

CITY COUNCIL MINUTES
JUNE 4, 2024
6:00 P.M.

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, June 4, 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, Charles Guthrey, Craig Thompson, John Allen, Nathan Swisher, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Jim Papreck excused absent.

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

Council Member Green made a motion, seconded by Thompson, to approve Regular Session minutes of May 21, 2024. A voice vote was taken with all in attendance in favor; Papreck excused absent. Motion carried.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook said the committee met today to discuss code review. The committee is working to clear up confusion associated with off street parking. He will give a full report at a future meeting.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

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

Fire Incidents – 4	Service Calls - 7
Rescue & EMS - 27	Good Intent Calls - 8
Hazardous Conditions – 2	False Alarm/False Calls – 5
Total Calls – 53	

The committee has been reviewing the animal ordinance and will be continuing to review for several more weeks.

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Green gave the following storm water tip:

Grassy slopes keep dirt in place and out of waterways. Plant and maintain vegetation to absorb stormwater. Where stormwater flows, everything goes!

Council Member Brandt reported the 2024 street program is in full swing. Crews will start the asphalt overlay tomorrow. Crews will be working on Odell, which is very busy, please be cooperative.

The Municipal Services and Personnel Committee will meet on June 11th at 2 p.m.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

No report.

CITY ADMINISTRATOR'S REPORT:

City Administrator JD Kehrman updated the Council on stormwater in the city.

The city will be doing a stormwater project on Boyd Street and ConAgra is planning a stormwater project as well; the City's engineer and ConAgra's engineer will coordinate as the two projects will directly impact each other. The project on Boyd Street is funded through a federal grant so the City will be meeting with the Regional Planning Commission to keep the grant on track. There is also a FEMA project happening in the area that must be considered during these projects.

There are many stormwater concerns in the city and we had an engineer in Sedalia that was handling our FEMA projects and creating a comprehensive review, however, there has not been any real progress. We are looking at a different approach and a different engineer to help us focus on hot spots. It is proposed to have a master agreement and each time we have a specific project; the Council would authorize a task order to cover the work. This approach should yield more action quicker. A public outreach one stop shop will be created on the city's public engagement platform so that residents can see what is being done around town and to report on any issues.

Mr. Kehrman briefed the Council on flooding on Cotton Street, the ditch behind Tractor Supply and a hole that has opened up next to La Paz.

Mr. Kehrman said proposals have been received for abatement of asbestos at the boiler building on the old Habilitation Center site. He requested the Finance, Budget and Audit committee meet next week to review those proposals in detail prior to making a recommendation.

MAYOR'S REPORT:

No report.

BUSINESS FROM THE AUDIENCE

Brian Crigger thanked Council for listening to issues that he has presented at previous meetings.

Tom Ward, Ward 2 resident, said there is no fixing the contract with RTS Waste Services. He asked if an owner of a commercial business, in the city limits, that generates commercial waste and recyclables and owns their own dumpster is allowed to have that dumpster serviced by a provider of their choice.

Council Member Green said, if it is a roll-off container, the answer is yes, otherwise no.

Mr. Ward asked what right the city has to give exclusive rights to RTS to commercial account holders that own their own dumpster.

Mr. Ward spoke about the roll carts and said the city is subsidizing a private company which is against the law. He also spoke about using the street sweeper as justification for keeping the Sanitation Department. He indicated this is not the end of it, the contract was illegal in the beginning because there was no voter approval to sell assets and cease operations. The \$4.18 collected from citizens is illegal and the only way you can justify keeping it is by keeping the Sanitation Department.

Jill Mitchell, Ward 3 resident, said she visited the Marshall Animal Shelter and there have been major improvements, it is being run very well, it is clean and there have been a lot of adoptions. She requested to be reimbursed for the roof that was put on.

Mayor Lutterbie said he is waiting to hear from the Saline Animal League so that everyone, including attorneys, can sit down and talk.

LIQUOR LICENSE

Mayor Lutterbie presented the following liquor license for Council consideration and approval:

Marshall BP - Kuljeet Samra, Managing Officer – Package Liquor with Sunday Sales

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

Mayor Lutterbie presented the following liquor license for Council consideration and approval:

Guerrero's Mexican Cuisine, Inc. – Erika Duarte, Managing Officer – Liquor by Drink with Sunday Sales.

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

DISCUSSION AND APPROPRIATE FOLLOW UP

MARSHALL CHAMBER OF COMMERCE – 4TH OF JULY FIREWORKS EXPENSE:

The Marshall Chamber of Commerce is requesting \$3,675.00 from the City of Marshall for the annual Fourth of July Fireworks display that will be held on Thursday, July 4, 2024 at Indian Foothills Park.

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

ORDINANCES

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AMENDMENT TO A SOLID WASTE COLLECTION AGREEMENT WITH RTS WASTE SERVICES, LLC” was given its second reading by title only and put to its final passage and approval upon motion of Allen, seconded by Guthrey. A roll call vote was taken with Green, Guthrey, Thompson, Allen, Swisher, Brandt and Cook voting aye; Papreck 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. 8832.

Ordinance No. 8833 entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “C-1” CENTRAL BUSINESS DISTRICT TO “I-H” HEAVY INDUSTRIAL DISTRICT” was given its second reading by title only and put to its final passage and approval upon motion of Green, seconded by Brandt. A roll call vote was taken with Guthrey, Thompson, Allen, Swisher, Brandt, Cook and Green voting aye; Papreck excused absent. The ordinance is thereupon declared passed and so endorsed by the President of the Council and approved by the Mayor.

Ordinance No. 8834 entitled “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “C-1” CENTRAL BUSINESS DISTRICT TO “I-H” HEAVY INDUSTRIAL DISTRICT” was given its second reading by title only and put to its final passage and approval upon motion of Allen, seconded by Green. A roll call vote was taken with Guthrey, Thompson, Allen, Swisher, Brandt, Cook and Green voting aye; Papreck 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 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 Brandt, to take the ordinance to a second reading. A roll call vote was taken with Thompson, Allen, Swisher, Brandt, Cook, Green and Guthrey voting aye; Papreck excused absent. Motion carried.

Ordinance No. 8835 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 Green, seconded by Thompson. A roll call vote was taken with Allen, Swisher, Brandt, Cook, Green, Guthrey and

Thompson voting aye; Papreck 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

Council Member Green asked about the stormwater issues on Cotton Street and possible remedies.

City Administrator Kehrman said the stormwater apparatus that was installed by the builder is probably undersized. The engineer will have a proposal prior to the next Council meeting.

Council Member Cook said he understood the reason for keeping the sanitation truck for a specific length of time was because it was purchased with grant funds.

Council Member Green said that was a different truck and explained why this particular truck was kept. The truck has been kept for a year and has not been used so RTS would like to have it. They will also take the roll carts and pay for those on a schedule.

Mayor Lutterbie said RTS is willing to pay the original appraisal price for the trash truck which is higher than what a new appraisal would be and they are willing to take the roll carts that the city does not have use for.

Council Member Green clarified the street sweeper does pick up trash and worker's compensation does classify it as a sanitation vehicle. He said the Council is trying to clean up the contract and make it as transparent as possible.

There being no other Council Business, Council Member Allen made a motion, seconded by Guthrey, to adjourn the meeting. A voice vote was taken with all in attendance in favor; Papreck excused absent. Motion carried and the meeting adjourned at 6:35 p.m.

Julie A. Lewis
City Clerk