

**TENTATIVE
CITY COUNCIL AGENDA
SEPTEMBER 19, 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 Work Session Minutes of August 29, 2023, Regular Session Minutes of September 5, 2023 and Special Session Minutes of September 12, 2023
4. 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
5. 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.
6. Discussion and Appropriate Follow Up
 1. Park Board Appointment
 2. Bid – Flagpoles at City Hall
 3. Liquor License – The Valley Canteen, LLC -Travis Manroe, Managing Officer – Liquor by Drink with Sunday Sales
7. Ordinances
 1. Approve Annual Operating Budget for the City's Board of Public Works – Second Reading
 2. Establish Rules and Regulations Permitting the Use of Golf Carts on Certain City Streets and Alleys – Second Reading
 3. Execute Agreement Between City of Marshall and Granicus, LLC – Second Reading
 4. Enact a New Section 140.090 Titled “Credit Card Payments and Processing Fees” of Chapter 140 of Title 1 of the Municipal Code
 5. Accept the Budget for 2023-2024 of the City of Marshall
 6. Amend Article VII of Chapter 115 of the Municipal Code
 7. Appropriation
8. Other Council Business
9. Adjourn

POSTED 9/15/2023
2:00 P.M.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, APPROVING THE ANNUAL OPERATING BUDGET FOR THE CITY'S BOARD OF PUBLIC WORKS.

WHEREAS, the City of Marshall's Board of Public Works ("Board"), operating as Marshall Municipal Utilities, has prepared and submitted to the City Council a proposed budget for the coming fiscal year beginning October 1, 2023, and ending September 30, 2024; and

WHEREAS, the City's Code of Ordinances requires the City Council to approve the Board's annual budget.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALL, MISSOURI:

Section 1. The proposed budget of the City's Board of Public Works for the fiscal year beginning October 1, 2023, and ending September 30, 2024, which has been approved by the Board of Public Works, shall be deemed to be an appropriation of the money authorized for disbursement thereby and is hereby approved by the City Council.

Section 2. This ordinance shall be in force and take 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 OF THE CITY OF MARSHALL, MISSOURI, ESTABLISHING RULES AND REGULATIONS PERMITTING THE USE OF GOLF CARTS ON CERTAIN CITY STREETS AND ALLEYS.

WHEREAS, the citizens of Marshall have expressed a desire to allow the use of golf carts on certain streets and alleys in the City of Marshall; and

WHEREAS, Section 304.034 of the Revised Statutes of Missouri, with certain limitations, authorizes municipalities to allow persons to operate golf carts upon any streets or highways under the municipality's jurisdiction.

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

Section 1. Definitions. As used in this section:

- a. "City" shall mean the corporate limits of the City of Marshall, Missouri;
- b. "Golf cart" mean any motorized vehicle designed for operation on golf courses, principally to carry golfers and golfing equipment, capable of speeds of at least eighteen (18) miles per hour but not capable of exceeding speeds of twenty-five (25) miles per hour;
- c. "Operator" means every person who operates or is in actual physical control of the operation of a golf cart; and
- d. "Streets or alleys" means roadways that have been accepted or platted by the City of Marshall, Missouri, as public street and alley ways.

Section 2. Golf Cart Equipment Requirements.

- a. Every golf cart operated on a public street or alley shall display a slow-moving emblem in conformity with Section 307.127, RSMo., and a bicycle safety flag which extends not less than seven (7) feet above the ground, attached to the rear of the golf cart; the flag shall be day-glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.
- b. Every golf cart operated on a public street or alley shall be equipped with:
 - i. a rearview mirror;
 - ii. headlights;
 - iii. taillights;

- iv. brake lights;
- v. mechanical turn signals; and
- vi. if a golf cart has rear-facing seats, the golf cart shall be equipped with a rear safety grab bar usable by passengers occupying the rear-facing seats.

Headlights, taillights and brake lights must emit light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway from a distance of five hundred feet (500').

Section 3. Registration and Inspection.

