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**SPECIAL EMERGENCY COUNCIL MEETING AGENDA
CITY OF CARTHAGE, MISSOURI
WEDNESDAY, JULY 1, 2020
2:00 P.M. – BY VIDEO CONFERENCE**

In response to the Coronavirus pandemic and pursuant to the Declaration of Emergency within the City of Carthage, this meeting will be held by on-line video conference. If you would like to listen to the meeting, access information is provided below. For questions, contact City Clerk Traci Cox (417) 237-7000 or [fill out this form](#).

If you would like to listen to the meeting please call by telephone #346-248-7799. You will have to enter the ID# 894 4192 7358 with a password 048544. This will allow you to listen to the meeting.

1. Call to Order
2. Invocation
3. Pledge of Allegiance to Flag
4. Calling of the Roll
5. Reading and Consideration of Minutes of Previous Meeting
7. New Business
 - **Consider and discuss closing all public parks to any activity greater than 10 persons.**
 - **C.B. 20-33** – An Ordinance of the City of Carthage, Missouri, enacting provisions and regulations on gathering to limit the spread of the COVID 19 pandemic within the City of Carthage, Missouri, and surrounding areas. (Staff)
 - **C.B. 20-34** – An Ordinance to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause. (Staff)
8. Adjournment

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
JULY 1, 2020

The Carthage City Council met in Special session on the above date at 2:00 P.M. via video conference with Mayor Dan Rife presiding. Fire Chief Roger Williams gave the invocation and Police Chief Greg Dagnan led the flag salute.

The following Council Members answered roll call via Zoom video conference: Ray West, Ceri Otero, Mike Daugherty, Alan Snow, Craig Diggs, Ed Barlow, Seth Thompson, James Harrison, Juan Topete, and David Armstrong. City Administrator Tom Short and City Attorney Nate Dally were also present.

The following Department Heads were present via Zoom video conference: Police Chief Greg Dagnan, Fire Chief Roger Williams, Public Works Director Zeb Carney and City Clerk Traci Cox.

Mr. Daugherty made a motion, seconded by Mr. Armstrong, to approve the minutes of the June 25, 2020 Council Meeting. Motion carried unanimously.

There was no old business to conduct.

Under New Business, Consider and discuss closing all public parks to any activity greater than 10 persons. Mr. Snow made a motion, seconded by Mr. Barlow, to form a task force comprised of business leaders, medical professionals, ministerial alliance, City department heads, and council members to develop a plan to guide our way through the pandemic. Mr. Armstrong made a motion, seconded by Mr. Daugherty, to table the current motion until after consideration of C.B. 20-34. Motion carried by a vote of 9-1 with Mr. Snow casting the Nay vote.

Mr. Armstrong made a motion, seconded by Mr. Topete, to close city owned public parks of Carthage, MO to all events greater than ten persons. Mr. Snow made a motion, seconded by Mr. Harrison, to amend the motion to exclude the youth baseball and softball programs, July 4 fireworks, and Jasper County Youth Fair. Motion carried by a vote of 7-3 with Mr. Armstrong, Mr. Topete and Ms. Otero casting the Nay votes. Mr. Armstrong made a motion, seconded by Mr. Daugherty to call the question. Motion carried. Motion as amended to close the city owned public parks to all events greater than ten persons excluding Jasper County Youth fair, July 4 fireworks and youth baseball and softball failed by a vote of 4-6. Nay votes were cast by Harrison, West, Otero, Snow, Diggs, and Barlow.

C.B. 20-33 – An Ordinance of the City of Carthage, Missouri, enacting provisions and regulations on gathering to limit the spread of the COVID 19 pandemic within the City of Carthage, Missouri, and surrounding areas was placed on first reading with no action taken.

Mr. Armstrong made a motion, seconded by Mr. Topete, to follow the emergency protocol and advance Council Bill 20-33 to the second reading. Motion passed 8-2 with Mr. Barlow and Mr. Harrison casting the nay votes.

