

**CITY COUNCIL AGENDA  
JULY 18, 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 July 5, 2023
4. Community Comment Ad-Hoc Committee Appointments
5. Committee Reports
  1. Community Development and Code Committee
  2. Public Relations and Public Safety Committee
  3. Municipal Services and Personnel Committee
  4. Property, Finance, Budget and Audit Committee
  5. City Administrator's Report
  6. Mayor's Report
6. Event Request
  1. Bud's Café Street Party – September 16, 2023
7. Appointment
  1. Library Board
8. Planning and Zoning Recommendation – Set Public Hearing
9. Resolution
  1. Ratify and Confirm Approval of Additional Environmental Work at 868 South Brunswick Avenue in the City of Marshall
10. Ordinances
  1. Execute Agreement for Professional Services with HDR Engineering, Inc. for Engineering Services Related to the Marshall Municipal Airport – Second Reading
  2. Establish a Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials – Second Reading
  3. Establish Rules and Regulations Permitting the Use of Low-Speed Vehicles And Utility Vehicles in the City of Marshall – Second Reading
  4. Transfer Certain Real Property in the City of Marshall to Powerhouse Community Development Corporation – Second Reading
  5. An Ordinance Regarding the Passage and Approval of Ordinances for the City of Marshall – Second Reading
  6. Establish A Code of Conduct for Elected Officials of the City of Marshall
  7. Appropriation
11. Other Council Business
12. Executive Session Concerning Leasing, Purchase or Sale of Real Estate by a Public Governmental Body Where Public Knowledge of the Transaction Might Adversely Affect the Legal Consideration Therefor; Specifications for Competitive Bidding, Until Either the Specifications are Officially Approved by the Public Governmental Body or The Specifications are Published for Bid. RSMO 610.021 (2,11)
13. Adjourn

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, RATIFYING AND CONFIRMING THE APPROVAL OF ADDITIONAL ENVIRONMENTAL WORK AT 868 SOUTH BRUNSWICK AVENUE IN THE CITY OF MARSHALL**

**WHEREAS**, the City contracted with Terracon to conduct a Phase I Environmental Assessment at 868 South Brunswick Avenue in the City of Marshall; and

**WHEREAS**, at its meetings of July 5, 2023, the City Council approved the expenditure of additional City funds in an amount not to exceed \$12,100 for the purpose of permitting Terracon to perform additional work under said contract to determine the existence of underground storage tanks at 868 South Brunswick Avenue in the City of Marshall; and

**WHEREAS**, pursuant to its Agreement with Terracon for a Phase I Environmental Site Assessment, the City is authorized to request, authorize, and permit Terracon to perform such additional work.

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

**Section 1.** The Mayor, or City Administrator, is hereby authorized to execute such additional documents as may be necessary to complete the additional site study previously authorized at 868 South Brunswick Avenue to determine the existence of underground storage tanks, and the City Council's action approving the same on July 5, 2023, is hereby ratified and confirmed.

**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

**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;

- viii. If equipped, a windshield that conforms to the Federal motor vehicle safety standard on glazing materials;
  - ix. A Vehicle Identification Number (“VIN”);
  - x. A Type 1 or Type 2 seat belt assembly conforming to applicable federal seat belt regulations installed at each designated seating position;
  - xi. Rear visibility conforming to the requirements of applicable federal regulations;
  - xii. An alert sound as required by applicable federal regulations;
  - xiii. A roll bar or roll cage designed to reduce the risk of injury to an occupant in case of a rollover; and
  - xiv. Any other equipment required by 49 C.F.R. Section 571.500, as it may be amended from time to time.
- c. **Operation.** The operator of an LSV or UV shall observe all traffic laws and local ordinances regarding the rules of the road. An LSV shall not be operated on a street or a highway with a posted speed limit greater than thirty-five (35) miles per hour. The provisions of this subsection shall not prohibit an LSV from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour. A UV shall not be operated at speeds in excess of forty-five (45) miles per hour.
- d. **Financial Responsibility.** Every operator of an LSV or UV shall maintain financial responsibility on such LSV or UV as required by Chapter 303 of Missouri’s Revised Statutes if the LSV or UV is to be operated upon the streets, highways, or public rights-of-way of the City.
- e. **Titling and Registration.** An LSV shall be exempt from the requirements of Sections 307.350 to 307.402, RSMo., for purposes of titling and registration. Proof of registration by the City of Marshall and proof of financial responsibility shall be carried with any registered LSV or UV. A registration sticker provided by the City of Marshall shall be affixed to the LSV or UV on the left rear fender.
- f. **Driver’s License Required.** Each person operating an LSV or UV shall possess a valid driver's license.
- g. **Passengers.** The number of passengers permitted while the LSV or UV is being operated shall be equal to, or less than, the number of Type 1 or Type 2 seat belt assemblies installed on such LSV or UV. Seat belts shall be worn by the operator and each passenger of the LSV or UV. For operators under eighteen (18) years of age, the operator shall not operate an LSV or UV with any passenger who is under the age of eighteen (18) who is not a member of the operator’s immediate family.

