

**CITY COUNCIL AGENDA
MARCH 20, 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 6, 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. Public Relations and Public Safety Committee
 2. Municipal Services and Personnel Committee
 3. Property, Finance, Budget and Audit Committee
 4. Community Development and Code Committee
 5. City Administrator’s Report
 6. Mayor’s Report
6. Discussion and Appropriate Follow Up
 1. Bids – Lawn Mowing Services
 2. Bids – Lawn Fertilization/Treatment
7. Resolution
 1. Resolution Concerning the Disciplinary Hearing of Drew Green, Council Member of the City of Marshall, Missouri
8. Ordinances
 1. Authorize Board of Public Works to Execute Contract with Burns & McDonnell Engineering Co., Inc.
 2. Execute Agreement Between City of Marshall and Englemeyer & Pezzani, LLC for the Provision of Legal Services
 3. Appropriation
9. Other Council Business
10. Adjourn

POSTED 3/17/2023
2:00 P.M.

RESOLUTION NO. _____

**RESOLUTION CONCERNING THE DISCIPLINARY HEARING OF
DREW GREEN, COUNCIL MEMBER OF THE
CITY OF MARSHALL, MISSOURI**

WHEREAS, Drew Green was elected to the office of Councilman of the City of Marshall, Missouri April 5, 2022; and

WHEREAS, Councilman Green has been alleged to have committed certain acts which may constitute misfeasance, malfeasance, or nonfeasance in office; and

WHEREAS, the City Council of the City of Marshall desires to consider such allegations, and if determined to be true, further consider and determine whether Drew Green should be disciplined by the council as allowed by law, up to and including removal from office as allowed pursuant to Section 77.340 of the Revised Statutes of Missouri; and

WHEREAS, the Council accordingly desires to schedule a hearing to consider these matters and provide Councilman Green with notice of these proceedings and an opportunity to be heard on the charges identified herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALL, MISSOURI AS FOLLOWS:

Section One. Councilman Green is hereby provided notice of the charges and specifications as prepared by the city’s special counsel, a copy of which is attached as Exhibit A and incorporated by reference.

Section Two. The Marshall City Council shall hold a public hearing at ___ a.m./p.m. on May __, 2023, and such hearing shall continue as may be necessary at such later date and time at the Marshall City Hall, 214 N. Lafayette Avenue, Marshall, Missouri, to hear and consider the charges, and if found to be true, to determine whether Councilman Green should be disciplined by the council as allowed by law, up to and including removal from office pursuant to Section 77.340 RSMo.

Section Three. The City’s special counsel shall have the burden of proving the charges, and Councilman Green may be represented by counsel at the hearing. Both parties shall be entitled to present evidence and to cross-examine witnesses, and the proceedings shall be conducted as a contested case under Missouri’s Administrative Procedure Act, Sections 536.063 RSMo. The city shall engage a court reporter to record all proceedings, and if discipline is imposed, shall make written findings of fact and conclusions of law in its determination of the charges presented at the hearing.

Section Four. In accordance with the letter agreement attached to and incorporated herein as Exhibit B, the Marshall City Council hereby appoints Attorney Timothy Engelmeyer as hearing officer to advise the council on all hearing-related matters and to make all rulings on any procedural, evidentiary, or other necessary matters. Mr. Engelmeyer shall take all actions necessary or desirable to facilitate the prompt and fair hearing and consideration of the charges.

THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MARSHALL, MISSOURI, THIS 20TH DAY OF MARCH, 2023.

ATTEST:

CITY OF MARSHALL

**_____
JULIE LEWIS, CITY CLERK**

**_____
DEWEY HENDRIX, MAYOR**

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 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	\$ 170,636.40
SANITATION FUND	139,158.24
LIBRARY FUND	6,454.16
BAND FUND	486.00
PARK FUND	58,406.33
CITY OFFICE/REVITALIZATION	
STREET FUND	97,414.61
AIRPORT OPERATING FUND	5,568.83
TOURISM	560.00
MARTIN COMMUNITY CENTER	980.52
HAB CENTER FUND	
PARK CAPITAL IMPROVEMENT	65.07
SOUTH ODELL SEWER	
AMERICAN RESCUE PLAN	
K-9	320.00
WATER OPERATING FUND	\$ 208,514.19
ELECTRIC OPERATING FUND	1,113,319.68
SEWER REVENUE FUND	230,291.19
INTERNET OPERATING FUND	117,578.58
NATURAL GAS OPERATING FUND	281.79
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 20TH day of MARCH, 2023.

President of the City Council

APPROVED by the Mayor of the City of Marshall, Missouri, this 20TH day of MARCH, 2023.

Mayor

FILED this 20TH day of MARCH, 2023.

City Clerk