- a. Golf cars operating on public streets and alleys under the jurisdiction of the City shall be registered with the Chief of Police of the City of Marshall, or his or her designee.
- b. Each application for registration shall include:
 - 1. Basic identifying information for the golf cart (make, model, color, and such other identifying information as the Chief of Police deems advisable);
 - 2. The name and address of the owner of the golf cart;
 - 3. A copy of proof of financial responsibility for the golf cart; and
 - 4. A certification that the golf cart has passed the requirements of inspection as described in this Section.
- c. A proof of registration issued by the City of Marshall in the form of a receipt for registration and an identification sticker shall constitute all permits required from the City of Marshall. The proof of registration shall be kept in the golf cart at all times of operation on a public street or alley, and the current registration sticker shall be conspicuously displayed on the rear exterior of the golf cart. All registrations or renewals issued pursuant to this Section, shall be effective from (1) the date of issuance or (2) April 1, whichever is later, with said registrations or renewals being effective until March 31 of the following year. Registrations must be renewed annually on or before April 1.
- d. The City may charge an annual registration fee of twenty dollars (\$20.00) for each golf cart registration or renewal. Registration fees shall not be prorated.
- e. In order to apply for a new or renewal registration under this Section, golf carts shall pass an inspection conducted by the Chief of Police of the Marshall Police

Department, or his or her duly authorized designees. The inspection will consist of the following:

- i.** Confirming the existence of a slow-moving emblem that conforms with Section 307.127, RSMo.;
- ii.** Confirming the existence of at least one rearview mirror on the golf cart;
- iii.** Confirming that the headlights, taillights, brake lights, and mechanical turn signals are operational and meet the visibility requirements set forth in Section 2 above.

If the golf cart passes the inspection, the owner shall receive a Certificate of Satisfactory Inspection in a form satisfactory to the Chief of Police which shall list the golf cart inspection requirements as provided above.

Section 4. Golf Cart Operation.

- a.** A golf cart may be operated only on public streets and alleys in the City only from thirty (30) minutes after sunrise to thirty (30) minutes before sunset where the posted speed limit is thirty-five (35) miles per hour or less. No golf cart shall cross any highway or street at an intersection where the highway or street being crossed has a posted speed limit equal to or more than forty-five (45) miles per hour unless electronic traffic-control signals are located and in use at such intersection.
- b.** Any individual operating a golf cart upon a public street shall have a valid operator's license in their possession
- c.** No person under sixteen (16) years of age shall operate a golf cart on any public streets or alleys.
- d.** The operator of a golf cart, when operating on public streets or alleys, shall do so in conformance with all traffic and safety laws of the State of Missouri and the City of Marshall, specifically including, but not limited to, those laws pertaining to the possession and use of drugs and alcoholic beverages, and operating a motor vehicle under the influence thereof.
- e.** No golf cart may be operated on any Federal or State highway, except to cross at the intersection of a City street or alley in accordance with traffic controls.
- f.** No person shall operate a golf cart in a careless or imprudent manner, or in any negligent manner which endangers any person or property, or unreasonably obstructs, hinder, or impedes lawful course of travel of any other motor vehicle, or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.

- g. No passengers shall ride in the utility bed or the bag well of a golf cart unless such areas are properly equipped with a permanently mounted seat specifically designed for the carrying of passengers.
- h. At no time shall golf carts be operated upon sidewalks or in other lawfully posted areas.

Section 5. Golf Cart Insurance Requirements. No owner of a golf cart shall operate or permit another person to operate such a golf cart, unless the owner maintains the financial responsibility which conforms to the requirements of the ordinances of the City and laws of Missouri as set forth in Missouri’s Motor Vehicle Financial Responsibility Law, Section 303.010, *et seq.*, RSMo.. Furthermore, no person shall operate a golf cart owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's golf cart. Proof of financial responsibility shall be carried in all golf carts operated in the City of Marshall. The operator of such golf cart shall exhibit said proof on the demand of any peace officer who lawfully stops the operator while that officer is engaged in the performance of the duties of his office.

Section 6. 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 Chapter 1, Sec. 1-10 of the City’s Code of Ordinance.

Section 7. This ordinance shall be effective April 1, 2024.

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 BETWEEN THE CITY OF MARSHALL AND GRANICUS, LLC

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 Master Subscription Agreement and Order No. Q-280544 with Granicus, LLC, for the purpose of utilizing Granicus' EngagementHQ solution to increase community involvement and engagement. The Mayor is hereby further authorized to execute such other documents as may be necessary in connection with the Agreement and Order.

Section 2. If said Contract is executed in accordance with Section 1 above, the City shall, in consideration of the services provided by Granicus, LLC, pay Granicus, LLC, an implementation and basic subscription fee in the total sum of Ten Thousand and 00/100ths Dollars (\$10,000.00), and such other sums as set forth in said Agreement and Order.

