

**CITY COUNCIL MINUTES**  
**OCTOBER 7, 2019**  
**6:00 P.M.**

The Marshall City Council met in Regular Session at 6:00 p.m. on Monday, October 7, 2019 in the Council Chambers of the City Office Building, 214 N. Lafayette, Marshall, MO 65340, with the following members present: Mayor Julie M. Schwetz; Council Members Dewey Hendrix, Kirk Arends, Charles Guthrey, Dan Brandt and Tom Hagedorn; City Administrator David Haugland, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Members Ron Ott, Chuck Hines and Kathy Vasquez excused absent.

Council Member Arends made a motion, seconded by Hendrix, to adopt the agenda as written. A roll call vote was taken with Guthrey, Brandt, Hagedorn, Hendrix and Arends voting aye; Vasquez, Ott and Hines excused absent. Motion carried.

Council Member Hagedorn made a motion, seconded by Guthrey, to approve the Regular Session Minutes of September 16, 2019 and Special Session of September 27, 2019. A roll call vote was taken with Brandt, Hagedorn, Hendrix, Arends and Guthrey voting aye; Vasquez, Ott and Hines excused absent. Motion carried.

**BUSINESS FROM THE AUDIENCE**

Mayor Schwetz noted there is a full house and thanked everyone for being here this evening.

Assistant City Clerk Diane Green told the Council she is here on behalf of City employees. She is planning a friendly competition between City departments for the collection of items to be donated to the Saline County Holiday Project. The Holiday Project benefits families within Saline County and provides much needed items as well as toys for the children. Ms. Green explained the guideline for the competition. She would like to invite the Mayor and Council to participate with the City employees.

Mr. Eddie Howery said he is not a resident of Marshall but does own rental homes within the city limits. He said he is here this evening to speak regarding the proposed annual inspection process for rental properties. He has spoken with other concerned landlords within the community. He would like to know what is being proposed and how the process will work. He said Mr. Morgan's office does not currently have enough staffing to keep up with the inspection process.

Mr. Haugland said the Council will discuss the proposed ordinance regarding home inspections later in the meeting under item #7-2.

Council Member Arends said the Inspection Department will have a new employee in place soon.

Council Member Brandt indicated this is just the start of the process; it will take some time. The proposed ordinance will be posted on the City's website.

## **COMMITTEE REPORTS**

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

Council Member Guthrey reported 40 building permits were issued for the month of September with a total construction value of \$677,615.00; permit fees collected totaled \$2,341.50. The bulk of it is industrial storage for Bayer.

The Community Development and Code Committee met last Wednesday to discuss the proposed golf cart ordinance, airport master plan and the development of a fencing ordinance.

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

Council Member Hendrix gave the Fire Department report for the month of September:

Total Incidents: 47

Types of Incidents: Fire ó 4; Explosion ó 2; Rescue & EMS ó 13; Hazardous Conditions ó 5; Service Call ó 13; Good Intent Call ó 5; False Alarm & False Call ó 5

Public Relations Activities: 4

Safety Tours & Talks: 3

Smoke Detector Install: 2

Burn Permits Issued: 13

Maintenance Activities: 5

Training Hours: 2639

Storm Sirens were tested on September 3, 2019.

#### **Safety Tips:**

Smoke Alarms ó Install a smoke alarm on every level of your home and test it monthly.

Prevent Electrical Fires ó Don't overload circuits or extension cords. Cords and wires should never be placed under rugs or in high traffic areas

Keep Plugs Safe ó Follow the manufacturer's safety precautions and use your senses to spot any potential disasters. If a plug is overheating, smells strange, shorts out or sparks ó the appliance should be shut off immediately.

Alternate Heaters ó Make sure there is ample space around any portable heating unit.

Anything that could catch fire should be at least three feet away.

Create an Escape Route ó Create and practice your escape plan with your family from every room in the house.

Clean Dryer Vents ó Clothes dryers often start fires in residential areas. Clean the lint filter every time you start a load of clothes to dry or after the drying cycle is complete.