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 ESTABLISHING A CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE CITY OF MARSHALL, MISSOURI.**

**WHEREAS**, the City Council of the City of Marshall, Missouri, desires to establish certain standards of conduct for elected officials involved in the activities of the City and enact policies that further implement those standards of conduct.

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

**Section 1.** The City Council of the City of Marshall, Missouri, hereby adopts the Elected Officials Code of Conduct as attached in Exhibit A, which is by this reference incorporated herein and made a part of this ordinance.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.** This ordinance shall be in full force and effect after its passage by the Council and approval by the Mayor.

**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

**CITY OF MARSHALL, MISSOURI  
ELECTED OFFICIALS CODE OF CONDUCT**

The purpose of this Code of Conduct ("code") is to define the role of elected officials ("officials") in the governance of the City of Marshall. This code consists of policies and rules intended to advance the City's goals of providing efficient and high-quality services to its residents and of providing a safe and productive work environment for its employees.

The City of Marshall is a duly incorporated Third Class Missouri municipality consisting of the Mayor, City Council, and City Administrator. The City Administrator is charged with implementing the policies set by the City Council and is charged with administering the day-to-day affairs of the City with the assistance of his/her staff. This code establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between elected officials and employees.

This code addresses selective aspects of the governance of the City and supplements but does not supplant other laws and rules that prescribe the legal responsibilities of City elected officials. Those include, among others, the State of Missouri Constitution, various provisions of the Missouri Revised Statutes, federal laws prohibiting discrimination and harassment, and the provisions of the City's own Municipal Code. Elected officials should be familiar with these laws to ensure that they exercise their responsibilities properly.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all situations. Therefore, elected officials are expected to manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. It is also expected that officials will treat each other, City employees, and residents with courtesy and respect.

*Policies governing the conduct of officials are listed below. Accompanying each policy is a set of rules that give specific application to the policy. In italics following each rule is an explanation of the rule and guidance for interpreting and applying the rule.*

**POLICY A: Elected Officials shall deal with City employees solely through the Mayor and/or City Administrator.**

Rule (1): Officials shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and without research.

*City staff is organized in a hierarchical structure and City employees work under the direction and control of several layers of management culminating with the City Administrator. Individual elected officials are not part of that management structure and have no authority to direct employees. When an official attempts to give an employee direction, the employee is put in an awkward position and the management structure is undermined. In some cases, such actions have the potential for liability. Officials are not authorized directly to give work assignments to employees, including department heads. Employees are instructed not to take directions or work assignments from officials and to report any such attempts to their department head. An official may ask a routine*

*question of staff, but beyond that, concerns about work assignments should be addressed, in order and as circumstances require, to the City Administrator, the Mayor, or the City Council as a whole.*

Rule (2): Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff perform their assigned functions or duties.

*City employees are directed in their everyday tasks by their immediate supervisor in accordance with approved work plans. Interference with an employee's work routine, priorities or decision-making processes by an official creates confusion and stress and places the employee in the difficult position of either disregarding his or her assigned work or appearing to disrespect the official's wishes. From time to time an official may believe that a problem must be looked into immediately, and the official may be tempted to direct an employee to drop everything and focus on that problem. Officials must, however, avoid taking such action and communicate their concerns, in order and as circumstances require, to the City Administrator, the Mayor, or the City Council as a whole.*

Rule (3): Officials shall request information or special reports by respecting the chain of authority established by law for cities of the third class.

