

CITY COUNCIL MINUTES
JULY 6, 2020
6:00 p.m.

The City Council met in Regular Session at 6:00 p.m. on Monday, July 6, 2020 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, Leon Thompson, Chuck Hines, Charles Guthrey, Dan Brandt and Tom Hagedorn; City Administrator David Haugland, City Counselor Josh Taylor and City Clerk Julie Lewis. Council Member Craig Thompson excused absent.

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

Council Member Brandt made a motion, seconded by Guthrey, to approve the Regular Session minutes of June 15, 2020 and Special Session minutes of June 18, 2020. A roll call vote was taken with Guthrey, Brandt, Hagedorn, Hendrix, Arends, Leon Thompson and Chuck Hines voting aye; Craig Thompson excused absent.

PUBLIC HEARING

Council Member Guthrey made a motion, seconded by Hendrix, to open the Public Hearing. A roll call vote was taken with Brandt, Hagedorn, Hendrix, Arends, Ott, Leon Thompson, Hines and Guthrey voting aye; Craig Thompson excused absent. Motion Carried.

Mayor Schwetz said the purpose of the Public Hearing is to hear comments or concerns regarding a request to amend the City of Marshall Code of Ordinances to include a fence ordinance for the City of Marshall. The proposed ordinance would provide guidelines for fences.

Susan Heying of 523 Slater St. said she objects the proposed ordinance because she feels that home owners association like rules should not be imposed upon property owners. The City shouldn't have the right to tell property owners what to do.

Council Member Arends discussed situations that would be grandfathered in. Code Official Mike Morgan clarified those situations.

Mayor Schwetz indicated there are safety factors relating to fences constructed within sight triangles.

Council Member Arends said he is not comfortable with the proposed ordinance as it reads. He said he sees more nuisance violations than fence violations.

Council Member Leon Thompson stated the 30 inch setback could create a safety and maintenance issue.

J. L. Waters, a resident of Marshall and local contractor, said he builds a lot of fences and he opposes the proposed ordinance. He feels that people would not take care of the 30 inch setback

area. He suggested wording that would make maintenance a requirement as opposed to regulation of materials and locations.

Mr. Waters discussed the proposed ordinance with Council Members and asked that the proposed ordinance be looked at more closely. He volunteered to meet with Council to discuss the proposed ordinance.

An audience member questioned why fences are the subject matter when there many other things that need to be focused on such as nuisances, overgrown yards, etc. We need to work with what we have instead of creating something new, enforce what we have now and stop targeting people.

Council Member Brandt made a motion, seconded by Leon Thompson, to close the Public Hearing. A roll call vote was taken with Brandt, Hagedorn, Hendrix, Arends, Leon Thompson Hines and Guthrey voting aye; Craig Thompson excused absent. Motion carried.

BUSINESS FROM THE AUDIENCE

Brian Crigger of 674 W. Englewood asked if the City has a grant writer. He is concerned about flooding from the creek that runs parallel to Placida; it is overgrown and has flooded his property several times. He suggested the construction of a concrete spillway.

Kris Milliron, long time resident of Marshall, said she spoke to Council on June 15, 2020 regarding Marshall Police Department traffic stop data and the potential adoption of "Eight Can't Wait" and "Campaign Zero". She is here this evening to follow up and get a response.

Council Member Hendrix of the Public Safety Committee said his committee began meeting in August of 2019 with Chief Donnell, NAACP Mar-Saline Branch President Clyde Williams and a member of the State of Missouri Justice Department. The meetings have been on hold due to COVID-19.

Council Member Hendrix said discussions have included policies, non-lethal force, etc.

The Marshall Police Department has obtained non-lethal weapons.

Council Member Hendrix said more meetings will be set up and Kris Milliron and several others will be invited.

Kris Milliron said she appreciates the response. She also noted there is one black owned business in Marshall.

Brandy Hardin spoke to the Council regarding bringing in minority owned business. She also spoke about Tweets and Re-Tweets attributed to Mayor Schwetz and she feels the content of the Tweets and Re-Tweets are racial.

Mayor Schwetz said this is a business meeting to conduct City business.

Brandy Hardin said she would like to use her 3 minutes to speak about the Tweets and Re-Tweets.

Mayor Schwetz asked Assistant Chief Reeter for assistance.

Brandy Hardin indicated she would leave the Council Chambers and wait to speak with Mayor Schwetz after the meeting.

COMMITTEE REPORTS

MUNICIPAL SERVICES AND PERSONNEL COMMITTEE:

Council Member Brandt reported on the following:

- Re-striping on College has been completed.
- Will meet with Capital Paving regarding the start date for the Mill and Overlay project
- Crews are currently prepping streets for Haydite; rental equipment will arrive in 2 -3 weeks
- Municipal Services Department is currently short handed
- Miami Sidewalk project will be delayed a few weeks
- Effective July 15th the Compost Area will have new locks. Hours will be Monday through Friday 7 a.m. until 4 p.m. and Saturdays 7 a.m. until noon.
- Ag spraying has picked up

Council Member Arends asked Mr. Anderson if the sidewalk will be done before school starts on August 14th.

