

**CITY COUNCIL MINUTES
DECEMBER 17, 2024
6:00 P.M.**

The Marshall City Council met in Regular Session at 6:00 p.m. on Tuesday, December 17, 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 Jim Papreck, Charles Guthrey, Craig Thompson, John Allen, Nathan Swisher, Dan Brandt and Steve Cook; City Administrator JD Kehrman, City Counselor Elizabeth Bellamy and City Clerk Julie Lewis. Council Member Green absent.

Council Member Papreck made a motion, seconded by Allen, to adopt the agenda as written. A voice vote was taken with all in attendance in favor, Green absent. Motion carried.

Council Member Thompson made a motion, seconded by Brandt, to approve the Regular Session minutes of December 3, 2024 and Work Session minutes of December 3, 2024. A voice vote was taken with all in attendance in favor; Green absent. Motion carried.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Cook gave the Inspection Department reports for the month of November:

Building Permits – 24	Electrical Permits - 13
Demolition Permits – 1	Mechanical Permits – 1
Plumbing Permits – 9	Total Permits – 48
Total Construction Value - \$840,904.00	Permit Fees Collected - \$1,906.09

Code Enforcement Summary:

Accumulations/Junk/Debris – 1	Property Maintenance – 3
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The Board of Building Code Enforcement will conduct hearings tomorrow morning at 8:30 a.m.

PUBLIC SAFETY AND PUBLIC RELATIONS COMMITTEE:

Council Member Guthrey gave the Police Department report for the month of November:

<u>Traffic Stops - 162</u>	<u>Warrants:</u>
Citations – 25	Municipal Court - 27
Arrests – 10	
DWI and other traffic – 9	

Officer Calls for Services – 1527	Average of 50 calls per day
Police Reports Taken – 125	Average of 4.6 reports per day

Arrests – 29

Animal Shelter:

Citations – 7
Cats picked up – 0
Dogs adopted – 4

Dogs and puppies picked up – 21
Dogs returned to owners – 12
Cats adopted – 2

MUNICIPAL SERVICES AND PERSONNEL:

Council Member Brandt reported Airport improvements are moving along; negotiations are continuing regarding hangars.

The Municipal Services and Personnel Committee met and reviewed a request by RTS to increase commercial solid waste collection rates. A resolution will be presented later in this meeting.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Thompson reported revenues are at \$2,271,579 or 16.96% of budgeted amounts and expenditures are at \$3,902,349 or 27.45% of budgeted amounts. It is very common for numbers to look like this in the second month of the budget due to purchasing new equipment, etc. in the new year; revenues will come in throughout the year.

The Property, Finance, Budget and Audit Committee met at 5 p.m. this evening to discuss modernizing the inspection fee schedule.

CITY ADMINISTRATOR'S REPORT:

City Administrator JD Kehrman reported on the following:

- Dollar General has decided not to exercise the option to purchase property on Eastwood.
- Continuing to work with the Municipal Band regarding a permanent location
- Demolition work began yesterday at the Smokestack building. Notification to the public will be made regarding the date the actual smokestack will be demolished.

MAYOR'S REPORT:

Mayor Lutterbie reported there will be a dedication ceremony at the old Fitzgibbon site at 1 p.m. on Friday, December 27, 2024.

There have been some requests for bricks from the smokestack building. Municipal Services will place those bricks in the parking lot area north of the lake for anyone that would like a brick.

The Missouri Municipal League will have a Regional Meeting on January 15, 2025 in Columbia. Please notify the City Clerk if you would like to attend.

Mayor Lutterbie read the following statement:

When I began my term as mayor, there were issues facing the city on several levels. The council had internal problems with each other and some city employees. I worked hard to soothe the feelings and solve the problems. They may not all be solved, but we are certainly in a better place than we were a year ago.

There were areas of friction, or at least a lack of communication with Missouri Valley College, Marshall Public Schools, Marshall Municipal Utilities, and Marshall Saline Development Corporation. The city council had not been active in the Missouri Municipal League for some time.

Since then, the city has partnered with all of these entities and all of us are on the same page and working together on present as well as future projects. I am the Central Region president of the Missouri Municipal League and we use their resources all of the time.

I bring all of this up at this time, as there is now a disturbance in the force. I want to talk about a few contradictions and some perceived threats from a post on Facebook that recently came to my attention. It is written by one of our councilmen, and it is alarming enough, both in content and practice, that I thought I should speak to it in this forum.

