1. Agenda

   Documents:

   CITY COUNCIL AGENDA 08 10 21.PDF

2. Minutes

   Documents:

   CITY COUNCIL MINUTES 08 10 21.PDF

3. Meeting Materials

   Documents:

   COUNCIL PACKET 08 10 21.PDF

# COUNCIL AGENDA
# CITY OF CARTHAGE, MISSOURI
# TUESDAY, AUGUST 10, 2021
# 6:30 P.M. – COUNCIL CHAMBERS

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
6. Presentations/Proclamations
7. Public Comments
   (Each person addressing the Council shall state their name and address or the organization or firm represented and is limited to no more than five (5) minutes. The time may be extended by the chair if deemed necessary. Once a person has had their say on a particular issue they are not permitted to once again speak on the issue unless called to answer any further questions by the Council or Chair)
8. Reports of Standing Committees
9. Reports from Special Committees and Board Liaisons
10. Report of the Mayor
11. Reports/Remarks of Councilmembers
    (Each Councilmember is limited to no more than two (2) minutes. The time may be extended by the Chair if deemed necessary. Once a Councilmember has had their say on a particular issue they are not permitted to once again speak on the issue unless permitted by the Chair)
12. Administrative Reports
13. Report of Claims Presented Against the City
14. Public Hearings
15. Old Business
    1. **C.B. 21-35** – An Ordinance authorizing the Mayor to enter into a Cooperative Agreement with the Missouri Department of Conservation for operations at Kellogg Lake Park. (Public Services)
    2. **Election Results** – Motion to Approve.
16. New Business
    1. **C.B. 21-36** – An Ordinance levying General Taxes upon Real Property located within the City of Carthage, Jasper County, Missouri for the year 2021, for General Revenue purposes and other purposes, and fixing the rates thereof. (Budget Ways & Means)
    2. **C.B. 21-37** – An Ordinance to establish a procedure to disclose potential Conflicts of Interest and substantial interests for certain Municipal Officials. (Insurance, Audit and Claims)

3. **C.B. 21-38** – An Ordinance to amend Section 2-60 Functions of Public Works Committee, of the Carthage Code by replacing with 2-60 Functions of Public Works Committee, in the City of Carthage, Missouri. (Public Works)

17. Mayor's Appointments

18. Resolutions

    1. **Resolution 1937** – A Resolution providing authorization of appropriation of funds from the annual Operating and Capital Budget of the City of Carthage, Missouri. (Budget Ways & Means)

19. Closing Comments

20. Executive Session

21. 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 MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
August 10, 2021

The Carthage City Council met in regular session on the above date in City Hall Council Chambers at 6:30 P.M. with Mayor Dan Rife presiding. Fire Chief Roger Williams gave the invocation and Police Captain Bill Hawkins led the flag salute.

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

The following Department Heads were present: Police Captain Bill Hawkins, Fire Chief Roger Williams, Public Works Director Zeb Carney and City Clerk Traci Cox.

Mr. Daugherty made a motion, seconded by Mr. Topete, to approve the minutes of the July 27, 2021 Council Meeting. Motion carried unanimously.

Mr. Armstrong made a motion, seconded by Mr. Diggs, to amend the agenda to add Resolution 1938 – A Resolution of the City Council of the City of Carthage, Missouri supporting an application by MBL Development Company, a Missouri Corporation, D. Kim Lingle, President, for Missouri Housing Development Commission funding for Carthage Senior Villas. Motion carried.

No citizens were present during Citizen's Participation Period.

Mr. Snow reported the Budget Ways & Means Committee met on August 9. A Council Bill setting the property tax rates was approved and forwarded to council as C.B. 21-36. A budget adjustment was approved and appears in Resolution 1937.

Ms. Otero reported the Committee on Insurance, Audit and Claims met on this date and approved the claims. The Conflict of Interest C.B. was approved and appears in C.B. 21-37.

Mr. Barlow reported that the Public Safety Committee is between meetings with the next meeting scheduled for August 16.

Mr. Topete reported that the Public Services Committee is between meetings with the next meeting scheduled for August 17.

Mr. Armstrong reported the Public Works Committee met on August 3. Changes to Section 2-60 of the City of Carthage Code regarding Functions of Public Works Committee was approved. This appears in C.B. 21-38. The Committee looked at the Comprehensive Plan that was completed in 2009 and discussed the need to update the plan. The Planning & Zoning Committee approved the plan for MBL Development

Company but needed a letter of support from the council which is presented in Resolution 1938.

Special Committee and Board Liaison reports were given by Mr. Barlow for the Planning, Zoning & Historic Preservation, Mr. West for the Jasper County Commissioner's, Over 60 Center and the Carthage Public Library, and Mr. Snow for CWEP.

Mayor Rife reported on social media training to be held at 5:00 p.m. on August 11 and recent meetings of the Economic Development Committee to discuss potential interest in Myers Park.

During reports of Council Members, Mr. Snow thanked the citizens for passage of the use tax, Mr. Armstrong urged members to encourage the community to get vaccinated so normal activities can resume including Marion Days, and Ms. Otero discussed the Missouri Bicentennial.

City Attorney Nate Dally discussed C.B. 21-38 and reported some additional changes may be necessary. Mr. Dally also reported the City was served papers on a wrongful death lawsuit on July 30.

Public Works Director Zeb Carney reported on a construction meeting with Sprouls Construction regarding the Hazel Street expansion project.

Assistant City Administrator Greg Dagnan reported the vicious dog case in the Belle Air vicinity will go back to the judge. The CVB communications contract has been cancelled pending a police investigation. Staff is working to get the proper documentation to the state to implement the use tax and setting up funds for tracking expenditures. Details for a strategic planning session are being worked on.

City Administrator Tom Short reported on the following: sales tax revenues, a recent taxi audit, ARPA funds, hiring of a consultant to oversee a strategic planning session, update on the railroad lawsuit, an upcoming budget adjustment for the use tax, a ribbon cutting ceremony for the renovations at the courthouse on August 16, and the Garrison Street roundabout has been completed.

The Committee on Claims filed a report in the amount of $4,700,296.40 against the following funds: General Revenue $80,219.27, Public Health $601.42, Lodging $8,044.95, Parks/Stormwater $99,804.38, Golf $1,757.78, Capital Improvements $10,000.00, Myers Park $10,750.50, Public Facilities $4,250.13, Library $50,000.00, Payroll $434,867.97 and Carthage Water & Electric $4,000,000.00. Ms. Otero made a motion, seconded by Mr. Armstrong to accept the report and allow the claims. Motion carried.

Under old business, C.B. 21-35 – An Ordinance authorizing the Mayor to enter into a Cooperative Agreement with the Missouri Department of Conservation for operations at Kellogg Lake Park was placed on second reading followed by a roll call vote of 10 yeas and 0 nays. Ayes: Armstrong, Barlow, Daugherty, Diggs, Harrison, Otero, Snow, Thompson, Topete and West. The Council Bill was approved and numbered Ordinance 21-36.

Mr. Daugherty made a motion, seconded by Mr. Armstrong, to accept the August 3, 2021 Election results from the County Clerk regarding passage of a Use Tax as follows: Yes: 271 and No: 265. Motion carried.

Under new business, C.B. 21-36 - An Ordinance levying General Taxes upon Real Property located within the City of Carthage, Jasper County, Missouri for the year 2021, for General Revenue purposes and other purposes, and fixing the rates thereof was placed on first reading with no action taken.

C.B. 21-37 - An Ordinance to establish a procedure to disclose potential Conflicts of Interest and substantial interests for certain Municipal Officials was placed on first reading with no action taken.

C. B. 21-38 - An Ordinance to amend Section 2-60 Functions of Public Works Committee, of the Carthage Code by replacing with 2-60 Functions of Public Works Committee, in the City of Carthage, Missouri was placed on first reading with no action taken.

Mr. Snow made a motion, seconded by Mr. Daugherty, to approve Resolution 1937 - A Resolution providing authorization of appropriation of funds from the annual Operating and Capital Budget of the City of Carthage, Missouri. Resolution 1937 was adopted by a roll call vote of 10 yeas and 0 nays. Ayes: Armstrong, Barlow, Daugherty, Diggs, Harrison, Otero, Snow, Thompson, Topete and West.

Mr. Daugherty made a motion, seconded by Mr. Armstrong, to approve Resolution 1938 - A Resolution of the City Council of the City of Carthage, Missouri supporting an application by MBL Development Company, a Missouri Corporation, D. Kim Lingle, President, for Missouri Housing Development Commission funding for Carthage Senior Villas. Resolution 1938 was adopted by a roll call vote of 10 yeas and 0 nays. Ayes: Armstrong, Barlow, Daugherty, Diggs, Harrison, Otero, Snow, Thompson, Topete and West.

