

CITY COUNCIL AGENDA
JULY 5, 2023
6:00 P.M.

CITY OFFICE BUILDING
214 N. LAFAYETTE, MARSHALL, MO 65340

1. Roll Call
2. Adoption of Agenda
3. Approve or Correct Regular Session Minutes of June 20, 2023 and Special Session Minutes of June 12, 2023 and June 26, 2023
4. Business from the Audience – limited to 3 minutes per speaker. Any person, resident or non-resident, wishing to address the Council may approach the microphone and state their name, address and comments. Non-residents are invited to speak first, followed by residents of the city. Although we are readily available outside our formal meetings, this will be your only opportunity to offer your thoughts during this evening’s meeting as comments from the floor will not be taken during the regular meeting. Although certainly welcome, you are not required to stay for the remainder of the meeting and may exit the Council Chambers in a quiet and respectful manner.
5. Committee Reports
 1. Property, Finance, Budget and Audit Committee
 2. Community Development and Code Committee
 3. Public Relations and Public Safety Committee
 4. Municipal Services and Personnel Committee
 5. City Administrator’s Report
 6. Mayor’s Report
6. Discussion and Appropriate Follow Up
 1. Bid – Tractor and Arm Mower
 2. Bid – Animal Shelter Maintenance and Concrete Work
7. Resolution
 1. Dismiss Proceedings Initiated Pursuant to Council Resolution No. 2023-1
* Addendum Attached
8. Ordinances
 1. Execute Agreement Between the City of Marshall and its Board of Public Works and Consolidated Public Water Supply District No. 2 of Lafayette, Johnson and Saline Counties, Missouri for the Sale of Water
 2. Execute Agreement for Professional Services with HDR Engineering, Inc. for Engineering Services Related to the Marshall Municipal Airport
 3. Establish a Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials
 4. Establish Rules and Regulations Permitting the Use of Low-Speed Vehicles and Utility Vehicles in the City of Marshall
 5. Transfer Certain Real Property in the City of Marshall to Powerhouse Community Development Corporation
 6. An Ordinance Regarding the Passage and Approval of Ordinances for the City of Marshall

7. Appropriation
9. Other Council Business
10. Adjourn

Posted 6/30/2023
2:30 p.m.

GENERAL RELEASE

Drew Green, for and in consideration of the total payment not to exceed \$10,000.00, the receipt and sufficiency of said consideration being hereby acknowledged, does hereby

RELEASE, ACQUIT AND FOREVER DISCHARGE

The City of Marshall, Missouri; all past, present and future officials, employees, representatives, volunteers, agents, and their attorneys and insurers (sometimes jointly referred to hereinafter as the "RELEASED PARTIES"), from any and all liability, actions, claims, demands or suits whatsoever, known and/or unknown, including any and all claims for attorney's fees, which he or anyone else now have or may hereafter have on account of or arising out of or in any way related to Resolution No. 2023-1 and the accompanying Charges and Specifications, as well as all other claims, allegations and theories of recovery which were or could have been asserted or advanced.

THIS IS A RELEASE. READ CAREFULLY BEFORE SIGNING.

IN WITNESS WHEREOF, **Drew Green** has caused this Agreement to be executed.

6/27/23
DATE


DREW GREEN

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, DISMISSING THE PROCEEDINGS INITIATED PURSUANT TO COUNCIL RESOLUTION NO. 2023-1

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marshall, Missouri, as follows:

Section 1. The matter now pending before the City Council as a result of the adoption by the Council of Resolution No. 2023-1 on or about March 20, 2023, shall be, and hereby is, dismissed. In adopting this Resolution, the Council also adopts and approves the attached Stipulation of Dismissal concerning said matter.

Section 2. This Resolution shall be in full force and effect upon final passage and approval.

ADOPTED by the Council of the City of Marshall, Missouri, this _____ day of _____, 2023.

President

APPROVED by the Mayor this _____ day of _____, 2023.

Mayor

FILED this _____ day of _____, 2023.

