appointment must be made by calling 660-886-3945. They will accept oil based paints, solvents, pesticides, pet sprays, dips, rat/mouse poison, varnishes, swimming pool chemicals, drain openers, insecticides, bleach and glue. They will not accept latex paint or gasoline.

CITY ADMINISTRATOR:

No report.

MAYOR’S REPORT:

Mayor Hendrix thanked the Council Members for all of their work and welcomed the new Council Members and Mayor Lutterbie. He wished the Council luck.

DISCUSSION AND APPROPRIATE FOLLOW UP

CERTIFICATION OF ELECTION RESULTS:

Certification of the April 4, 2023 Election Results

Summary for: QUESTION for CITY OF MARSHALL, All Districts, All Tabulators, All
Counting Groups
CERTIFICATION

OFFICIAL RESULTS OF THE APRIL 4, 2023 GENERAL MUNICIPAL ELECTION
I, BRITJNI ALLISON BURTON, SALINE COUNTY CLERK, DO HEREBY AFFIRM THE
FOLLOWING ELECTION RESULTS ARE ACCURATE AND HAVE BEEN CERTIFIED ON
THIS DATE BEGINNING 10TH DAY OF APRIL, 2023

/S/ Brittni Allison Burton

BRITJNI ALLISON BURTON, SALINE COUNTY CLERK

QUESTION for CITY OF MARSHALL

Shall the City of Marshall, Missouri impose a sales tax of three percent (3%) on all retail sales of adult use marijuana sold in the city of Marshall, Missouri?

Yes	1,691
No	453

MAYOR for CITY OF MARSHALL

Vincent Lutterbie	1532
Dewey Hendrix	496
Write-in	30

COUNCIL MEMBER for CITY OF MARSHALL WARD 1

John Allen Jr.	390
Steven A. Washington Sr.	206
Bill Green	153
Write-in	7

COUNCIL MEMBER for CITY OF MARSHALL WARD 2

Robert Ashford	245
Nathan Swisher	362
Write-in	2

COUNCIL MEMBER for CITY OF MARSHALL WARD 3

Charles Guthrey	315
Write-in	28

COUNCIL MEMBER for CITY OF MARSHALL WARD 4

Steve Cook	152
Harold R. Simmons	146
Write-in	5

On motion of Leon Thompson, seconded by Perkins, the Certification of Election Results were approved as presented. A roll call vote was taken with Craig Thompson, Brandt, Cook, Leon Thompson, Perkins, Green and Ashford voting aye; Guthrey excused absent. Motion carried.

EVENT REQUESTS:

SALINE COUNTY BBQ – JUNE 3, 2023

The Saline County Fair Association is requesting permission to use the streets on the east and south side of the Marshall Square on June 3, 2023 from 3 p.m until 8 p.m. for the annual Saline County Fair BBQ.

Council Member Craig Thompson made a motion, seconded by Perkins, to approve the event request as presented. A roll call vote was taken with Brandt, Cook, Leon Thompson, Perkins, Green, Ashford and Craig Thompson voting aye; Guthrey excused absent. Motion carried.

SHOPPING UNDER THE SUN – AUGUST 4 & 5, 2023

The Marshall Cultural Council is requesting closure of the east side of the square, Jefferson from Arrow to North St. be closed on August 4th from 5:15 p.m. until 1:00 a.m. and the closure of the entire square plus North St. to Salt Pond, Arrow from the square to Odell, Court St. from the square to the alley and Lafayette from the square to Marion. They are also asking that the open container ordinance be waived for August 4th and 5th for the above streets.

Council Member Ashford made a motion, seconded by Perkins, to approve the event request as presented. A roll call vote was taken with Cook, Leon Thompson, Perkins, Green, Ashford, Craig Thompson and Brandt voting aye; Guthrey excused absent. Motion carried.

ORDINANCES

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN EMERGENCY MANAGEMENT AGREEMENT BETWEEN THE CITY OF MARSHALL, MISSOURI AND SALINE COUNTY, MISSOURI” was given its second reading by title only and put to its final passage and approval upon motion of Brandt, seconded by Perkins. A roll call vote was taken with Leon Thompson, Perkins, Green, Ashford, Craig Thompson, Brandt and Cook voting aye; Guthrey 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. 8752.

An ordinance entitled “AN ORDINANCE GRANTING THE EMPIRE DISTRICT GAS COMPANY D/B/A LIBERTY, ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF MARSHALL, MISSOURI” was given its second reading by title only and put to its final passage and approval upon motion of Brandt, seconded by Green. A roll call vote was taken with Perkins, Green, Ashford, Craig Thompson, Brandt, Cook and Leon Thompson voting aye; Guthrey 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. 8753.

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 ENGLEMEYER & PEZZANI, LLC, FOR THE PROVISION OF LEGAL SERVICES” was tabled at the Council meeting of April 3, 2023.

Council Member Green said he recently met with his attorney and his attorney has spoken with Mr. Martin regarding mediation. He indicated that Mr. Martin and his attorney were both agreeable to the possibility of mediation but will need direction from Council. A resolution to mediate could be proposed.

Council Members debated the possibility of mediation versus disciplinary hearing.

Council Member Green asked if the passage of the proposed ordinance is binding on the new Council.

City Counselor Josh Taylor said the proposed ordinance, if passed, would not be binding on the new Council.

It was clarified that the first reading of the proposed ordinance was passed on March 20, 2023.

Council Member Ashford made a motion, seconded by Brandt, to take the ordinance from the table. A roll call vote was taken with Ashford, Brandt, Cook, Leon Thompson and Perkins voting aye; Craig Thompson voting no; Green abstain and Guthrey excused absent. Motion carried.