Mr. Anderson said every effort will be made to complete the project as soon as possible.

Council Member Leon Thompson thanked Mr. Anderson for taking care of a situation at Vest and Apache. It looks great now.

Stormwater Tip – It is against City ordinances to place refuse, grass clippings, leaves or brush curbside before the regular scheduled collection day. Ordinance No. 5550.

PROPERTY, FINANCE, BUDGET AND AUDIT COMMITTEE:

Council Member Arends said the City is three full quarters through the year; revenues are at 77% of budgeted amounts which is about 2% higher, which is good. Expenditures are at 66.19% of budgeted amounts or 9% in our favor. Things are trending well at this time. Sales tax numbers should be in soon.

The Budget Committee will be scheduling a meeting soon.

COMMUNITY DEVELOPMENT AND CODE COMMITTEE:

Council Member Guthrey reported a total of 40 building permits issued for the month of June with a total construction value of \$719,362; permit fees collected totaled \$1,644. The bulk of the construction is Marshall Public Schools at the habilitation center and the new McDonald's.

PUBLIC RELATIONS AND PUBLIC SAFETY COMMITTEE:

Council Member Hines gave the Fire Department report for the month of June:

Total Incidents - 56

Types of Incidents: Fire – 3; Explosion – 1; Rescue and EMS – 27; Hazardous Conditions – 6; Service Call – 6; Good Intent Call – 7; False Alarm and False Call – 6

Training Hours – 4,275; Maintenance Activities – 18; Burn Permits Issued – 12

Public Relations – Replaced light bulbs on the Courthouse dome.

Council Member Hines said recently there have been calls to 911 regarding being locked out of the home or car; these types of calls are a violation of law and can cost the responding agency up to \$1,000 for each response.

Mayor Schwetz said a few complaints were received about fireworks, however, quite a few thought they were nice.

CITY ADMINISTRATOR:

City Administrator David Haugland said he and Finance Director Melissa Schure have been meeting with department heads regarding the budget.

Mr. Haugland said he will be on vacation from July 12 through 19.

Council Member Arends inquired about the Health Committee's recent meeting and indicated the budget timeline is nearing.

Administrator Haugland said the renewal quote will be received in September. The committee is looking at plan changes through the current provider and is also gathering information regarding HSA plans.

Council Member Arends asked about the process of obtaining funding for the asbestos removal and demolition of structures on the habilitation center property.

Mr. Haugland said the CDBG application process has been delayed due to COVID-19. Mr. Norm Lucas of PTRPC said the grant process may begin in September. Preliminary bid numbers had been obtained for the previous grant.

Council Member Hines inquired about the interest in bidding on the city lots for sale.

Mr. Haugland said 17 bid packets have been given out; packets included a list of available properties, map and agreement with requirements. Bids are due by July 8th at 2:00 p.m. Advertisements have been placed with the Marshall Democrat News, KMMO and posted on the City's website.

Council Member Leon Thompson asked Mr. Haugland to explain what the Saline County Economic Development meeting is.

Administrator Haugland said it is for the Develop Saline County sales tax; they are required to meet several times a year. The local communities have submitted their requests and are awaiting review.

MAYOR'S REPORT:

Mayor Schwetz gave the following Council Committee assignments for 2020-2021:

Public Safety and Public Relations Committee:

Dewey Hendrix and Chuck Hines

Property, Finance, Budget and Audit Committee:

Kirk Arends, Leon Thompson and Craig Thompson

Community Development and Code Committee:

Charles Guthrey and Leon Thompson

Municipal Services and Personnel Committee:

Dan Brandt, Tom Hagedorn and Craig Thompson

Mayor Schwetz asked for a nomination, in the form of a motion, for Mayor Pro Tem.

Council Member Hendrix made a motion, seconded by Arends, to nominate Chuck Hines as Mayor Pro Tem. A roll call vote was taken with Hines, Guthrey, Brandt, Hagedorn, Hendrix, Arends and Leon Thompson voting aye; Craig Thompson excused absent. Motion carried; Council Member Chuck Hines will serve as Mayor Pro Tem for 2020-2021.

DISCUSSION AND APPROPRIATE FOLLOW UP

POLICE PERSONNEL BOARD RECOMMENDATION:

The Police Personnel Board would like to recommend the following for Council consideration:

Promote Second Class Officer Justin McTigue to First Class Officer

Hire Karrington Quick as Entry Level Officer

City Administrator David Haugland said Mr. Quick will begin his duties after January 1, 2021 due to meeting the age requirement.

Council Member Leon Thompson asked if P.O.S.T Certification will be obtained.

City Clerk Julie Lewis said proof of P.O.S.T. Certification will be obtained prior to employment.

Council Member Hines made a motion, seconded by Hagedorn, to approve the recommendations as presented. A roll call vote was taken with Hendrix, Arends, Leon Thompson, Hines, Guthrey, Brandt and Hagedorn voting aye; Craig Thompson excused absent. Motion carried.

LIBRARY BOARD APPOINTMENTS:

Council Member Arends reminded the Council of their policy to present new appointments at one meeting and approve at the next meeting. The Library Board appointments are re-appointments and can be approved this evening.