City Clerk

BEFORE THE COUNCIL OF THE CITY OF MARSHALL, MISSOURI

In re the Matter of:)
) Approved: _____
COUNCILMAN DREW GREEN)

STIPULATION OF DISMISSAL

WHEREAS, on March 20, 2023 the City Council of Marshall, through the adoption of Resolution No. 2023-1, authorized proceedings to consider whether Councilman Drew Green should be disciplined;

WHEREAS, the parties wish to resolve their differences and move forward for the betterment of the City of Marshall;

WHEREAS, by adopting or signing this Stipulation of Dismissal, the parties and witnesses understand that no findings of fact or conclusions of law will be entered by the City Council regarding these matters;

WHEREAS, to facilitate the prompt resolution of disagreements and disputes like those that gave rise to the current proceedings, the Mayor and Council intend to adopt a Code of Conduct for elected officials and update applicable City personnel policies such that an organized framework will be established for responding to and addressing similar matters in the future; and

WHEREAS, it is the desire of the City Council and the signatories below that this matter be dismissed.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby stipulate that the proceedings concerning Councilman Drew Green shall be, and are hereby, dismissed.

ADOPTED by the Council of the City of Marshall, Missouri, this ____ day of _____, 2023.

President

APPROVED by the Mayor this ____ day of _____, 2023.

Mayor

FILED this _____ day of _____, 2023.

City Clerk

APPROVED as to content and form:

Dated: 6/21/2023

Joshua P. Taylor
Joshua P. Taylor, City Counselor

Dated: 6/21/2023

Julie Lewis
Julie Lewis, City Clerk

Dated: 6/21/23

Aimee Klinge
Aimee Klinge, Finance Director

Dated: 6/21/23

Terry Gibson 6-21-23
Terry Gibson, Municipal Services Director

Dated: 6/21/23

JD Kenman
JD Kenman, City Administrator

Dated: 6/24/23

Drew Green
Drew Green, Councilman

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND ITS BOARD OF PUBLIC WORKS AND CONSOLIDATED PUBLIC WATER SUPPLY DISTRICT NO. 2 OF LAFAYETTE, JOHNSON, AND SALINE COUNTIES, MISSOURI FOR THE SALE OF WATER

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. The Mayor of the City of Marshall, Missouri, is hereby authorized to execute on behalf of said City a Water Sales Contract with Consolidated Public Water Supply District No. 2 of Lafayette, Johnson, and Saline Counties, Missouri for the sale of water as specified in said Contract. The Mayor is hereby further authorized to execute such other documents as may be necessary in connection with this agreement.

Section 2. This Ordinance shall be in full force and effect upon final passage and approval.

PASSED by the Council of the City of Marshall, Missouri, this ____ day of _____ 2023.

President

APPROVED by the Mayor this ____ day of _____ 2023.

Mayor

FILED this ____ day of _____ 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO THE MARSHALL MUNICIPAL AIRPORT

WHEREAS, the City of Marshall (“City”) and HDR Engineering, Inc. desire to enter into an Agreement for Professional Services for the provision of engineering, consulting, and other services related to the City of Marshall’s Municipal Airport.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. The Mayor of the City of Marshall, Missouri, is hereby authorized to execute on behalf of said City an agreement with HDR Engineering, Inc., entitled Aviation Project Consultant Agreement, and the Agreement’s accompanying exhibits, for the provision of engineering, consulting, and other services related to the City of Marshall’s Municipal Airport, with the said Agreement having a not-to-exceed cost to the City of \$379,000.00.

Section 2. This Ordinance shall be in full force and effect upon final passage and approval.

PASSED by the Council of the City of Marshall, Missouri, this ___ day of _____, 2023.

President

APPROVED by the Mayor this ___ day of _____, 2023.

Mayor

FILED this ___ day of _____, 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN OFFICIALS

BE IT ORDAINED by the Council of the City of Marshall, Missouri as follows:

Section 1. Declaration of Policy. The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 2. Conflicts of Interest.

- a. All elected and appointed officials, as well as employees of the City, must comply with conflict of interest statutes under Chapter 105 of the Missouri Revised Statutes as well as any other state law governing official conduct.
- b. Any member of the Council of the City who has a “substantial personal or private interest” in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the Clerk of such body and such disclosure shall be recorded in the ethics disclosure journal of the City as established by the Clerk. Substantial personal or private interest is defined as ownership by the individual, the individual’s spouse, or the individual’s dependent children, whether singularly or collectively, directly or indirectly, of: (1) ten percent (10%), or more, of any business entity; or (2) an interest having a value of Ten Thousand Dollars (\$10,000.00) or more; or (3) the receipt by the individual, the individual’s spouse, or the individual’s dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of Five Thousand Dollars (\$5,000.00) or more, per year, from any individual, partnership, organization, or association within any calendar year.