Section 3. 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 ENACTING A NEW SECTION 140.090, TITLED "CREDIT CARD PAYMENTS AND PROCESSING FEES," OF CHAPTER 140 OF TITLE I OF THE MUNICIPAL CODE OF THE CITY OF MARSHALL TO ALLOW SURCHARGES AND CONVENIENCE FEES TO BE CHARGED FOR CREDIT CARD PAYMENTS MADE TO THE CITY.

WHEREAS, credit card processors ordinarily charge merchants a fee for the merchant's acceptance of credit card and e-check payments; and

WHEREAS, acceptance of credit cards as a method of payment offers citizens convenience that would not be available if payment were required to be made by check or cash; and

WHEREAS, this Ordinance will allow the City to pass credit card merchant and echeck fees on to the customers from whom payment is received.

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

Section 1. That Chapter 140 of Title I of the Code of Ordinances of the City of Marshall, Missouri, be, and hereby is, amended by enacting Section 140.090, titled "Credit Card Payments and Processing Fees" and to read as follows:

Section 140.090. Credit Card Payments and Processing Fees.

The City may accept payment by credit card of any bill or amount due and owing for any services supplied by, or fees owed to, the City. The City shall charge an additional fee above the amount of the bill or amount due to cover charges made to the City by the credit card company. The additional fee to cover credit card charges shall be established from time to time by the City, shall be kept on file and available to the public, and shall be adjusted from time to time as the credit card fees change. The type of cards accepted and other service conditions shall be in accordance with the credit card service agreement between the City and its credit card service provider. The City, at its sole option, may decline to accept a credit card payment from any individual customer.

Section 2. That in all other respects, the Ordinances of the City of Marshall, Missouri shall remain unchanged.

Section 3. That 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.

Clerk

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE BUDGET FOR 2023-2024 OF THE CITY OF MARSHALL MISSOURI, AS SUBMITTED BY THE COUNCIL COMMITTEE ON THE FINANCES FOR SAID CITY OF MARSHALL, MISSOURI, AND ESTABLISHING ALL SALARIES AS SET OUT IN SAID BUDGET.

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

SECTION 1. That the Budget for the City of Marshall, Missouri, for the year 2023-2024 as submitted by the Council Committee on Finances to the City Council is hereby approved and accepted.

SECTION 2. That the salaries to be paid as set out in said Budget are hereby established for the fiscal year 2023-2024.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED by the City Council of the City of Marshall, Missouri this 28th day of September, 2023.

President, City Council

APPROVED by the Mayor of the City of Marshall, Missouri this 28th day of September, 2023.

Mayor

FILED this 28th day of September, 2023.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 115 OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF MARSHALL, MISSOURI.

WHEREAS, Sections 115.390, 115.400, and 115.430 of Article VII of Chapter 115 of the Municipal Code of Ordinances of the City of Marshall, Missouri, contains provisions relating to the appointment of a City Administrator; and

WHEREAS, the Council of the City of Marshall desires to modify the provisions of said Sections as set forth herein.

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

SECTION 1. Section 115.390.B of Article VII of Chapter 115 of the Municipal Code of Ordinances of the City of Marshall, Missouri, is hereby amended by deleting the current language and replacing it with the following:

B. The City Administrator shall serve at the pleasure of the appointing authority. The appointing authority may enter into a contract of employment with the City Administrator. Said contract shall provide that the City Administrator may be removed at any time with or without cause, provided that, when removed without cause, said City Administrator shall be paid the full amount remaining under the contract. For the purposes of this Article, “removal with cause” shall mean:

1. Obtaining materials on fraudulent orders, dishonesty, stealing, and other criminal acts;
2. Malicious destruction of City property;
3. Violation of any City ordinance or state statute relating to conflicts of interest;
4. Falsifying records, including payroll records;
5. Being under the influence of or use of intoxicating liquor, narcotics or other drugs while on the job;
6. Failure to follow written policies and directives adopted by the Mayor and the City Council.

SECTION 2. Section 115.400 of Article VII of Chapter 115 of the Municipal Code of Ordinances of the City of Marshall, Missouri, is hereby amended by deleting the current language and replacing it with the following:

The City Administrator shall be at least twenty-five (25) years of age and a resident of Marshall during his or her tenure. Residency is defined as the domicile of an individual, where he or she normally eats or sleeps and maintains usual personal and household effects. In addition, the City Administrator shall be a graduate of an accredited university or college with

a major in public or municipal administration or shall have equivalent qualifications and experience in financial, administrative, and/or public relations fields.