Closing Comments: Mr. Barlow noted that voters in Ward 5 carried the election, Mr. Armstrong discussed the renovations at the courthouse, Mr. Daugherty discussed mask policies in other states he visited while on vacation, and Mr. Diggs thanked the city employees that are working in the heat.

Mr. Snow made a motion, seconded by Mr. Daugherty, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 7:18 p.m.

Dan Rife, Mayor

Traci Cox, City Clerk

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MINUTES OF THE MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
July 27, 2021

The Carthage City Council met in regular session on the above date in City Hall Council Chambers at 6:30 P.M. with Mayor Dan Rife presiding. Fire Chief Roger Williams gave the invocation and Police Captain Bill Hawkins led the flag salute.

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

The following Department Heads were present: Captain Bill Hawkins, Fire Chief Roger Williams, Public Works Director Zeb Carney, Parks and Recreation Director Mark Peterson and City Clerk Traci Cox.

Ms. Otero made a motion, seconded by Mr. Snow, to approve the minutes of the July 13, 2021 Council Meeting. Motion carried unanimously.

No citizens were present during Citizen's Participation Period.

Mr. Snow reported the Budget Ways & Means Committee is between meetings with the next meeting scheduled for August 9.

Ms. Otero reported the Committee on Insurance, Audit and Claims met on this date and approved the claims.

Mr. Barlow reported that the Public Safety Committee met July 19. Mr. Barlow made a motion, seconded by Mr. Snow, to close the 800 block of Main Street between Chestnut & 9th Street and 9th Street between Main & Lyon from 7:00 a.m. to 3:00 p.m. and Chestnut between Main & Lyon from 12:00 p.m. to 3:00 p.m. and to back vehicles into parking spaces on Chestnut in the closed areas. In the event of inclement weather, the closing of the 800 block of Main between the main building & the Lighthouse building from 7:00 a.m. to 3:00 p.m., 9th Street between Main & Lyon from 7:00 a.m. to 3:00 p.m. In addition, Chestnut Street between Lyon & Main from 12:00 p.m. to 3:00 p.m. with the community event from 7:30 a.m. to 3:00 p.m. Motion carried. Mr. Barlow made a motion, seconded by Mr. Thompson, to close 4th Street from Main to Lyon from 9:30 a.m. to 3:30 p.m. for the Back to School Bash hosted by Ciao Bella Boutique on August 21. Motion carried. Mr. Barlow made a motion, seconded by Mr. Snow, to close 5th Street between Grant and Main, allow the use of the city parking lots for the event and approve the temporary light tunnel from November 18, 2021 at 8:00 a.m. to January 4, 2022 at 5:00 p.m. for the Hometown Holidays event. Motion carried. Mr. Barlow made a motion, seconded by Mrs. Harrison, to close all sides of the square from 5:00 p.m. to 9:30 p.m. on October 2 for the Sheriff's Office Car Show which benefits Shop with a Deputy. Motion carried.

Mr. Topete reported that the Public Services Committee met July 20. Mr. Topete made a motion, seconded by Mr. Diggs, to approve the use of Central Park for Heritage Day on September 25 from 12:00 p.m. to 6:00 p.m. Motion carried. An Agreement with the Missouri Department of Conservation for maintaining the lake and fish habitat was approved and is being presented in Council Bill 21-35.

Mr. Diggs reported the Public Works Committee is between meetings with the next meeting scheduled for August 3.

Mayor Rife reported on the creation of the Economic Development Committee to fill a void created after the contract with the Chamber of Commerce expired.

During reports of Council Members, Mr. Snow stated he was looking forward to the Hometown Holidays event, Mr. Diggs thanked CWEP for their work installing fiber, and Ms. Otero reminded everyone of the Use Tax initiative on the August 3 ballot and the need to get information out.

City Attorney Nate Dally reported on his recent conference attendance in which cyber security and sunshine law updates were discussed.

Fire Chief Roger Williams encouraged everyone to stay inside due to the hot weather.

Parks and Recreation Director Mark Peterson thanked the departments that helped with the July 4 celebration and expressed his support for C.B. 21-35.

City Administrator Tom Short reported on the following: recent recovery efforts by the Police and Fire Departments, golf course usage, economic development at Myers Park, status of the ARPA funds, upcoming retirement of the Chamber of Commerce Director Mark Elliff, work on the upcoming taxi audit, a meeting with the chair of the McCune Brooks Trust, a Region M board meeting, the Personnel Hearing for Jeff Steffan, a CEDC meeting, correspondence with Spencer Fane, a meeting with Jackie Boyer regarding landscaping in the new roundabout, and future redistricting as a result of the census.

The Committee on Claims filed a report in the amount of $1,249,992.94 against the following funds: General Revenue $239,574.91, Public Health $139,706.55, Parks/Stormwater $16,721.37, Fire Protection $31,976.44, Golf $5,867.94, Capital Improvements $597,502.70, Parks & Recreation $53.52, and Payroll $218,589.51. Ms. Otero made a motion, seconded by Mr. Barlow to accept the report and allow the claims. Motion carried.

Under new business, C.B. 21-35 – An Ordinance authorizing the Mayor to enter into a Cooperative Agreement with the Missouri Department of Conservation for operations at Kellogg Lake Park first reading with no action taken.

Mr. Diggs made a motion, seconded by Mr. Topete, to approve the mayor's re-appointment of Michael Miller to the Care Leave Committee until August 2023, the reappointment of Pat Goff to the Personnel Appeals Board until August 2025, the reappointment of Noah Smith to the Carthage Tree Board until August 2024 the appointment of Seth Thompson as Liaison to the Vision Carthage Board, and the appointment of Ceri Otero, Seth Thompson, Greg Dagnan, Zeb Carney, Stephanie Howard and Tom Short to the Economic Development Committee until July 2022. Motion carried.

Closing Comments: Mr. Snow encouraged everyone to vote, Mr. Barlow thanked those that worked the July 4 celebration, and Mr. Topete discussed the Hispanic Heritage Day to be held September 25 with food trucks featuring Mexican, Guatemalan, and Salvadorian food.

Mr. Diggs made a motion, seconded by Mr. Snow, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 7:04 p.m.

____________________________

Dan Rife, Mayor

_______________________________

Traci Cox, City Clerk

# *PRESENTATIONS/ PROCLAMATIONS*

# *PUBLIC HEARINGS*

# *OLD BUSINESS*

**COUNCIL BILL NO. 21-35** **ORDINANCE NO. ______**

An Ordinance authorizing the Mayor to enter into a Cooperative Agreement with the Missouri Department of Conservation for operations at Kellogg Lake Park.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI** as follows:

**SECTION I**: The Mayor of the City of Carthage is hereby authorized to enter into a Cooperative Agreement with the Missouri Department of Conservation for operations at Kellogg Lake Park, a copy of which Agreement is attached hereto and incorporated herein as if set out in full.

**SECTION II**: This ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED THIS ________ DAY OF __________, 2021.**

______________________
**Dan Rife, Mayor**

**ATTEST:**

______________________
**Traci Cox, City Clerk**

**Sponsored by: Public Services Committee**

**AGREEMENT BETWEEN THE**

**CITY OF CARTHAGE**

**AND THE**

**MISSOURI DEPARTMENT OF CONSERVATION**

THIS AGREEMENT is to implement the MISSOURI DEPARTMENT OF CONSERVATION COMMUNITY ASSISTANCE PROGRAM, and is made and entered into _________ day of _______________________ 20___, by and between the CITY OF CARTHAGE (City) and the MISSOURI DEPARTMENT OF CONSERVATION (Department).

WHEREAS, the City owns a tract of land in Jasper County with a 20-acre lake known as Kellogg Lake that is used by the City for recreation and angling, and is referred to here as the "Area" and is described in attached Exhibit A; and

WHEREAS, the City and Department entered into a Community Assistance Program Agreement on May 27, 2014 for the Area which is hereby superseded and replaced; and

WHEREAS, the Department and City realize the importance and need for close-to-home fishing and associated outdoor activities; and

WHEREAS, the Department and City wish to take advantage of the qualities of this Area and maximize the recreational values associated with its proper management and use.

NOW, THEREFORE, in consideration of the mutual covenants of the parties contained herein, the parties hereto do mutually agree as follows:

1. **CITY RESPONSIBILITIES:** The City agrees to:

   A. Allow free public access and full use of the Area for fishing and related recreational activities by the general public consistent with the Wildlife Code of Missouri and during hours established by mutual agreement of the City and the Department.

