

**CITY COUNCIL AGENDA  
APRIL 3, 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 March 20, 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. Municipal Services and Personnel Committee
  2. Property, Finance, Budget and Audit Committee
  3. Community Development and Code Committee
  4. Public Relations and Public Safety Committee
  5. City Administrator's Report
  6. Mayor's Report
6. Marshall Fire Department Annual Report
7. Discussion and Appropriate Follow Up
  1. Bid – Replacement of HVAC Rooftop Units at Nicholas Beazley Aviation Museum
8. Ordinances
  1. Authorize Board of Public Works to Execute Contract with Burns & McDonnell Engineering Co., Inc. – Second Reading
  2. Execute Agreement Between City of Marshall and Englemeyer & Pezzani, LLC for the Provision of Legal Services – Second Reading
  3. Establish a Code of Conduct for Elected Officials of the City of Marshall, Missouri
  4. Execute Emergency Management Agreement with Saline County, Missouri
  5. Appropriation
9. Other Council Business
10. Adjourn

POSTED 3/31/2023  
4:00 P.M.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE BOARD OF PUBLIC WORKS OF MARSHALL, MISSOURI, TO EXECUTE A CONTRACT WITH BURNS & MCDONNELL ENGINEERING CO., INC.**

WHEREAS, the City of Marshall ("City"), by and through its Board of Public Works, d/b/a Marshall Municipal Utilities ("MMU") and Burns & McDonnell Engineering Co. Inc., desire to enter a contract known as Task Order No. 3 for the provision of engineering services at MMU's Water Treatment Plant

**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 approves the execution by MMU and its General Manager, or his designee, of Task Order No. 3 with Burns & McDonnell Engineering Co., Inc. for the provision of engineering services at MMU's Water Treatment Plant, and other work as specified in said contract. The contract price for the said contract shall be One Hundred Forty-nine Thousand Eight Hundred Fifteen and 00/100ths Dollars (\$149,815.00), and such other sums as may be set forth in said contract.

**Section 2.** This Ordinance 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 BETWEEN THE CITY OF MARSHALL AND ENGELMEYER & PEZZANI, LLC, FOR THE PROVISION OF LEGAL SERVICES.**

**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 Engelmeyer & Pezzani, LLC, for the provision of legal services and consultation as requested by the City from time to time, and in consideration of the work completed under said agreement by Engelmeyer & Pezzani, LLC, the City shall pay Engelmeyer & Pezzani, LLC, such rates and sums as are specified in the agreement, at such time or times as required by the 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 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

### 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 in the following section. 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.**

#### Rules:

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; beyond that, concerns about work assignment should be addressed to the Mayor and/or the City Administrator.*

**Rule (2): Officials shall not attempt to reorganize an employee's priorities or influence the manner by which City staff performs 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. All requests for work or research should be directed to the City Administrator. From time to time an official may believe that a problem must be looked into immediately and is tempted to direct an employee to drop everything and focus on that problem. Officials must, however, communicate their concern to Mayor and/or the City Administrator.*

**Rule (3): Officials request for information or special reports shall be made by a majority vote of the City Council, or when applicable to Council subcommittees. All requests will be directed to the City Administrator. If an official wants public information independently of the City Council or subcommittee the request must be made independently by submitting a "Request for Public Record" form at their own expense. A copy of the request will be forwarded to the Mayor and to the City Council.**

*Elected officials are an oversight governing body for the City and from time to time 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 independent 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.*

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

*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. Officials are certainly free to disagree with those judgments; indeed, those officials ultimately may have the final word. But those disagreements must not extend to threats or generate fear of reprisal. 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): Officials shall not threaten a City employee with disciplinary action.**

*If an official is concerned about the performance of a City employee, that concern should be expressed privately to the City Administrator. Such criticisms can then be addressed in accordance with the City's personnel rules, in a manner that protects the employee's rights and protects the City's authority to properly discipline its employees. 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. Officials should certainly have high expectations of employees' work performance; but there is no room in the City organization for public humiliation of any person.*

**Policy B.**

**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.**

**Rules:**

**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 officials engage in conversations with residents, applicants, developers, lobbyists 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 making public utterances, 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 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.*

Rule (4) Officials shall not publicly disparage final majority decisions of the City Council. Once an ordinance has been voted upon, it becomes an official activity of the City. As such final decisions of the City Council should be treated with respect to the authority of the duly elected governing body.

*Voicing one's opinion to fellow councilmembers prior to a final decision of Council is appropriate and often necessary in order to arrive at a balanced decision on a given matter. However, once a matter has been settled by a vote of the majority it becomes the official stance of the City. As such continually voicing disapproval or publicly attacking one's fellow Councilmembers or their positions serves only serves to create a*



*climate of distrust and contention. Such a climate erodes public trust and interferes with conducting Council business in a professional and orderly manner.*

**Policy C.**

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

**Rules:**

**Rule (1):** City letterhead may be used by officials 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 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, officials shall conduct themselves in a dignified manner and in accordance with all legal requirements.**

**Rules:**

**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 of 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 AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE AN EMERGENCY MANAGEMENT AGREEMENT BETWEEN THE CITY OF MARSHALL, MISSOURI, AND SALINE COUNTY, MISSOURI**

**WHEREAS**, the City of Marshall and Saline County, Missouri (“County”), desire to continue to cooperate in providing emergency preparedness, response, recovery, and mitigation services to the citizens of the County and City by entering into a new emergency management agreement;

**WHEREAS**, the City of Marshall is currently the recipient of services from the County’s Emergency Management Department (“Department”);

**WHEREAS**, the Department has determined it necessary to issue an annual assessment to Saline County, Missouri, municipalities, including the City of Marshall, so that the Department may continue to provide the needed level of services in emergency and non-emergency situations; and

**WHEREAS**, the City desires to continue receiving said services from the Department.

**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 emergency management agreement with Saline County, Missouri, for the provision of emergency management services, and pursuant to said agreement the City shall pay to the County the sum of \$24,436.62 and such other sums, if any, as set forth in the agreement. Said sum is calculated by multiplying the 2020 Federal Census population figure for the City of Marshall of 13,806 by the requested \$1.77 per capita assessment.

**Section 2.** 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 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	\$ 251,439.31
SANITATION FUND	7,832.36
LIBRARY FUND	11,560.09
BAND FUND	334.22
PARK FUND	35,685.25
CITY OFFICE/REVITALIZATION	
STREET FUND	91,307.22
AIRPORT OPERATING FUND	771.22
TOURISM	260.63
MARTIN COMMUNITY CENTER	1,587.81
HAB CENTER FUND	22,954.59
PARK CAPITAL IMPROVEMENT	
SOUTH ODELL SEWER	
AMERICAN RESCUE PLAN	
WATER OPERATING FUND	\$ 199,711.74
ELECTRIC OPERATING FUND	359,472.01
SEWER REVENUE FUND	145,590.37
INTERNET OPERATING FUND	61,682.54
NATURAL GAS OPERATING FUND	-
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 3RD day of APRIL, 2023.

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

APPROVED by the Mayor of the City of Marshall, Missouri, this 3RD day of APRIL, 2023.

\_\_\_\_\_  
Mayor

FILED this 3RD day of APRIL, 2023.

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