



City of Carthage, Missouri

CITY COUNCIL

March 14, 2023 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

AGENDA

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**
 1. Approval of February 28, 2023 Minutes
6. **Presentations/Proclamations**
 1. Oath of Office - Police Officers
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**
 1. Agendas and Minutes of Standing Committees
9. **Reports from Special Committees and Board Liaisons**
 1. Agendas and Minutes of Special Committees
10. **Report of the Mayor**
 1. Emergency Purchase Letter
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**
 1. Financial Reports
 2. City Administrator's Report
13. **Report of Claims Presented Against the City**
 1. Motion and a second to approve the Claims
14. **Public Hearings**
15. **Old Business**

1. C.B. 23-12 -- An Ordinance to amend Section 14-11 of the Carthage Code to comply with changes mandated by the Missouri Supreme Court and the Revised Missouri Statutes
2. C.B. 23-13 -- An Ordinance to amend sections of Chapter 13 of the Carthage Code by adding a section for discharging of weapons inside the City Limits for the City of Carthage, Missouri
3. C.B. 23-14 -- An Ordinance of the City of Carthage, amending the Carthage City Code by adding Section 13-158 to include regulations for adult use marijuana in the City of Carthage, Missouri
4. C.B. 23-15 -- An Ordinance authorizing the Mayor to enter into a contract with CXT for restroom facilities in four City Parks for the amount of Four Hundred Seventy-Seven Thousand Three Hundred Five and 00/100 (\$477,305.00)
5. C.B. 23-16 -- An Ordinance authorizing the Mayor to enter into a contract with Pyrotechnics by Encore LLC, Inc. for firework displays for the July 4, 2023, July 4, 2024 and July 4, 2025 celebrations in the amount of \$19,950.00 per year, in the City of Carthage, Missouri

16. New Business

1. C.B. 23-17 -- An Ordinance authorizing a special use permit to allow for the construction of a shower house located at 125 E. Fairview in the City of Carthage, Jasper County, Missouri.
2. C.B. 23-18 -- An Ordinance to amend Section 600 - City Rules and Regulations of the Personnel Policy Manual of the City of Carthage by adding subsection 608 - Whistleblower Protection Policy

17. Mayor's Appointments

18. Resolutions

1. Resolution 1996 - A Resolution providing for the formal acceptance of a donation to the City of Carthage's Police Department by the City Council of the City of Carthage, Missouri pursuant to city policy.

19. Closing Comments

20. Executive Session

21. Adjournment

1. Additional Packet Correspondence

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



City of Carthage, Missouri

CITY COUNCIL

February 28, 2023 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

The Carthage City Council met in regular session on the above date in the Council Chambers at 06:30 PM with Mayor Dan Rife presiding.

Deputy Fire Chief Jason Martin gave the invocation.

Police Chief Bill Hawkins led the flag salute.

The following Council Members answered roll call: Robin Blair, Trudy Blankenship, Brandi Ensor, Robin Harrison, Ceri Otero, David Armstrong, Mark Elliff, Ed Hardesty, Alan Snow, Tiffany Cossey. City Administrator Greg Dagnan and City Attorney Nate Dally were also present.

The following Department Heads were present: Police Chief Bill Hawkins, Deputy Fire Chief Jason Martin, Parks & Recreation Director Abi Almandinger, Assistant City Administrator Traci Cox, City Clerk Miranda Deal and Deputy City Clerk Courtney Walker.

Mr. Elliff made a motion, seconded by Ms. Harrison, to approve the minutes of the February 14, 2023 and February 17, 2023 Council Meeting. Motion carried unanimously.

Mayor Rife presented the proclamation for Grace Pointe Assembly.

Jackie Kennedy with the Red Cross reported that they would be canvassing the City of Carthage to see if the public needed smoke alarms replaced. The Red Cross will be going door to door on March 23rd to hang flyers and will be installing smoke alarms on March 25th beginning at 8:30 a.m. She reported that since 2014, the Red Cross has replaced 2.5 million smoke alarms.

Julie Reams with the Chamber of Commerce thanked the council for their attendance at the Chamber of Commerce Banquet, with a special thanks to Mr. Snow for auctioneering at the event. She reported that she received several calls from local businesses praising the city on implementing the Excellence in Industry Award.

Mr. Snow reported that the Budget Ways & Means Committee is between meetings. The next meeting is scheduled for March 13.

Mrs. Harrison reported that the Committee on Insurance, Audit & Claims met on this date and approved the claims. The Committee approved the Employee Wellness Packet, which provides a \$150 incentive to employees who complete the packet. Mrs. Harrison made a motion, seconded by Mr. Armstrong to continue implementing the \$150 incentive. Motion carried. They also approved renewing Delta Dental and VSP Vision with only a 5% increase on the VSP Vision plan. Mrs. Harrison made a motion, seconded by Ms. Blair, to continue using Delta Dental and VSP Vision with the 5% increase in VSP Vision rates. Motion carried.

Mrs. Harrison reported that there were some updates to Parks and Golf job descriptions. There were slight changes to the verbiage of some part-time positions, with the main change being the Golf Operations Supervisor. Mrs. Harrison made a motion, seconded by Mr. Hardesty to approve all job descriptions with an amendment to the Operations Supervisor position to reflect gender-neutral language and table the approval of Golf Maintenance Supervisor to a later date. Motion carried.

Mr. Elliff reported that the Public Safety Committee met February 27. The Committee discussed and approved the adult use marijuana regulations that appear in Council Bill 23-14. They also approved the change to the weapons ordinance which appears in Council Bill 23-13. The Committee approved the request for police assistance at road crossings for the annual Tower 2 Tower Run hosted by Carthage Water and Electric on May 13. They discussed the road closures for the Community Earth Day Celebration at Central Park. Mr. Elliff made a motion, seconded by Mrs. Harrison, to close and vacate Lyon Street from Chestnut and 7th Street from 8 am-3 pm for the Community Earth Day Celebration on April 22nd. Motion carried. They also approved the closing of Lyon and 7th Street for Food Truck Fridays. Mr. Elliff made a motion, seconded by Mrs. Harrison, to close and vacate Lyon Street from Chestnut to 7th and 7th Street from Garrison to Lyon from 8 am-10 pm for the 2023 Food Truck Friday events on the second Friday of the month from April to October. The court costs changes were reviewed and approved, they will appear in Council Bill 23-12. Lastly, the Committee reviewed and discussed bids for 30 PASS devices for the Fire Department. Mr. Elliff made a motion, seconded by Mr. Snow to accept the lowest bid from Fire Master Fire Apparatus in the amount of \$12,899.70. Motion carried. The next meeting is scheduled for March 20th.

Ms. Otero reported that the Public Service Committee met February 21. The Committee heard from citizens who voiced their concerns on Rock Stadium and the Carthage Municipal Golf Course. The Committee approved the use of Central Park for Food Truck Friday. Ms. Otero made a motion, seconded by Ms. Ensor, to allow use of Central Park for Food Truck Friday for 4/14, 5/12, 6/9, 7/14, 8/11, 9/8 and 10/13 of 2023. Motion carried. The Committee also approved the use of Central Park for the Carthage Farmers Market. Ms. Otero made a motion, seconded by Ms. Ensor, to allow use of Central Park for the Carthage Farmers Market every Wednesday and Saturday from 7 am-4 pm, starting April 1st, 2023. Motion carried. The Committee also approved the use of Central Park for the Earth Day Community Celebration. Ms. Otero made a motion, seconded by Ms. Ensor, to allow the use of Central Park for the Earth Day Community Celebration on April 22nd from 8 am-3 pm. Motion carried. There was discussion about Rock Stadium, with no action taken. The Committee also discussed the bathroom contracts in Council Bill 23-15, the contract with Encore Pyrotechnics in Council Bill 23-16, and briefly discussed the pool contract with the YMCA. The Committee was updated on the pool assessment status, the pro-shop repairs, park office updates, and the redo of Civil War Museum video bids. The next meeting is scheduled for March 7th.

Mr. Armstrong reported that the Public Works Committee is between meetings. The next meeting is scheduled for March 7.

Special Committee and Board Liaison Reports were given by Mr. Elliff for the Jasper County Commission and Planning, Zoning and Historic Preservation and by Mr. Snow for the Carthage, Water and Electric Board.

Mayor Rife reported that he attended a recent CEDC meeting, the Memorial Service for Steve Fierro with the Fire Department and a meet and greet for the Parks and Recreation

Department.

During reports from Council Members, Ms. Otero thanked students from the Carthage R-9 School District for attending the meeting.

City Attorney Nate Dally explained changes regarding the marijuana ordinance and what is protected versus what is not. He also reported about court costs getting back up to compliance.

Police Chief Bill Hawkins reported on the complications regarding the marijuana ordinance. He also reported that he is glad to be getting the unlawful weapon discharge ordinance back in the books.

Parks and Recreation Director Abi Almandinger reported that she was waiting on one last bid for an emergency roof replacement on the golf shop. She also reported that the evaluation on the pool will begin this week. She will be providing an update on Rock Stadium at the Public Services meeting on March 7th.

City Administrator Greg Dagnan reported for Public Works Director Zeb Carney that Public Works and Street Department employees had been out since 2 a.m. clearing all roadways and that there was minimal damage to city property. He also reported that cameras had been set up to record council meetings and the City of Carthage was working on utilizing more technology in the future. He thanked Ms. Reams for a successful Chamber event, with Schreiber winning the Excellence in Industry Award. Mr. Dagnan reminded the council and the public that we have little say in the marijuana ordinance because it is a constitutional amendment. He also advised that the work session scheduled for this week has been postponed.

The Committee on Claims filed a report in the amount of \$1,631,809.06 against the following funds: General Revenue \$1,067,719.43 Public Health \$158,093.50, Parks/Stormwater \$13,427.49, Fire Protection \$16,410.00, Golf \$2,595.86, Public Facilities \$47,334.43, ARPA \$4,725.00, and Payroll \$321,503.35. Ms. Harrison made a motion, seconded by Ms. Blair, to accept the report and allow the claims. Motion carried.

Under Old Business, C.B. 23-08 -- An Ordinance to amend Section 10-26 (a) of the Carthage Code to amend the requirement for firefighters by lowering the age to 18 in the City of Carthage, Missouri was placed on second reading followed by a roll call vote of 10 yeas and 0 nays. Ayes: Robin Harrison, Brandi Ensor, David Armstrong, Trudy Blankenship, Ceri Otero, Robin Blair, Alan Snow, Ed Hardesty, Tiffany Cossey, and Mark Elliff. The Council Bill was approved and numbered Ordinance 23-14.

C.B. 23-09 -- An Ordinance to amend sections of Chapter 25 of the Carthage Code for zoning of newly formed Marijuana-related facilities was placed on second reading followed by a roll call vote of 10 yeas and 0 nays. Ayes: Robin Harrison, Brandi Ensor, David Armstrong, Trudy Blankenship, Ceri Otero, Robin Blair, Alan Snow, Ed Hardesty, Tiffany Cossey, and Mark Elliff. The Council Bill was approved and numbered Ordinance 23-15.

C.B. 23-10 -- An Ordinance amending the Annual Operating and Capital Budget of the City of Carthage for Fiscal Year 2022-2023 for specified funds (General Fund, Golf Course Fund, and Myers Park Fund) was placed on second reading followed by a roll call vote of 10 yeas and 0 nays. Ayes: Robin Harrison, Brandi Ensor, David Armstrong, Trudy Blankenship, Ceri Otero, Robin Blair, Alan Snow, Ed Hardesty, Tiffany Cossey, and Mark Elliff. The Council Bill was

approved and numbered Ordinance 23-16.

Under New Business, C.B. 23-11 -- An Emergency Ordinance authorizing the City of Carthage, Missouri, to enter into a Unit Power Purchase Agreement with Missouri Joint Municipal Electric Utility Commission D/B/A Missouri Electric Commission was placed on first reading.

Mr. Snow made a motion, seconded by Mr. Armstrong, to advance the council bill to second reading, due to its emergency status. Motion carried.

C.B. 23-11 -- An Emergency Ordinance authorizing the City of Carthage, Missouri, to enter into a Unit Power Purchase Agreement with Missouri Joint Municipal Electric Utility Commission D/B/A Missouri Electric Commission as placed on second reading followed by a roll call vote of 10 yeas and 0 nays. Ayes: Robin Harrison, Brandi Ensor, David Armstrong, Trudy Blankenship, Ceri Otero, Robin Blair, Alan Snow, Ed Hardesty, Tiffany Cossey, and Mark Elliff. The Council Bill was approved and numbered Ordinance 23-17.

C.B. 23-12 -- An Ordinance to amend Section 14-11 of the Carthage Code to comply with changes mandated by the Missouri Supreme Court and the Revised Missouri Statutes was placed on first reading with no action taken.

C.B. 23-13 -- An Ordinance to amend sections of Chapter 13 of the Carthage Code by adding a section for discharging of weapons inside the City Limits for the City of Carthage, Missouri was placed on first reading with no action taken.

Ms. Cossey stated that she would like to see b(9) changed to state lawful defense of others, as well as, self.

C.B. 23-14 -- An Ordinance of the City of Carthage, amending the Carthage City Code by adding Section 13-158 to include regulations for adult use marijuana in the City of Carthage, Missouri was placed on first reading with no action taken.