   B. Provide Area maintenance as specified in attached Exhibit B.

   C. Monitor the condition of the Area's facilities and take actions necessary to ensure that they are clean, safe and usable, including but not limited to closing facilities to public access until any dangerous conditions that may have arisen have been corrected.

   D. Provide adequate law enforcement and protective services, as much as City jurisdiction permits, for the safety and well-being of the Area's users and facilities.

E. Give proper recognition to the Department in all brochures, advertisements or other publications concerning the Area.

F. Prohibit fish stocking other than that recommended in writing by a Department fisheries management biologist.

G. Manage its property within the watershed of Kellogg Lake to maintain the lake's good water quality, and take no actions that will lead to the deterioration of the lake's water quality, habitat or aquatic community.

H. Comply with all local, state, and federal laws and regulations related to the performance of this Agreement to the extent that the same may be applicable to the City. The City agrees to assume all risks associated with the activities performed under this Agreement. Nothing in this Agreement shall constitute a waiver of sovereign immunity.

I. Pump water into Kellogg Lake from Spring River or other permitted sources, as needed, to maintain a water level that will sustain healthy fish populations and public fishing throughout the year. However, pumping from Spring River or floodplain wells that draw water from the river shall cease immediately if the river's instantantaneous discharge falls below 5.0 cubic feet per second as determined at the Carthage, MO or LaRussell, MO gauging stations.

2. **DEPARTMENT RESPONSIBILITIES.** The Department agrees to:

A. Prepare and provide a general management plan for the fishery resources of the lake.

B. Provide periodic fish community surveys and analysis, and manage the fishery through proper regulations, fish stocking, manipulation of the fish population and other fisheries management actions as determined by the Department.

C. Enact and enforce appropriate fishing rules and regulations, and assist the City in enforcing the laws of the State of Missouri and the Wildlife Code of Missouri.

D. Provide and maintain informational and entrance signs recognizing the City and the Department for their roles in this cooperative project.

3. **JOINT RESPONSIBILITIES AND ACKNOWLEDGEMENTS.** Both parties agree that:

A. This Agreement is for the purpose of capitalizing on the value of the Area for public fishing and related outdoor activities.

B. The Department may fund its obligations under this Agreement with any combination of state and federal monies.

C. The required fishing permit as defined by the Wildlife Code of Missouri and the effective regulations pertaining to the taking of fish and use of the Area will be jointly publicized whenever possible.

D. This Agreement shall become effective upon execution by both parties. It shall expire twenty-five years from the effective date; provided, however, that it shall renew automatically for successive terms of one year each if neither party has advised the other in writing of its intention to terminate the same at least one hundred and twenty days prior to any applicable termination date.

E. This Agreement may be amended as desired by the mutual written agreement of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

**MISSOURI DEPARTMENT OF CONSERVATION**

______________________________
FISHERIES SECTION CHIEF

**CITY OF CARTHAGE**

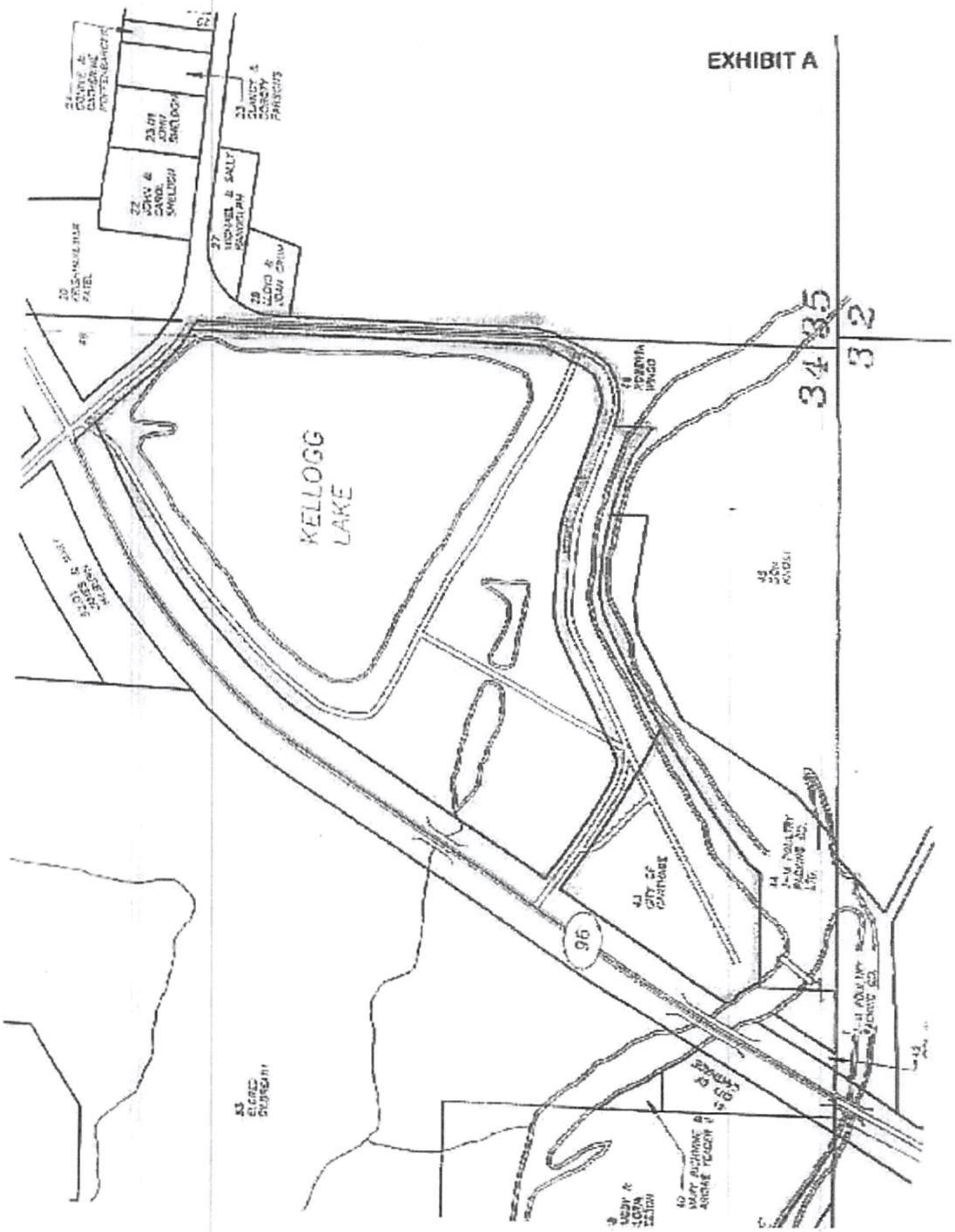
______________________________
MAYOR

Attest:

______________________________
City Clerk

______________________________
CITY MANAGER

# EXHIBIT A



FORM NO. 4—CLASS 1 Duncan Stationery Co., [illegible]

# Corporation Warranty Deed 1172 : 989

**This Indenture,** *Made on the* [illegible] *day of* [illegible] *A. D., One Thousand Nine Hundred and* [illegible] *by and between*

SPORTSMEN'S PROTECTIVE LEAGUE OF CARTHAGE, MISSOURI, Inc.,

*a corporation duly organized under the laws of the State of* Missouri *, of the County of* Jasper *, State of* Missouri *, party of the first part, and*

THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, A MUNICIPAL CORPORATION,

*of the County of* Jasper *, State of* Missouri *, part y of the second part.*

*(Mailing address of said first named grantee is* Carthage, Missouri. *)*

*WITNESSETH: THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of* ONE DOLLAR, and other good and valuable consideration, [illegible] *DOLLARS,* *to it in hand paid by the said part y of the second part, the receipt of which is hereby acknowledged, does by these presents, GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM, unto the said part y of the second part,* its successors *heirs and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of* Jasper *and State of* Missouri, *to-wit:* All Beginning at the intersection of a line perpendicular to tangent to curve of tangent Sta. 590+55, with the South line of above described right of way, and 130.0 feet on the left of above described centerline of survey; thence Southeasterly along said line perpendicular to tangent, and along the easterly line of above-described right of way for a distance of approximately [illegible] feet to the Northerly right of way line of present highway route 66; thence Easterly and Northerly along the said Northerly and Westerly right of way line of route 66 to its intersection with the South right of way line of highway route 66 Alternate; thence along the South right of way line of route 66 Alternate to its intersection with the [illegible] line of above described right of way, 130.0 feet on the left of above described centerline ~~[illegible]~~ on the left of Sta. 605+32; thence along the Easterly line of above described right of way to place of beginning, containing [illegible] acres. All in Section Thirty-four (34), Township Twenty-nine (29), Range Thirty-one (31).