It has to deal with the proposed land deal with a developer that wishes to build 100 houses on property currently owned by the city. There have been hurdles and some temporary setbacks, but I feel that both sides have dealt in good faith and that we are almost there. The councilman who wrote this has usually voted against proposals that deal with land use in the city. I know that we can all play hardball, and there's nothing wrong with that, but we also need to be realistic. Cities are not money-making ventures. Cities and the elected and appointed officials are tasked with making the city safe and to keeping it running smoothly. If it were a money-making venture, people would pay for their own street and sidewalk repairs, and indeed that was the case many years ago. Citizens would have to pay for fire insurance or be billed if there was a fire on their property. We wouldn't have a park system. The examples are endless, but it comes down to decisions and how we best use our resources. Sometimes that means a city builds a spec building to attract a business. Sometimes it means the city trades land to alleviate potentially prohibitive costs in developing that land.

The latter is this case in point. The land is currently zoned R2, and even had an existing plat for a subdivision. It is not zoned commercial, agricultural or industrial. It should come as no surprise that a developer is interested in it. This developer is willing to take the risks involved with building the infrastructure first, then building houses. The only request he had was to keep the streets maintainable, but not to finish them until the risk of damage by heavy equipment is over with. We have not approved the deal yet as there are some state stormwater items that need to be resolved. Also, the city has requested a reversionary clause in the contract that would allow the city to reclaim the land and gain all the improvements in the case of a default. The city has done its due diligence on this matter and the project will stand or fall on its own when it comes before the council. We did a similar deal with the public schools recently, and the city is not on the hook for infrastructure work being done now, or in the future at the site of the new school.

Even though there is more to discuss on these matters, I want to keep things as brief as possible. This same councilman has never shied away from lecturing me or the council on accountability and transparency, yet this missive on Facebook is anything but. It is also filled with innuendo and geared language calculated to getting a response from those not totally informed on the situation. First item that I noticed, he suggests that the developer is from the St. Louis area, as if that should be a deal breaker. Waynesville is twice as far from St. Louis as Marshall is from Kansas City. When was the last time that a decision by Kansas City's city council affected how we run Marshall? The suggestion itself is repugnant and off putting. The next items are the words FREE and STRANGER capitalized, as to instill fear. Stranger danger is a good thing to teach to children, but has very little place in city affairs. Strangers own Cargill, Con-Agra, the Marshall Plaza, Wal-Mart and others. We leave the way they do business to them. It isn't much of a problem to vet people coming to town, and this developer has been vetted satisfactorily by several sources.

The FREE issue is also misleading and not at all transparent. As I alluded to earlier, the contractor has the skin in this and the city has very little, if any liability.

The size of the lots should not be a concern, people buy all sorts of houses, there are requests all of the time to build on oddly shaped lots. The price is what it is. Housing prices, grocery costs and car prices have all gone up. It's not going to get any cheaper to build if we wait a year.

Our councilman likes to bring up the Gieringer property deal ad nauseum. Yes, the realtors in town got us over for sandwiches and a pep talk. Most of us agreed to give them 6 months to find a developer. Well, we feel we found something that would benefit the city more in the long term. You can argue about how it was done. I have apologized for any hurt it may have caused to those who will listen, and I learned from that deal not to make promises I can't keep.

He also asked if we reimburse the developer of the Fitzgibbon property as we charged him a minimal amount for his land. The developer had originally proposed adding a road and infrastructure to the property. He later felt that it would be better to only do some work on Mitchell St., so we felt comfortable in charging him a bit for the property, as he didn't have to spend as much on developing it.

As far as people in the community being for or against the proposal, that is obviously their right. I would like to point out that there were many letters of support for this proposal from community leaders and organizations. MSDC has many concerned and impressive people on its board as well, and to imply that they are complicit in a conflict of interest causing harm to the city is a false condemnation of some of our most valued citizens.

To make another item clear. Doing business with developers and other entities often start with a meeting in closed session. As soon as a plan is produced, you go public. That's what happened in this case and everything that was discussed in that first meeting has been made public in one forum or another. This has been discussed in council meetings, planning and zoning and has been covered in the press. I am not sure that Facebook experts have all of the information, but if anyone is in doubt about any fact, we should be able to answer most of your questions here at city hall. If you noticed, the same people that claim the city never grows or tries to improve, are against this project.

There are other concerns that I have about this post, but the major one is that it appears to have been posted to intimidate council members by asking people of like mind to contact them. I am getting tired of coercion by intimidation. It has been tried on this council several times, and they have always overcome it. I am proud of them for that. I have a problem with a councilman taking issues on public forums with the idea of influencing anyone. Now, I know that he didn't do this on his original post, but he has condoned it by not correcting falsehoods that appeared in ensuing comments.

Having said all of this, I am prepared to listen to citizen's concerns in the next section of our agenda. No personal attacks or innuendo against individual councilmen or the council at large will be tolerated.