C.B. 23-15 -- An Ordinance authorizing the Mayor to enter into a contract with CXT for restroom facilities in four City Parks for the amount of Four Hundred Seventy-Seven Thousand Three Hundred Five and 00/100 (\$477,305.00) was placed on first reading with no action taken.

C.B. 23-16 -- An Ordinance authorizing the Mayor to enter into a contract with Pyrotechnics by Encore LLC, Inc. for firework displays for the July 4, 2023, July 4, 2024 and July 4, 2025 celebrations in the amount of \$19,950.00 per year, in the City of Carthage, Missouri was placed on first reading with no action taken.

Mr. Elliff made a motion, seconded by Mr. Snow, to approve the Mayor's reappointment of Rob Harmon to the Police Personnel Administration Board until March 2027. Motion carried.

Mr. Snow made a motion, seconded by Mr. Elliff, to approve the Mayor's reappointment of Paul Eckels to the Enhanced Enterprise Zone Board until March 2028. Motion carried.

During Closing Comments, Ms. Otero thanked Mr. Snow for auctioneering at the Chamber event, Mr. Snow congratulated the Carthage Wrestling Team for finishing high in state ranking and wished the Carthage Basketball team luck in playoffs, Mr. Hardesty thanked Ms. Reams and staff for a well done banquet, Mr. Elliff congratulated Ms. Reams, thanked the Carthage students for attending, and thanked Abi for her work on the Pro Shop.

Ms. Ensor made a motion, seconded by Mr. Hardesty, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 7:43 pm.

OATH OF OFFICE

State of Missouri

County of Jasper

I, (state your name) solemnly swear, that I possess all the qualifications prescribed by law, that I will support the Constitution of the United States and of the State of Missouri, the provisions of the City Charter and Ordinances of the City of Carthage, and faithfully demean myself in office, and well and truly perform the duties of the office of Police Officer within and for said City, to the best of my skill and ability.

City Clerk



City of Carthage, Missouri

PUBLIC SAFETY COMMITTEE

February 27, 2023 - 5:30 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

1. Call to Order

2. Old Business

1. Approval of 1-23-23 Minutes

Councilman Snow made a motion to approve the minutes from 1/23/23 meeting. Motion passed.

3. Citizen Participation

1. Consider and discuss speeding in Phelps addition - Dane Kendall

Dane Kendall spoke with the committee about the speeding issues that he was seeing in the Phelps addition. He is concerned that there are lots of children playing in their neighborhood and traffic is driving fast down the roads. He is worried about the children's safety. He is asking that the City look into putting up signage such as "children at play" or "slow" signs. Chief Hawkins will speak with Zeb Carney regarding the issue and see if they can get any signage put up in the neighborhood. Councilman Snow requested that PD take a speed radar sign out in addition to monitor the speeds. No motion was needed.

4. New Business

1. Consider and discuss marijuana ordinance - Nate Dally

Nate Dally spoke with the committee on an ordinance of the City of Carthage, Missouri amending the Carthage city code by adding section 13-158 to include regulations for adult use of marijuana, in the City of Carthage, Missouri. After a lengthy discussion, Councilman Snow made a motion to forward Council bill 23-14 to full council for approval. Motion passed.

2. Consider and discuss unlawful use of weapon ordinance

Chief Hawkins is requesting to amend sections of Chapter 13 of the Carthage code by adding a section for discharging of weapons inside the city limits, for the City of Carthage, Missouri. Councilman Snow made a motion to forward it to the full council for approval. Motion passed.

3. Consider and discuss CWEP Tower 2 Tower Run on May 13th - Meagan Miliken

Meagan Miliken presented to the committee the CWEP Tower 2 Tower Run. CWEP will be hosting the run in honor of Drinking Water Week. The event will take place on May 13th at 8:00am. The start/finish location will be at 826 E George E Phelps Blvd. They are requesting the help of CPD with street

- crossings at Main & Fairview and River & Fairview as in years past. Councilman Snow made a motion to approve the Tower 2 Tower Run on May 13th at 8:00am with police assistance at the listed locations for one hour. Motion passed.
4. Consider and discuss Earth Day Celebration - Julie Reams
Julie Reams from the Carthage Chamber of Commerce spoke with the committee the first Community Earth Day Celebration. She is requesting the use of Central Park to commemorate the first Carthage Community Earth Day Celebration on Saturday, April 22, 2023 for the event. She is also requesting the closure/ vacate of Lyon Street (Chestnut to 7th Street) from 8am-3pm for the set-up and tear down of no more than four food trucks along with the Shred-It Truck. The event will be over at 2pm and should vacate the park no later than 3pm. Councilman Harrison made a motion to close and vacate Lyon Street from Chestnut and 7th Street from 8am-3pm for the Community Earth Day Celebration on April 22nd. Motion passed.
 5. Consider and discuss Food Truck Friday - Katie Fields
Katie Fields spoke with the committee on Food Truck Friday 2023. Food Truck Friday falls on the second Friday of each month, beginning in April and ending in October. It is located in Central Park. FTF dates are: 4/14, 5/12, 6/9, 7/14, 8/11, 9/8, and 10/13. Vendors begin setting up on Lyon Street or 7th Street at 8am as in years past. The events will begin at 11am and end at 9pm. She is requesting the closure/vacate of Lyon Street from Chestnut to 7th Street and 7th Street from Garrison to Lyon. Councilman Snow so moved a motion to close/vacate Lyon Street (Chestnut to 7th) and 7th Street (Garrison to Lyon) from 8am to 10pm for the 2023 Food Truck Friday events on the second Friday from April to October. Motion passed.
 6. Consider and discuss amendment to Section 14-11, Court Costs, of the Carthage Code
Traci Cox spoke with the committee on an ordinance to amend Section 14-11 of the Carthage Code to comply with changes mandated by the Missouri Supreme Court and the Revised Missouri Statutes. Councilman Harrison moved a motion to approve the amendment to 14-11 Court Costs and forward it on to City Council. Motion passed.
 7. Consider and discuss acceptance of giftcards from Butterball - Huntley
Chief Huntley spoke with the committee on the acceptance of giftcards that the Fire Department received from Butterball. The FD received 16 giftcards to Walmart with a \$15.00 value. The FD would like to accept the donation of giftcards from Butterball. Since the donation does not exceed the \$1,000 donation policy, no motion is needed.
 8. Consider and discuss the request for the council bill pertaining to hiring age - Huntley
Chief Huntley is requesting an ordinance to amend Section 10-26(a) of the Carthage Code to amend the requirement for firefighters by lowering the age to 18 in the City of Carthage, Missouri. Councilman Harrison made a motion to forward the hiring age of the Fire Department to the full council. Motion passed.
 9. Consider and discuss Grace SuperPass Personal Alert bid - Huntley
Chief Huntley spoke with the committee on the SuperPass Personal Alert bid. The Fire Department received three bids for the PASS devices: Fire Master Fire Apparatus, Inc. , Feld Fire, and Leo M Ellebracht Company. Fire Master Fire

Apparatus came in with the lowest bid of \$12,899.70. The current PASS devices that the FD has are not compliant with the NFPA. This purchase will make all fire personnel complaints with the NFPA standards. This purchase would be made out of the ARPA funds. Chief Huntley is requesting to accept the lowest bid from Fire Master Fire Apparatus. Councilman Snow moved a motion to accept the lowest bid from Fire Master Fire Apparatus in the amount of \$12,899.70. Motion passed.

10. Staff Reports

Fire Department

Chief Huntley spoke with the committee on the Fire Department fleet management schedule and the budget.

Police Department

Chief Hawkins spoke with the committee on LEST grant. This is the Law Enforcement Sales Tax Grant that the PD gets every year and is a reimbursement grant. This year the Carthage Police Department was granted \$15,980.00. The CPD will be purchasing software and patrol rifles.

Chief Hawkins spoke with the committee at looking into a loitering ordinance.

Chief Hawkins spoke with the committee on potentially hiring a Homeland Security TFO position.

Chief Hawkins spoke with the committee on his budget.

5. **Adjournment**

Councilman Harrison made a motion to adjourn. Motion passed.



City of Carthage, Missouri

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS

February 28, 2023 - 5:00 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

1. Call to Order

MEMBERS PRESENT: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

OTHER COUNCIL MEMBERS: Mayor Dan Rife

STAFF PRESENT: City Administrator Greg Dagnan, Assistant City Administrator Traci Cox, City Clerk Miranda Deal, Deputy City Clerk Courtney Walker, HR Coordinator Michael Miller, Parks and Recreation Director Abi Almandinger

Chair Robin Harrison called the meeting to order at 05:00 PM.

2. Old Business

1. Approval of February 14, 2023 Minutes

ACTION: Motion to accept/approve item 2.1. by Robin Blair
Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

2. Review & Approval of the Claims Report

ACTION: Motion to accept/approve item 2.2. by Trudy Blankenship
Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

3. Citizens Participation

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

4. New Business

1. Discuss Remainder of Dick Horton Bill

Ms. Cox explained that Dick Horton sent in an itemization for his consulting hours and she recommended that the committee move forward with final payment. Ms. Blankenship made a motion to pay the remainder of the bill. Ms. Cossey explained why she would be voting no on the motion and voiced her concerns over the time that was billed for versus the itemization that was received. Ms. Blankenship made a motion to rescind her previous motion and table the discussion. Motion carried. There were additional spreadsheets provided to the committee that were not included in the packet.

ACTION: Motion to table item 4.1. until March 14th by Robin Blair
Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

2. Consider and Discuss City of Carthage Wellness Packet

Mr. Miller presented the changes to the City of Carthage employee wellness packet. There were a few changes, including adding points for getting a pneumonia shot, the employee golf policy was added, and there is now a wellness success story page that features employees who have had positive lifestyle changes thanks to the wellness packet. Mr. Miller requested that the incentive amount remain the same at \$150 to be paid out in December to employees who have met the 100 point requirement on the wellness packet.

ACTION: Motion to approve the wellness packet and keep the \$150 incentive for employees by Tiffany Cossey
Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

3. Consider and Discuss Dental & Vision Insurance Renewals

Mr. Miller presented renewal rates to the committee regarding dental and vision insurance. Delta Dental will remain the same price and VSP Vision had a 5% increase in cost. Mr. Miller did not look at other options because administration was happy with the cost and coverage. Mr. Miller also advised that employee participation was at approximately 50%.

ACTION: Motion to leave dental/vision plans as is by Trudy Blankenship
Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

4. Consider and Discuss Parks & Golf Job Descriptions

Mr. Miller explained to the committee that some changes had been made to Parks and Golf job descriptions. There were slight changes to the verbiage of some part-time positions. The main change was to the Golf Operations Supervisor, being repointed and combined with the Golf Pro position. Mr. Miller requested the Golf Maintenance Supervisor position be discussed at a later time.

ACTION: Motion to approve all job descriptions with an amendment to the Operations Supervisor position to reflect gender-neutral language and table the approval of Golf Maintenance Supervisor to a later date by Trudy Blankenship
Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

5. Staff Reports

Ms. Deal reported that license renewals are still being worked on and that there

are several delinquent this year. A majority of the Food Truck licenses will start being sent in with the arrival of Food Truck Friday. She also reported that Opengov is hoping to start implementing the new financial system in mid April.

Ms. Cox reported that she invested \$1,000,000 in a one-year CD at Community National Bank. In addition, she will be looking at investing other funds into MOSIP, due the interest rates being 5.12% currently. She also reported that there were no health insurance claims over \$50,000 from October 2022 - December 2022.

Mr. Dagnan thanked Mr. Miller and Ms. Almandinger for their work on the job description changes.

5. Adjournment

ACTION: Motion to adjourn at 6:03 p.m by Trudy Blankenship

Motion passed with a 4:0

AYES: Robin Harrison, Trudy Blankenship, Robin Blair, Tiffany Cossey

--NOTICE OF MEETING--
PUBLIC WORKS COMMITTEE

March 7, 2023

5:30 PM

CITY HALL

326 GRANT STREET

COUNCIL CHAMBERS

-- AGENDA—

1. MEETING CANCELED DUE TO LACK OF BUSINESS

NEW BUSINESS

OTHER BUSINESS

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: 03/03/2023

BY: Rachel Sutherland



City of Carthage, Missouri **PUBLIC SERVICES COMMITTEE**

March 7, 2023 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

AGENDA

- 1. Call to Order**
- 2. Old Business**
 1. Approval of Previous Minutes
- 3. Citizen Participation**

(Citizens wishing to address the Council or Committee should notify the City in advance and provide the item they want to address in written format at least 24 hours before the meeting. Please call Chelsea Cholley at the Parks & Recreation office at 417-237-7035, or email c.cholley@carthagemo.gov.)
- 4. New Business**
 1. Consider and Discuss Hispanic Heritage Celebration on September 30th.
 2. Consider and Discuss Change Order for Municipal and Carter Park Playgrounds.
 3. Consider and Discuss Carl Lewton Stadium Letter from Engineer.
- 5. Staff Reports**
- 6. Other Business**
- 7. 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



City of Carthage, Missouri **PUBLIC SERVICES COMMITTEE**

March 7, 2023 - 6:30 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

1. Call to Order

2. Old Business

1. Approval of Previous Minutes

Mr. Hardesty motioned to approve previous meeting minutes.