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 ENGLEMEYER & PEZZANI, LLC, FOR THE PROVISION OF LEGAL SERVICES” was given its final reading and put to its final passage upon motion of Leon Thompson, seconded by Ashford. A roll call vote was taken with Ashford, Brandt, Cook, Leon Thompson and Perkins voting aye; Craig Thompson voting no; Green abstain and Guthrey 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. 8754.

An ordinance entitled “AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE CITY OF MARSHALL, MISSOURI” was tabled at the Council meeting of April 3, 2023.

Council Member Brandt stated he is in favor of a good portion of the code but he is not in favor of restricting freedom of speech.

Council Members discussed the proposed ordinance and possible re-write.

Council Member Green spoke about the non-interference ordinance passed in December in relation to the proposed code of conduct.

Council Member Ashford made a motion, seconded by Leon Thompson, to take the ordinance from the table. A roll call vote was taken with Leon Thompson and Ashford voting aye; Craig Thompson, Brandt, Cook, Perkins and Green voting nay; Guthrey excused absent. Motion failed.

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE BOARD OF PUBLIC WORKS OF MARSHALL, MISSOURI, TO EXECUTE A CONTRACT WITH BURNS & MCDONNELL ENGINEERING CO., INC.” was given its first reading by title only.

Marshall Municipal Utilities General Manager Jeff Bergstrom explained the ordinance is for engineering services regarding the wastewater collection system. Inflow and infiltration is being addressed through this project.

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

Ordinance No. 8755 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 Leon Thompson, seconded by Ashford. A roll call vote was taken with Perkins, Green, Ashford, Craig Thompson, Brandt, Cook and Leon Thompson voting aye; Guthrey excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

UNFINISHED BUSINESS

Council Member Green stated Council Member Guthrey had been in an accident and requested prayers from the community. He asked if there is an update on Council Member Guthrey’s condition.

Mayor Hendrix provided an update.

Council Member Ashford made a motion, seconded by Green, to adjourn sine die. A roll call vote was taken with Perkins, Green, Ashford, Craig Thompson, Brandt, Cook and Leon Thompson voting aye; Guthrey excused absent. Motion carried.

APRIL 17, 2023

The Oath of Office was administered by City Clerk Julie Lewis to Vincent Lutterbie, Mayor; John Allen Jr., Council Member Ward 1; Nathan Swisher, Council Member Ward 2 and Steve Cook, Council Member Ward 4.

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

The roll was called with the following members of the City Council present: Mayor Vincent Lutterbie; Council Members John Allen Jr., Phil Perkins, Drew Green, Nathan Swisher, Craig Thompson, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Charles Guthrey excused absent.

BUSINESS FROM THE AUDIENCE

Mayor Lutterbie invited audience members to speak.

Mike Harlow, resident of Marshall asked about the statutory authority regarding discipline and impeachment.

City Counselor Josh Taylor explained the city ordinance regarding impeachment procedures.

Misty Allen asked for clarification on the passage of the ordinance providing for legal services.

City Counselor Josh Taylor explained the first reading of the ordinance had been passed in March and the second reading was tabled at the last meeting.

Crystal Noamesi welcomed the new Mayor and Council Members. She asked that they look into the City Administrator not living in Marshall and to please get out of the contract with him. She requested the Council repeal the last two things.

GRIEVANCE BOARD ELECTION

Mayor Lutterbie explained it is time for the annual Grievance Board Election. The Grievance Board hears grievances from City employees. Council Members Dan Brandt and Robert Ashford served last year.

Council Member Green made a motion to nominate Council Members Dan Brandt and Phil Perkins to serve on the Grievance Board. Council Member Craig Thompson seconded the motion. A roll call vote was taken with Perkins, Green, Swisher, Thompson, Brandt, Cook and Allen voting aye; Guthrey excused absent. Motion carried.

OTHER COUNCIL BUSINESS

Mayor Lutterbie said the Council will need to elect a Mayor Pro Tem.

Council Member Thompson made a motion to nominate Council Member Dan Brandt as Mayor Pro Tem. Council Member Green seconded the motion. A roll call vote was taken with Green, Swisher, Thompson, Brandt, Cook, Allen and Perkins voting aye; Guthrey excused absent. Motion carried.

Mayor Lutterbie said he will be hosting a Mayor's Forum on June 22, 2023 from 4 p.m. to 6 p.m. There will be no Council actions taken at the forum, it is an opportunity for citizens to come speak to him. It will be advertised via radio, newspaper, the City's Facebook page and website.

Mayor Lutterbie said he will begin working to get a link on the City's website regarding the proposed railroad crossing closures, upgrades and resurfacing of High Street.

Mayor Lutterbie stated he has asked City Attorney Josh Taylor to draw an ordinance regarding the passage of ordinances. Ordinances require two readings to pass and those readings should not be done at the same meeting.

Mayor Lutterbie spoke to the Council about the impeachment process and said that mediation is always preferable. He requested Council approval to move forward with mediation efforts.

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

Mayor Lutterbie said he would like for Council Members to consider moving the regular council meetings to Tuesdays instead of Mondays.

Mayor Lutterbie stated it is his intention to make sure the loan from MMU is paid back prior to the end of his term in four years.

There being no other Council Business, Council Member Green made a motion, seconded by Perkins, to adjourn the meeting. A roll call vote was taken with Thompson, Brandt, Cook, Allen, Perkins, Green and Swisher voting aye; Guthrey excused absent. Motion carried and the meeting adjourned at 7:05 p.m.

Julie A. Lewis
City Clerk