For park purposes

*TO HAVE AND TO HOLD, The premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said part y of the second part and unto* its successors *heirs and assigns forever, the said* Sportsman's Protective League of Carthage, Missouri, Inc., *hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered by it or those under whom it claims; and that* Sportsman's Protective League of Carthage, Missouri, Inc., *will warrant and defend the title of the said premises unto the said part y of the second part and unto* its successors *heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.*

*IN WITNESS WHEREOF, The said party of the first part has caused these presents to be signed by its President and attested by its Secretary, and the corporate seal to be hereto attached, the day and year first above written.*

Sportsman's Protective League of Carthage, Missouri, Inc.

[illegible signature] Secretary.

By [illegible signature] President.

(SEAL)

MISSOURI CORPORATION ACKNOWLEDGMENT BOOK 1172 PAGE 990

STATE OF Missouri
COUNTY OF Jasper } ss.

On this 16th day of January 19__ before me, appeared Milo C. Jackson

to me personally known, who being by me duly sworn, did say that he is the President of SPORTSMEN'S PROTECTIVE LEAGUE OF CARTHAGE, MISSOURI,

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Milo C. Jackson acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Jasper County Missouri, the day and year last above written.

ELMA JOHNSON NOTARY PUBLIC JASPER COUNTY

My commission expires January 16th, 1975. Notary Public within and for said County and State
- Elma Johnson

1763

# Warranty Deed

FROM

TO

Filed for record this __ day of March A.D. 19__ at __ o'clock, 35 minutes, __ M.
Recorded in Book ____ at Page ____
Virginia D. Adams
Recorder.
By ____________
Deputy.
Recorder's Fee, $______

1002-727

DEED

This Indenture executed by the State Highway Commission of Missouri, herein called "Grantor", and the City of Carthage, Missouri, a municipal corporation, herein called "Grantee":

In return for the considerations hereinafter set out, Grantor does hereby convey to Grantee the following described real property situated in Jasper County, Missouri:

All that part of the SE¼ of Section 34, Township 29 North, Range 31, Jasper County, Missouri, described as follows:

Beginning at a point 160 feet right of surveyed centerline Station 574/35 of Highway Route 66 as now constructed, said point being 248 feet north and 478 feet east of the southwest corner of the SE¼ of said Section 34, thence north 10° 28' east a distance of 1337.9 feet to point of curve, thence on a curve to the right with a radius of 2704.93 feet and being 160 feet from and parallel to the centerline of highway, a distance of 282 feet, thence south 69° 32' east a distance of 1590 feet, more or less, to east line of said Section 34 and in the southerly right-of-way line of old Route 66, thence in a westerly direction along said southerly right-of-way line of old Route 66 to the right bank of Spring River, thence in a west and northerly direction along said right bank of Spring River to the point of beginning, containing 24 acres, more or less.

Grantor has heretofore constructed approaches from the property herein conveyed to the state route known as old Route 66, and Grantor expressly retains all abutters' rights of access between the property herein conveyed and Grantor's adjacent highways. No entrance will be granted to Route 66, and Grantee shall construct additional entrances to said old Route 66 only after obtaining a permit to do so from Grantor.

Grantor further reserves the right, in the event future necessity should require, to widen its abutting state highways, taking so much of the land herein described as may be required for such widening purposes, as may be shown by plans approved by Grantor for such future construction projects, and Grantor shall not be required to pay any sum to Grantee by reason of the taking of such additional right-of-way from the land described herein for highway purposes.

In the event Grantee shall have erected improvements within such additional required right-of-way, then Grantor will pay the actual relocation cost of such improvements or the then market value of same, whichever is the lesser.

In the event of the failure of Grantee to maintain said area for public and roadside park uses, then same shall immediately revert to Grantor in its entirety.

This conveyance is subject to a lease to Sportsman's Protective League of Carthage, Missouri, Inc., a corporation, and shall be effective only upon termination of such lease as provided by its terms.

[illegible] or other public purposes.

Executed by [illegible] on the 22nd day of [illegible], and by Grantee on the 26th day of [illegible], 19[illegible].

STATE HIGHWAY [illegible]

[illegible]

ATTEST:

[illegible]

Secretary

APPROVED AS TO [illegible]:

[illegible]

City [illegible]

ATTEST:

[illegible]

City Clerk

[illegible]

[illegible]

Mayor

1725 179

STATE OF MISSOURI }
} SS.
COUNTY OF COLE }

On this 12 day of [illegible], 1963, before me personally appeared Fred L. Henley, to me known, who, by me being duly sworn, did say that he is the Chairman of the State Highway Commission of Missouri and the seal affixed to the foregoing instrument is the official seal of said Commission and that said instrument was signed and sealed in behalf of said Commission by authority of the State Highway Commission, and said Fred L. Henley acknowledged said instrument to be the free act and deed of said Commission.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Cole County, the day and year first above written.

My commission expires [illegible].

[illegible signature]
Notary Public

STATE OF MISSOURI }
} SS.
COUNTY OF JASPER }

On this [illegible] day of [illegible], 1963, before me appeared [illegible], to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City of Carthage, Missouri, and the seal affixed to the foregoing instrument is the corporate seal of said City and that said instrument was signed and sealed in behalf of said City by authority of its City Council, and said [illegible] acknowledged said instrument to be the free act and deed of said City.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, in my office in Jasper County, the day and year first above written.

My commission expires [illegible].

FILED FOR RECORD
At 3 o'clock
JUN 2 9 1963
[illegible signature]
RECORDER

[illegible signature]
Notary Public

**EXHIBIT B**

**AREA MAINTENANCE STANDARDS**

The City agrees to provide routine maintenance of the Area and facilities sufficient to keep the public use facilities in a clean, safe and usable condition. In accomplishment of this, the City agrees to:

1) Provide routine cleaning of the boat ramp.

2) Clean up trash and litter at least once each week from May 1st through September 15th, and as needed during the rest of the year.

3) Mow grass within 10 feet of roads, parking lots, and other public use facilities often enough to ensure that it does not exceed a height of 6 inches; and mow a 20-foot semi-circle around the cantilever directional sign (if provided) often enough to ensure that vegetation does not obstruct the visibility of the sign from both directions.

4) Control grass on roads and parking areas and around traffic control barriers (if present).

5) Provide and install rock (rip rap), as needed, to maintain any protective rocked slopes or banks in the vicinity of the provided facilities.

6) Maintain asphalt roads and parking areas according to American Association of State Highway and Transportation Officials (AASHTO) standards. Routine preventative maintenance shall include the regular application of asphalt seal-coats to prevent or delay costly corrective measures. Any cracks larger than 0.5 inches shall be filled with a crack sealer, prior to the application of a seal-coat. A slurry seal coat, which is a mixture of quick setting asphalt emulsion, fine aggregate, mineral filler, additive, and water shall be applied to the surface once every five years. In places where cracks are more severe, but limited to specific areas of pumping subgrade (resulting in potholes, tire tread lanes, etc.), the old asphalt shall be removed, and any soft pumping subgrade shall be excavated and replaced with a sufficient depth of clean aggregate to stabilize the subgrade prior to asphalt replacement.

7) Provide the normal, routine maintenance of Area roads, parking lots, boat ramp, fishing berm, sidewalks, pavillion and any other facilities needed to keep these items fully functional and to present a positive image of the City and Department to the public.

Jasper County Courthouse
302 S. Main • Room 102
Carthage, Missouri 64836
Office: 417-358-0416
Fax: 417-358-0415

# JASPER COUNTY CLERK

**Charlie Davis**

We, the undersigned representatives of opposite political parties, hereby certify that on the 3rd day of August, 2021, we did tabulate returns of the election in Jasper County; the following being a true and accurate account of the votes cast at said polling places:

Democratic Canvasser

Republican Canvasser

STATE OF MISSOURI)
)ss
County of Jasper )

IN TESTIMONY WHEREOF,
I, Charlie Davis,
Hereunto set my hand
and affix the Seal of the
County of Jasper, at my
office in Carthage, MO,
this 6th day of August, 2021.