ACTION: Motion to accept/approve item 2.1. by Ed Hardesty; second by None;

Motion with a 3:0

AYES: Ceri Otero, Ed Hardesty, Brandi Ensor

NOES: None

ABSTAIN: None

3. Citizen Participation

(Citizens wishing to address the Council or Committee should notify the City in advance and provide the item they want to address in written format at least 24 hours before the meeting. Please call Chelsea Cholley at the Parks & Recreation office at 417-237-7035, or email c.cholley@carthagemo.gov.)

4. New Business

1. Consider and Discuss Hispanic Heritage Celebration on September 30th.

Ms. Sanchez spoke about the upcoming 3rd Annual Hispanic Heritage Celebration that would take place in Central Park on September 30th 2023. Ms. Sanchez is requesting use of the park on the 30th from 12-11pm to hold a family-oriented event that embraces the Hispanic culture. She stated that each year this event has grown, with last year having 3000 - 3500 attendees. She stated there would be a road closure on Lyon St that she would be taking to the Public Safety Committee. Ms. Ensor motioned to approve use of Central Park on September 30th from 12-11pm on September 30th 2023.

ACTION: Motion to accept/approve item 4.1. by Brandi Ensor; second by None;

Motion with a 3:0

AYES: Ceri Otero, Ed Hardesty, Brandi Ensor

NOES: None

ABSTAIN: None

2. Consider and Discuss Change Order for Municipal and Carter Park Playgrounds.

Ms. Almandinger discussed that the approved cost for the playground did not include the cost of the site prep work. Ms. Almandinger brought 2 quotes for Municipal and Carter Park Site work. The bids were provided by Play & Park certified installer and it was recommended by our City Engineer to accept the bids due to the prices being competitive and Play & Park falling under Sourcewell Pricing. There is an advantage to Play & Park doing the site work, since they will know exactly what will be needed to place their playgrounds. Mr. Hardesty motioned to accept the change order for site work for Municipal Park at \$30,650.00 and Carter Park at \$6,125.00.

ACTION: Motion to accept/approve item 4.2. by Ed Hardesty; second by None;

Motion with a 3:0

AYES: Ceri Otero, Ed Hardesty, Brandi Ensor

NOES: None

ABSTAIN: None

3. Consider and Discuss Carl Lewton Stadium Letter from Engineer.

Ms. Almandinger stated that on February 27th she sent an email to the council along with the structural assessment provided by our City Engineer on Carl Lewton Stadium. Ms Almandinger stated that the stadium seating cannot be saved and that it is recommended that the concrete bleachers be removed with the hopes of saving the rock structure. A quote to remove the bleachers was estimated at \$80,000. Ms. Almandinger stated that this could be done without damaging the field. Ms. Ensor motioned to request bids for the demolition of the bleachers in Carl Lewton Stadium with an emphasis on saving the rock structure and any existing seating that could be returned to those who donated it.

ACTION: Motion to accept/approve item 4.3. by Brandi Ensor; second by None;

Motion with a 3:0

AYES: Ceri Otero, Ed Hardesty, Brandi Ensor

NOES: None

ABSTAIN: None

5. **Staff Reports**

Ms. Almandinger stated that in the approved emergency work on the golf course Pro Shop, three bids have been received for replacing the roof and they are moving forward with Joplin Roofing Company, which should be able to start in the next 2 weeks. Ms. Almandinger stated that the bids for the bathroom site work ended today and there were 2 bids received. She will bring these back to the next Public Services Committee to be reviewed and accepted. Ms. Almandinger stated that we have moved our temporary Golf Operations Manager, Tyler Markham, to a full-time Golf Operations Manager and she believes he is a great asset to the Golf Course and Parks Department. Ms. Almandinger stated that they today have hired a Golf Maintenance Supervisor to start March 21st. Ms. Almandinger stated that a pool assessment was completed this week and there will be another completed next week.

6. **Other Business**

7. **Adjournment**



City of Carthage, Missouri

BUDGET WAYS & MEANS COMMITTEE

March 13, 2023 - 5:30 PM
CITY HALL COUNCIL CHAMBERS

AGENDA

- 1. Call to Order**
- 2. Old Business**
 1. Approval of February 13, 2023 Minutes
- 3. Citizens Participation**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)
- 4. New Business**
 1. Consider and Discuss LEST Grant
 2. Consider and Discuss paying off Police Vehicle Lease
 3. Consider and Discuss educational material for marijuana sales tax ballot issue
 4. Staff Reports
 5. Correspondence
- 5. 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



City of Carthage, Missouri
**COMMITTEE ON
INSURANCE/AUDIT AND CLAIMS**

March 14, 2023 - 5:00 PM
CITY HALL COUNCIL CHAMBERS

AGENDA

- 1. Call to Order**
- 2. Old Business**
 1. Approval of February 28, 2023 Minutes
 2. Review & Approval of the Claims Report
- 3. Citizens Participation**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)
- 4. New Business**
 1. Consider and Discuss Golf Maintenance Supervisor job description
 2. Consider and Discuss Whistleblower policy
 3. Consider and Discuss remainder of Dick Horton bill
 4. Staff Reports
- 5. 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

JOB DESCRIPTION CITY OF CARTHAGE

DEPARTMENT: Golf
POSITION TITLE: Golf Maintenance Supervisor

SALARY GRADE: J
FLSA STATUS: Exempt

RESPONSIBILITIES OF POSITION:

This is a supervisory position that involves maintaining the Carthage Municipal Golf Course. Work involves supervising Golf Maintenance employees, maintaining quality putting greens, maintenance of facilities located on course, maintenance of equipment and minor construction projects.

SUPERVISION RECEIVED:

Under direct supervision of the Golf Operations Supervisor. Incumbent is expected to demonstrate considerable independent judgement and knowledge in the performance of assigned duties. Supervise employees on assigned duties dealing with all aspects of maintenance work by the Golf Department. Incumbent is a working supervisor.

ESSENTIAL JOB FUNCTIONS: Essential responsibilities and duties may include but are not limited to the following:

1. Supervises Golf Maintenance Crew on a daily basis. Oversees and evaluates all work completed by Golf Maintenance. Prioritize and assign work to maintenance crew.
2. Carry out the work orders assigned to the employees on a daily basis, for the work and task to be accomplished for that particular workday.
3. Makes repairs such as irrigation system failures, mechanical, and electrical as needed.
4. Gathers information such as cost estimates for golf course projects and equipment costs.
5. Purchases all chemical supplies as needed for maintaining quality playing conditions on the course.
6. Keeps record of all work completed on the golf course.
7. Reports in writing on a monthly basis to the Golf Operations Supervisor.
8. Works with Golf Operations Supervisor related to course set up and maintenance needs.
9. Carries out any other duties as are within the scope, spirit and purpose of the job as directed by the Golf Operations Supervisor.

QUALIFICATIONS REQUIRED:

Knowledge: Methods, equipment, tools and materials used in maintaining greens, fairways and other golf course areas. Turf grass maintenance including nutrient requirements and disease prevention. Requirements of maintaining a golf course in a safe, clean and orderly condition. Knowledge of proper chemical application and sprayer calibration. Proper operation of heavy grounds equipment. Maintenance and repair of irrigation systems.

Abilities: To supervise full and part time employees, able to keep records of spraying and other maintenance. Ability to understand and operate within a budget. Perform specialized

grounds keeping duties in the care and maintenance of the Carthage Municipal Golf Course. Safely operate a variety of mowers and other related service and make minor repairs on equipment.

Understand and follow written and oral directions. Maintain work pace appropriate to given workload. Work courteously and tactfully with customers and employees.

Experience, Education and Training: Any combination of experience and training that would likely provide knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be: Experience: Three (3) years experience in a supervisory role in a golf course maintenance department. Education: High school graduate (or HSE-High School Equivalency Credential).

Physical Requirements: Lifting heavy objects; bending at the waist; stooping; kneeling or crouching to change cups; dexterity of hands and fingers to operate a variety of specialized equipment and hand and power tools; pushing and pulling mowers; sitting extended periods of time while operating grounds equipment; reaching overhead and horizontally to prune trees; standing and walking for extended periods of time; walking over rough and uneven surfaces.

Licenses and Certificates: Possession of or ability to maintain an appropriate valid Missouri Class E driver's license; **to maintain a functioning telephone at place of residence.**

SPECIAL REQUIREMENTS:

Schedule: Work is typically 6:30 a.m. to 3:30 p.m. Monday through Friday. Employee scheduled to work 80 hours during the bi-weekly work period.

Overtime: **The City provides overtime or compensatory time off pursuant to the Fair Labor Standards Act. Seasonal overtime is required for position.**

LIMITATIONS AND DISCLAIMER:

The above job description is meant to describe the general nature and level of work being performed; it is not intended to be construed as an exhaustive list of all responsibilities, duties and skills required for the position. All job requirements are subject to possible modification to reasonably accommodate individuals with disabilities. Some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. Requirements are representative of minimum levels of knowledge, skill and/or abilities. To perform this job successfully, the employee must possess the abilities or aptitude to perform each duty proficiently.

I have read the foregoing job description in its entirety and understand its contents. I can perform the essential functions outlined with or without reasonable accommodation under the American with Disabilities Act.

Signed: _____ Date: _____



Meeting Minutes

March 06, 2023 / 5:30 PM / City Hall Chambers

Attendees

Members: Jim Swatsenbarg, Jim Hunter, Alan Bull, & Josh Anderson

Staff & Council: Greg Dagnan, Nathaniel Dalley, Mark Elliff & Rachel Sutherland

Presenters: Sheriff Randee Kaiser, Betsy Flanagan, Matt Denney, & Nancy Johnson

The meeting was called to order at 5:30 by Jim Swatsenbarg, Vice Chairman

Agenda

Approval of Previous Meeting Minutes

- Motion by Alan Bull to approve previous meeting minutes, seconded by Jim S. - all present voted in favor, minutes were approved

Public Hearings

#1- Request for certificate of appropriateness for the demolition of the structure located at 815 Grant Street

- Sheriff Randee Kaiser presented the plans for The Bridge to demolish the house at 815 Grant Street. The house was purchased in Aug. of 2022 with the intention to demolish it for future growth. The house is on the National Registry of Historic Places.
- General discussion amongst the voting commission members.
- Betsy Flanagan read a letter from the Carthage Historic Preservation in opposition of the demolition of the house and the importance of saving Carthage's Historic structures.
- It was asked if there were any implications with the NPS if the house is demolished. Betsy said "none that she knows of."
- Nancy Johnson, citizen and neighbor to the church, also spoke in opposition of the demolition.
- Jim H. moved to approve the certificate of demolition. Alan Bull seconded the motion.
- 3 in favor: Jim S, Jim H, & Alan B, 1 against: Josh A. - the motion passed.

#2- Request for a special use permit for the construction of a shower house at 125 E. Fairview

- Matt Denney presented the request and plans for the new shower house.

- General discussion was had about the location, plans, and overall design of the new facility.
- Jim H. moved to approve the special use permit. Alan B. seconded the motion.
- All in favor, motion passed.

New Business

- Election of Officers:
 - Jim H. was nominated as Chairman
 - Josh A. was nominated as Secretary
- New Members:
 - Greg D. talked about the election of new members and if we should move the date that the commission meets. Discussion was had about moving the date between members of the audience and the commission.
 - It was agreed upon that the date would not move and the discussion about new members was tabled until the next meeting.
- New Hire:
 - The city hired an Economic Development Director to assist with 353 tax credits.

Old Business

- N/A

At 6:09 Jim H. moved to adjourn the meeting, seconded by Alan Bull. All in favor. Meeting was adjourned.

The next meeting is scheduled for April 3rd, 2023 at 5:30pm in the City Council Chambers



City of Carthage, Missouri

TREE BOARD

March 7, 2023 - 4:30 PM
City Hall Council Chambers
326 Grant Street
Carthage, MO 64836

AGENDA

1. Old Business

1. Approval of Previous Minutes

2. Citizens Participation

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

3. New Business

1. Arbor Day.
2. City of Carthage Earth Day.

4. Staff Reports

5. Other Business

6. 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



City of Carthage, Missouri

TREE BOARD

March 7, 2023 - 4:30 PM
City Hall Council Chambers
326 Grant Street
Carthage, MO 64836

MINUTES

1. Old Business

1. Approval of Previous Minutes

ACTION: Motion to accept/approve item 1.1. by Bryan Stringer;
second by None;
Motion with a 4:0

AYES: Noah Smith, Brandon Scott, Bryan Stringer, Jason Cutler

NOES: None

ABSTAIN: None

2. Citizens Participation

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

3. New Business

1. Arbor Day.

The type of tree was discussed to be planted at the 2023 Arbor Day event at Fairview Elementary on April 11th. It was decided that out of two options that would possibly be available on the date, the best option for the location would be a Japanese Tree Lilac. It was discussed that 96 3rd graders would be participating and there would need to be seedlings prepared.

