

**TENTATIVE  
CITY COUNCIL AGENDA  
SEPTEMBER 5, 2023  
6:00 P.M.**

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

1. Roll Call
2. Adoption of Agenda
3. Approve or Correct Regular Session Minutes of August 15, 2023
4. Committee Reports
  1. Property, Finance, Budget and Audit Committee
  2. Community Development and Code Committee
  3. Public Relations and Public Safety Committee
  4. Municipal Services and Personnel Committee
  5. City Administrator's Report
  6. Mayor's Report
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. LAGERS Employer Representative Election
  2. Library Board Appointment
  3. Event Request – Marshall Chamber of Commerce Trick or Treat on the Square
7. Resolution
  1. Authorize Application for Assistance from the State of Missouri's Transportation Alternative Program
8. Ordinances
  1. Amend Article IX of Chapter 115 of the Municipal Code of Ordinances of the City of Marshall, MO – Second Reading
  2. Execute Supplement to an Agreement Between the City of Marshall and Terracon Consultants, Inc. – Second Reading
  3. Amend Zoning Ordinance by Changing the Zoning Classification of Certain Property from P-D Planned Development to R-1 Single Family Residential District – Second Reading
  4. Amend Zoning Ordinance by Changing the Zoning Classification of Certain Property from R-2 Residential District to R-1 Single Family Residential District – Second Reading
  5. Approve Annual Operating Budget for the City's Board of Public Works
  6. Establish Rules and Regulations Permitting the Use of Golf Carts on Certain City Streets and Alleys
  7. Appropriation
9. Other Council Business

10. Executive Session Concerning Legal Actions, Causes of Actions or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications Between a Public Governmental Body or its Representatives and its Attorneys; Leasing, Purchase or Sale of Real Estate by a Public Governmental Body; Hiring, Firing, Discipline or Promotion of Employees. RSMO 610.021 (1,2,3)

Posted 9/1/2023  
2:30 p.m.

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

**A RESOLUTION OF THE CITY OF MARSHALL, MISSOURI, AUTHORIZING AN APPLICATION FOR ASSISTANCE FROM THE STATE OF MISSOURI'S TRANSPORTATION ALTERNATIVE PROGRAM**

**WHEREAS**, the City of Marshall, Missouri, is applying for assistance from the Transportation Alternative Program for the purpose of constructing infrastructure-related projects and systems that will provide safer routes for non-drivers to be known as the College Street and Miami Avenue Pedestrian Improvements Project.

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

**Section 1.** JD Kehrman, City Administrator of the City of Marshall, Missouri, is authorized to sign the application for assistance and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the Missouri Department of Transportation.

**Section 2.** The City of Marshall, Missouri, currently has the written commitment for the minimum 20% matching share for the project elements that are identified in the application and will allocate the necessary funds to complete the project.

**Section 3.** In the event a grant is awarded, the City of Marshall, Missouri, will commit the necessary financial resources to construct and maintain the project as required.

**Section 4.** In the event a grant is awarded, the City of Marshall, Missouri, is prepared to complete the project within the time period identified on the signed project agreement.

**Section 5.** In the event a grant is awarded, the City of Marshall, Missouri, will comply with all rules and regulations of the Transportation Alternatives Program, applicable Executive Orders, all federal and state laws that govern the grant applicant during the performance of the project.

**Section 6.** This Resolution shall be in 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

**CERTIFICATION**

The undersigned hereby certifies that she is the duly authorized Clerk and custodian of the books and records and seal of City of Marshall, Missouri, duly formed pursuant to the laws of the State of Missouri, and that the foregoing is a true record of a resolution duly adopted at a meeting of the City Council of the City of Marshall, Missouri, that said meeting was held in accordance with state and local laws on \_\_\_\_\_, 2023, and that the said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF I have executed my name as Clerk and have affixed the seal of the City of Marshall, Missouri this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Julie Lewis, City Clerk

ACKNOWLEDGED:

\_\_\_\_\_  
JD Kehrman, City Administrator

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

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

**WHEREAS**, Section 115.540 of Article IX of Chapter 115 of the Municipal Code of Ordinances of the City of Marshall, Missouri, contains provisions relating to the appointment of a Director of a Municipal Services; and

**WHEREAS**, the Council of the City of Marshall desires to modify the provisions of Section 115.540.

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

**SECTION 1.** Section 115.540.A of Article IX 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 office of Director of Municipal Services of the City, having been created and established by the City of Marshall, is hereby continued as an office of the City subject to the following provisions. It shall be the duty of the Mayor, subject to the concurrence of the City Council, to select a competent and suitable person, qualified as the law requires, to fill and hold such office. The term of office of the Director of Municipal Services shall be at the pleasure of the Mayor, subject to the concurrence of the City Council.

**SECTION 2.** This newly adopted provision shall be effective upon passage and shall apply to the currently serving Director of Municipal Services such that the currently serving Director's term of office shall now be at the pleasure of the Mayor, subject to the concurrence of the City Council. In addition, the remaining portions of Section 115.540 unchanged by this Ordinance shall remain in full force and effect.