C.B. 20-33 – An Ordinance of the City of Carthage, Missouri, enacting provisions and regulations on gathering to limit the spread of the COVID 19 pandemic within the City of Carthage, Missouri, and surrounding areas was placed on second reading. Mr. Snow made a motion, seconded by Mr. Armstrong, to amend C.B. 20-33 to include an expiration of July 31 unless extended by the council. Motion carried. As amended, C.B. 20-33 failed by a vote of 5 yeas and 5 nays with Mayor Rife casting the deciding nay vote. Ayes: Armstrong, Daugherty, Snow, Topete, and Otero. Nay: Barlow, Diggs, Harrison, Thompson, and West.

C.B. 20-34 – An Ordinance to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause was placed on first reading. Mr. Thompson made a motion, seconded by Ms. Otero, to amend the order to include an expiration of August 1. Motion carried.

Mr. Armstrong made a motion, seconded by Mr. Topete, to follow the emergency protocol and advance Council Bill 20-34 as amended to the second reading. Motion carried.

As amended, C.B. 20-34 – An Ordinance to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause was placed on second reading. After lengthy discussion, Mr. Armstrong made a motion, seconded by Mr. Topete, to call the question. Motion carried. As amended, C.B. 20-34 failed by a roll call vote of 5 yeas and 5 nays with Mayor Rife breaking the tie and casting a nay vote. Ayes: Armstrong, Daugherty, Otero, Thompson and Topete. Nays: Barlow, Diggs, Harrison, Snow and West.

Mr. Daugherty made a motion, seconded by Mr. Topete, to adjourn the regular session of the Council Meeting. Motion failed.

Mr. Snow's motion to form a task force was brought off of the table for additional discussion. Mr. Daugherty moved to call the question but failed due to lack of a second. Motion to form a task force passed unanimously.

Mr. Topete made a motion, seconded by Mr. Daugherty, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 4:06 PM.

Dan Rife, Mayor

Traci Cox, City Clerk

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8. Adjournment

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MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
JUNE 25, 2020

The Carthage City Council met in Special session on the above date at 2:00 P.M. via video conference with Mayor Dan Rife presiding. Fire Chief Roger Williams gave the invocation and Police Chief Greg Dagnan led the flag salute.

The following Council Members answered roll call via Zoom video conference: David Armstrong, Ray West, Ceri Otero, Mike Daugherty, Alan Snow, Craig Diggs, Ed Barlow, Seth Thompson, James Harrison, and Juan Topete. City Administrator Tom Short and City Attorney Nate Dally were also present.

The following Department Heads were present via Zoom video conference: Police Chief Greg Dagnan, Fire Chief Roger Williams, Public Works Director Zeb Carney and City Clerk Traci Cox.

Mr. Daugherty made a motion, seconded by Mr. Armstrong, to approve the minutes of the June 23, 2020 Council Meeting. Motion carried unanimously.

Council members received emails from Kim Bausinger, Heather Fullerton, Debbie Wooldridge, James Kinder, Roxanne Willard, Jenny Worrall, K. Perkins, Brian Fosdick, Shane Lankford, and Adam Bridges relating to COVID-19.

There was no old business to conduct.

Under New Business, Consider and discuss City's response to COVID-19. Tony Moehr, Jasper County Health Department, informed the council of funding from the Community Foundation of the Ozarks that can be used for educating the public to help slow down the spread of COVID-19. There was a wide range of discussion but no action taken.

Mr. Topete left the meeting at 3:00 p.m.

Mr. Armstrong made a motion, seconded by Mr. Snow, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 3:42 PM.

Dan Rife, Mayor

Traci Cox, City Clerk

AN ORDINANCE OF THE CITY OF CARTHAGE, MISSOURI, ENACTING PROVISIONS AND REGULATIONS ON GATHERING TO LIMIT THE SPREAD OF THE COVID 19 PANDEMIC. WITHIN THE CITY OF CARTHAGE, MISSOURI, AND SURROUNDING AREAS.