2. City of Carthage Earth Day.

Mr. Smith stated that he attended a meeting with the Carthage Chamber of Commerce and other organizations in the city to confirm what will be involved with the City Earth Day Event on April 22nd. Mr. Smith stated that the Tree Board should have 300 seedlings to pass out. Other organizations are providing hand outs and family activities. The next meeting is March 30th at 3pm at the Carthage Chamber of Commerce.

4. Staff Reports

5. Other Business

6. Adjournment

CARTHAGE PUBLIC LIBRARY BOARD OF TRUSTEES
Tuesday, March 14, 2023 5:15 p.m.

Steadley Family Legacy Center
612 S. Garrison Ave.

AGENDA

Roll Call of Members

Minutes from the Last Meeting

Financial Reports

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

Compensation/Wages

New Business

Payment of Bills

Adjournment

INTER

OFFICE

MEMO

To: City Council
From: Dan Rife, Mayor
Subject: Emergency Purchase
Date: March 9, 2023

Pursuant to Part J of the City of Carthage's Purchasing Policy Manual, I have waived the customary purchasing procedures and authorized an emergency purchase. The purchase is to replace the roof at the Golf Course Pro Shop. The roof has been leaking for quite some time and it has caused interior damage that was recently fixed.

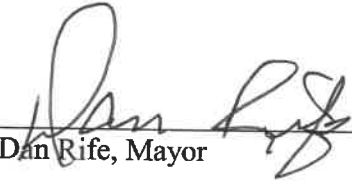
Parks and Recreation Director, Abi Almandinger, received three quotes to replace the roof. The bids are listed below.

Joplin Roofing-- \$34,454.00
Guaranty Roofing--\$42,980.00
John Cotton Roofing-- \$64,192.25

The bid that has been chosen is the bid from Joplin Roofing in the amount of \$34,454.00.

The situation is of such that delay in making the purchase presents a threat to the health or welfare of the citizens of Carthage or City employees.

As provided by section J, I hereby advise the Council of the situation necessitating the emergency purchase and the procedures used to secure this purchase.



Dan Rife, Mayor

Copies:
Miranda Deal, City Clerk
Abi Almandinger, Parks & Recreation Director
City Council



Date: 2/24/2023	Address: 5471 Dutch Elm Dr.
Submitted: City of Carthage/Abi Almandinger	Joplin, Mo. 64804
Job Name: Carthage Golf Course	Phone: (417)623-2057
Richard Webster Drive	Fax: (417)781-6507
Carthage, Mo. 64836	Email: joplinrofrankjr@sbcglobal.net

Scope Of Work:

- Remove loose gravel off of the roof and haul it off.
- Remove existing gutter, downspouts and coping.
- Mechanically attach a 1/2" densdeck over existing gravel roof to the wood deck.
- Install plywood above roofline to the top of the walls.
- Install wood nailers as needed to ensure good attachment of the new coping.
- Install a fully adhered white 60 mil. TPO over the new dendeck.
- Flash walls with white 60 mil. TPO.
- Install new seamless gutter and downspouts.
- Install new prefinished 24 ga. coping at walls.
- Furnish owner with a 5 year warranty from Joplin Roofing Co. Inc.

\$32,195.00

Provide a 20 year manufactures labor and material warranty add **\$700**

Install new prefinished 24 ga. fascia under gutter and on the high side of the roof add **\$1,559**

Notes: I did not include prevailing wages in this bid due to it being under \$75,000.00 therefore we are not required to pay it per the State of Missouri.
 No deck replacement was included in this bid.
 No taxes were included in this bid.

This bid is good for 30 days.

Authorized Signature:

Frank McLean Jr.

Acceptance of Proposal Owners Signature

Due to extreme volatility in the material prices in the roofing industry this bid will only be good for 30 days max. Anything over 30 days will have to be rebid.

CITY OF CARTHAGE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 28TH, 2023

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUES</u>					
110-GENERAL REVENUE	11,892,511.00	936,037.92	7,381,208.55	62.07	4,511,302.45
121-PUBLIC HEALTH	249,128.00	8,159.48	164,541.72	66.05	84,586.28
122-LANDFILL CLOSURE	1,000.00	2,065.22	13,389.85	1,338.99 (	12,389.85)
123-LODGING TAX	165,600.00	4,572.45	151,644.35	91.57	13,955.65
124-CIVIC ENHANCEMENT	(60.00)	810.21	1,950.19	3,250.32-(	2,010.19)
125-STORMWATER	15.00	33.48	217.82	1,452.13 (	202.82)
126-PUBLIC SAFETY GRANT	0.00	0.00	22,000.00	0.00 (	22,000.00)
127-CDBG	0.00	0.00	0.00	0.00	0.00
128-PARKS/STM WTR	6,298,104.00	118,786.22	1,007,975.84	16.00	5,290,128.16
129-TIF & CID SPECIAL TAX	75.00	167.17	1,087.57	1,450.09 (	1,012.57)
130-INMATE SECURITY FUND	3,500.00	378.21	2,666.68	76.19	833.32
131-FIRE PROTECTION TAX	643,798.00	64,697.82	534,673.91	83.05	109,124.09
141-FAIR ACRES SPORTS COM	0.00	0.00	0.00	0.00	0.00
142-GOLF COURSE	706,076.00	27,493.08	369,935.57	52.39	336,140.43
161-CAPITAL IMPROVEMENTS	1,466,998.00	138,589.48	1,078,751.67	73.53	388,246.33
162-PARKS & RECREATION	261,235.00	6,050.42	192,742.78	73.78	68,492.22
163-MYERS PARK	400.00	2,861.36	847,171.65	1,792.91 (	846,771.65)
164-JUDICIAL EDUCATION FU	250.00	4.09	65.16	26.06	184.84
165-USE TAX	704,370.00	1,429.08	9,642.38	1.37	694,727.62
175-Public Fac/Bond Fund	1,337,591.00	11,013.85	68,866.84	5.15	1,268,724.16
221-ECONOMIC DEVELOPMENT	33,344.00	47.68	33,606.96	100.79 (	262.96)
222-AMERICAN RESCUE PLAN	1,503,851.00	765.27	1,520,088.78	101.08 (	16,237.78)
341-CW & EP	0.00	0.00	0.00	0.00	0.00
342-MCCUNE-BROOKS HOSPITA	0.00	0.00	0.00	0.00	0.00
343-LIBRARY OPERATING	0.00	12,660.40	465,642.06	0.00 (	465,642.06)
344-LIBRARY BUILDING	0.00	0.00	0.00	0.00	0.00
345-POWERS MUSEUM	0.00	0.00	0.00	0.00	0.00
346-POWERS CAPITAL	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL REVENUES	25,267,786.00	1,336,622.89	13,867,870.33	54.88	11,399,915.67
	=====	=====	=====	=====	=====

CITY OF CARTHAGE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 28TH, 2023

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE
EXPENDITURES					
110-GENERAL REVENUE	12,876,337.00	778,821.15	6,642,326.35	51.59	6,234,010.65
121-PUBLIC HEALTH	229,255.00	21,244.38	179,026.03	78.09	50,228.97
122-LANDFILL CLOSURE	438,246.00	0.00	0.00	0.00	438,246.00
123-LODGING TAX	199,000.00	8,607.04	68,471.71	34.41	130,528.29
124-CIVIC ENHANCEMENT	0.00	0.00	0.00	0.00	0.00
125-STORMWATER	0.00	0.00	0.00	0.00	0.00
126-PUBLIC SAFETY GRANT	0.00	0.00	6,420.81	0.00 (	6,420.81)
127-CDBG	0.00	0.00	0.00	0.00	0.00
128-PARKS/STM WTR	6,633,408.00	84,789.75	955,037.60	14.40	5,678,370.40
129-TIF & CID SPECIAL TAX	0.00	0.00	0.00	0.00	0.00
130-INMATE SECURITY FUND	0.00	0.00	373.00	0.00 (	373.00)
131-FIRE PROTECTION TAX	756,900.00	21,074.15	165,447.44	21.86	591,452.56
141-FAIR ACRES SPORTS COM	0.00	0.00	0.00	0.00	0.00
142-GOLF COURSE	781,077.00	26,910.01	387,128.59	49.56	393,948.41
161-CAPITAL IMPROVEMENTS	2,024,142.00	5,230.35	28,273.98	1.40	1,995,868.02
162-PARKS & RECREATION	260,000.00	0.00	0.00	0.00	260,000.00
163-MYERS PARK	552,491.00 (	1,240.00)	418,479.84	75.74	134,011.16
164-JUDICIAL EDUCATION FU	0.00	0.00	0.00	0.00	0.00
165-USE TAX	321,171.00	17,566.25	41,848.48	13.03	279,322.52
175-Public Fac/Bond Fund	2,451,007.00	47,334.43	151,845.73	6.20	2,299,161.27
221-ECONOMIC DEVELOPMENT	31,819.00	0.00	31,819.00	100.00	0.00
222-AMERICAN RESCUE PLAN	1,288,247.00	15,992.37	1,327,325.46	103.03 (	39,078.46)
341-CW & EP	0.00	0.00	0.00	0.00	0.00
342-MCCUNE-BROOKS HOSPITA	0.00	0.00	0.00	0.00	0.00
343-LIBRARY OPERATING	0.00	25,000.00	662,000.00	0.00 (	662,000.00)
344-LIBRARY BUILDING	0.00	0.00	0.00	0.00	0.00
345-POWERS MUSEUM	0.00	0.00	0.00	0.00	0.00
346-POWERS CAPITAL	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
GRAND TOTAL EXPENDITURES	<u>28,843,100.00</u>	<u>1,051,329.88</u>	<u>11,065,824.02</u>	<u>38.37</u>	<u>17,777,275.98</u>
REVENUES OVER/(UNDER) EXPENDITURES	(3,575,314.00)	285,293.01	2,802,046.31		(6,377,360.31)

*** END OF REPORT ***

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS	FUND TOTAL
<u>110-GENERAL REVENUE</u>				
110-10000.000	Claim on Pooled Cash	1,751,684.51		
110-10002.000	Investment Account		4,231,094.32	
	TOTAL 110-GENERAL REVENUE	1,751,684.51	4,231,094.32	5,982,778.83
<u>121-PUBLIC HEALTH</u>				
121-10000.000	Claim on Pooled Cash	423,655.32		
121-10002.000	Investment Account		106,062.63	
	TOTAL 121-PUBLIC HEALTH	423,655.32	106,062.63	529,717.95
<u>122-LANDFILL CLOSURE</u>				
122-10000.000	Claim on Pooled Cash	521,382.28		
122-10002.000	Investment Account		30,390.05	
	TOTAL 122-LANDFILL CLOSURE	521,382.28	30,390.05	551,772.33
<u>123-LODGING TAX</u>				
123-10000.000	Claim on Pooled Cash	115,608.43		
	TOTAL 123-LODGING TAX	115,608.43	0.00	115,608.43
<u>124-CIVIC ENHANCEMENT</u>				
124-10000.000	Claim on Pooled Cash	55,425.44		
	TOTAL 124-CIVIC ENHANCEMENT	55,425.44	0.00	55,425.44
<u>125-STORMWATER</u>				
125-10000.000	Claim on Pooled Cash	8,906.68		
	TOTAL 125-STORMWATER	8,906.68	0.00	8,906.68
<u>126-PUBLIC SAFETY GRANT</u>				
126-10000.000	Claim on Pooled Cash	121,970.59		
	TOTAL 126-PUBLIC SAFETY GRANT	121,970.59	0.00	121,970.59
<u>128-PARKS/STM WTR</u>				
128-10000.000	Claim on Pooled Cash	701,579.54		
128-10002.000	Investment Account		265,156.55	
	TOTAL 128-PARKS/STM WTR	701,579.54	265,156.55	966,736.09
<u>129-TIF & CID SPECIAL TAX</u>				
129-10000.000	Claim on Pooled Cash	44,472.69		
	TOTAL 129-TIF & CID SPECIAL TAX	44,472.69	0.00	44,472.69
<u>130-INMATE SECURITY FUND</u>				
130-10000.000	Claim on Pooled Cash	22,922.37		
	TOTAL 130-INMATE SECURITY FUND	22,922.37	0.00	22,922.37

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS	FUND TOTAL
<u>131-FIRE PROTECTION TAX</u>				
131-10000.000	Claim on Pooled Cash	1,414,444.28		
131-10002.000	Investment Account		530,313.08	
	TOTAL 131-FIRE PROTECTION TAX	1,414,444.28	530,313.08	1,944,757.36
<u>141-FAIR ACRES SPORTS COMPLEX</u>				
141-10000.000	Claim on Pooled Cash	0.00		
	TOTAL 141-FAIR ACRES SPORTS COMPLEX	0.00	0.00	0.00
<u>142-GOLF COURSE</u>				
142-10000.000	Claim on Pooled Cash	330,113.82		
	TOTAL 142-GOLF COURSE	330,113.82	0.00	330,113.82
<u>161-CAPITAL IMPROVEMENTS</u>				
161-10000.000	Claim on Pooled Cash	3,806,754.63		
161-10002.000	Investment Account		0.00	
	TOTAL 161-CAPITAL IMPROVEMENTS	3,806,754.63	0.00	3,806,754.63
<u>162-PARKS & RECREATION</u>				
162-10000.000	Claim on Pooled Cash	291,977.93		
	TOTAL 162-PARKS & RECREATION	291,977.93	0.00	291,977.93
<u>163-MYERS PARK</u>				
163-10000.000	Claim on Pooled Cash	688,449.72		
163-10002.000	Investment Account		79,546.95	
	TOTAL 163-MYERS PARK	688,449.72	79,546.95	767,996.67
<u>164-JUDICIAL EDUCATION FUND</u>				
164-10000.000	Claim on Pooled Cash	4,312.65		
	TOTAL 164-JUDICIAL EDUCATION FUND	4,312.65	0.00	4,312.65
<u>165-USE TAX</u>				
165-10000.000	Claim on Pooled Cash	371,398.90		
	TOTAL 165-USE TAX	371,398.90	0.00	371,398.90
<u>175-Public Fac/Bond Fund</u>				
175-10000.000	Claim on Pooled Cash	2,060,822.96		
175-10002.000	Investment Account		916,569.25	
	TOTAL 175-Public Fac/Bond Fund	2,060,822.96	916,569.25	2,977,392.21
<u>221-ECONOMIC DEVELOPMENT</u>				
221-10000.000	Claim on Pooled Cash	12,685.31		
	TOTAL 221-ECONOMIC DEVELOPMENT	12,685.31	0.00	12,685.31