SECTION 3. Section 115.430 of Article VII of Chapter 115 of the Municipal Code of Ordinances of the City of Marshall, Missouri, is hereby amended by deleting the current language and replacing it with the following:

- A. The City Administrator shall have general superintending control of the administration and management of the government business, officers and employees of the City, subject to the direction and supervision of the Mayor. The City Administrator shall be responsible for the following duties or shall delegate said duties to the appropriate City employee:
1. Administrative. Chief administrative assistant to the Mayor; as such, the administrative officer of the City's government who is directly responsible to the Mayor and City Council;
 2. Purchasing Officer. Responsible for ensuring that all purchases are made in accordance with purchasing rules and procedures approved by the City Council;
 3. Budget Officer. Responsible for assembling estimates of financial needs and resources for each year, for approving all salary increases, expense accounts and travel requests, and for setting a program of activities within the financial capabilities of the City;
 4. Annual Report. Shall present to the Mayor and Council an annual report for the fiscal year including summary reports of the activities of the various departments, etc. by January 1 of each year, and such other reports on the activities of the City as may be required by the Mayor and Council;
 5. Personnel Officer. Responsible for ensuring that the personnel rules and regulations are followed by all departments, shall supervise and discipline all department heads and shall supervise, hire, fire and discipline all other City employees, all to the extent permitted by law;
 6. Policy Formulation. Shall recommend to the City Council adoption of measures which are deemed necessary for the health, safety and welfare of the citizens of Marshall, and shall recommend and institute administrative improvements and services;
 7. Council Agenda And Notice Of Meetings. Shall submit a proposed agenda before each regular Council meeting and shall give notice of regular and special meetings;
 8. Boards And Committees. Shall work with all City boards; and coordinate the work of each board with all City departments;

9. Council Meetings. Shall attend all meetings of the City Council, unless excused with the approval of the Mayor. Shall review all contracts, leases, grants and other matters to be considered by the Council;
10. Bids. Shall supervise the preparation of all bid specifications for services and equipment; shall receive and open all bids in compliance with the City bid ordinance and submit a recapitulation and recommendation for acceptance to the appropriate authority;
11. State And Federal Aid Programs. Shall coordinate and apply for State and Federal aid programs which may have application in the City.
12. Press Releases. Shall be the official responsible for keeping the public informed of the business of the City and shall make releases available to local media as necessary. Department heads will be responsible for their respective departments as far as news releases are concerned, but all releases relating to statements of city policy shall be reviewed by the administrator before release;
13. Recordkeeping. Shall keep full and accurate records of all actions in the course of his or her duties;
14. Miscellaneous. Shall perform all other duties as assigned or prescribed by the Mayor and Council.

SECTION 4. The newly adopted provisions herein shall be effective upon passage and shall apply to the currently serving City Administrator. In addition, the remaining portions of Article VII unchanged by this Ordinance shall remain in full force and effect.

SECTION 5. 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 6. This Ordinance shall be in full force and effect from and after its passage and approval.

SECTION 7. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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	\$ 181,063.97
SANITATION FUND	80,730.91
LIBRARY FUND	10,303.58
BAND FUND	938.48
PARK FUND	51,410.39
CITY OFFICE/REVITALIZATION	
STREET FUND	35,142.39
AIRPORT OPERATING FUND	274.68
TOURISM	3,860.00
MARTIN COMMUNITY CENTER	2,264.57
HAB CENTER FUND	
PARK CAPITAL IMPROVEMENT	384.35
SOUTH ODELL SEWER	
ECONOMIC DEVELOPMENT	
WATER OPERATING FUND	\$ 205,838.06
ELECTRIC OPERATING FUND	1,277,278.57
SEWER REVENUE FUND	274,501.67
INTERNET OPERATING FUND	95,120.50
NATURAL GAS OPERATING FUND	1,144.72
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 19TH day of SEPTEMBER, 2023.

President of the City Council

APPROVED by the Mayor of the City of Marshall, Missouri, this 19TH day of SEPTEMBER, 2023.

Mayor

FILED this 19TH day of SEPTEMBER, 2023.

City Clerk