WHEREAS, COVID-19 continues poses a serious health risk for Missouri residents and visitors; and

WHEREAS, since the removal of restrictions by the Governor, Jasper County and specifically the City of Carthage has become a hotspot for spread and infection of Covid-19,

WHEREAS, COVID-19 can result in mild or severe symptoms with the elderly population and those with serious underlying health conditions being most at risk from COVID-19, which in some cases may be fatal; and

WHEREAS, COVID-19 is highly contagious, and is spread through close contact between persons and respiratory transmission and poses a serious health risk for all Carthage residents and visitors; and

WHEREAS, after consultation with City, County and State officials there continues to reasonably appear to exist a state of civil emergency which requires a response by the City Council to protect human life from the continued spread of COVID-19, including a directive that the citizens of the City limit social contact and the spread of COVID- 19; and

WHEREAS, the intent of this Ordinance is to slow the spread of COVID-19 within the City of Carthage. When people leave their place of residence they should at all times reasonably comply with Social Distancing Requirements; and

WHEREAS, "[a]ny person ... who shall leave any ... quarantined house or place without the consent of the health officer having jurisdiction, or who evades or breaks quarantine or knowingly conceals a case of contagious, infectious, or communicable disease, or who removes, destroys, obstructs from view, or tears down any quarantine card, cloth, or notice by the attending physician or by the health officer, or by direction of the property health officer, shall be deemed guilty of a class A misdemeanor" pursuant to §192.320, RSMo.

WHEREAS, RSMo 192.290 grants the City of Carthage authority enact, ordinances, rules, and regulations that may be necessary for the City as they relate to the Public, Health, and Welfare consistent with RSMo 192. In addition, RSMo Chapter 44.080 and Article 8 of the City Code grants the authority enact ordinances and rules to provide for the health and safety of persons

WHEREAS, The State of Missouri and the City of Carthage remain under a state of emergency.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, as follows:

1. When individuals leave their homes or places of residence to work, to access food, health care, necessities, or to engage in other activities, they should at all times practice social distancing. Individuals may go to and from an individual's place of worship, provided that limitations on social distancing are properly adhered to.
2. In accordance with the guidelines from the President and the Centers for Disease Control and Prevention (CDC), every person and business in the State of Missouri shall abide by social distancing requirements, including maintaining six feet (6') of space

between individuals. This provision shall not apply to family members or individuals performing job duties that require contact with other people closer than six feet (6'). Individuals performing job duties that require contact with other people closer than six feet (6') should take enhanced precautionary measures to mitigate the risks of contracting or spreading COVID-19. This provision shall apply in all situations, including, but not limited to, when customers are standing in line or individuals are using shared indoor or outdoor spaces.

3. Any entity that employs individuals that is engaged in retail sales to the public, shall limit the number of individuals in any particular retail location as follows:
 - (1) Twenty-five (25) percent or less of the entity's authorized fire or building code occupancy, as set by local authorities, for a retail location with square footage of less than ten thousand square feet (10,000 ft²);
 - (2) Ten (10) percent or less of the entity's authorized fire or building code occupancy, as set by local authorities, for a retail location with square footage of ten thousand square feet (10,000 ft²) or more.
4. Notwithstanding Section 2 of this Order, nothing in this Order shall prohibit daycares, child care providers, or schools from providing child care in accordance with CDC guidelines.
5. Restaurants may offer dining-in services, provided that the limitations on social distancing and other precautionary public health measures, including proper spacing of at least six feet (6') between tables, lack of communal seating areas to parties that are not connected, and having no more than ten (10) people at a single table, are properly adhered to. The continued use of drive-thru, pickup, or delivery options is encouraged throughout the duration of this Order.
6. Under the authority for enforcement of violations of ordinances of the city. The violation shall be punishable by a fine of \$0 to \$250 dollars, as the court's discretion.
7. Emergency Ordinance. This Ordinance shall be considered an emergency ordinance passed as an emergency measure under the terms of the Charter of the City due to unforeseen circumstances and delay would hinder the effective delivery of Municipal services.