CITY OF CARTHAGE
CASH & INVESTMENTS BY FUND
AS OF: FEBRUARY 28TH, 2023

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS	FUND TOTAL
<u>222-AMERICAN RESCUE PLAN ACT</u>				
222-10000.000	Claim on Pooled Cash	195,361.47		
222-10002.000	Investment Account		1,491,505.59	
	TOTAL 222-AMERICAN RESCUE PLAN ACT	195,361.47	1,491,505.59	1,686,867.06
<u>343-LIBRARY OPERATING</u>				
343-10000.000	Claim on Pooled Cash	501,061.86		
343-10000.100		0.00		
343-10002.000	Investment Account		684,223.10	
	TOTAL 343-LIBRARY OPERATING	501,061.86	684,223.10	1,185,284.96
<u>344-LIBRARY BUILDING</u>				
344-10000.000	Claim on Pooled Cash	0.00		
	TOTAL 344-LIBRARY BUILDING	0.00	0.00	0.00
<u>345-POWERS MUSEUM</u>				
345-10000.000	Claim on Pooled Cash	0.00		
	TOTAL 345-POWERS MUSEUM	0.00	0.00	0.00
<u>346-POWERS CAPITAL</u>				
346-10000.000	Claim on Pooled Cash	0.00		
	TOTAL 346-POWERS CAPITAL	0.00	0.00	0.00
TOTAL CASH & INVESTMENTS				
		13,444,991.38	8,334,861.52	21,779,852.90
		=====	=====	=====

*** END OF REPORT ***



City Administrator's Report

02/24/2023-

03/10/2023

City Staff and Internal Projects

- Updating of Comprehensive Plan. A deadline has been set for staff to have to this to committee by April 3rd (Planning and Zoning, Public Works, Engineering and Administration)
- Budget Process continues (All departments) Capital Submission have been submitted.
- Work for new Website continues to be deployed July, 1
- 353 Tax Abatement plan to be presented to planning and zoning (HP) in April

Community

- GRO Meeting
- Jasper County Commission Meeting
- Meeting with Kellogg Lake Board Members
- Met with a local Realtor about potential development land
- Meet with Precious Moments regarding tourism (Katie)
- Met with Joplin tourism officials regarding partnership (Katie)

Meetings

- Met with Chamber regarding contract
- Planning and Zoning Committee
- Jasper County Emergency Services Board Meeting
- Public Services Committee
- Several meetings with Economic Development Director
- Several Meetings with Mayor and various department heads

Upcoming

- Council Planning session to be scheduled after the April Election.

An Ordinance to amend Section 14-11 of the Carthage Code to comply with changes mandated by the Missouri Supreme Court and the Revised Missouri Statutes.

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

SECTION I: Section 14 of the Carthage Code is hereby amended to read as follows:

Sec. 14-11. - Court costs—Generally.

In addition to any fine that may be imposed by the municipal judge there shall be assessed as costs in all cases the following:

- (1) The Standard Municipal Court Cost (Clerk Fee), in the amount of twelve dollars (\$12.00) for municipal court costs, fifteen dollars for municipal ordinance violations filed before an associate circuit judge and thirty dollars for applications for a trial de novo of a municipal ordinance violation . RSMo 479.260 and RSMo 488.012.
- (2) Law Enforcement Training (LET) Surcharge, in the amount of two dollars (\$2.00). RSMo 488.5336.
- (3) Peace Officer Standards and Training Commission (POST) Surcharge, in the amount of one dollar (\$1.00). This fee shall be deposited with the treasurer of the State of Missouri in the peace officer standards and training commission fund to be used statewide for training of peace officers. RSMo 488.5336.
- (4) Crime Victim Compensation Fund (CVC) Surcharge, a surcharge of seven dollars and fifty cents (\$7.50) for the use and benefit of the Missouri Crime Victims' Compensation Fund, in accordance with RSMo 488.5339
- (5) Inmate Prisoner Detainee Security Fund (Inmate Fund) Surcharge, a surcharge of two dollars (\$2.00) assessed as court cost to be deposited into an inmate security fund, in accordance

with RSMo 488.5026.

(6) Judicial Education Fund, in addition to any fine imposed and cost assessed pursuant to law, an additional cost of one dollar (\$1.00) shall be assessed as cost in each municipal court proceeding in the city for violation of any municipal ordinance for the purpose of establishing a judicial education fund. The judicial education fund shall be used only to pay for: (1) the continuing education and certification required of the municipal judges by law or supreme court rule; and (2) judicial education and training for the court administrator and clerks of the municipal court. Provided further, the court shall retain no more than one thousand five hundred dollars in the judicial education fund for each judge, administrator or clerk of the municipal court. Any excess funds shall be transmitted quarterly to the general revenue fund of the municipal treasury. (RSMo 479.260).

(7) In addition to any costs which may be assessed by the Municipal Division, pursuant to Statute, Ordinance, or Court Rule, in every proceeding filed in the Municipal Division for violation of an Ordinance, a surcharge of Seven Dollars (\$7.00) shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the Traffic Violations Bureau. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the Court, when costs are waived, or when cost are paid by the City. Such surcharge shall be collected by the Municipal Court and paid monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund, as provided in RSMo. Section 488.012.3(5) and Section 488.027.2, and RSMo 476.056

(8) Reimbursement fee on alcohol and drug DWI/DUI traffic offenses in accordance with RSMo 488.5334.

(9) Contracting for collection of delinquent court-ordered payments. The court may contract in accordance with public agencies or with private entities operating under a contract with a state agency or the office of state courts administrator. Any fees or costs associated with such

collection efforts shall be added to the amount due, but such fees and costs shall not exceed twenty percent of the amount collected. RSMo 488.5030.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

An Ordinance to amend sections of Chapter 13 of the Carthage Code by adding a section for discharging of weapons inside the City limits, for the City of Carthage, Missouri.

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

SECTION I: Chapter 13 of the Carthage Code is hereby amended by adding subsection 13-146 to read as follows:

Sec. 13-146. Discharge of firearms restricted, exceptions.

(a) It shall be unlawful for any person to use, shoot or discharge any firearm, rifle, gun, revolver, shotgun, BB gun, pellet gun, paint ball gun, slingshot, bow, crossbow or other device, whether the same is loaded with powder and ball, shot or other projectile and any kind of explosives whatsoever, within the city limits.

(b) Subject to the provisions and terms of applicable federal, state or local laws, ordinances, rules and regulations, subsection (a) of this section shall not apply to:

(1) All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, while performing their official duty, whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer.

(2) Members of the armed forces or national guard while performing their official duty, which includes firearms practice within the confines of the Missouri National Guard armory.

(3) Those persons vested by article V, section 1 of the state Constitution with the

judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary, while performing their official duty.

(4) Any person whose bona fide duty is to execute process, civil or criminal, while performing their official duty.

(5) Any federal probation officer, while performing their official duty.

(6) Any state probation and parole officer, including supervisors and members of the board of probation and parole, authorized to carry a firearm pursuant to RSMo 217.710, while performing their official duty.

(7) Any coroner or deputy coroner, while performing their official duty.

(8) Wardens, superintendents, and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while performing their official duty.

(9) Persons lawfully discharging firearms in the lawful self-defense.

(10) Students of the city public school system training in firearm and bow and arrow safety, or practicing and performing for interschool archery competitions, under the supervision of a teacher or coach.

(11) Any archery range conducted in any enclosed building constructed for that purpose.

(12) Any properly licensed shooting gallery.

(c) Definitions:

(1) For the purposes of this section, terms and phrases used herein shall have the definitions given them under RSMo 571.010.

(2) “shooting gallery” means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls,

floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Public Safety

AMENDED VERSION

COUNCIL BILL NO. 23-13

ORDINANCE NO. _____

An Ordinance to amend sections of Chapter 13 of the Carthage Code by adding a section for discharging of weapons inside the city limits, for the City of Carthage, Missouri.

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

SECTION I: Chapter 13 of the Carthage Code is hereby amended by adding subsection 13-146 to read as follows:

Sec. 13-146. Discharge of firearms restricted, exceptions.

(a) It shall be unlawful for any person to use, shoot or discharge any firearm, rifle, gun, revolver, shotgun, BB gun, pellet gun, paint ball gun, slingshot, bow, crossbow or other++ device, whether the same is loaded with powder and ball, shot or other projectile and any kind of explosives whatsoever, within the city limits.

(b) Subject to the provisions and terms of applicable federal, state or local laws, ordinances, rules and regulations, subsection (a) of this section shall not apply to:

(1) All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, while performing their official duty, whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer.

(2) Members of the armed forces or national guard while performing their official duty, which includes firearms practice within the confines of the Missouri National Guard armory.

(3) Those persons vested by article V, section 1 of the state Constitution with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary, while performing their official duty.

(4) Any person whose bona fide duty is to execute process, civil or criminal, while performing their official duty.

(5) Any federal probation officer, while performing their official duty.

(6) Any state probation and parole officer, including supervisors and members of the board of probation and parole, authorized to carry a firearm pursuant to RSMo 217.710, while performing their official duty.

(7) Any coroner or deputy coroner, while performing their official duty.

(8) Wardens, superintendents, and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while performing their official duty.

(9) Persons lawfully discharging firearms in the lawful self-defense of persons (self or others) as defined by RSMo §563.031.

(10) Students of the city public school system training in firearm and bow and arrow safety, or practicing and performing for interschool archery competitions, under the supervision of a teacher or coach.

(11) Any archery range conducted in any enclosed building constructed for that purpose.

(12) Any properly licensed shooting gallery.

(c) Definitions:

(1) For the purposes of this section, terms and phrases used herein shall have the definitions given them under RSMo 571.010.

(2) “shooting gallery” means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range’s approved use.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

ATTEST:

MAYOR

CITY CLERK

Sponsored by: Public Safety



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Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 563



• Effective - 14 Oct 2016, 3 histories, see footnote



***563.031. Use of force in defense of persons.** — 1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

(1) The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided:

(a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or

(b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or

(c) The aggressor is justified under some other provision of this chapter or other provision of law;

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force;

(3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony.

2. A person shall not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless:

(1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

(2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or

(3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, or is occupied by an individual who has been given specific

authority by the property owner to occupy the property, claiming a justification of using protective force under this section.

3. A person does not have a duty to retreat:

(1) From a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining;

(2) From private property that is owned or leased by such individual; or

(3) If the person is in any other location such person has the right to be.

4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so.

5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force.

(L. 1977 S.B. 60, A.L. 1993 S.B. 180, A.L. 2007 S.B. 62 & 41, A.L. 2010 H.B. 1692, et al. merged with H.B. 2081, A.L. 2016 S.B. 656)

*Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

---- end of effective **14 Oct 2016** ----
use this link to bookmark section 563.031

- All versions

	Effective	End
563.031	10/14/2016	
563.031	8/28/2010	10/14/2016
563.031	8/28/2007	8/28/2010

Click here for the **Reorganization Act of 1974 - or - Concurrent Resolutions Having Force & Effect of Law**

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.



► Other Information

► Other Links



Missouri Senate



MO.gov



Missouri House

**Errors / suggestions -
WebMaster@LR.mo.gov**



History and Fun Facts

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COUNCIL BILL NO. 23-14

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CARTHAGE, MISSOURI AMENDING THE CARTHAGE CITY CODE BY ADDING SECTION 13-158 TO INCLUDE REGULATIONS FOR ADULT USE MARIJUANA, IN THE CITY OF CARTHAGE MISSOURI.

WHEREAS, on November 8, 2022, the voters of the State of Missouri approved Constitutional Amendment 3, legalizing adult use marijuana in the State; and,

WHEREAS, the recent changes to State Constitution related to adult use marijuana require amending the Municipal Code of the City of Carthage, Missouri; and,

WHEREAS, it is the desire of the City Council of Carthage, Missouri to continue to regulate the use and possession of marijuana within the City to the extent allowed by Article XIV of the Missouri Constitution.

