

CITY COUNCIL MINUTES
MAY 7, 2024
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, May 7, 2024 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 Drew Green, Jim Papreck, Charles Guthrey, Craig Thompson, John Allen, Nathan Swisher and Dan Brandt; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Steve Cook excused absent.

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

Council Member Swisher made a motion, seconded by Thompson, to approve the Regular Session minutes of April 16, 2024. A voice vote was taken with all in attendance in favor; Cook excused absent. Motion carried.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

No report.

PUBLIC SAFETY AND PUBLIC RELATIONS COMMITTEE:

Council Member Guthrey gave the Marshall Fire Department report for the month of April:

Fire Incidents – 8	Rescue & EMS Incidents – 17
Hazardous Conditions – 1	Service Calls – 13
Good Intent Calls – 7	False Alarm/False Calls – 3
Total Number of Incidents – 49	

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt gave the following Storm Water Tip:

Get Involved. Know where the storm drains in your neighborhood are located.
Where stormwater flows, everything goes.

Council Member Brandt said the Council accepted bids at the last meeting for 2024 street work. Contracts for the work will be presented later in the meeting and he would like to request two readings of each so that the work can be done as quick as possible, before school starts.

Last year's slurry seal project was recently completed.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

No report.

CITY ADMINISTRATOR’S REPORT:

City Administrator JD Kehrman said the City has requested proposals for asbestos abatement of the smokestack/boiler room at the Habilitation Center site. There have been ten contractors visit the site; a list of their questions has been compiled. The company that did the testing was back on site today to pull additional samples. Proposals will be opened on May 15th.

Council Member Green inquired about the time frame for mowing hay at the airport.

Mr. Kehrman said he will consult with Municipal Services Director Randy Cornine about the hay.

MAYOR’S REPORT:

Mayor Lutterbie said Matt Rahner, Library Director is here this evening. The Library plans to move to a new building in 2026. You can find information on their website regarding their November ballot issue.

Mayor Lutterbie appointed Council Member Jim Papreck as the Library Board Liaison.

The City’s personnel policy has undergone a rewrite and the Mayor appointed the following people to an ad-hoc committee to review the personnel policy:

Anmarie Gibson
JD Kehrman

Julie Lewis
Vincent Lutterbie

Charles Guthrey
Dan Brandt

BUSINESS FROM THE AUDIENCE

Brian Crigger spoke about an ongoing problem with vegetation in a creek in the West Englewood/Placida area. There is now a tree in the creek as well and it should be removed. He suggested a committee to write and apply for grant funding for a concrete spillway throughout town.

Tom Ward, Ward 2 resident, thanked Marshall Municipal Utilities for their tree trimming projects.

Mr. Ward asked the following questions:

- Has anything been done with commercial trash rate schedule?
- What is the status of the truck route project?
- Are UTV registration fees \$15 or \$20?
- What is the status of the RTS contract? Is it being fixed?

Mr. Ward said the new Marshall Matters platform that is funded by tax dollars is not a free speech platform.

He welcomed the newest Council Member and asked the Council to do the right thing and pay Saline Animal League.

Jill Mitchell, Ward 3 resident, said she doesn't have to make her usual request this evening since Mr. Ward did that for her. She asked if the Animal Shelter is open and if she is allowed to go there. She said a memorial honoring a deceased volunteer has been painted over. She also asked, if dogs need to be put down, not to use phenobarbital, as it is inhumane.

Mayor Lutterbie said he is in favor of paying the \$7,100. The attorneys are currently handling the situation.

City Counselor Josh Taylor explained the process of potential litigation and why certain attorneys are involved.

MARSHALL FIRE DEPARTMENT ANNUAL REPORT

Council Member Swisher gave the Marshall Fire Department Annual Report for 2023:

Training credit hours – 43,267.5

Inspections – 9

Business tours – 21

Smoke detector installs – 11

Burn Permits – 79

Total Calls for 2023 – 702

Fire – 97

Service calls - 132

Severe weather – 1

Rescue/EMS – 286

Good Intent – 80

Special incident – 2

Hazardous/no fire – 36

False alarms – 66

Overpressure -2

Fire saved for 2023 - \$14,576,350

Rural fire saved for 2023 - \$1,552,850

Fire loss for 2023 - \$1,345,402

Rural fire loss for 2023 - \$1,280,850

Fire deaths for 2023 – 0

A copy of the annual report is available at City Hall.

DISCUSSION AND APPROPRIATE FOLLOW UP

APPOINTMENT – LIBRARY BOARD:

Mayor Lutterbie presented the following appointment for Council consideration and approval:

Library Board

Tammy Stewart – New Appointment – Serve Remainder of Unexpired Term –
Term Expires July 2026

Council Member Thompson made a motion, seconded by Guthrey, to approve the appointment as presented. A voice vote was taken with all in attendance in favor; Cook excused absent. Motion carried.

APPOINTMENT – BOARD OF PUBLIC WORKS:

Mayor Lutterbie presented the following appointment for Council consideration and approval:

Board of Public Works

Wick Jacobi – New Appointment – Serve Remainder of Unexpired Term –
Term Expires 01/01/2025

Council Member Green made a motion, seconded by Brandt, to approve the appointment as presented. A voice vote was taken with all in attendance in favor; Cook excused absent. Motion carried.

APPOINTMENT – PLANNING AND ZONING COMMISSION:

Mayor Lutterbie presented the following appointment for Council consideration and approval:

Planning and Zoning Commission

Harold Simmons – New Appointment – Term Expires November 2027

Council Member Allen made a motion, seconded by Thompson, to approve the appointment as presented. A voice vote was taken with all in attendance in favor; Cook excused absent. Motion carried.