Mayor Schwetz presented the following appointments for Council consideration:

Library Board

Debbie Hollrah – Reappointment – Term Expires 07/01/2023

Tracy Crumbaugh – Reappointment – Term Expires 07/01/2023

Council Member Hagedorn made a motion, seconded by Hendrix, to approve the Library Board appointments as presented. A roll call vote was taken with Arends, Leon Thompson, Hines, Guthrey, Brandt, Hagedorn and Hendrix voting aye; Craig Thompson excused absent. Motion carried.

PARK BOARD APPOINTMENT:

Mayor Schwetz presented the following appointment for Council consideration for the July 20, 2020 Council meeting:

Park Board

Robin Baker – New Appointment – Three Year Term – Term Expires 06/01/2023

EVENT REQUEST:

The Marshall Cultural Council would like to request the closure of all four sides of the square and North Street to Salt Pond from 8 a.m. on August 1, 2020 until 12:00 a.m. on August 2, 2020. The event is the annual “Shopping Under the Sun” and “Sips and Grins”. The events are a collaboration of the Marshall Cultural Council and Marshall Chamber of Commerce.

Fire Chief Tony Day said he has no issues with the event.

Municipal Services Director Bill Anderson said they will schedule their project around this event.

Council Member Arends made a motion, seconded by Hendrix, to approve the event request as presented. A roll call vote was taken with Hines, Guthrey, Brandt, Hagedorn, Hendrix, Arends and Leon Thompson voting aye; Craig Thompson excused absent. Motion carried.

RESOLUTION

A Resolution entitled “A RESOLUTION ACCEPTING A QUOTE, OBTAINED THROUGH THE STATE OF MISSOURI’S COOPERATIVE PROCUREMENT PROGRAM, FOR TOWER AND EQUIPMENT INSTALLATION TO RELOCATE THE RADIO ANTENNA AT THE MARSHALL MUNICIPAL UTILITIES POWER PLANT” was read by title only.

Marshall Municipal Utilities Human Resources Manager Megan Baldrige explained the tower will need to be moved to the pellet storage building due to the demolition of the power plant. The work was beyond local scope so the quote was obtained through the State of Missouri’s competitive bid process.

Council Member Brandt made a motion, seconded by Guthrey, to approve the resolution. A roll call vote was taken with Guthrey, Brandt, Hagedorn, Hendrix, Arends, Leon Thompson and Hines voting aye; Craig Thompson 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. 2020-7.

ORDINANCES

An ordinance entitled “AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A CONTRACT BETWEEN THE CITY OF MARSHALL, THE BOARD OF PUBLIC WORKS, AND SEPTAGON CONSTRUCTION” was given its third reading by title only.

Council Member Hines said he has spoken with Jeff Bergstrom regarding this ordinance and has visited the site. He still feels the bid process could have been handled differently.

Council Member Leon Thompson said comments should have been included as to why the contractors chose not to bid.

Council Member Hines made a motion, seconded by Leon Thompson, to approve the ordinance. A roll call vote was taken with Brandt, Hagedorn, Hendrix, Arends, Leon Thompson, Hines and Guthrey voting aye; Craig Thompson 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. 8544.

An ordinance entitled “AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RULES AND REGULATIONS REGARDING THE CONSTRUCTION AND MAINTENANCE OF FENCES IN THE CITY” was read by title only.

Council Member Hendrix made a motion, seconded by Brandt, to table the ordinance. A roll call vote was taken with Brandt, Hagedorn, Hendrix, Arends, Leon Thompson, Hines and Guthrey voting aye; Craig Thompson excused absent. Motion carried.

An ordinance entitled “AN ORDINANCE MAKE THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS” was given its first reading by title only.

Council Member Hines made a motion, seconded by Hendrix, to take the ordinance to a second reading. A roll call vote was taken with Hendrix, Arends, Leon Thompson, Hines, Guthrey, Brandt and Hagedorn voting aye; Craig Thompson excused absent. Motion carried.

Ordinance No. 8545 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 Hendrix, seconded by Leon Thompson. A roll call vote was taken with Arends, Leon Thompson, Hines, Guthrey, Brandt, Hagedorn and Hendrix voting aye; Craig Thompson 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 Arends said he will not be in attendance at the next Council meeting on July 20th; he may call in.

Council Member Guthrey reminded everyone about the time limit to register to vote. Please make sure you vote. Contact the Saline County Clerk with any questions you may have.

Council Member Hagedorn said the COVID-19 cases are increasing again within Saline County and he is concerned with public meetings. He suggested limiting the audience and social distancing.

Council Member Brandt agrees.

There being no other Council Business, Council Member Hagedorn made a motion, seconded by Guthrey, 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 Leon Thompson, Hines, Guthrey, Brandt, Hagedorn, Hendrix and Arends voting aye; Craig Thompson excused absent. Motion carried and the meeting adjourned to Executive Session at 7:15 p.m.

Julie M. Schwetz, Mayor

ATTEST:

Julie A. Lewis, City Clerk