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

Section 1. Chapter 13 of the Municipal Code is hereby amended to read as follows:

Section. 13-158. Possession of Marijuana

- A. Except and only to the extent as authorized by Article XIV of the Missouri Constitution including any and all rules and regulations promulgated by the department relating to legalized medical marijuana or legalized adult use marijuana, it shall be unlawful for any person to knowingly use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance, or imitation controlled substance in violation of this article.
- B. The definitions used in this Section shall be the same as used in Missouri Constitution Section 2 Amendment XIV.
- C. No person shall knowingly possess a controlled substance, except and only to the extent as authorized by RSMo Ch. 579 or RSMo Ch. 195, as amended.
- D. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this section, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in: (i) this section, as amended, (ii) RSMo Ch. 579, as amended, or (iii) RSMo Ch. 195, as amended, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

- 1. No person under the age of twenty-one years shall knowingly possess marijuana

except as provided by Article XIV of the Missouri Constitution.

2. A person at least twenty-one years of age may not purchase, possess, consume, use, ingest, inhale, process, transport, deliver without consideration, or distribute without consideration except as permitted under Article XIV of the Missouri Constitution, as amended, over three ounces of dried, unprocessed marijuana, or its equivalent.
3. A person at least twenty-one years of age may not possess, transport, plant, cultivate, harvest, dry, process, or manufacture more than six flowering marijuana plants, six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) in violation of Article XIV of the Missouri Constitution.
4. A person may not purchase, possess, use, deliver, distribute, manufacture, transfer, or sell to persons under twenty-one years of age marijuana accessories, except as provided by Article XIV of the Missouri Constitution.
5. No person shall knowingly possess more than twice the amount of marijuana as authorized by Article XIV of the Missouri Constitution.
6. The following may possess marijuana pursuant to Article XIV of the Missouri Constitution and its accompanying State regulations:
 - a. A qualifying patient for the patient's own personal use, provided that a qualifying patient shall not possess more than four (4) ounces of dried, unprocessed marijuana in a thirty (30) day period, unless such patient is able to possess more than such limits pursuant to 19 CSR 30-095.030(5)(E), as amended, in which case such person shall not possess more than amount of marijuana the person's two (2) physicians have certified the person to possess;
 - b. A primary caregiver for a qualifying patient(s), but only when transporting marijuana to a qualifying patient(s) or when accompanying a qualifying patient(s); and
 - c. An owner or employee of a medical marijuana facility licensed by the State of Missouri while on the premises of said facility, or when transporting to a qualified patient's or primary caregiver's residence or another medical marijuana facility licensed by the State of Missouri.
 - d. An adult at least twenty-one (21) years of age.
7. In any complaint or information, and in any action or proceeding brought for the enforcement of any provision of any applicable statutory authority in the State of Missouri, it shall not be necessary to include any exception, excuse,

proviso, or exemption of any applicable statutory authority in the State of Missouri, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

8. Any person under the age of twenty-one years old in possession of medical marijuana, including a marijuana-infused product, shall, immediately upon request of any law enforcement officer, produce a valid identification card issued by either the department or the respective equivalent identification card or authorization issued by another state or political subdivision of another state, authorizing the person to possess the amount of marijuana in such person's possession as provided by Article XIV of the Missouri Constitution, as amended. Any person who fails to produce such identification card as required by this section shall be guilty of the offense of failure to produce a medical marijuana identification card.
9. No person shall consume marijuana, including marijuana for medical use, in a public place. As used in this section only, "public place" means the same as the term defined by applicable Missouri Regulations, as amended, which is any public or private property, or portion of public or private property, that is open to the general public, including, but not limited to, sidewalks, streets, bridges, parks, schools, and businesses. However, for purposes of designating a nonpublic place within a public place, the owner or entity with control of any such property may, but is not required to, provide one (1) or more enclosed, private spaces where one (1) qualifying patient and, if required by the owner or entity with control of any such property, a representative of such owner or entity, may congregate for the qualifying patient to consume medical marijuana. The qualifying patient may be accompanied by the family of the qualifying patient, the qualifying patient's primary caregiver, and/or the qualifying patient's physician. The owner or entity with control of any such property may provide such a space by individual request or designate such a space for ongoing use and may limit use of medical marijuana in that space to uses that do not produce smoke. Any such permission shall be given in writing and provided to the qualifying patient or publicly posted prior to a qualifying patient's use of medical marijuana in that space. "Public place" shall not include:
 - a. The residence of the person administering medical marijuana or the residence of another person when the person in control of that property has consented to the administering of marijuana; or
 - b. A licensed medical facility with the consent of the person or persons in charge of that facility.
10. It shall be unlawful for any person over the age of twenty-one to have the plants and any marijuana in excess of three ounces:
 - a. Kept at one private residence visible by normal, unaided vision from a

public place; or

- b. Kept in an unlocked space.

11. Consumption of adult use marijuana in public.

- a. No person shall consume adult use marijuana in a public place.

- b. As used in this section only, "public place" means the same as the term defined by applicable Missouri Regulation, as amended, which is any public or private property, or portion of public or private property, that is open to the general public, including, but not limited to, sidewalks, streets, bridges, parks, schools, and businesses. "Public place" shall not include:

- i. The residence of the person consuming adult use marijuana or the residence of another person when the person in control of that property has consented to the consumption of adult use marijuana; or
- ii. An area licensed by the authorities having jurisdiction over the licensing and/or permitting of said activity.

12. Except and only to the extent as authorized by Article XIV of the Missouri Constitution, as amended, including any and all rules and regulations promulgated by the department relating to legalized medical marijuana or legalized adult use marijuana, it shall be unlawful for any person under twenty-one years of age to knowingly use, or possess with intent to use, marijuana accessories to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body marijuana, or imitation marijuana in violation of this article, other than medical marijuana as allowed under Article XIV of the Missouri Constitution.

13. Subject to the limitations in subsection 3 of Article XIV of the Missouri Constitution, the penalty for marijuana offenses shall be punishable as follows:

- a. A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana, as authorized under Article XIV of the Missouri Constitution, as amended.
- b. A person who cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty

dollars and forfeiture of the marijuana, as authorized under Article XIV of the Missouri Constitution, as amended.

- c. A person who smokes marijuana in a public place is subject to a civil penalty not exceeding one hundred dollars, as authorized under Article XIV of the Missouri Constitution, as amended.
- d. A person who is under twenty-one years of age who possesses, uses, ingests, inhales, transports, delivers or distributes marijuana, or possesses, delivers or distributes marijuana accessories is subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine, as authorized under Article XIV of the Missouri Constitution, as amended.
- e. A person who possesses or produces, delivers without receiving any consideration or remuneration, or possesses with intent to deliver not more than twice the amount of marijuana to a person who is at least twenty-one years of age, as authorized under Article XIV of the Missouri Constitution, as amended:
 - i. For a first violation, is subject to a civil infraction punishable by a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana;
 - ii. For a second violation, is subject to a civil infraction punishable by a civil penalty not exceeding five hundred dollars and forfeiture of the marijuana;
 - iii. For a third or subsequent violation, is subject to a violation punishable by a fine not exceeding one-thousand dollars and forfeiture of the marijuana;
 - iv. For a person under twenty-one years of age is subject to a civil penalty not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine; and
 - v. In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of \$15 or the minimum wage in effect at the time of judgment.”

14. Pursuant Subsection 3 of Article XIV of the Missouri Constitution the following acts are prohibited and there are no constitutional protection or punishments prescribed for the following. It shall be unlawful to:

- a. Deliver or distribute marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one years of age;

- b. Operate or be in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system;
 - c. Consume marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;
 - d. Smoke marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;
 - e. Possess or consume marijuana or possess marijuana accessories on the grounds of a public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correctional facility;
 - f. Smoke or burn marijuana in a location where smoking tobacco is prohibited;
 - g. Undertake any task while under the influence of marijuana, if doing so would constitute negligence, recklessness, or professional malpractice or would endanger others; or
 - h. Perform solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol, unless licensed for this activity by the State of Missouri.
- E. Severability: The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the City Council would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing

alone, are incomplete and incapable of being executed in accordance with the legislative intent.

F. **Repeal of Conflicting Ordinances.** All parts of ordinances in conflict herewith are hereby repealed.

Section 2. That this Ordinance shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Public Safety Committee

COUNCIL BILL NO. 23-15

ORDINANCE NO. _____

An Ordinance authorizing the Mayor to enter into a contract with **CXT** for restroom facilities in four City Parks for the amount of Four Hundred Seventy-Seven Thousand Three Hundred Five and 00/100 (\$477,305.00).

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 contract with CXT for restroom facilities in four parks, Municipal, Carter, Kellogg Lake, and Griggs, for the amount of Four Hundred Seventy-Seven Thousand Three Hundred Five and 00/100 (\$477,305.00), 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 _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Public Services Committee



FLUSH RESTROOMS

SIMPLE TO INSTALL

CXT® buildings require minimal site preparation and can typically be in use on the day of installation.

READY TO USE

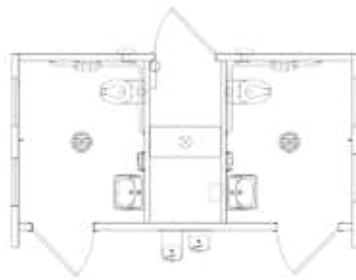
Our buildings are prefabricated and delivered complete and ready to use, including plumbing and electrical where applicable.

EASY TO MAINTAIN

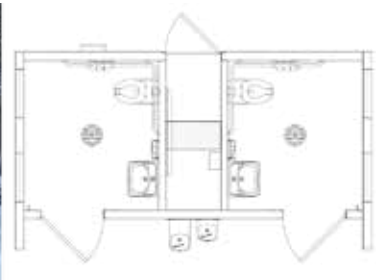
Our interiors are designed to resist abusive wear and can be cleaned quickly with warm soapy water and a brush.



SINGLE USER



CORTEZ



DENALI



OZARK II



OZARK I

Floor plans for reference only.

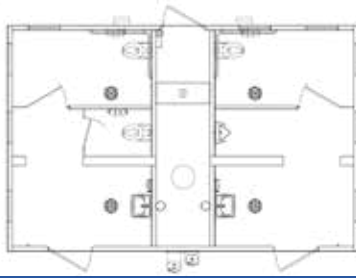


Engineered to withstand snow, wind, flood, and zone-4 seismic loads.

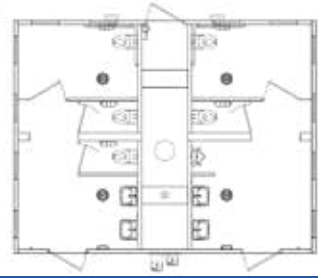
MULTI USER



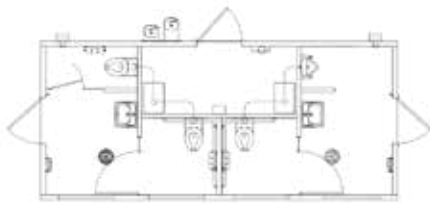
MONTROSE



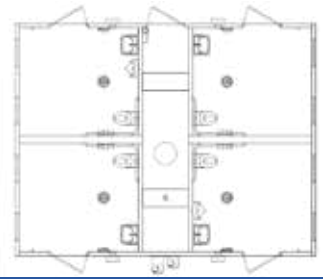
TAOS



KODIAK



ARAPAHOE



Floor plans for reference only.

UTILITIES

- Pre-wired, pre-plumbed, and tested before shipping to meet local code requirements.
- Concealed within the chase/storage area for easy hook up and maintenance, and to reduce vandalism.

HOOK UP AND INSTALLATION

- Minimal site work is required.
- Water, sewage and electrical utility lines are stubbed up through the prepared base material to match up with the utility blockout within the floor of the chase area.
- Hookup of the three utility lines can be completed in a matter of hours.



- Vandal resistant building and toilet components
- 4" thick steel reinforced concrete walls
- 5" thick steel reinforced concrete roof and floors
- Will not rot, rust or burn
- Available in 28 different colors
- Custom textures and colors also available



www.cxtinc.com ▪ 800.696.5766

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LB Foster
CXT® Products



INSTALLATION SUGGESTIONS FOR TAOS FLUSH RESTROOM

1.0 MEASUREMENTS

A. Building

Check drawing for actual dimensions and weight.

	<u>Section A</u>	<u>Section B</u>
Weight:	74,200	72,650
Width:	11' 6"	11' 6"
Length:	26' 0"	26' 0"
Height:	12' 0"	12' 0"

2.0 INSTALLATION

A. Access to Site

Should the customer feel that site is not accessible, it would be up to the customer to contact CXT®. A determination of changes and accessibility should be made at least 30 days prior to delivery date. Delivery to site is made on semi-trucks and specialized trailers. If at the time of delivery conditions of access are hazardous or unsuitable for truck and equipment due to weather, physical constraints, roadway width or grade, the building must be off-loaded to a storage area until the site is made accessible. In any such case, additional costs for cranes, trucking, etc. will be charged to the account of the customer.

B. Placement

The floor of the building should be the high spot of the chosen site. Finished floor elevation should be 3-6" above the natural grade level with pathway slopes up to meet the entryway.