Be Careful Around the Holidays ó If you fill your home with lights during the holiday season, keep them away from anything that can easily catch fire. Check all of your lights prior to stringing them up and dispose of anything with frayed or exposed wires.

Fire Chief Tony Day said he wants to give a compliment to Bueker Middle School students and staff. He and Battalion Chief Raymond Coslet witnessed their fire drill; they were able to evacuate 750 kids plus staff in just two minutes. It went very well and the children are very safe.

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

Council Member Brandt gave the following Storm Water Tip:

Animal Wastes: Flush them or bag them. If properly disposed, these wastes won't get washed into our waters.

Council Member Brandt said one bid was received from Capital Paving for the mill and overlay project. The City's consulting engineer recommended rejecting the bid due to receiving only one and MoDOT concurs with the rejection. The project will be rebid in January for spring construction.

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

Council Member Arends reported the City is seven days into the new budget year and everything is on track.

## **CITY ADMINISTRATOR:**

City Administrator David Haugland reported on the following:

Received and returned paperwork for grant funding from Region F for a tractor for the compost area and a truck for the recycle program. The grant requires a 15% match from the City so \$40,000 was set aside for that purpose.

Grant application was submitted for the Governor's 50/50 Transportation Grant. Thank you to Jeff Bersgtrom, Sandy Allison, Caroline Pearson, Bill Anderson, Marie Fowler and Donna Lovell for all of their work in completing the application. He and Mayor Schwetz spoke to President Humphreys and the MVC Board last Thursday regarding partnering on various projects including clean up efforts. Wednesday we will receive our first check in the amount of \$100,000 from the Economic Development Sales Tax.

The City qualified for a 2% contribution refund through MPR's loss control recognition program; a check was received in the amount \$7,229.05. MPR also completed a Worker's Compensation audit that resulted in a refund of \$11,815.95. We received good news that our renewal with Blue Cross and Blue Shield is 0% so there will be no increase in employee health insurance premiums for 2020.

Jerry Young of CMAS and Chris Scrogin of Rice Flying, LLC presented a checks to the City totaling \$4,600. Rice Flying does aerial spraying and based 3 of their planes at the airport; they brought in their own fuel so they offered to pay a 20 cent per gallon flow charge; CMAS paid half of the flow charge. We appreciate their commitment to our community.

City Offices will be closed Monday, October 14 in observance of Columbus Day Missouri Municipal League Central Division meeting will be on October 16<sup>th</sup> at the Martin Community Center. Please let us know if you plan to attend.

The Employee Picnic will be held on Friday, October 18<sup>th</sup> at Indian Foothills Park. Please RSVP by Oct. 9<sup>th</sup>

Council Member Arends asked for an update on the CDBG funding application.

Mr. Haugland said he has contacted Mr. Norm Lucas for information. Mr. Lucas said he has not heard anything yet.

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

Mayor Schwetz said she wants to praise our public safety teams. Our teams have worked long hours and have been very dedicated to our community during the last several days. Thank you for all you do to protect our community.

Marshall had a very busy weekend with MVC Homecoming, MHS Football and Budø Octoberfest.

The City will be having a òFall Trash Bashö on Saturday, November 9<sup>th</sup>. Items to be disposed of can be brought to a central location between 8 a.m. and 2 p.m. We will have more detailed information soon.

The Chamber of Commerce monthly social will be held at Community Bank on Arrow on October 10<sup>th</sup>. The Missouri Chamber of Commerce Vice President of Government Affairs will be in attendance.

#### **DISCUSSION AND APPROPRIATE FOLLOW UP**

#### **APPOINTMENT TO MARSHALL HOUSING AUTHORITY:**

Mayor Schwetz presented the following appointment for Councilø consideration:

##### Marshall Housing Authority

Merlin Aldredge ó New Appointment ó Fill Remainder of Four Year Term ó  
Term Expires 10/01/2020

Approval of the appointment will be requested at October 21<sup>st</sup> Council meeting.