Section 3. Disclosure Reports. Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer, and the full-time general counsel, if any, shall disclose the following information by May 1, or by the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of Five Hundred Dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
- b. The date and the identities of the parties to each transaction known to the person with a total value in excess of Five Hundred Dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- c. The chief administrative officer and the chief purchasing officer for the City, and candidates or applicants for those offices, also shall disclose in writing, by May 1, or by the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:

1. The name and address of each of the employers of such person from whom income of One Thousand Dollars (\$1,000.00), or more, was received during the year covered by the statement;
2. The name and address of each sole proprietorship that he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely-held corporation or limited partnership in which the person owned ten percent (10%), or more, of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%), or more, of any class of outstanding stock, limited partnership units or other equity interests; and
3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 4. Filing of Reports.

- a. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:
 1. Every person required to file a financial interest statement shall file the statement annually, not later than May 1, and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement;
 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31; and
 3. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.
- b. Financial disclosure reports giving the financial information required in Section 3 shall be filed with the City and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section 5. Filing of Ordinance. A certified copy of this Ordinance, adopted prior to September 15, shall be sent within ten (10) days of its adoption to the Missouri Ethics Commission.

Section 6. Effect on Other Ordinances. That, in all other respects, the Code of Ordinances of the City of Marshall shall be and remain unchanged.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

PASSED by the Council of the City of Marshall, Missouri, this _____ day of July, 2023.

President

APPROVED by the Mayor this _____ day of July, 2023.

Mayor

FILED this _____ day of July, 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RULES AND REGULATIONS PERMITTING THE USE OF LOW-SPEED VEHICLES AND UTILITY VEHICLES IN THE CITY OF MARSHALL.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marshall as follows:

Section 1. Low-speed Vehicles and Utility Vehicles. A low-speed or utility vehicle may be operated upon the streets, highways, and public rights-of-way of the City if it meets the requirements of this section:

a. Definition.

- i.** Low-speed vehicle (“LSV”) means a motor vehicle that is 4-wheeled, whose speed attainable in one (1) mile is more than twenty (20) miles per hour and not more than twenty-five (25) miles per hour on a paved level surface, and whose GVWR is less than three thousand (3,000) pounds.
- ii.** Utility Vehicle (“UV”) means any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches (50”) but no more than eighty inches (80”) in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds (3,500 lbs.) or less, traveling on four (4) or six (6) wheels, to be used primarily for landscaping, lawn care, or maintenance purposes.

b. Equipment Requirements. To be operated upon the streets, highways, and public rights-of-way of the City, each LSV or UV shall be equipped with:

- i.** Headlamps;
- ii.** Front and rear turn signal lamps;
- iii.** Taillamps;
- iv.** Stop lamps;
- v.** Reflex reflectors: one red on the rear;
- vi.** An exterior mirror mounted on the driver’s side of the vehicle and either an exterior mirror mounted on the passenger’s side of the vehicle or an interior mirror;
- vii.** A parking brake;

Operators under eighteen (18) years of age may not operate an LSV or UV pursuant to this ordinance between the hours of 11:00 p.m. and 5:00 a.m. except to and from a school activity, job, or for an emergency.

Section 2. ATVs Prohibited. The operation of an all-terrain vehicle (“ATV”) upon the streets, highways, and public rights-of-way of the City of Marshall, Missouri, is prohibited. As used herein, “all-terrain vehicle” or “ATV” means any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds (1,500 lbs. or less), traveling on three (3), four (4) or more nonhighway tires, with either a seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or a width of fifty inches (50”) or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement.

Section 3. Permits and Registration.

- a. No LSV or UV shall be operated within the City of Marshall unless it is registered with, and a permit for operation is issued by, the City of Marshall.
- b. The Chief of Police, or his or her designee, is designated as the city official with the authority to issue permits for LSVs and UVs within the City of Marshall and collect a fee upon issuance of a permit in the amount of \$ _____. No permit shall be issued until the fee is paid.
- c. To register an LSV or UV and obtain a permit for operation, the owner of the LSV or UV must present the LSV or UV for visual inspection by the Chief of Police and provide the following documentation:
 - i. A completed LSV/UV registration application supplied by the Marshall Police Department, which shall require the following information:
 1. Owner’s full name;
 2. Owner’s address and location where vehicle is stored or kept;
 3. Owner’s driver’s license number, state of issuance, and copy of driver’s license;
 4. Vehicle make, model, year, and color and Vehicle Identification Number;
 - ii. Proof of ownership with the year, make, and model of the vehicle identified;
 - iii. Proof of current financial responsibility, which references the LSV or UV by Vehicle Identification Number, model year, and includes the policy number, name of insurance company, and contact information for said insurance company;

iv. Paid property tax receipt listing the LSV or UV if the vehicle was purchased in the prior calendar year;

d. **Renewals.** Registrations shall be renewed every year on or before April 1. Fees shall not be prorated.