SEAL

Charlie Davis
Jasper County Clerk

# Results per Precinct
# Jasper County MO 2021 August Special Election
# Official

2021-08-06 12:15:11

**QUESTION for CITY OF CARTHAGE, JASPER COUNTY (Vote for 1)**

| Precinct | YES | NO |
|---|---|---|
| CARTHAGE 1 | 25 | 28 |
| CARTHAGE 2 | 7 | 17 |
| CARTHAGE 3 | 51 | 54 |
| CARTHAGE 4 | 94 | 100 |
| CARTHAGE 5 | 67 | 29 |
| ABSENTEE | 27 | 37 |
| **Total** | **271** | **265** |

# QUESTION for CITY OF CARTHAGE, JASPER COUNTY (Vote for 1)

Precincts Reported: 6 of 6 (100.00%)

| | Total | |
|---|---|---|
| Times Cast | 536 / 7,788 | 6.88% |

| Candidate | Party | Total | |
|---|---|---|---|
| YES | | 271 | 50.56% |
| NO | | 265 | 49.44% |
| Total Votes | | 536 | |

| | Total | |
|---|---|---|
| Unresolved Write-In | 0 | |

# *NEW BUSINESS*

**COUNCIL BILL NO.** 21-36 **ORDINANCE NO.** ______

**AN ORDINANCE LEVYING GENERAL TAXES UPON REAL PROPERTY LOCATED WITHIN THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI FOR THE YEAR 2021, FOR GENERAL REVENUE PURPOSES AND OTHER PURPOSES, AND FIXING THE RATES THEREOF.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI** as follows:

**SECTION I**: That a tax be and the same is hereby levied for the year 2021, upon all real property which is subject to taxation for municipal purposes under the statutes of the State of Missouri, within the corporate limits of the City of Carthage, Jasper County, Missouri as follows:

First, for General Revenue purposes, 0.3335 cents per One Hundred Dollars assessed valuation.

Second, for the purpose of maintaining the Public Library for the City of Carthage, 0.1665 cents per One Hundred Dollars assessed valuation.

Third, for the purpose of maintaining Public Parks and Recreation within the City of Carthage, 0.1439 cents per One Hundred Dollars assessed valuation.

Fourth, for the purpose of maintaining the Public Health of the City of Carthage, 0.0758 cents per One Hundred Dollars assessed valuation.

**SECTION II**: This Ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED THIS _____, DAY OF _________, 2021.**

______________________________

**Mayor, Dan Rife**

ATTEST:

______________________________

**City Clerk, Traci Cox**

(Sponsored by the Budget Ways & Means Committee)

# The City of Carthage

America's Maple Leaf City

326 Grant St., Carthage, MO 64836 (417) 237-7000 FAX (417) 237-7002

## NOTICE OF PUBLIC HEARING

A Public Hearing will be held at 6:30 P.M., Tuesday, August 10, 2021 in the City Hall, Council Chambers, 326 Grant Street Carthage, Missouri at which time Citizens may be heard on the property tax rates proposed to be set by the City of Carthage.

| Assessed Valuations | Current Year 2021 | | Prior Year 2020 |
|---|---|---|---|
| Real Estate – Residential | 89,166,860 | | 79,917,720 |
| Real Estate – Agriculture | 578,440 | | 553,380 |
| Real Estate – Commercial | 47,972,660 | | 46,909,190 |
| Local/State Assessed RR/Utilities | Current Year 2021 | | Prior Year 2020 |
| Local Valuations | 1,815,900 | | 1,867,390 |
| State Valuations | 175,983 | | 190,190 |
| **ASSESSED TOTALS** | 139,709,843 | | 129,437,870 |
| Funds | Prior Year Levy | Proposed Levy | Property Tax 2021 |
| General Revenue Fund | 0.3528 | 0.3335 | $465,932 |
| Public Health Fund | 0.0802 | 0.0758 | $105,900 |
| Park & Recreation Fund | 0.1522 | 0.1439 | $201,042 |
| Library Fund | 0.1762 | 0.1665 | $232,616 |
| **FUND TOTALS** | 0.7614 | 0.7197 | $1,005,490 |

*This rate is subject to change due to the receipt of subsequent information or upon notice from the State Auditor's Office. A copy of the City of Carthage Annual Budget for Fiscal Year 2021-2022 is available for public inspection at City Hall, 326 Grant Street Carthage, Missouri.

Traci Cox
City Clerk / Finance Officer
City of Carthage

POSTED: 08/05/2021 Carthage City Hall, Carthage Public Library, Carthage Police Department, Carthage Fire Department, Carthage Website at www.carthagemo.gov
Carthage Memorial Hall and Carthage Public Works Department

**TO:** Mayor and Council Members

**FROM:** Traci Cox, City Clerk / Finance Officer

**RE:** Tax Levy on Real Property

**We received the "aggregate assessed valuation notice and levy worksheets" on August 4, 2021. The numbers listed below show what the Council approved last year in August 2020:**

| | |
|---|---|
| General Revenue | 0.3528 |
| Library | 0.1762 |
| Public Health | 0.0802 |
| Park & Recreation | 0.1522 |
| TOTAL | 0.7614 |

**Here are numbers for this year (2021):**

| | |
|---|---|
| General Revenue | 0.3335 |
| Library | 0.1665 |
| Public Health | 0.0758 |
| Park & Recreation | 0.1665 |
| TOTAL | 0.7197 |

**If the above rates are approved for 2021 and you owned the same home as the previous year valued at \$100,000, your City Property Tax would be \$136.74. This is a reduction of \$7.93 from the previous year.**

**(100,000 x 19%=19,000 / 100 = 190 x 0.7197 = \$136.74)**

**COUNCIL BILL NO. 21-37** **ORDINANCE NO. ______**

**AN ORDINANCE TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, AS FOLLOWS:**

**Section I - Declaration of Policy.** The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

**Section II - Conflicts of Interest.** The Mayor or any member of the City Council who has a "substantial or private interest", as defined by state law in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

**Section III - Disclosure Reports.** Each elected official, the chief administrative officer, the chief purchasing officer, and the general counsel (if employed full-time) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

c. The chief administrative officer and the chief purchasing officer also shall disclose by May 1 for the previous calendar year, the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that he owned; the name address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation

system in which the person owned two percent or more of any class or outstanding stock, limited partnership units or other equity interests;

3. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

**Section IV – Filing of Reports.** The reports, in the attached format, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

**Section V – When Filed.** The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;

a. Each person appointed to office shall file the statement within 30 days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31of the covered year until the date of filing of the financial interest statement.

**Section VI – Filing of Ordinance**. The City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption.

**Section VII – Effective Date**. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect for two years from the date of passage.

**PASSED AND APPROVED THIS ________ DAY OF ________2021.**

________________________________

**Dan Rife, Mayor**

**ATTEST:**

________________________________

**Traci Cox, City Clerk**

**ponsored by: Insurance, Audit & Claims Committee**

**COUNCIL BILL NO. 21-38** **ORDINANCE NO. __________**

An Ordinance to amend Section 2-60 Functions of public works committee, of the Carthage Code by replacing with 2-60 Functions of public works committee, in the City of Carthage Missouri.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI** as follows:

**SECTION I:** Section 2-60 of the Carthage Code is hereby repealed and replaced with the following Chapter 2 Section 60:

Sec. 2-60. - Functions of public works committee.

It shall be the duty of the committee to have general oversight of the streets, alleys and public ways of the city, including all street improvements, street repair, construction of bridges and culverts, establishing all public ways, alteration or vacation of streets or other public ways, or parts of the same, and, generally, to observe and report any dangerous condition on any of the streets or public ways of the city, that might be, or become detrimental to persons using the same. The committee shall recommend improvements of public streets, alleys and public ways and designate the manner and places for necessary repairs thereon, and perform such duties pertaining to the public streets or public works of the city, as may be referred to it by the council. In this connection it shall be deemed the duty of the Public Works Superintendent to work under the supervision of the Public Works Director.

It shall also be the duty of the committee to review all capital project bid tabulations and recommend the best and lowest bid to the city council. The committee shall also review and make recommendation for all contract services related to Public Works, including but not limited to solid waste, contract engineering.