C. Excavation and Compaction

The base area for the building should extend beyond the floor by at least 6" in each direction. Excavation of the area must be large enough and deep enough to accommodate the base area. Water, sewer, electrical, etc. lines need to be placed before base material is added and compacted. See drawings for placement of utilities. Compact the bottom of the area prior to placing base material. A *minimum* of 6" of a compacted $\frac{3}{4}$ " minus angular gravel material (i.e., road base) should be used as the base material. The material should be placed level and compacted to support a minimum of 1500 pounds per square foot. The base must be confined to prevent washout erosion or any other undermining. This base will provide support, leveling, and drainage. The base also limits frost action.

The base area should be prepared for any concrete apron at the same time as it is prepared for the building if it is to be added shortly after installation of the facility itself.

D. Recommended Lifting Equipment

CXT can provide a drawing of the recommended lifting/rigging arrangement. Crane of appropriate capacity to lift and place building onto designated site.

E. Post-Tensioning and Connection

Building section should be lifted into place as close as possible without damaging the sections. Once sections are aligned run post-tension cables (provided) through the holes cast into the floor. Use hydraulic post-tensioning device to cinch the building sections together. Pull on the cables evenly to ensure building sections remains square. Leave cables at tension. Cut off excess cable length and grout over holes. Weld sections together at weld plates provide on the interior of the chase area. Use caulk provided to seal building sections.

F. Utility Connection

Mechanical drawings can be provided showing locations of stub up area, plumbing and electrical hook-ups.

Utilize a licensed electrician and plumber to hook up all electrical and plumbing utilities from building section to building section and from the building itself and the stubbed-up utilities that came up through the customer prepared gravel pad.



CXT® Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

1. ORDERING ADDRESS(ES): CXT Precast Concrete Products, 606 N. Pines Road, Suite 202, Spokane Valley, WA 99206

2. ORDERING PROCEDURES: Fax 509-928-8270

3. PAYMENT ADDRESS(ES):

Remitting by check:

CXT, Inc., PO Box 643343, Pittsburgh, PA 15264-3343

Remitting by ACH or wire transfer:

Beneficiary: CXT, Inc.

Beneficiary Bank: PNC Bank, Pittsburgh, PA

Account: 1019282233 ABA/Routing: 043000096

Email remittance details to AR@lbfoster.com

4. WARRANTY PROVISIONS: CXT provides a one (1) year warranty. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT.

This warranty shall not apply to:

1. Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely affect the stability or reliability thereof;

2. To any goods which have been subject to misuse, negligence, acts of God or accidents; or

3. To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

5. TERMS AND CONDITIONS OF INSTALLATION (IF APPLICABLE): All prices subject to the "Conditions of Sale" listed on the CXT quotation form.

Customers are responsible for marking exact location building is to be set; providing clear and level site, free of overhead and/or underground obstructions; and providing site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles to access. CXT reserves the right to charge the customer for additional costs incurred for special equipment required to perform

delivery and installation. Customers will negotiate installation on a project-by-project basis, which shall be priced as separate line items. For more information regarding installation and truck turning radius guidelines please see our website at <http://www.cxtinc.com>.

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Should the delivery and installation costs increase due to changes in the delivery period, this increase will be added to the price originally quoted, and will be subject to the contract payment terms.

In the event that the delivery is delayed more than 90 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of 1-1/2% of contract price per month or any part of any month will be charged.

****Customer is responsible for all local permits and fees.**

6. DELIVERY CHARGE: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers.

7. PAYMENT TERMS: Payment to CXT by the purchaser shall be made net 30 days after submission of the invoice to the purchaser on approved credit. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning with the 35th day (includes five (5) day grace period) from the date of the invoice. Under no circumstance can retention be taken. If CXT initiates legal proceeding to collect any unpaid amount, purchaser shall be liable for all of CXT's costs, expenses and attorneys' fees and costs of any appeal.

8. LIMITATION OF REMEDIES: In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be liable for damages in excess of the purchase price of the goods herein offered.

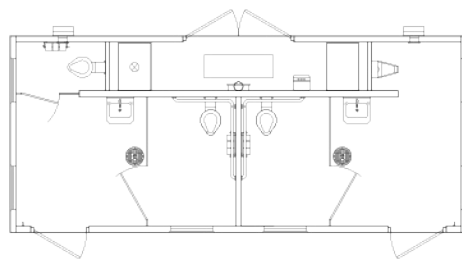
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- F.O.B. 6701 E. Flamingo Avenue, Building 300, Nampa, ID 83687 applies to: AK, CA, HI, ID, MT, ND, NV, OR, SD, UT, WA, WY.

- F.O.B. 901 North Highway 77, Hillsboro, TX 76645 applies to AR, AZ, CO, IA, KS, LA, MN, MO, MS, NE, NM, OK, TX.

- F.O.B. 362 Waverly Road, Williamstown, WV 26183 applies to AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, PR, RI, SC, TN, VA, VT, WI, WV.

- Prices exclude all federal/state/local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.



Dakota with chase restroom building. Standard features include simulated barnwood texture walls, simulated cedar shake textured roof, vitreous china fixtures, 4-gallon water heater, interior and exterior lights, off loaded, and set up at site.

Base Price			Price per unit	Click to select
Dakota 11' x 26'			\$	
Added Cost Options:				
Final Connection to Utilities			\$	
Optional Wall Texture -choose one	Split Face Block (\$4,000)	Struck Trowel (\$4,000)		
Optional Roof Texture -choose one	Delta Rib		\$	
Insulation and Heater			\$	
Stainless Steel Water Closet (each)	Qty:		\$	
Stainless Steel Lavatory (each)	Qty:		\$	
Stainless Steel Urinal (each)	Qty:		\$	
Electric Hand Dryer (each)	Qty:		\$	
Electronic Flush Valves (each)	Qty:		\$	
Electronic Lavatory Faucets (each)	Qty:		\$	
Electronic Urinal Valve (each)	Qty:		\$	
Exterior Mounted ADA Drinking Fountain w/Cane Skirt	Qty:		\$	
Optional Door Closure (each)	Qty:		\$	
Skylight in Restroom (each)	Qty:		\$	
Marine Grade Skylight in Restroom (each)	Qty:		\$	
Marine Package for Extra Corrosion Resistance			\$	
Tile Floor in Restroom			\$	
Fiberglass Entry and Chase Doors and Frames	Qty:		\$	
2K Anti-Graffiti Coating			\$	
Timed Electric Lock System (2 doors - does not include chase door)	Qty:		\$	
Exterior Frostproof Hose Bib with Box (each)	Qty:		\$	
Paper Towel Dispenser (each)	Qty:		\$	
Toilet Seat Cover Dispenser (each)	Qty:		\$	
Sanitary Napkin Disposal (each)	Qty:		\$	
Baby Changing Station (each)	Qty:		\$	
CXT Wastebasket (each)	Qty:		\$	
Total Cost of Selected Accessories from Accessories Price List:			\$	
Custom Options:			\$	
Engineering and State Fees:			\$	
Estimated One-Way Transportation Costs to Site (Quote):			\$	
Estimated Tax:			\$	
Estimated monthly payment on 5 year lease			Total Cost Per Unit Placed at Job Site:	\$

This price quote is good for 60 days from date below, and is accurate and complete.

CXT Sales Representative

Date



I accept this quote. Please process this order.

Company Name

Customer

Date

Exterior Color Options:

(For single color mark an X or for two tone combinations use W = Walls / R = Roof.)

☐ Amber Rose	☐ Liberty Tan	☐ Berry Mauve	☐ Sage Green
☐ Toasted Almond	☐ Oatmeal Buff	☐ Buckskin	☐ Rosewood
☐ Sun Bronze	☐ Golden Beige	☐ Mocha Carmel	☐ Malibu Taupe
☐ Sand Beige	☐ Natural Honey	☐ Salsa Red	☐ Java Brown
☐ Pueblo Gold	☐ Cappuccino Cream	☐ Coca Milk	☐ Raven Black
☐ Granite Rock	☐ Georgia Brick	☐ Western Wheat	☐ Nuss Brown
☐ Rich Earth	☐ Charcoal Grey	☐ Hunter Green	☐ Evergreen

Special roof color # _____

Special wall color # _____

Special trim color # _____

(Sage green, hunter and evergreen colors are not available in colored through concrete.)

Rock Color Options:

Basalt Mountain Blend Natural Grey Romana

Roof Texture Options:

Cedar Shake Ribbed Metal

Wall Texture Options:

(For single texture mark an X or for different top and bottom textures use T = Top / B = Bottom.)

Barnwood	Horizontal Lap	Napa Valley Rock	} Can only be used as bottom texture.
Split Face Block	Board & Batt	River Rock	
Stucco/Skip Trowel	Brick	Flagstone	

(Textures not included in CXT's quote are additional cost.)

Door Opener Options:

Non-locking ADA Handle Pull Handle/Push Plate
Privacy ADA Latch

Deadbolt Options:

CXT Supplied Customer Supplied: _____
Type & Part Number

Accessible Signage Options:

Men Women Unisex

Paper Holder Options:

2-Roll Stainless Steel 3-Roll Stainless Steel

Notes:



CXT® Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

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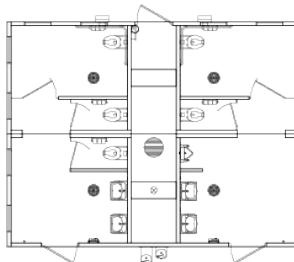
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- Prices exclude all federal/state/local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.



Taos with chase restroom building. Standard features include simulated barnwood texture walls, simulated cedar shake textured roof, vitreous china fixtures, 30-gallon water heater, interior and exterior lights, off loaded, and set up at site.

Base Price				Price per unit	Click to select
Taos 20' x 26'				\$	
Added Cost Options:					
Final Connection to Utilities				\$	
(per section)	Optional Wall Texture -choose one	Split Face Block (\$4,000)	Struck Trowel (\$4,000)	Stone (\$5,500)	
	Optional Roof Texture	Delta Rib		\$	
	Insulation and Heaters			\$	
	Stainless Steel Water Closet (each)	Qty:	\$		
	Stainless Steel Lavatory (each)	Qty:	\$		
	Stainless Steel Urinal (each)	Qty:	\$		
	Electric Hand Dryers (each)	Qty:	\$		
	Electronic Flush Valves (each)	Qty:	\$		
	Electronic Lavatory Faucets (each)	Qty:	\$		
	Electronic Urinal Valve (each)	Qty:	\$		
	Exterior Mounted ADA Drinking Fountain w/Cane Skirt	Qty:	\$		
	Optional Door Closure (each)	Qty:	\$		
	Skylight in Restroom (each)	Qty:	\$		
	Marine Grade Skylight in Restroom (each)	Qty:	\$		
	Marine Package for Extra Corrosion Resistance (per section)		\$		
	Tile Floor in Restroom (per section)		\$		
	Fiberglass Entry and Chase Doors and Frames	Qty:	\$		
	2K Anti-Graffiti Coating (per section)		\$		
	Timed Electric Lock System (2 doors - does not include chase door)	Qty:	\$		
	Exterior Frostproof Hose Bib with Box (each)	Qty:	\$		
	Paper Towel Dispenser (each)	Qty:	\$		
	Toilet Seat Cover Dispenser (each)	Qty:	\$		
	Sanitary Napkin Disposal (each)	Qty:	\$		
	Baby Changing Station (each)	Qty:	\$		
	CXT Wastebasket (each)	Qty:	\$		
Total Cost of Selected Accessories from Accessories Price List:				\$	
Custom Options:				\$	
Engineering and State Fees:				\$	
Estimated One-Way Transportation Costs to Site (quote):				\$	
Estimated Tax:				\$	
Estimated monthly payment on 5 year lease				Total Cost per Unit Placed at Job Site:	\$

This price quote is good for 60 days from date below, and is accurate and complete.

CXT Sales Representative

Date



I accept this quote. Please process this order.

Company Name

Customer

Date

Exterior Color Options:

(For single color mark an X or for two tone combinations use W = Walls / R = Roof.)

☐ Amber Rose	☐ Liberty Tan	☐ Berry Mauve	☐ Sage Green
☐ Toasted Almond	☐ Oatmeal Buff	☐ Buckskin	☐ Rosewood
☐ Sun Bronze	☐ Golden Beige	☐ Mocha Carmel	☐ Malibu Taupe
☐ Sand Beige	☐ Natural Honey	☐ Salsa Red	☐ Java Brown
☐ Pueblo Gold	☐ Cappuccino Cream	☐ Coca Milk	☐ Raven Black
☐ Granite Rock	☐ Georgia Brick	☐ Western Wheat	☐ Nuss Brown
☐ Rich Earth	☐ Charcoal Grey	☐ Hunter Green	☐ Evergreen

Special roof color # _____

Special wall color # _____

Special trim color # _____

(Sage green, hunter and evergreen colors are not available in colored through concrete.)

Rock Color Options:

Basalt Mountain Blend Natural Grey Romana

Roof Texture Options:

Cedar Shake Ribbed Metal

Wall Texture Options:

(For single texture mark an X or for different top and bottom textures use T = Top / B = Bottom.)

Barnwood	Horizontal Lap	Napa Valley Rock	} Can only be used as bottom texture.
Split Face Block	Board & Batt	River Rock	
Stucco/Skip Trowel	Brick	Flagstone	

(Textures not included in CXT's quote are additional cost.)