*First, the official shall make his or her request to the City Administrator. If the City Administrator believes the request will adversely affect staff workload or is otherwise inappropriate or unnecessary, he/she may refer the official to the Mayor. If the Mayor believes the request will adversely affect staff workload or is otherwise inappropriate or unnecessary, he/she may refer the official to the City Council, which can grant or modify the request by a majority vote. Any request so granted shall be fulfilled through the City Administrator, and the City Administrator shall distribute the requested information or report to the Mayor and all the members of the City Council, and if the distributed information or report shall constitute open records under Missouri's Sunshine Law, he/she shall make said information or report available to the public.*

*If an elected official wants information independently of this process, the official shall submit a public records request to the Custodian of Records. Such request shall be responded to in accord with Missouri's Sunshine Law, including the payment of any applicable fees by the requesting council member. Elected officials are an oversight governing body for the City and from time to time may need additional information or reports to help make educated decisions and policies. It is imperative that officials work together in a transparent process when performing their duties. It is impractical and causes frustration and confusion for the staff if officials act independently of the Council and organizational structure. Maintaining a structured open process ensures that all officials have the same information and eliminates undue pressure on City staff. If an elected official desires public information outside of this process, the official's request must be treated like any other request for information under the Sunshine Law.*

Rule (4): Officials shall not retaliate or threaten to retaliate against employees as a result of disagreements over policy recommendations or administrative decisions.

*It is critical to the success of the City that its employees enjoy a workplace free of the fear of retaliation. The City takes great pride in its creativity and its receptivity to new*

*and different ideas; an open and nonjudgmental atmosphere fosters creativity where candor is not penalized. City employees are hired to offer their professional judgments and opinions. Elected officials are certainly free to disagree with those judgments; indeed, those officials ultimately have the final word through the employment process. But those disagreements must not extend to threats or generate fear of reprisal. Elected officials enjoy substantial influence within City Hall; this authority must not be exercised in a manner that intimidates staff and degrades morale with resulting damage to the fabric of the organization.*

Rule (5): Elected officials shall treat City employees and other elected officials with professionalism and respect. No official shall: (a) threaten a City employee with disciplinary action, (b) bully or harass another elected official or any City employee, (c) use offensive or derogatory language when referring to such person, (d) disparage the character of another elected official or an employee in connection with the performance of their official duties, (e) make a statement or otherwise impute that such person is incompetent, dishonest, or unethical in connection with the performance of their official duties. Notwithstanding the foregoing, nothing in this rule shall be interpreted to limit or restrict factual statements related to any disciplinary proceeding.

*If an official is concerned about the performance of a City employee or another elected official, that concern should be expressed privately to the City Administrator, the Mayor, or the Council as a whole, as circumstances require. Such criticisms can then be investigated and addressed in accordance with the City's personnel rules or governing law in a manner that protects the individual's rights and the City's authority to properly discipline its own employees or council members. It is never acceptable for an official to directly threaten disciplinary action of any kind, and rarely, if ever, is it appropriate to publicly criticize an employee or another elected official. Officials should certainly have high expectations of the work performance of both the city's employees and their own colleagues; but there is no room in the City organization for the public humiliation of any person.*

**POLICY B: Elected officials shall act collectively in a properly noticed and constituted meeting; officials have no authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.**

Rule (1) Officials shall not make representations or promises to any third party regarding the future actions of the City or of the body of which they are a member, unless the appropriate body has duly authorized such representation or promise.

*When elected officials engage in conversations with residents, applicants, developers, lobbyists, businesses, and officials of other governmental agencies, they should be cautious not to make representations or promises that they cannot legally make or keep. Future actions of a legislative body cannot be promised or predicted with certainty. Individual officials do not have authority to make commitments on behalf of the City, unless expressly authorized to do so by the body of which they are a member.*

Rule (2) When speaking publicly, officials shall make it clear whether they are authorized to speak on behalf of the body of which they are a member or whether they are presenting their own views.

*Officials occasionally speak before other public bodies, neighborhood groups or to the press. When doing so, they should always make it clear whether they are presenting their own point of view or whether they have been authorized by the body of which they are a member to present a particular view. They should be clear in all oral and written utterances whether they are using their title for identification purposes or because they are speaking in an official capacity.*

Rule (3) Officials shall not interfere with the implementation by City staff of approved projects and programs.

