

**CITY COUNCIL MINUTES**  
**MAY 1, 2023**  
**6:00 P.M.**

The Marshall City Council met in Regular Session at 6:00 p.m. on Monday, May 1, 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 Jr, Phil Perkins, Drew Green, Nathan Swisher, Charles Guthrey, Craig Thompson and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Dan Brandt excused absent.

On motion of Perkins, seconded by Green, the agenda was adopted.

On motion of Green, seconded by Swisher, the minutes of the Regular Council Meeting of April 17, 2023, were approved as written.

**BUSINESS FROM THE AUDIENCE**

Tom Ward, Resident of Ward 2 read the following:

The follow up on the past administration's transparency and accountability or lack thereof. In the recent city elections, the community held the past administration accountable and voted out those elected that they could and there will be other elections to continue this accountability. But holding unelected officers and officials accountable is not so easy. The Mayor and elected officials rely on others in the administration for advice and guidance, especially the newly elected members to office. This includes the city attorney, city administrator, city clerk and others, there to assist the Mayor and elected officials. A new mayor and council also have the duty to the community to hold those public servants accountable for their actions as circumstances warrant. But you have to ask yourself, has the community been well served by the actions of the past administration? Will they be held accountable? How will it be received by the community if this administration does not address the actions of the past administration? Will it require more public pressure from the community to see accountability? Should the community consider a change in our form of city government as a remedy for that? And just so you know this is not about damage to the community, damage to any one person, not about personalities. This is about city officials in administration doing the right thing when no one is looking. I had hoped the past administration would self correct and do the right thing but its not apparent they did and I hope the best for the new administration. That is what I have to say and I hope you take it to heart and good luck.

**MARSHALL HOMELESS SHELTER AND SERVICES PROGRAM UPDATE**

Myra Riley, president of the Marshall Homeless Shelter, provided a program update. A point in time count is done yearly in January. Ms. Riley provided information on how HUD defines homeless. This year's point in time count yielded 21 unsheltered homeless individuals and 2 sheltered homeless individuals within Saline County. Her organization is working on a solution

for temporary shelter. Once individuals are able to establish residency, they are able to re-establish their identity.

Council Member Cook asked how the numbers compare to nationwide statistics.

Ms. Riley said she doesn't have that information at this time.

## **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 a draft ordinance has been completed regarding the use of ATV/golf carts on city streets. The Public Safety Committee will review the draft prior to bringing to Council.

Council Member Green explained there will be requirements prior to obtaining licensing and there will also be certain restrictions as well.

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

Council Member Thompson gave the following storm water tip:

Control soil erosion on your property by planting ground cover or mulching exposed areas.

Mayor Lutterbie made the following Council Committee assignments:

#### Property, Finance, Budget and Audit Committee:

Council Members Drew Green and Nathan Swisher

#### Community Development and Code Committee:

Council Members Steve Cook and John Allen

#### Public Relations and Public Safety Committee:

Council Members Charles Guthrey and Phil Perkins

#### Municipal Services and Personnel Committee:

Council Members Dan Brandt and Craig Thompson

Council Member Dan Brandt will serve as the Marshall Chamber of Commerce liaison and Council Member John Allen will serve as the Marshall Park Board liaison.

**CITY ADMINISTRATOR'S REPORT:**

City Administrator JD Kehrman reported he and Mayor Lutterbie attended the Missouri Municipal League Central Division meeting in Warrensburg. Mayor Lutterbie was elected as the Vice-President of the Central Division.

The City of Marshall will be hosting the MML Central Division meeting on October 18, 2023.

Mr. Kehrman met with Marshall Public Schools Superintendent Caleb Petet regarding the school's old buildings and road access.

The Marshall Memorial Municipal Airport roof repairs have been completed. Final payment will be made upon inspection of the project.

The Municipal Services Department is working out details regarding a curbside bulk item pick up.

There will be a pre-construction meeting scheduled later this month with Capital Paving and Vance Brothers to discuss the upcoming street projects.

An alternate truck route has been sent to the MoDOT project manager; we have not received any comments back at this point.

Mayor Lutterbie stated the alternate truck route is on private property so there will be no disclosure at this time.

Council Member Green asked if there have been any changes to the original, agreed upon streets.

Mr. Kehrman said there have been no changes to the original plan.

Council Member Green said there are some issues with door locks at the airport; parts have been ordered. He asked if there will be workers at the airport this summer.

Mayor Lutterbie said there has been some discussion, there will be more later this week.

Council Member Green inquired about the potential sale of the two new automated sanitation trucks.

City Administrator JD Kehrman said the issue is excise tax. If we do not want to pay the excise tax, then the sale must be just beyond that window. Mr. Kehrman will follow up with more information in an email to Council.

**MAYOR'S REPORT:**

Mayor Lutterbie said he has invited elected officials within Saline County to a luncheon on June 15, 2023.

The City's website now contains a link to the proposed railroad project. Staff is also working on getting information about the trash service on the website. If there is anything that you would like to see on the website, please contact us.

