

**CITY COUNCIL MINUTES**  
**APRIL 3, 2023**  
**6:00 P.M.**

The Marshall City Council met in Regular Session at 6:00 p.m. on Monday, April 3, 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 Phil Perkins, Drew Green, Robert Ashford, Charles Guthrey, Craig Thompson, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Leon Thompson excused absent.

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

Council Member Craig Thompson made a motion, seconded by Perkins, to approve the Regular Session minutes of March 20, 2023. A roll call vote was taken with Perkins, Green, Ashford, Guthrey, Craig Thompson, Brandt and Cook voting aye; Leon Thompson excused absent. Motion carried.

**BUSINESS FROM THE AUDIENCE**

Crystal Noamesi, resident of Gordon St., asked who is proposing the code of conduct ordinance and asked that Council Members do not vote on the ordinance this evening.

Thom Ward, resident of Ward 2, cited three incidents of potential Sunshine Law violations.

Willie Harlow, resident of Marshall, read a statement against recent Council actions. He indicated that there is a lack of communication and this is a high price to pay for not communicating.

Carol Wolfe, resident of Marshall, stated the last Council meeting was too much to digest. Please hold off on the code of conduct ordinance.

Nathan Swisher, resident of Ward 2, said the code of conduct ordinance is oddly specific and the timing is quite odd. Please vote yes for Marshall Public Schools tax levy issue.

Megan Garcia, resident of Lincoln Ave., stated she is against the proposed code of conduct ordinance as it goes against First Amendment and restricts freedom of speech. Please vote no or delay voting on the proposed ordinance.

Mike Harlow, resident of Shamrock, said he made a complaint about the flags at City Offices and thanked the City Clerk for fixing the situation.

Harold Simmons, resident of Ward 4, said the City Council is doing the best job they can with what they have, it is a hard job.

Rebecca Adams, resident of Ward 3, said she feels embarrassed and shocked at the conduct at the last Council meeting. She asked that emotions be removed and to please be professional

## **COMMITTEE REPORTS**

### **MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:**

Council Member Brandt reported curbside yard waste collection will begin this week with Ward 4 on Monday, Ward 3 on Tuesday, Ward 2 on Wednesday and Ward 1 on Thursday. Yard waste should be placed in biodegradable bags or trash cans.

The Compost Area began summer hours effective April 1<sup>st</sup>. The Compost Area will be open Monday through Friday from 7 a.m. until 4 p.m. and Saturdays from 7 a.m. until noon. On the second Saturday of each month, there will be an attendant there to help load soil.

Council Member Brandt read the following Storm Water Tip:

Car washing can be a contributor to water pollution. Wash water can contain substances such as detergents, exhaust residue, gasoline, heavy metals, and oils that flow directly to the storm drainage system and into the nearest creek. Pollution associated with car washing degrades water quality while also finding its way into sediments, impacting aquatic habitats.

The best way to minimize the effect that washing your car has on the environment is to use a commercial car wash. Most commercial car washes use 60 percent less water for the entire process than a homeowner uses to just rinse the car. If you choose to wash your car at home, minimize the water quality impact:

- Use biodegradable, phosphate-free, water based cleaner only.
- Minimize water usage. Use a spray gun with flow restriction to minimize water volume and runoff.
- Wash on an area that absorbs water (gravel or grass). Avoid washing cars on pavement unless it drains into a vegetated area.
- Always empty wash buckets into sinks or toilets.

Salaries at the Street Department have been looked at and compared to different departments and other cities. The Human Resources Director has been working on this and is ready to roll out the plan.

### **PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:**

Council Member Ashford reported year-to-date revenue is at 63.77% of budgeted amounts or \$8,390,493.00. Year-to-date expenditures are at 42.15% of budgeted amounts or \$6,019,760.00.

### **COMMUNITY DEVELOPMENT AND CODE COMMITTEE:**

Council Member Ashford reported a total of 38 permits were issued by the Inspection Department during the month of March with a total construction value of \$532,389.00. The Code Enforcement Summary shows a total of 13 violations that have been cited.

### **PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:**

Council Member Green gave the Fire Department Report for the month of March:

Fire Incidents – 9  
Excessive Heat Incident – 1  
Rescue & EMS Incidents – 18  
False Alarm & False Call – 3

Hazardous Condition Incident – 1  
Service Calls – 8  
Good Intent Calls - 2

Council Member Green said the Committee has been working on a draft ordinance for the usage of UTVs on city streets. He will send an email with the draft ordinance to Committee members and will plan to meet with Chief Donnell and the Committee next week.

#### **CITY ADMINISTRATOR'S REPORT:**

City Administrator JD Kerhman reported he has been working on a salary study/wage scale that is nearly completed. He will meet with the Street Dept. on Wednesday regarding the wage scale.

Mr. Kehrman explained there will be a 3% marijuana sales tax on the ballot tomorrow. The Missouri Department of Revenue has issued a statement regarding the sales tax and the potential stacking of the local taxes.

#### **MAYOR'S REPORT:**

Mayor Hendrix said he would like to schedule a Council Work Session on Thursday, April 6<sup>th</sup> to discuss the railroad crossing improvements/upgrades. Once a time is decided, a notice will be posted.

Tomorrow is election day, please get out and vote.

### **MARSHALL FIRE DEPARTMENT ANNUAL REPORT**

Marshall Fire Chief Sheldon Kerksiek gave the Marshall Fire Department Annual Report for 2022:

In February, the Battalion Chief pickup was involved in an accident that totaled the vehicle, with no injuries to our personnel. We have yet to replace it due to order cancellations. We hope to correct this in the spring, and order again when opportunity allows. Not how we wanted to start the year.