**SECTION II:** This Ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND APPROVED THIS __________ DAY OF _______________, 2021.**

______________________________

**MAYOR**

**ATTEST:**

______________________________

**CITY CLERK**

Sponsored by: Public Works

# *MAYOR'S APPOINTMENTS*

# *RESOLUTIONS*

## RESOLUTION NO. 1937

**A RESOLUTION PROVIDING AUTHORIZATION OF APPROPRIATION OF FUNDS FROM THE ANNUAL OPERATING AND CAPITAL BUDGET OF THE CITY OF CARTHAGE, MISSOURI.**

**WHEREAS,** the City of Carthage has, by ordinance, adopted its Annual Operating and Capital budget for the fiscal year ending June 30, 2022; and

**WHEREAS,** the City periodically needs to adjust its Annual Operating and Capital budgets for a variety of business related reasons; and

**WHEREAS,** the necessity of conducting City business in an efficient and timely manner sometimes does not lend itself to amending the budget by ordinance; and

**WHEREAS,** an ordinance amending the budget will be presented for Council consideration prior to the end of the fiscal year; and

**WHEREAS,** the Budget Ways & Means Committee has, or will consider all requested budget adjustments prior to Council consideration of an ordinance amending the budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, THE MAYOR CONCURRING HEREIN, AS FOLLOWS:**

That the City Council hereby authorizes a supplemental appropriation of funds from the City's Annual Operating and Capital budget for the fiscal year ending June 30, 2022 as follows, and directs a budget adjustment ordinance be prepared and submitted to the Council for future action:

1. **General Fund;** The City of Carthage's 2021 - 2022 Budget is hereby amended to reflect a supplemental appropriation to the **CMA** Department, Economic Development Services line item for an amount not to exceed $34,500 for partnering with CWEP, on a contract with Ady Advantage for the development of an Economic Development Strategic Plan.

2. **Parks Stormwater Sales Tax Fund;** The City of Carthage's 2021 - 2022 Budget is hereby amended to reflect a supplemental appropriation not to exceed $302,304 to the Capital Outlay line item for carry-over projects from previous Fiscal Years, consisting of: an amount not to exceed $80,000 for the Golf Course Bunker Renovation project budgeted in Fiscal Year 2021; an amount not to exceed, $125,000 for the Tree Inventory and Maintenance for the Parks & Recreation System project budgeted in Fiscal Year 2021; an amount not to exceed, $1,554 for the Griggs Park Pickle Ball Courts project budgeted in Fiscal Year 2020; and an amount not to exceed, $95,750 for the Parks Master Plan project budgeted in Fiscal Year 2021, from the unallocated and unappropriated Fund Balance, and The City of Carthage's 2020 - 2021 Budget for the **Parks Stormwater Sales Tax Fund** is hereby further amended to reflect a supplemental appropriation of an amount not to exceed, $258,524.13 to the Capital Outlay line item for Lease Purchase payments from Lease Proceeds of $258,524.13, pursuant to a year end journal entry.

3. **Fire Sales Tax Fund;** The City of Carthage's 2020 - 2021 Budget for the Fire Sales Tax Fund is hereby amended to reflect a supplemental appropriation not to exceed $579,790.29 to the Capital Outlay line item for Lease Purchase payments from Lease Proceeds of $579,790.29 pursuant to a year end journal entry.

Sponsored by: Budget Ways & Means Committee

**PASSED AND APPROVED THIS __________ DAY OF ____________, 2021.**

______________________________

**Dan Rife, Mayor**

**ATTEST:**

______________________

**Traci Cox, City Clerk**

Sponsored by: Budget Ways & Means Committee

# *MINUTES*
# *STANDING*
# *COMMITTEES*

**COMMITTEE ON INSURANCE/AUDIT AND CLAIMS**
**TUESDAY, JULY 27, 2021**
**5:00 p.m.**

**COMMITTEE MEMBERS PRESENT**: Ceri Otero, Craig Diggs and Robin Harrison. David Armstrong was absent.

**OTHER COUNCIL MEMBERS:** Mayor Dan Rife and Council Member Ed Barlow.

**OTHERS PRESENT**: City Administrator Tom Short, City Clerk Traci Cox, and Abi Almandinger.

Chair Ceri Otero called the meeting to order at 5:00 P.M.

**OLD BUSINESS:**

1. **Approval of minutes from previous meeting**: On a motion by Mr. Diggs, the minutes of the July 13, 2021 meeting were approved 3-0.

2. **Review and approval of the Claims Report**: The Committee discussed items regarding the Claims Report. Mrs. Harrison moved to approve the claims. Motion carried 3-0.

**NEW BUSINESS:**

1. **Staff Reports:** None.

**ADJOURNMENT:** Mrs. Harrison made a motion to adjourn at 5:03 PM. Motion carried 3-0.

Traci Cox

# PUBLIC WORKS COMMITTEE

Public Works Department 623 E 7th Carthage MO 64836
*Tele:* (417) 237-7010 *Fax:* (417) 237-7011

*"America's Maple Leaf City"*

## 08/03/2021 PUBLIC WORKS COMMITTEE MEETING MINUTES

Committee Members present: David Armstrong, Ray West, and Craig Diggs. Mike Daugherty was absent.

Staff Members present: Zeb Carney, Public Works Director, Julie Tilley, Public Works Administrative Coordinator, Chelsea Rives, Public Works Administrative Assistant, Tom Short, City Administrator, and Greg Dagnan, Assistant City Administrator.

Citizens: Abi Almandinger

Chairman David Armstrong called the Public Works Committee meeting to order at 5:32 p.m.

Old Business: None

A motion was made by Ray West to accept the minutes from the June 1, 2021 Committee meeting. All ayes, motion passed.

Citizen Participation: None

New Business: The committee discussed the changes to Section 2-60 of the City of Carthage Code and all approved the changes. The committee agreed to send the changes to Nate Dally to request a council bill. Craig Diggs made a motion to request a council bill formally changing Section 2-60, all ayes motion carried. The committee would like to make changes to the current City of Carthage Comprehensive Plan. The current plan was created in 2009 and lacks structure and goals according to the committee. The committee would like the plan to be a vision for the City with goals. The committee agreed that it needed to be updated and would move forward with the steps needed to update the Comprehensive Plan.

Staff Reports:

Zeb reported on the following:

- The Planning and Zoning committee heard from Kim Lingle with MBL about annexing the NW corner of Chapel Rd and Fir Rd for senior housing. This would include 38 two-bedroom one-bath apartments. Kim stated he had 60 people on a waiting list for apartments. All would be contingent on funding through MHDC. Kim asked for a letter of support from the City. This letter will be prepared for the next City Council meeting on August 10, 2021.
- Schuber Mitchell is breaking ground this week for their addition.
- Schreiber's will be onsite starting next week to begin phase 1, which is site work.
- Pete's at Central and Baker is at standstill waiting on appliances.
- ESRI software is working great and will include all the census information.

- Sproul's Construction will begin working on the Hazel Street project as soon as they are done at Phelp's. The only thing that might hold up the project is paint for striping. Scott Clark has 35 gallons of traffic paint that they are willing to donate.
- Spring River Cattle Company is opening a restaurant at the corner of Central and Francis. They will have a restaurant with a meat market.
- Director of Vision Carthage, Abi Almandinger, has ordered the light tunnel and it will be here around September 21st.

Tom reported on the following:

- Tom advised the paving for the roundabout should take place on Thursday and Friday. The roundabout should be open on Saturday as long as everything goes okay.
- Jason Eckhart sent in a final estimate for the Garrison St project, the estimate was $560,000.00

David Armstrong made a motion to adjourn the meeting at 6:20 p.m. All ayes, motion carried.

# *MINUTES SPECIAL COMMITTEES AND BOARDS*

# CWEP
## BOARD MEETING MINUTES

July 22, 2021

The Carthage Water & Electric Plant Board met in regular session July 22, 2021, 4:00 p.m. at the CWEP Office, 627 W Centennial, Carthage, MO.

Board:

- ☒ G. Stephen Beimdiek- President
- ☒ Danny Lambeth -Vice President
- ☒ Ron Ross -Secretary
- ☒ Alan Snow -Liaison
- ☒ Brian Schmidt - Member
- ☒ Pat Goff – Member
- ☒ Darren Collier - Member

Staff:

- ☒ Chuck Bryant-General Manager
- ☒ Cassandra Ludwig-General Counsel
- ☐ Jason Peterson-Director IT & Broadband
- ☒ Megan Stump- Executive Assistant
- ☒ Meagan Milliken-Customer Relations Mgr.
- ☐ Jason Choate-Director of Water Services
- ☒ Kelli Nugent/CFO
- ☐ Kevin Emery-Director of Power Services
- ☒ Stephanie Howard-Director of Business & ED

President Beimdiek called the meeting to order at 4:01 p.m.

**ADDITIONS/CHANGES TO THE AGENDA:** None

**APPROVAL OF MINUTES:**

A motion by Lambeth and seconded by Schmidt to approve the minutes of the regular meeting of May 27, 2021, as presented, passed unanimously.

**APPROVAL OF DISBURSEMENTS:**

A motion by Goff and seconded by Collier to approve disbursements for May in the amount of $6,247,834.01, passed unanimously.

**FINANCIAL STATEMENT:**

CFO Nugent presented the financials for May noting that the net income for the company exceeded budget for the month and year to date by $613,547 and $5,970,809 respectively. Operating revenues for the company exceeded budget and prior year for the month and year to date. Expenses were lower than budget for the month and year to date primarily due to the electric department's credit received for revenues collected as part of Winter Storm Uri. She reported that power and water loss percentages for the month were 10.58% and 18.90%, respectively. The year to date are 1.92% and 8.06% for power and water, respectively.