**SECTION 3.** 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 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

**SECTION 5.** 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 AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A SUPPLEMENT TO AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND TERRACON CONSULTANTS, INC.**

**WHEREAS**, the City of Marshall (“City”) and Terracon Consultants, Inc. (“Terracon”) are parties to an agreement dated on or about April 26, 2023, for services pertaining to the real property located at 868 South Brunswick Avenue, in Marshall, Saline County, Missouri; and

**WHEREAS**, the City and Terracon desire to supplement their previous agreement.

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

**Section 1.** The Mayor of the City of Marshall, Missouri, or his designee, is hereby authorized to execute on behalf of said City a Supplement to Agreement for Services with Terracon for additional or supplemental services pertaining to underground storage tank removal at 868 South Brunswick Avenue, as more fully set forth in Terracon Proposal No. P02237247 dated August 4, 2023, at a cost to the City not to exceed Fifty-five Thousand and 00/100ths Dollars (\$55,000.00).

**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 AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “P-D” PLANNED DEVELOPMENT TO “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT.**

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

**Section 1.** That the zoning classification of the following described property be amended from “P-D” Planned Development to “R-1” Single-family Residential District:

LOT 2 IN BLOCK 35 OF THE ORIGINAL TOWN OF MARSHALL, SALINE COUNTY, MISSOURI, EXCEPT 25’ OFF THE EAST END THEREOF.

COUNTY PARCEL ID NO.: 03-17-50-15-01-030-002.000

COMMONLY KNOWN AS: 102 EAST WASHINGTON STREET,  
MARSHALL, MO 65340

**Section 2.** That in all other respects, the Zoning Ordinance 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 AMENDING THE ZONING ORDINANCE OF THE CITY OF MARSHALL, MISSOURI, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM “R-2” RESIDENTIAL DISTRICT TO “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT.**

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

**Section 1.** That the zoning classification of the following described property be amended from “R-2” Residential District to “R-1” Single-family Residential District:

A TRACT OF LAND BEGINNING AT THE NORTHEAST CORNER OF THE INTERSECTION OF BRUNSWICK AVENUE AND MITCHELL STREET IN THE CITY OF MARSHALL, MISSOURI; THENCE NORTH ALONG THE EAST LINE OF BRUNSWICK AVENUE 284.6 FEET TO THE SOUTHEAST CORNER OF THE INTERSECTION OF BRUNSWICK AVENUE AND EAST SUMMIT STREET IN SAID CITY OF MARSHALL; THENCE EAST ALONG THE SOUTH LINE OF EAST SUMMIT STREET 534 FEET TO THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST SUMMIT STREET WITH CONWAY AVENUE IN THE CITY OF MARSHALL; THENCE SOUTH ALONG THE WEST LINE OF CONWAY AVENUE 286 FEET TO THE NORTHWEST CORNER OF THE INTERSECTION OF CONWAY AVENUE AND MITCHELL STREET; THENCE WEST ALONG THE NORTH LINE OF SAID MITCHELL STREET 528 FEET TO THE POINT OF BEGINNING. BEING ALL THAT PART OF A TRACT OF 4 ACRES OF LAND SITUATED IN THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 50 NORTH, RANGE 21 WEST OF THE 5TH PRINCIPAL MERIDIAN, SALINE COUNTY, MISSOURI, COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH 310 FEET, MORE OR LESS, TO THE NORTH LINE OF REDMAN LOT; THENCE EAST 562 FEET, MORE OR LESS, THENCE SOUTH 310 FEET, MORE OR LESS; THENCE WEST 562 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT THAT PART NOW INCLUDED IN SAID BRUNSWICK AVENUE, EAST SUMMIT STREET, CONWAY AVENUE AND MITCHELL STREET.

MORE COMMONLY KNOWN AS: 868 S BRUNSWICK AVE, MARSHALL, MO 65340

**Section 2.** That in all other respects, the Zoning Ordinance 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 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 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	\$ 510,833.42
SANITATION FUND	18,091.22
LIBRARY FUND	19,958.90
BAND FUND	16,838.27
PARK FUND	102,600.12
CITY OFFICE/REVITALIZATION	
STREET FUND	78,145.45
AIRPORT OPERATING FUND	778.57
TOURISM	4,271.86
MARTIN COMMUNITY CENTER	1,501.21
HAB CENTER FUND	23,377.27
PARK CAPITAL IMPROVEMENT	206.64
SOUTH ODELL SEWER	
ECONOMIC DEVELOPMENT	
WATER OPERATING FUND	\$ 338,005.81
ELECTRIC OPERATING FUND	1,593,406.45
SEWER REVENUE FUND	156,524.33
INTERNET OPERATING FUND	213,463.12
NATURAL GAS OPERATING FUND	12,445.00
ELECTRIC CONSUMER DEPOSIT FUND	-
SEWER EQUIPMENT FUND	-
WATER SEGREGATED	-

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

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

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

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

\_\_\_\_\_  
Mayor

FILED this 5TH day of SEPTEMBER, 2023.

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