In April, the department started an interior project to remove floor tile and mastic installed originally in 1978, that was tested to have asbestos in both. This project stems from the rain of June 2021 flooding the living quarters. This was approved by Midwest Public Risk to remove, and replace. All living quarters, furnishings, and equipment were moved to the apparatus bay, including the bunk room. Personnel lived and worked out of the bay for 41 days. During this time, it was decided to paint the interior, which consisted mostly of original paint, in multiple colors. Part of the flood control issue that allowed water to hit the patio and enter the kitchen, was to divert that water to the underground tile. This is accomplished by pipes on the roof drains going to the underground tile, and a lean-to style covering over the majority of the patio. This diverts the remaining roof water to the tile and covers the patio, also keeping water from hitting the two entry doors as well, which have suffered water damage over the years. We haven't been tested to June of 2021 volume yet, but is a major improvement over original architecture.

Turning a negative event into a positive one, removing asbestos for our well-being and maintaining our property we live in.

In an effort to offer a better work environment, an issue was addressed of air quality. In the late 90's it was brought to our attention that our bunker gear after its first exposure to a fire continues to off gas the many chemicals and carbon monoxide captured in the fabric, even after being laundered. For us, this means all the time. In addition, we have large diesel trucks starting up every day, moving in and out of the building, leaving residual exhaust trapped in the bay that can migrate to the living quarters. An air filter system was decided on that filters the air, as opposed to removing exhaust as it is produced, and not addressing the off-gassing issue. This filtering system consists of five units suspended from the ceiling in the bay. They turn on when the doors open or close, when a truck leaves the building, and when it returns. In a 26 minute cycle it filters the volume of the building 3 times. It also creates a negative pressure in the living quarters, this pulls anything that has migrated to the living quarters back out to the bay to be filtered. They can also be run thru a cycle manually, or turned to continuous, for after a fire, or thru the night.

Continuing the effort to reduce our electric use, LED lights were installed in the bay, completing the changeover of all light fixtures in the building to LED.

During the summer the department repurposed a red iron metal building from the old Fitzgibbon property. This retained a city asset, and provides us with a long needed garage to house our outside vehicles from the elements. A foundation, floor and walls have been poured to support the structure to accommodate our vehicles. When weather permits the project will be completed by personnel this year.

At the end of 2022 we said goodbye to one of the City's long time, and most dedicated employees. Battalion Chief Raymond Coslet dedicated 45 years of service to the City of Marshall. Service of the highest quality, and integrity, a standard of which, we all should aspire. The old saying applies, when you look up firefighter in the dictionary, you will see a picture of Ray. Teacher, leader, willing and able bodied...this is the fire services...he is what you want. Thank you sir, and we wish you well.

## **DISCUSSION AND APPROPRIATE FOLLOW UP**

### **BID- REPLACEMENT OF HVAC ROOFTOP UNITS AT NICHOLAS-BEAZLEY AVIATION MUSEUM:**

City Administrator JD Kehrman said he has been approached by Larry Morgan regarding the replacement of 3 rooftop HVAC units at the Nicholas-Beazley Aviation Museum. Mr. Morgan solicited three bids and it is the recommendation to accept the bid of McCorkle Heating & Air LLC in the amount of \$58,515.18

Council Member Craig Thompson made a motion, seconded by Brandt, to accept the bid of McCorkle Heating & Air LLC for the replacement of three rooftop HVAC units in the amount of \$58,515.18. A roll call vote was taken with Green, Ashford, Guthrey, Craig Thompson, Brandt, Cook and Perkins voting aye; Leon Thompson excused absent. Motion carried.

## ORDINANCES

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 second reading by title only and put to its final passage upon motion of Guthrey, seconded by Craig Thompson. A roll call vote was taken with Ashford, Guthrey, Craig Thompson, Brandt, Cook, Perkins and Green voting aye; Leon 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. 8750.

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 second reading.

Council Member Green stated that typically the prosecuting counsel and defending counsel would agree upon a hearing officer. He indicated that Missouri Municipal League has a list of hearing officers and provides mediation services as well.

Council Members discussed the ordinance.

Council Member Cook made a motion, seconded by Brandt, to table the ordinance until the next regular Council Meeting on April 17, 2023. A roll call vote was taken with Guthrey, Craig Thompson, Brandt, Cook, Perkins, Green and Ashford voting aye; Leon Thompson excused absent. Motion carried.

An ordinance entitled “AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE CITY OF MARSHALL” was read by title only.

Council Member Green discussed the origin of this ordinance with City Counselor Josh Taylor.

Council Member Ashford said there has been talk about a code of conduct since last May and the first step, an interference ordinance, was passed in December.

Council Members discussed the proposed ordinance in detail.

Council Member Craig Thompson made a motion to table the proposed ordinance until the next regular Council meeting. Council Member Guthrey seconded the motion. A roll call vote was taken with Guthrey, Craig Thompson, Brandt, Cook, Perkins, Green and Ashford voting aye; Leon Thompson excused absent. Motion carried.

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 first reading by title only.

Emergency Management Director Tony Day explained this is an annual agreement for emergency management not mutual aid.

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

Ordinance No. 8751 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 Craig Thompson. A roll call vote was taken with Perkins, Green, Ashford, Guthrey, Craig Thompson, Brandt and Cook voting aye; Leon Thompson excused absent.

#### **OTHER COUNCIL BUSINESS**

Mayor Hendrix asked Council Members to get with him as soon as possible regarding date and time for the proposed Work Session.

There being no other Council Business, Council Member Ashford made a motion, seconded by Perkins, to adjourn the meeting. A roll call vote was taken with Green, Ashford, Guthrey, Craig Thompson, Brandt, Cook and Perkins voting aye; Leon Thompson excused absent. Motion carried and the meeting adjourned at 7:07 p.m.

Julie A. Lewis  
City Clerk