A motion by Lambeth and seconded by Schmidt to approve May financials passed unanimously.

**COMMITTEE REPORTS:** None.

**CITIZENS PARTICIPATION PERIOD:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**RECOMMENDATION FOR THE PURCHASE OF WATER TREATMENT CHEMICALS**

General Manager Bryant noted a formal bid was issued for water treatment chemicals and CWEP requested a delivered cost for each chemical for a three-year agreement. He noted Tanner Industries, Inc. provided pricing for three-years for bulk anhydrous ammonia. U.S. Lime Co. Provided pricing for three-years bulk quicklime. Univar Solutions USA, Inc. provided pricing for one-year on both bulk and drums of hydrofluosilicic acid and then review at the second and third-year renewals due to the increasing costs of chemicals.

GM Bryant recommends after a thorough assessment of the bids to award the chemical products to Tanner Industries, Inc., U.S. Lime Co., and Univar Solutions USA, Inc.

A motion by Lambeth and seconded by Collier to award the chemical products to Tanner Industries, Inc., U.S. Lime Co., and Univar Solutions USA, Inc., passed unanimously.

**RECOMMENDATION FOR THE INSTALLATION SERVICES OF AN ACCESS CONTROL PLATFORM SYSTEM**

General Manager Bryant reported a formal request was issued seeking qualified contractors to provide installation services of additional access control points to the current security operating platform system at multiple CWEP locations. He noted a pre-proposal site tour took place with three potential respondents attending. Of those that attended, CWEP received proposals for C&C Group in the amount of $40,420.00, and from NetWatch, Inc. in the amount of $54,173.38.

After a thorough evaluation of the proposals, the CWEP Communications Department believes C&C Group will provide quality work and meet all expectation for the installation services while offering the lowest cost for the project.

A motion by Goff and seconded by Schmidt to award this project to C&C Group in the amount of $40,420.00, passed unanimously.

**APPROVAL OF THE ECONOMIC DEVELOPMENT STRATEGIC PLAN PROPOSAL**

General Manager Bryant introduced the Economic Development Strategic Plan proposal to the Board, he explained the project approach, timeline, scope of work and expense expected for this proposal.

A motion by Goff and seconded by Lambeth to approve moving forward with the economic development strategic plan proposal, passed unanimously.

**CENTRAL PARK LIGHTS DISCUSSION**

General Manager Bryant presented the Central Park lighting project to the Board, he explained this project would be a great way to give back to the community. This project will include wrapping every tree in the park with lights and planting four new trees around the swimming pool area, it would kick off to the public at the end of November to the beginning of January. GM Bryant gave visuals of the ideas for the project and explained this project would be a magnet for people to come to the City of Carthage.

A motion by Schmidt and seconded by Collier to approve this Central Park lighting project, passed unanimously.

**STAFF REPORTS:**

General Manager Bryant gave an update on materials and lead times and commended staff for working overtime making sure materials were being received in a decent time period. He reported the installation of AMI meters start on Monday. Bryant announced he attended the APPA Annual Conference. He noted there will be a meeting with Sikeston next month, pushing the Board meeting back a week to August 26$^{th}$.

CFO Nugent reported her, and her staff are finishing up on year end.

**BOARD MEMBER COMMENTS:**

City Liaison Snow noted there will be a city use tax on the ballot.

At 5:26 p.m. a motion by Lambeth and seconded by Goff to close a portion of the meeting into closed session pursuant to Section 610.021(3) of the Sunshine Law, passed unanimously via a roll call vote.

At 6:00 p.m. the meeting reconvened in open session. A motion by Schmidt and seconded by Collier to amend the contract of General Manager Bryant, passed unanimously.

At 6:34 p.m. a motion by Goff and seconded by Lambeth to adjourn the meeting, passed unanimously.

President – Steve Beimdiek

Secretary – Ron Ross

***Draft Copy of Minutes Subject to Approval at the Next Meeting***

Zoning Board of Adjustment
Meeting 22 July 2021

The Zoning Board of Adjustment Committee consists of five members: Chairman Bonham Oney, Vice Chairman Jerry Poston, Jim Swatsenbarg, HJ Johnson, and Secretary Bill Barksdale. City Staff include Tom Short, Greg Dagnan and Zeb Carney.

Committee Members Present: Bonham Oney, Jim Swatsenbarg, HJ Johnson, and Jerry Poston.

Also, present: Julie Tilley, Zeb Carney, Greg Dagnan, Christopher and Sara Melson. Others were in attendance but their names were not documented.

A quorum was present.

The meeting was called to order at 5:30 p.m.

First order of business involved the minutes of the previous meeting, September 30, 2020. HJ Johnson made a motion to accept the minutes from the previous meeting. A second to the motion was given by Jerry Poston. On a voice vote, the motion carries.

Second Order of Business was a variance request by Christopher & Sara Melson at property located at 1304 Glenwood. The request was in regard to the placement of a privacy fence. The owners requested that the fence be allowed to encroach upon the front setback.

The applicant, Sara Melson gave a brief explanation for the request and the overall goal of providing a degree of privacy for her daughter in the back yard. She answered questions from the Board members.

The meeting was opened up to citizen participation. The neighbor to the south was in attendance and expressed concerns about potentially restricting visibility when pulling his truck and trailer from his driveway.

Other placement options were discussed and considered by both the applicant and the Board. After some discussion, HJ Johnson made a motion to deny the request. A second was given by Jim Swatsenbarg. On a voice vote the motion passed 3 to 1. 'Ayes' to deny were given by HJ Johnson, Jim Swatsenbarg and Bonham Oney. 'Nay' to deny given by Jerry Poston.

There were no other items on the Agenda.

HJ Johnson made a motion to adjourn and that motion was given a second by Jim Swatsenbarg. Meeting adjourned at approximately 6:20 p.m.

Respectfully submitted,
Julie Tilley

***Draft Copy of Minutes Subject to Approval at The Next Meeting***

Planning, Zoning, and Historic Preservation Commission
Meeting 2 August 2021

The Planning, Zoning, and Historic Preservation Commission consists of eleven members: Chairman Harry Rogers, Vice Chairman Abi Almandinger, Bill Barksdale, Jim Swatsenbarg, Jim Hunter, and Mark Elliff. Non-Voting Members include Mayor Dan Rife, City Administrator Tom Short and Council Member Liaison Ed Barlow. Staff includes Public Works Director Zeb Carney. There is currently one vacancy on the board.

The August meeting was held in City Council Chambers.

Commission Members Present: Harry Rogers, Abi Almandinger, Jim Swatsenbarg, Jim Hunter, Zeb Carney, Tom Short, Ed Barlow, and Mark Elliff.

Also, present: Julie Tilley, Kim Lingle-MBL Development.

A quorum was present.

Chairman Harry Rogers called the meeting to order at 5:30 p.m.

First order of business involved the minutes of the May 3, 2021, meeting. Minutes were available for review in the packet prior to the meeting. A motion to approve the minutes as written was made by Abi Almandinger and was seconded by Jim Swatsenbarg. On a voice vote, all ayes, the motion passed.

Second order of business involved an annexation request. The request is for annexing 4.97 acres of property on Fir Road owned by Jess and Peggy Kessinger Trust. MBL Development is purchasing the property to construct Phase II of senior living apartments which mirror the Villas at Myers Park which were completed in 2018. Currently there is a waiting list of 62 applicants for senior housing at the Villas. The annexation request is subject to MBL Development obtaining financing through the Missouri Housing and Development Commission in early 2022. A motion to approve the annexation request subject to MHDC financing was made by Jim Swatsenbarg and was seconded by Abi Almandinger. On a voice vote, all ayes, the motion passed.

Third order of business involved a Rezoning request of the previously approved annexed property. The request is for rezoning from 'A' First Dwelling to 'C' Apartment. A motion to approve the rezoning request subject to MHDC financing was made by Jim Swatsenbarg and was seconded by Abi Almandinger. On a voice vote, all ayes, the motion passed.

Fourth order of business was election of officers. Chairman Rogers stated that he was not seeking reelection as the Chair and opened the floor to nominations. Jim Swatsenbarg nominated Mark Elliff as Chair. Abi Almandinger nominated herself as Chair. Harry Rogers moved that nominations cease and a vote was taken.

For Mark Elliff-Three Ayes, Jim Swatsenbarg, Harry Rogers, and Mark Elliff
For Abi Almandinger-Two Ayes, Jim Hunter, and Abi Almandinger
Mark Elliff was elected as Chair.