#### **APPOINTMENT TO THE PLANNING AND ZONING COMMISSION:**

Mayor Schwetz presented the following appointment for Councilø consideration:

##### Planning and Zoning Commission

Steven Ellefsen ó New Appointment ó Fill Remainder of Four Year Term ó  
Term Expires 11/01/2022

Approval of the appointment will be requested at October 21, Council meeting.

#### **POLICE VEHICLE SERVICE BIDS:**

Chief Donnell said bids were opened on September 25<sup>th</sup> for service work, including installation and uninstallation of police equipment, on police vehicles. Two bids were received.

Chief Donnell said he would like to recommend accepting the bid of Cadwellø Towing for installation and uninstallation of police equipment in police vehicles

Chief Donnell said he would also like to recommend accepting the bid of Creative Street Customs for any major work to be done on police vehicles.

Council Member Guthrey made a motion, seconded by Arends, to accept the bids as presented. A roll call vote was taken with Hendrix, Arends, Guthrey, Brandt and Hagedorn voting aye; Ott, Hines and Vasquez excused absent. Motion carried.

#### **POLICE RECORDS, DISPATCH AND MOBILE SOFTWARE:**

Chief Donnell said bids were opened on October 2<sup>nd</sup> for computer software for dispatch, records management, mobile network service, mapping, eCitation, state crash reports and NIBRS reporting. Bids were received from four companies.

Chief Donnell would like to recommend accepting the bid from Tyler Technologies since it meets all of the requirements.

Council Member Hendrix made a motion, seconded by Brandt, to accept the bid of Tyler Technologies. A roll call vote was taken with Arends, Guthrey, Brandt, Hagedorn and Hendrix voting aye; Ott, Hines and Vasquez excused absent. Motion carried.

#### **DISCUSSION**

#### **TOURIST HOME REGULATIONS:**

Realtor Rhonda Boedeker spoke to the Council regarding tourist home regulations. Ms. Boedeker said she is representing a buyer who would like to purchase a home at 512 E. Arrow to be used as a tourist home or AirBnB for nightly rentals.

Ms. Boedeker shared pictures and details of the recently renovated 5,654 square foot home.

Due to the size of the home approximately 10 overnight guests could be accommodated comfortably.

The current zoning ordinance describes a tourist home as a dwelling in which overnight accommodations are provided or offered for six or less transient guests.

Ms. Boedeker said she is here to request the Council's consideration regarding amending the zoning ordinance to allow for more than six guests in a tourist home.

Council Members discussed specifics of the home and potential usage.

Ms. Boedeker said the buyer would like to have an answer regarding the requested amendment to the zoning ordinance prior to October 29<sup>th</sup>.

Mayor Schwetz said the City will do research and reach out to other cities.

**OCCUPANCY PERMIT PROCESS:**

City Administrator Haugland said City Council members have requested information regarding a permitting and inspection process for occupancy of rental units and single family homes. Research has been done and a draft ordinance has been created. The draft ordinance provides for an occupancy inspection for multi family and single family homes. The City of Moberly has this process in place and it seems to work very well for them.

City Counselor Josh Taylor explained there will be an application and permitting process for properties.

Council Members discussed the draft ordinance.

Mayor Schwetz said the City would like to receive public input on the subject. The draft ordinance will be available on the City's website. If you have questions or concerns, Mayor Schwetz will be available at 5 p.m. prior to the next City Council meeting on October 21<sup>st</sup>.

**GOLF CART ORDINANCE:**

City Administrator Haugland said the City Council has received requests from citizens to look into creating an ordinance to allow golf carts on city streets. After researching other communities and their requirements, City staff has put together information regarding equipment requirements, registration, inspection, insurance and general operation.

Golf carts would be required to:

- Display a slow-moving emblem and a bicycle safety flag;
- Be equipped with a rearview mirror, headlights, taillights, brake lights and mechanical turn signals.