BID – HEAVY DUTY TRUCK, SNOW PLOW AND SAND/SALT RIG:

The Municipal Services Department is requesting the purchase of a Heavy Duty Truck, Snowplow and Sand/Salt Rig in the amount of \$228,470.75 from Viking-Cives Midwest, Inc.

This is a budgeted item and, if approved, will be purchased using a MoDOT State Bid Contract.

Council Member Brandt made a motion, seconded by Allen, to approve the purchase as presented. A voice vote was taken with all in attendance in favor; Cook excused absent. Motion carried.

ORDINANCES

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 HIGGINS ASPHALT PAVING CO., INC., FOR THE COLD MILLING OF CERTAIN CITY STREETS” 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 Swisher, Brandt, Green, Papreck, Guthrey, Thompson and Allen voting aye; Cook excused absent. Motion carried.

Ordinance No. 8823 entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND HIGGINS ASPHALT PAVING CO. INC. FOR THE COLD MILLING OF CERTAIN CITY STREETS” was given its second reading by title only and put to its final passage and approval upon motion of Guthrey, seconded by Thompson. A roll call vote was taken with Brandt, Green, Papreck, Guthrey, Thompson, Allen and Swisher voting aye; Cook excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

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 PAVEMENT MANAGEMENT LLC FOR THE SLURRY SEAL OF CERTAIN CITY STREETS” was given its first reading by title only.

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

Ordinance No. 8824 entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND PAVEMENT MANAGEMENT LLC FOR THE SLURRY SEAL OF CERTAIN CITY STREETS” was given its second reading by title only and put to its final passage and approval upon motion of Guthrey, seconded by Brandt. A roll call vote was taken with Green, Papreck, Guthrey, Thompson, Allen, Swisher and Brandt voting aye; Cook excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

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 HIGGINS ASPHALT PAVING CO., INC. FOR THE ASPHALT OVERLAY OF CERTAIN CITY STREETS” 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 Papreck, Guthrey, Thompson, Allen, Swisher, Brandt and Green voting aye; Cook excused absent. Motion carried.

Ordinance No. 8825 entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND HIGGINS ASPHALT PAVING CO., INC. FOR THE ASPHALT OVERLAY OF CERTAIN CITY STREETS” was given its second reading by title only and put to its final passage and approval upon motion of Allen, seconded Brandt. A roll call vote was taken with Guthrey, Thompson, Allen, Swisher, Brandt, Green and Papreck voting aye; Cook excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL REGARDING THE DAMAGE TO OR REMOVAL OF TREES ON CITY PROPERTY” was given its first reading by title only.

Mayor Lutterbie said this is a re-write of the existing tree ordinance. The City of Marshall would like to receive the Tree City USA designation.

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

An ordinance entitled “AN ORDINANCE AMENDING SECTION 500.140 OF THE MUNICIPAL CODE OF THE CITY OF MARSHALL ESTABLISHING THE QUALIFICATIONS OF APPLICANTS FOR A CLASS I ELECTRICIAN’S LICENSE” was given its first reading by title only.

The Board of Electrical Examiners has recommended changes to the Code relating to Class I Electrician’s Licenses. City Counselor Josh Taylor explained the proposed changes.

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

An ordinance entitled “AN ORDINANCE AMENDING SECTION 500.150 OF THE MUNICIPAL CODE OF THE CITY OF MARSHALL ESTABLISHING THE PROCEDURE FOR OBTAINING A CLASS I ELECTRICIAN’S LICENSE” was given its first reading by title only.

The Board of Electrical Examiners has recommended using a standardized test developed by the International Code Council instead of the test that has been used by the City for a number of years. The ICC standardized test is based on the City’s current code and proctored.

Council Member Swisher discussed his concern that this will make it harder to become a licensed electrician.

Council Member Swisher requested members of the Board of Electrical Examiners attend the next Council meeting to provide information.

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

An ordinance entitled “AN ORDINANCE ENACTING A NEW SECTION 500.205 OF TITLE V, CHAPTER 500, ARTICLE II, DIVISION 4 OF THE MUNICIPAL CODE OF THE CITY OF MARSHALL TO ESTABLISH PROCEDURES FOR THE SUSPENSION OR

DISCIPLINE OF ELECTRICIAN'S LICENSES IN THE CITY OF MARSHALL" was given its first reading by title only.

Council Member Swisher asked if there has been problems recently or in the past.

City Counselor Josh Taylor explained the ordinance will provide for a process, if it is needed.

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

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 Green, Papreck, Guthrey, Thompson, Allen, Swisher and Brandt voting aye; Cook excused absent. Motion carried.

Ordinance No. 8826 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 Green. A roll call vote was taken with Green, Papreck, Guthrey, Thompson, Allen, Swisher and Brandt voting aye; Cook 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

Municipal Services Director Randy Cornine gave an update regarding the arm mower that was ordered last year. It is expected to ship in June.

Council Member Green asked about mowing at the 65 Highway and College intersection along with other State of Missouri rights-of-way.

Municipal Services Director Cornine said they will contact the State regarding their mowing schedule.

There being no other Council Business, Council Member Allen made a motion, seconded by Green, to adjourn the meeting. A voice vote was taken with all in attendance in favor; Cook excused absent. Motion carried and the meeting adjourned at 6:46 p.m.

Julie A. Lewis
City Clerk