Chairman Rogers then opened the floor for nominations for Vice-Chair. Mark Elliff nominated Jim Swatsenbarg as Vice-Chair. Abi Almandinger nominated herself as Vice-Chair. Harry Rogers moved that nominations cease and a vote was taken.

For Jim Swatsenbarg-Two Ayes, Jim Swatsenbarg, and Mark Elliff
For Abi Almandinger-Three Ayes, Jim Hunter, Harry Rogers, and Abi Almandinger
Abi Almandinger was elected Vice-Chair

Chairman Rogers then opened the floor for nominations for Secretary. Jim Swatsenbarg nominated Bill Barksdale as Secretary. Harry Rogers moved that nominations cease and Bill be elected by acclamation. All Ayes, and Bill Barksdale was elected Secretary.

Abi Almandinger told the Commission that the Missouri State Historic Preservation Office would be providing training for the Commission in the near future.

There were no further items on the agenda.

The next meeting is scheduled for September 6, 2021, which is Labor Day. A different date will be proposed subject to members availability.

Abi Almandinger made a motion to adjourn. That motion was seconded by Harry Rogers. Motion passed and the meeting adjourned.

Respectfully submitted,
Mark Elliff

# *AGENDAS STANDING COMMITTEES*

**--NOTICE OF MEETING--**

**PUBLIC WORKS COMMITTEE**

**August 3, 2021**

**5:30 PM**

**CITY HALL**

**326 GRANT STREET**

**2ND FLOOR CONFERENCE ROOM**

**-- AGENDA--**

**OLD BUSINESS**

1. Consideration and approval of minutes from previous meeting

**CITIZENS PARTICIPATION**

None.

**NEW BUSINESS**

1. Consider and discuss changes to Section 2-60 of the City of Carthage Code, Functions of the Public Works Committee.
2. Consider and discuss the 2009 City of Carthage Comprehensive Plan

**OTHER BUSINESS**

1. None.

**STAFF REPORTS** - Zeb Carney & Tom Short

**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.**

**POSTED: 7/30/2021**

**BY: Julie Tilley**

**--NOTICE OF MEETING—**

**BUDGET WAYS & MEANS COMMITTEE**

**AUGUST 09, 2021**

**5:30 P.M.**

**COUNCIL CHAMBERS, CITY HALL**
**326 GRANT ST., CARTHAGE, MISSOURI**

**--TENTATIVE AGENDA--**

## CITIZENS PARTICIPATION

(Citizens wishing to speak should notify Department Head or Committee Chairman in advance)

## OLD BUSINESS

1. Consideration and approval of minutes from previous meeting.

## NEW BUSINESS

1. Presentation: Convention and Visitor's Bureau; Boots Motel purchase funding request.
2. Consider and discuss a Resolution Amending the 2021 - 2022 Annual Operating and Capital Budget for the City of Carthage.
3. Consider and discuss an Ordinance levying general taxes upon real property located within the City of Carthage, Jasper County, Missouri for the Year 2021, for general revenue purposes and other purposes, and fixing the rates thereof.
4. Staff Reports.

## ADJOURNMENT

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

**POSTED:** ____________

**BY:** ________________

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS
August 10, 2021
5:00 PM
Carthage City Hall Council Chambers

## Old Business

1. Consideration and Approval of Minutes from Previous Meeting
2. Review and Approval of the Claims Report

## Citizens Participation

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)

## New Business

1. Consider and discuss Conflict of Interest C.B. 21-37.
2. Staff Reports

## 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.

Posted: ____________________________

# *AGENDAS SPECIAL COMMITTEES AND BOARDS*

**John Bartosh**
*Presiding Commissioner*

**Tom Flanigan**
*Eastern District Commissioner*

**Darieus K. Adams**
*Western District Commissioner*

# JASPER COUNTY COMMISSION

302 S. Main ST
Carthage, MO 64836

Carthage: 417-358-0421
Joplin: 417-625-4350

Toll Free: 800-404-0421
Fax: 417+358-0483

COMMISSION AGENDA
AUGUST 3, 2021
9:00 A.M.
JASPER COUNTY COURTHOUSE ROOM 101

1. CALL TO ORDER
   PRAYER
   PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES
4. PRESENTATIONS
   - **Callie Myers-Executive Director-Visit Carthage**
5. REPORTS AND COMMUNICATIONS
6. ELECTED OFFICIALS/CITIZENS REQUESTS
   - **Jasper County Sheriff-Surplus 2006 Porlaris**
7. COMMISSIONER'S REPORTS
8. UNFINISHED BUSINESS
9. NEW BUSINESS
10. PUBLIC HEARINGS

PUBLIC PARTICIPATION FROM AUDIENCE WHEN ADDRESSED YOU WILL BE ALLOWED THREE MINUTES TO SPEAK.

ELECTED OFFICIALS/CITIZENS WISHING TO BE HEARD UNDER ELECTED OFFICIALS/CITIZENS REQUEST MUST REQUEST TO SPEAK TO COMMISSION BY 4:00 P.M. ON THE FRIDAY PRIOR TO THE COMMISSION MEETING ON TUESDAY. CITIZENS SPEAKING TIME WILL BE LIMITED TO FIVE MINUTES.

THE NEWS MEDIA MAY OBTAIN COPIES OF THIS NOTICE BY CONTACTING:
COMMISSION OFFICE, 302 S. MAIN, COURTHOUSE, ROOM 101, CARTHAGE 417-358-0421

NOTICE POSTED JULY 31, 2021 AT 4:00 P.M. (RSMO 610.020)

CARTHAGE PUBLIC LIBRARY BOARD OF TRUSTEES
Tuesday, August 10, 2021 5:15 p.m.

Steadley Family Legacy Center
612 S. Garrison Ave.

AGENDA
Roll Call of Members

Minutes from the Last Meeting/June

Financial Report/June and July

Director's Progress and Service Report

President's Message

Council Liaison's Report

Committee Reports

- Building Committee
- Budget Committee
- Community Relations
- By-Laws
- Library Gardens
- ADA Compliance
- Communications

New Business
Board committee assignments
Volunteer Policy

Payment of Bills

Adjournment

# *CORRESPONDENCE*

# "Rosenberg's Rules of Order"

*(Simple Rules of Parliamentary Procedure for the 21st Century)*

### Introduction

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules - "Robert's Rules of Order" - which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time, and for another purpose. If one is chairing or running a Parliament, then "Robert's Rules of Order" is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of, say, a 5-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of "Rosenberg's Rules of Order."

What follows is my version of the rules of parliamentary procedure, based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars: (1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings. (2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate. (3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process. (4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the Chair of the body who is charged with applying the rules in the conduct of the meeting. The Chair should be well versed in those rules. The Chair, for all intents and purposes, makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

Since the Chair runs the conduct of the meeting, it is usual courtesy for the Chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the Chair should not participate in the debate or discussion. To the contrary, the Chair as a member of the body has the full right to participate in the debate, discussion and decision-making of the body. What the Chair should do, however, is strive to be the last to speak at the discussion and debate stage, and the Chair should not make or second a motion unless the Chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. And each agenda item can be handled by the Chair in the following basic format:

**First**, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the Chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).

**Fifth**, the Chair should invite a motion. The Chair should announce the name of the member of the body who makes the motion.

**Sixth**, the Chair should determined if any member of the body wishes to second the motion. The Chair should announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)

**Seventh**, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the Chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the Chair takes a vote. Simply asking for the "ayes", and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated later in these rules) then a simple majority determines whether the motion passes or is defeated.

**Tenth**, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days notice for all future meetings of this body."

### Motions in General

Motions are the vehicles for decision-making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the Chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move . . . . " So, a typical motion might be: "I move that we give 10-day's notice in the future for all our meetings."

The Chair usually initiates the motion by either (1) Inviting the members of the body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the body. "A motion would be in order that we give 10-day's notice in the future for all our meetings." (3) Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

### The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion**. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

**The motion to amend**. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.

**The substitute motion**. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a 5-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

**First,** the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

**Second,** if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee by 5 members or 10 members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

**Third,** the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

**A motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**A motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**A motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

### Majority and Super-Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss and item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

**Motion to limit debate.** Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

**Motion to close nominations.** When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a 2/3 vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, perhaps disagreement and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to a re-opener if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and by a 2/3 majority, can allow a motion to reconsider to be made at another time.) Second, a motion to reconsider can only be made by certain members of the body. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

### Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

__**Withdraw a motion.**__ During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

**Special Notes About Public Input**

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.