BUSINESS FROM THE AUDIENCE

Keith Zinn said he feels the City doesn't always get the best deals when it comes to land. A lot of money has been spent on the old habilitation center site just for it to be given to the schools. There are no sidewalks, curb or gutter on Lincoln, where will the money come from to put in sidewalks.

Council Member Drew Green present at 6:23 p.m.

Mayor Lutterbie explained the contract with the State of Missouri only allowed for the land to be transferred to the school district. The City is in the planning phase regarding the sidewalks in that area.

Mike Mills spoke in favor of a proposed housing development in Marshall. The development is very important for growth in Marshall.

Dale Sassman spoke about concerns he has regarding the sanitary sewer system being able to accommodate the development of 100 homes.

Kristen Riley expressed concern for the ability of residents to afford the homes in the proposed development. Please consider a mixed use development. Will this be a phased development? She said she would like to see more transparency and what the MSDC Board president's role is in the proposed development.

David Riley said cities do not typically pay for development. He asked what the City's thought is on considering multi use zoning.

Mayor Lutterbie said an entirely new city plan will be developed sometime in the future.

Mr. Riley spoke about the Hometown USA project and what areas will be included.

Mayor Lutterbie indicated the area has not been finalized yet.

Mr. Riley said he would be happy to help with citizen input regarding these projects.

Kyle Lowe asked if the developer will get his materials locally and if the proposed development will create a burden for police and fire services.

Mayor Lutterbie said yes, materials will be purchased locally, if possible.

City Administrator JD Kehrman said the Fire Code will play a big role in the final plat approval. Impacts to police and fire services are generally absorbed as they come in.

DISCUSSION AND APPROPRIATE FOLLOW UP

APPOINTMENT – BOARD OF PUBLIC WORKS:

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

Board of Public Works

Wick Jacobi – Re-Appointment – Term Expires 01/01/2029

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

PLANNING AND ZONING RECOMMENDATION

SET PUBLIC HEARING

Council Member Brandt said the Planning and Zoning Commission met to hear a request by Marshall Municipal Utilities to re-zone a tract of land from I-L Light Industrial to I-H Heavy Industrial. The Planning and Zoning Commission approved the request and recommends the City Council schedule a public hearing on January 21, 2025.

Council Member Brandt made a motion, seconded by Swisher, to set a Public Hearing on January 21, 2025. A voice vote was taken with all in attendance in favor. Motion carried.

RESOLUTIONS

A resolution entitled “A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, APPROVING A RATE CHANGE OF THE BOARD OF PUBLIC WORKS” was read by title only.

MMU Controller Tony Bersano explained the rate change is an annual calculation for BOD and TSS rates. The rates are for industrial customers and will have no effect on residential rates.

Council Member Papreck made a motion, seconded by Green, to approve the resolution. A roll call vote was taken with Guthrey, Thompson, Allen, Swisher, Brandt, Cook, Green and Papreck voting aye. The resolution is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Resolution No. 2024-13.

A resolution entitled “A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RATES FOR COMMERCIAL SOLID WASTE COLLECTION” was read by title only.

Council Member Green explained the contract with RTS provides for an annual rate increase and they requested a \$10 increase across the board. Rates in other areas were looked at and we are still, on average, lower than most.

Council Member Brandt said the increase will not be for residential rates, only commercial.

Council Member Green reminded everyone that 2025 will be the last year of the locked-in rates for residential solid waste collection.

Council Member Papreck made a motion, seconded by Allen, to approve the resolution. A roll call vote was taken with Thompson, Allen, Swisher, Brandt, Cook, Green, Papreck and Guthrey voting aye. The resolution is thereupon declared passed and so endorsed by the President of the Council, approved by the Mayor and numbered Resolution No. 2024-14.

ORDINANCES

An ordinance entitled “AN ORDINANCE AMENDING A CERTAIN SECTION OF ARTICLE V, CHAPTER 115 OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL,

MISSOURI, REGARDING THE OFFICE OF CITY ATTORNEY” was given its first reading by title only.

City Administrator JD Kehrman said there has been some interest in looking at the office of municipal prosecutor and city attorney.

City Counselor Elizabeth Bellamy noted the City Counselor and City Attorney are separate.

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

Mayor Lutterbie stated there are some questions about the next ordinance on the agenda that will authorize a contract with Marshall Saline Development Corporation, so at this time, he is going to remove that item from the agenda.

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

Ordinance No. 8865 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 Brandt, Cook, Green, Papreck, Guthrey, Thompson, Allen and Swisher voting aye. 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 if the proposed ordinance authorizing a contract with MSDC will be going to a committee.

Mayor Lutterbie said the Property, Finance, Budget and Audit Committee will look into it.

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. Motion carried and the meeting adjourned at 6:54 p.m.

Julie A Lewis
City Clerk