Owners/operators would be required to have a valid driver's license, be over the age of 18, complete an application for registration and provide proof of insurance. A permit would be issued after completion of an inspection and receipt of the registration fee. Registrations would be required to be renewed annually.

Registered golf carts may be operated between the hours of 5 a.m. and 11 p.m. on public streets where the posted speed limit is 35 miles per hour or less. Golf carts shall not cross highways or streets with a posted speed limit of more than 45 miles per hour and cannot be operated on any Federal or State highway. A map designating streets that allow for the operation of golf carts would be provided to owners/operators.

Council Member Hendrix inquired about seatbelts.

Police Chief Donnell said seatbelts aren't going to matter if there is an accident involving a motor vehicle.

Audience member Jerry Garrison said seatbelts can be installed but they are not practical. He suggested a grab bar on the back of the cart be put into the equipment requirements.

Council Members discussed the proposed regulations and specific streets and intersections.

## **RESOLUTION**

A Resolution entitled "A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, AUTHORIZING THE MAYOR AND CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH TYLER TECHNOLOGIES FOR THE PURCHASE OF NEW RECORDS, DISPATCH, AND MOBILE SOFTWARE FOR THE MARSHALL DEPARTMENT" was read by title only.

Council Member Hendrix made a motion, seconded by Arends, to approve the resolution. A roll call vote was taken with Guthrey, Brandt, Hagedorn, Hendrix and Arends voting aye; Ott, Hines and Vasquez 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. 2019-9.

## **ORDINANCES**

An ordinance entitled "AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY PROHIBITING PARKING ON THE WEST SIDE OF CERTAIN PORTIONS OF CONWAY AVENUE AND BY PROHIBITING PARKING ON THE WEST SIDE OF CERTAIN PORTIONS OF SHARP AVENUE" was given its first reading by title only.

Council Member Guthrey said he is opposed to the parking regulation on Conway Avenue. This street is near his home and he feels it is not necessary.

Council Member Brandt said this street is near his home as well and he agrees with Council Member Guthrey that it needs to be left alone. He said he is not opposed to the parking regulation on Sharp Avenue; he viewed the situation there and feels it is necessary to regulate parking.

Council Member Guthrey made a motion to rewrite the ordinance to remove Conway Avenue but leave Sharp Avenue in the ordinance. Council Member Brandt seconded the motion. A roll call vote was taken with Guthrey, Brandt, Hagedorn, Hendrix and Arends voting aye; Hines, Vasquez and Ott 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 Guthrey made a motion, seconded by Hendrix, to take the appropriation ordinance to a second reading. A roll call vote was taken with Brandt, Hagedorn, Hendrix, Arends and Guthrey voting aye; Vasquez, Ott and Hines excused absent. Motion carried.

Ordinance No. 8506 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 upon motion of Brandt, seconded by Hagedorn. A roll call vote was taken

with Brandt, Hagedorn, Hendrix, Arends and Guthrey voting aye; Ott, Hines and Vasquez 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**

Police Chief Donnell told Council Members he is very proud of his staff and how they conducted themselves last week after calls were received about an active shooter in Marshall. His department was fully functional with off duty officers responding within 45 minutes of being notified to come to work. Several officers used their personal vehicles since all department vehicles were already in use.

Mayor Schwetz thanked the Police Department on behalf of the community.

There being no other Council Business, Council Member Hagedorn made a motion, seconded by Arends, to adjourn to Executive Session concerning legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys; leasing, purchase or sale of real estate by a public governmental body; hiring, firing, discipline or promotion of personnel. RSMo. 610.021 (1,2,3)

A roll call vote was taken with Hines, Vasquez, Brandt, Hagedorn, Hendrix, Arends and Ott voting aye; Guthrey excused absent. Motion carried and the meeting adjourned at 7:55 p.m.

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Julie M. Schwetz, Mayor

ATTEST:

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Julie A. Lewis, City Clerk