PASSED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, this_ day of June, 2020

Mayor Dan Rife

ATTEST:

Traci Cox, City Clerk

COUNCIL BILL NO. 20-34

ORDINANCE NO.

AN ORDINANCE to require persons to wear facemasks that cover the nostrils and mouth to help restrict the spread of the COVID-19 virus, to establish reasonable exemptions, to set practical enforcement conditions; and containing an emergency clause.

WHEREAS, on March 18, 2020, the Mayor declared a civil emergency because of the threat COVID-19 poses to the public health; April 19, 2020 the City Council approved a Declaration of a State of Emergency within the City of Carthage calling for proactive measures to protect the public health, safety and welfare; and

WHEREAS, the spread of the COVID-19 virus has been accelerating in the City of Carthage and in Jasper County; and

WHEREAS, one key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

WHEREAS, numerous epidemiologists have insisted that widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus, especially when humans gather in groups, and thereby necessary for the safety and health of Carthage citizens, residents, and visitors; and

WHEREAS, the United States Centers for Disease Control has recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19; and

WHEREAS, the City of Carthage finds therefore, that wearing a face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets:

NOW THEREFORE, BE ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, as follows:

Section 1. "Masks shall be worn by those persons 6 years old and over when in public indoor spaces, only where social distancing of 6ft or more cannot be achieved with persons outside their immediate family, household, or party, unless dining, at which time masks may be removed at the dining table or surface.

Section 2. Other exceptions shall be persons exercising or in conditions (such as high temperatures) where a mask might be harmful to their ability to breathe, and medical conditions (such as, but not limited to; COPD, and asthma) that may be adversely affected by wearing a mask."

Section 3. That the Carthage City Council has determined that the orders and advisories included in this ordinance are necessary to preserve the peace and order of the City of Carthage, and to protect life and to promote and preserve public safety and welfare, in particular to mitigate the spread of

COVID-19 and provide essential protections to Joplin residents, including but not limited to those who are most vulnerable to infection, while still preserving the availability of essential services.

Section 4. Enforcement of this ordinance shall focus first on educating and working to promote the mitigation of the spread of COVID-19. A person or business shall be notified of the provisions of this ordinance and will be provided an opportunity to explain an exception or follow the guidelines prior to issuance of any citation or other enforcement action.

Section 5. The Carthage City Council specifically orders that enforcement of this ordinance shall therefore be administered by first education and an opportunity for compliance, followed by a warning, and a civil citation, only if necessary.

Section 6. Under the Carthage City Council's authority for enforcement of a violation of face coverings, the City Council specifically orders that a violation of this ordinance under Carthage's City Code, Section 1-12, is punishable by a fine of \$0 to \$500 dollars, at the court's discretion.

Section 7. Businesses have the right to refuse service for failure to comply, if there are no exceptions under this ordinance.

Section 8. This ordinance is effective at 6:00 a.m. on Monday, July 2, 2020.

Section 9. That the City Council of the City of Carthage, Missouri, hereby declares that this Ordinance, being an Ordinance relating to the immediate preservation of the public peace, property, health, safety or morals, is considered an emergency within the meaning of Section 3.9(e) of the Charter of the City of Carthage, Missouri, and, as such, this Ordinance shall become effective immediately upon its passage. Specifically, that this ordinance should become effective without delay because widespread use of a face mask is necessary to prevent the more rapid spread of the COVID-19 virus, especially when humans gather large public gatherings will facilitate the spread of a communicable disease, COVID-19.

PASSED BY THE COUNCIL OF THE CITY OF CARTHAGE, MISSOURI, this ___ day of _____, 2020.

Dan Rife, Mayor

ATTEST:

Traci Cox, City Clerk

APPROVED AS TO FORM:

Nate Dally, City Attorney