Section 4. Penalty for Violation. Any person, firm, corporation, or individual violating any of the provisions of this Ordinance, shall be subject to fine and imprisonment as set forth in Section 100.220 of the Code of Ordinances of the City of Marshall.

Section 5. This ordinance shall be effective _____.

PASSED by the Council of the City of Marshall, Missouri, this ____ day of _____, 2023.

President

APPROVED by the Mayor this ____ day of _____, 2023.

Mayor

FILED this ____ day of _____, 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO TRANSFER CERTAIN REAL PROPERTY IN THE CITY OF MARSHALL TO POWERHOUSE COMMUNITY DEVELOPMENT CORPORATION

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. The Mayor of the City of Marshall, Missouri, is hereby authorized to transfer via a quitclaim deed on behalf of said City its ownership interest in a tract of land commonly known as 262 West Arrow Street, Marshall, Saline County, Missouri, for the sum of \$20,000. Said transfer shall be “as is, where is” with no warranties of title. The Mayor is hereby further authorized to execute such other documents as may be necessary in connection with the transfer of said real property.

Section 2. The property at 262 West Arrow Street is legally described as follows:

THE EAST HALF OF LOTS TWO (2) AND THREE (3) IN BLOCK TWENTY-NINE (29) IN THE ORIGINAL TOWN OF MARSHALL, SALINE COUNTY, MISSOURI.

Section 3. That this Ordinance shall be in full force and effect upon final passage and approval.

PASSED by the Council of the City of Marshall, Missouri, this _____ day of _____, 2023.

President

APPROVED by the Mayor ___ this day of _____, 2023.

Mayor

FILED this _____ day of _____, 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE REGARDING THE PASSAGE AND APPROVAL OF ORDINANCES FOR THE CITY OF MARSHALL

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

SECTION 1. A new Section 110.075 is hereby added to Article I of Chapter 110 of the Municipal Code of Ordinances of the City of Marshall, Missouri, and said new Section shall read as follows:

The second reading of all bills, except those regarding appropriations or designated as an emergency bill, shall be conducted at a meeting subsequent to the meeting during which a bill is first introduced. An emergency bill may be passed on the day of its introduction if necessary for the immediate preservation of the public peace, health, or safety and if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of 6/8 of the members of the Council. If the Council adopts an amendment to a bill which constitutes a change in substance, the bill as amended shall be placed on file for public inspection in the office of the City Clerk for one additional week prior to its final passage. Failure to follow the above procedures shall not invalidate any ordinance or resolution adopted by the City Council.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. In all other respects, the Code of Ordinances of the City of Marshall, Missouri shall remain unchanged.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Council of the City of Marshall, Missouri, this ____ day of _____ 2023.

President

APPROVED by the Mayor this _____ day of _____ 2023.

Mayor

FILED this _____ day of _____ 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

SECTION I. There is hereby appropriated out of the different funds as follows:

GENERAL FUND	\$ 246,125.70
SANITATION FUND	11,679.27
LIBRARY FUND	10,762.26
BAND FUND	2,837.93
PARK FUND	59,538.83
CITY OFFICE/REVITALIZATION	
STREET FUND	49,651.48
AIRPORT OPERATING FUND	45,620.43
TOURISM	8,780.63
MARTIN COMMUNITY CENTER	1,214.52
HAB CENTER FUND	
PARK CAPITAL IMPROVEMENT	
SOUTH ODELL SEWER	
AMERICAN RESCUE PLAN	
WATER OPERATING FUND	\$ 158,322.65
ELECTRIC OPERATING FUND	341,863.77
SEWER REVENUE FUND	226,282.10
INTERNET OPERATING FUND	245,521.34
NATURAL GAS OPERATING FUND	2,452.45
ELECTRIC CONSUMER DEPOSIT FUND	-
SEWER EQUIPMENT FUND	-
WATER SEGREGATED	-

SECTION II. The City Clerk is hereby instructed to make out warrants in favor of the respective parties set out in the hereto attached lists and when said warrants are properly signed to deliver them to the proper parties.

PASSED by the City Council of the City of Marshall, Missouri, this 5TH day of JULY, 2023.

President of the City Council

APPROVED by the Mayor of the City of Marshall, Missouri, this 5TH day of JULY, 2023.

Mayor

FILED this 5TH day of JULY, 2023.

City Clerk