Marshall Municipal Utilities General Manager Jeff Bergstrom provided a hand out to Council Members. The handout is a general outline of the Board of Public Works including rules, regulations and information about meetings. Feel free to reach out with any questions.

## **APPOINTMENTS**

### **PLANNING COMMISSION APPOINTMENTS:**

Mayor Lutterbie presented the following Planning Commission appointments for Council consideration and approval:

#### Marshall Planning Commission

Nathan Swisher – New Appointment – Serve Remainder of Unexpired Term – Term Expires November, 2023; Upon Expiration of Term – Reappointment – Term Expires November, 2027

Harland Ross – New Appointment – Serve Remainder of Unexpired Term – Term Expires November 2026

Christina Bersano – New Appointment – Serve Remainder of Unexpired Term – Term Expires November 2026

On motion of Perkins, seconded by Green, the appointments were approved as presented.

## **LIQUOR LICENSE**

### **LIQUOR LICENSE ANNUAL RENEWALS:**

The annual liquor license renewals are due July 1, 2023 and the list provided to the Council in their packet has been approved by the Saline County Health Inspector and the Chief of Police.

Council Member Green made a motion, seconded by Allen, to approve the list of annual liquor license renewals as presented. A roll call vote was taken with Green, Swisher, Guthrey, Thompson, Cook and Allen voting aye; Perkins abstain; Brandt excused absent. Motion carried.

A complete copy of the 2023 Liquor License renewal list is hereby attached and made a part of the minutes.

## **RESOLUTION**

A resolution entitled "A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, PRESCRIBING THE DATES AND TIMES FOR THE COUNCIL'S REGULAR MEETINGS" was read by title only.

Council Member Craig Thompson made a motion, seconded by Allen, to approve the Resolution. A roll call vote was taken with Cook, Allen, Perkins, Swisher, Guthrey and Thompson voting aye; Brandt 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. 2023-2.

## **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.

Marshall Municipal Utilities General Manager Jeff Bergstrom said the ordinance will provide for smoke testing of the sanitary sewer system.

Council Member Green made a motion, seconded by Swisher, to approve the ordinance. A roll call vote was taken with Green, Swisher, Guthrey, Thompson, Cook, Allen and Perkins voting aye; Brandt 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. 8756.

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 Perkins, to take the ordinance to a second reading. A roll call vote was taken with Allen, Perkins, Green, Swisher, Guthrey, Thompson and Cook voting aye; Brandt excused absent. Motion carried.

Ordinance No. 8757 entitled “AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS” was given its second reading and put to its final passage and approval upon motion of Allen, seconded by Perkins. A roll call vote was taken with Perkins, Green, Swisher, Guthrey, Thompson, Cook and Allen voting aye; Brandt 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**

Mayor Lutterbie said after last week’s Special Session, he participated in a conference call with Attorneys Josh Taylor and Paul Martin. During the call, Mr. Martin indicated that he would be sending a proposal to resolve the disciplinary matter to Mr. Green’s attorney for consideration. Mr. Martin further indicated that he anticipated he would be able to provide an update to the Council as to the status of those discussions by the Council’s next regular session two weeks from now. At that time the Council will likely need to consider postponing or delaying the hearing to either resolve the matter or allow the parties further time to prepare for a hearing.

Council Member Green discussed the hearing process in detail with Council Members. He said money has been wasted at this point and feels it is wrong to continue to waste money for this process.

Council Members continued to discuss the hearing process and potential alternatives.

Council Member Allen made a motion, seconded by Swisher, to remove the trial. A roll call vote was taken with Allen and Swisher voting aye; Guthrey, Thompson, Cook and Perkins voting nay; Green abstain and Brandt excused absent. Motion failed.

Council Member Swisher spoke about Mr. Martin's presentation to the Council and said he felt it was biased. He would like to have access to Mr. Martin's findings.

Mayor Lutterbie suggested the Council hear from Mr. Martin by May 15<sup>th</sup>, have his evidence presented in closed session then give Mr. Green a chance to respond.

Council Member Swisher said he would like to have access to Mr. Martin's findings and asked if that was a possibility.

Council Member Allen made a motion, seconded by Swisher to request findings from Mr. Martin prior to May 15<sup>th</sup>. A roll call vote was taken with Thompson, Allen, Perkins, Swisher and Guthrey voting aye; Cook voting nay; Green abstain and Brandt excused absent. Motion carried.

City Counselor Josh Taylor will get ahold of Mr. Martin and make that request.

Council Member Swisher asked who hired Mr. Martin.

City Administrator JD Kehrman said Mr. Martin's agreement was approved by Council.

Council Member Swisher asked who puts items on the Agenda.

City Clerk Julie Lewis said the Mayor and City Administrator direct what goes on the agenda.

Council Member Swisher asked how Mr. Martin's resolution came to be on the agenda.

City Administrator JD Kehrman said it was done with approval from the Mayor.

There being no other Council Business, Council Member Guthrey made a motion, seconded by Thompson, to adjourn the meeting at 7:18 p.m.

Julie A. Lewis  
City Clerk