*The City Administrator cannot function effectively if he or she receives inconsistent direction from individual Council members or is not given the support and independence necessary to exercise general superintending control of the administration and management of the government business, officers and employees of the City. Questions and/or concerns regarding the priorities of the City government or the performance of the City Administrator shall be brought to the attention of the Mayor.*

*The City Administrator is charged with the implementation of approved projects or programs. The members of the City Council must avoid interfering with or directing the City Administrator's method of carrying out the Council's approved projects or programs, even if the project or program was conceived and initiated by an individual Council member. Once a project or program receives Council approval, it is an official activity of the City, not of any individual Council member. Officials do not have authority and should refrain from giving directions or instructions to City contractors or consultants working on City projects or programs.*

**POLICY C: City resources shall be used solely for proper governmental purposes and only with proper authorization.**

Rule (1) City letterhead may be used by officials only for official City business.

*City letterhead must be used with care to avoid misunderstandings. Letterhead may be used to communicate official City policy or actions. It is also routinely used by officials to respond to inquiries or communicate their individual opinions, in which event the author should be clear about whose view is being presented. City letterhead may be used by other City officials (board and commission members) only for transaction of official City business.*

Rule (2): Officials shall not use or disclose information obtained while serving in their official capacity for improper or illegal purposes. Officials shall not willfully or knowingly disclose or use confidential or privileged information acquired by reason of their position without authorization by the Council or unless authorized or required by law to do so.

*Officials often acquire information in performing their duties that is not generally available to the public, including information received in closed sessions. Sometimes this information is confidential or highly sensitive. Information that is*

*not generally available to the public must remain confidential and be used only for the purposes for which it was divulged. In particular, this information can never be used for personal gain.*

**POLICY D: When representing the City, elected officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.**

Rule (1): When representing the City on official business, elected officials shall behave responsibly and in a manner that will project a positive image of the City.

*Whenever an official is representing the City, in or out of their jurisdiction, the official is "on duty" and should behave in a manner that will reflect well on the City. When out of town or at social events there is a temptation to behave more informally than one might in City Hall, which can lead to awkward or embarrassing situations and in extreme cases to improper or illegal behavior. When at government, civic, or political functions, officials should avoid drinking alcohol to excess or behaving in a manner which has the potential to have a negative impact on the image of the City.*

Rule (2): Members of the City Council must preserve order and decorum in all sessions/meetings of the governing body. The members shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the meeting nor disturb any member while speaking or refuse to obey the orders of the City Council or its presiding officer.

**CODE OF CONDUCT VIOLATIONS**

In the case that an elected or appointed official has been accused of violating any policy or rule of conduct adopted by the City of Marshall, the disciplinary authority shall be the City Council. The City Council retains their respective ultimate authority in such matters and may determine to act as the disciplinary authority within the constraints of the Missouri Revised Statutes and the Code of Ordinances of the City of Marshall.

**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	\$ 169,158.64
SANITATION FUND	84,472.51
LIBRARY FUND	8,639.14
BAND FUND	13,593.36
PARK FUND	55,017.06
CITY OFFICE/REVITALIZATION	
STREET FUND	34,614.87
AIRPORT OPERATING FUND	16,283.68
TOURISM	1,538.86
MARTIN COMMUNITY CENTER	784.35
HAB CENTER FUND	
PARK CAPITAL IMPROVEMENT	
SOUTH ODELL SEWER	
ECONOMIC DEVELOPMENT	3,000.00
WATER OPERATING FUND	\$ 341,420.58
ELECTRIC OPERATING FUND	1,457,509.07
SEWER REVENUE FUND	184,967.88
INTERNET OPERATING FUND	111,597.28
NATURAL GAS OPERATING FUND	746.07
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 18TH day of JULY, 2023.

\_\_\_\_\_  
President of the City Council

**APPROVED** by the Mayor of the City of Marshall, Missouri, this 18TH day of JULY, 2023.

\_\_\_\_\_  
Mayor

**FILED** this 18TH day of JULY, 2023.

\_\_\_\_\_  
City Clerk