Door Opener Options:

Non-locking ADA Handle Pull Handle/Push Plate
Privacy ADA Latch

Deadbolt Options:

CXT Supplied Customer Supplied: _____
Type & Part Number

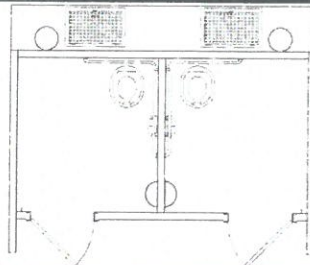
Accessible Signage Options:

Men Women Unisex

Paper Holder Options:

2-Roll Stainless Steel 3-Roll Stainless Steel

Notes:



Tioga Special double vault. Standard features include two polyethylene lined concrete vaults, barnwood textured walls, cedar shake textured roof, off loaded and set up at site.

Base Price		Price per unit	Click to select	
Tioga Special 11' 11" x 14' 4"		\$ 35,550.00		35,550.00
Added Cost Options:				
Earth Work (includes excavation, backfill and cleanup)		\$ 4,500.00	☐	0.00
Chase Option		\$ 3,500.00	☐	0.00
Optional Wall Texture-choose one ☐ Split Face Block (\$2,000) ☐ Struck Trowel (\$2,000) ☐ Stone (\$5,000)				0.00
Optional Roof Texture-choose one ☐ Delta Rib		\$ 3,000.00		0.00
Insulated Roof Panel (per room)	Qty: 2	\$ 1,000.00	☐	0.00
Room Wastebasket (each)	Qty: 2	\$ 150.00	☐	0.00
Stainless Steel Riser (each)	Qty: 2	\$ 1,500.00	☐	0.00
Fiberglass Doors		\$ 1,980.00	☐	
Owl Guard (each)	Qty: 2	\$ 75.00	☐	0.00
Hand Sanitizer (each)	Qty: 2	\$ 100.00	☐	0.00
Marine Package for Extra Corrosion Resistance		\$ 4,250.00	☐	0.00
Solar Light Kit (per room)	Qty: 2	\$ 950.00	☐	0.00
Solar Fan Kit (per room)	Qty: 2	\$ 550.00	☐	0.00
Rain Vent Cap (each)	Qty: 2	\$ 65.00	☐	0.00
Timed Lock System (each)	Qty: 2	\$ 600.00	☐	0.00
Conduit Junction Box (chase only)		\$ 750.00	☐	0.00
Electric Light Package (chase only)		\$ 6,750.00	☐	0.00
Total Cost of Selected Accessories from Accessories Price List:				\$ 0.00
Custom Options: 2023 Pricing				\$ 5,690.00
Engineering and State Fees:				\$ 3,000.00
Estimated One-way Transportation Costs to Site (quote):				\$ 12,000.00
Estimated Tax:				\$
Estimated monthly payment on 5 year lease \$1,130.42				
Total Cost per Unit Placed at Job Site:				\$ 56,240.00

Other Options:

Single Color: (select one)	Two-Tone Color: Walls (select one) Roof (select one)	*Signage: ☐ Men ☐ Women ☐ Unisex ☐ Accessible	Wall Vent Location:(upon entering door) ☐ Right Side ☐ Rear ☐ Left Side ☐ Door
Top Section of Building: (select one)	Bottom Section of Building: (select one)	Rock Color Selection: (select one)	Notes:
Deadbolt Lock: ☐ CXT Supplied	Door Opener: (select option)	Paper Holders: (select one)	

*Building includes restroom signs in Braille and roman lettering.

This price quote is good for 60 days from date below, and is accurate and complete.

Richard Edwards
Digitally signed by Richard Edwards
Date: 2023.01.11 08:58:50 -06'00'

CXT Sales Representative

Date

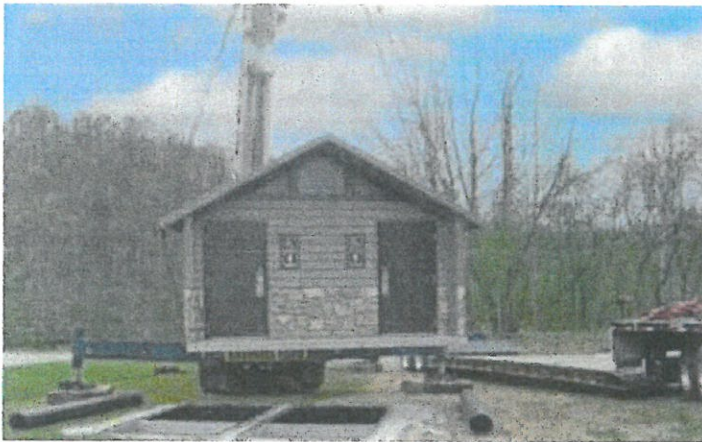
I accept this quote. Please process this order.

Member Name & Number

Customer

SWEET SMELLING TECHNOLOGY

- Designed and placed to ensure an unobstructed airflow over the top of the vent stack for passive ventilation.
- The location of the wall vent and orientation of the building takes advantage of the unobstructed airflow.
- The positive continual air flow carries the vault air out through the vent pipe keeping the building odor-free.



- Vandal resistant building and toilet components
- 4" thick steel reinforced concrete walls
- 5" thick steel reinforced concrete roof and floors
- Will not rot, rust or burn
- Available in 28 different colors
- Custom textures and colors also available



Precast Roof Slab

#3 Reinforcing
Perimeter Bar

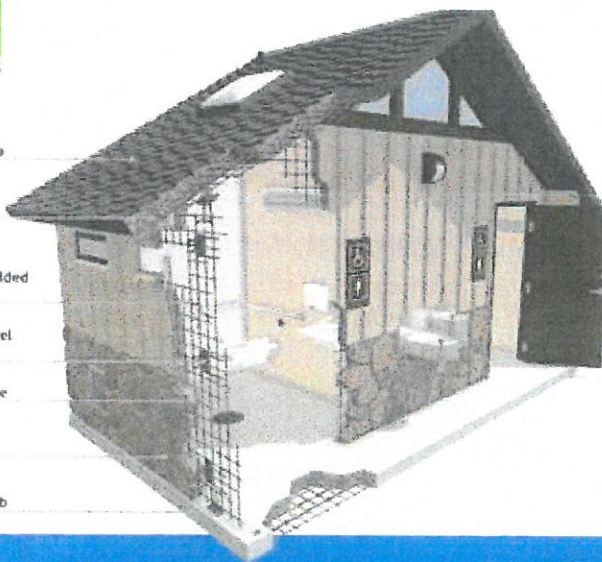
4x4x1/8x1/8 Welded
Wire Fabric

3/8" Studded Steel
Weld Plates

5000 PSI Concrete

Precast Exterior
Wall Panel

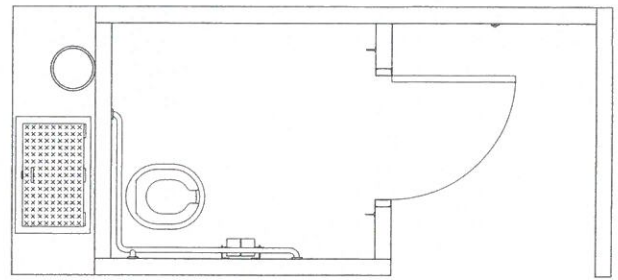
Precast Floor Slab



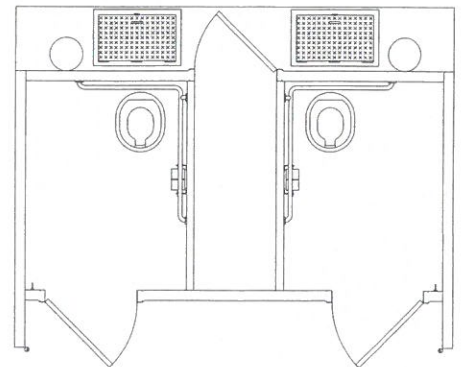
VAULT

- Installed below ground level with vault dimensions that match the perimeter of the building to provide a stable structure that supports the full weight of the building.
- Each holds up to 1,000 gallons of waste (approximately 15,000 uses).
- Sloped so that waste will drain to the clean out end.
- Lined with a black polyethylene liner that is cast into the side walls of the concrete vault using dovetail embeds.

Single Vault



Double Vault



Floor plans for reference only.



AWARDED VENDOR
Contract #2100201



Awarded Contract
Contract # 081721-CXT



Schedule
Contract GS-07F-0602N



www.cxtinc.com ■ 800.696.5766

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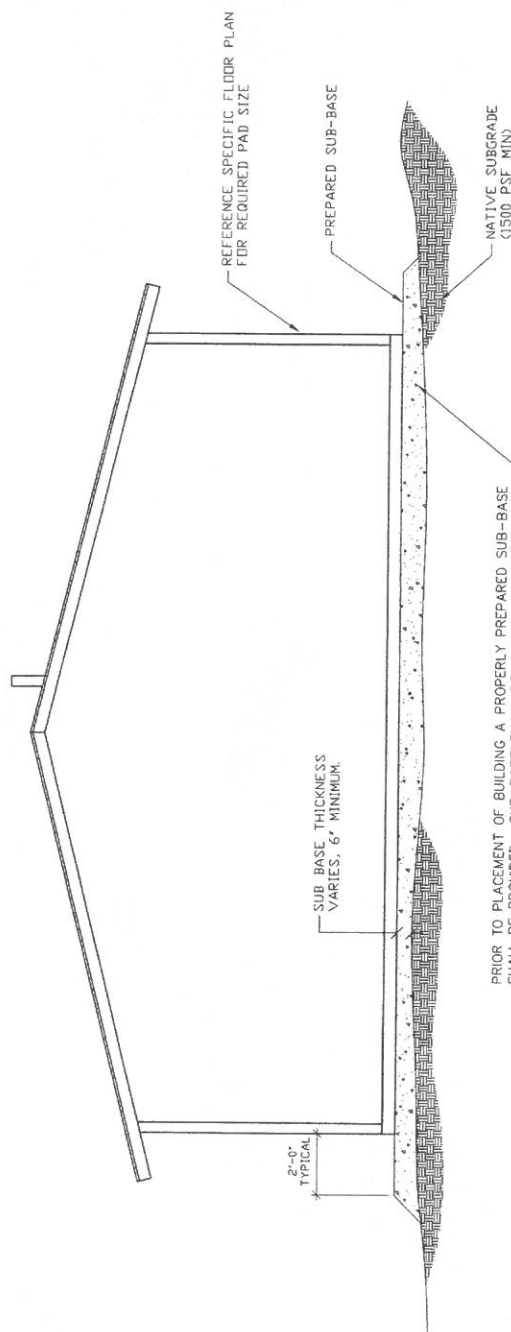
CXT® Products
Page 68 of 99

THIS FACTORY ASSEMBLED BUILDING AS CONSTRUCTED PROVIDES A RIGID BOX TYPE STRUCTURAL SYSTEM. VERTICAL LOADS ARE TRANSFERRED PRIMARILY THROUGH INTERIOR WALLS TO A PREPARED GRANULAR SUB-BASE WHICH DISSIPATES VERTICAL LOADS UNIFORMLY TO THE NATIVE SUBGRADE AND ALSO ACTS AS A FROST BARRIER. DUE TO THE INHERENT STIFFNESS OF THE BUILDING, IT WILL REMAIN SAFE AND STRUCTURALLY SOUND IN THE UNLIKELY EVENT OF FREEZING ACTION BELOW THE BUILDING.

LATERAL LOADS ARE TRANSFERRED TO THE GROUND THROUGH FRICTIONAL RESISTANCE WITHOUT SLIDING OR SHIFTING BETWEEN THE BUILDING FLOOR SLAB AND THE PREPARED SOIL AND GRAVEL SUB-BASE ON WHICH THE BUILDING PESTS, SEISMIC ANALYSES ARE BASED ON LOADS DETERMINED IN ACCORDANCE WITH THE 2003 INTERNATIONAL BUILDING CODE USING THE FOLLOWING PARAMETERS, WHICH MEET OR EXCEED THE CODE PRESCRIBED REQUIREMENTS FOR THIS INSTALLATION:

SPECTRAL ACCELERATIONS: $S_S = 3.41$ & $S_I = 1.59$,
BEARING WALL SYSTEM WITH CONCRETE SHEAR WALLS, $R = 5.5$ & $\Omega_{MGAO} = 2.5$,
SITE CLASS D
SEISMIC USE GROUP = I
20% OF THE 250 PSF SNOW LOAD IS INCLUDED TO DETERMINE SEISMIC LOADS
SOIL/CONCRETE FRICTION FACTOR = 0.35

THIS BUILDING, AS DESIGNED, RESTING ON A PROPERLY PREPARED GRANULAR SUB-BASE WILL BE SAFE AND STRUCTURALLY SOUND FOR VERTICAL AND LATERAL LOADS AS DISCUSSED ABOVE. A FULL DEPTH FOUNDATION WALL AT THE BUILDING PERIMETER, TYPICAL FOR OTHER TYPES OF BUILDING CONSTRUCTION, IS NOT REQUIRED FOR THIS BUILDING.



BEFORE TO PLACEMENT OF BUILDING A PROPERLY PREPARED SUB-BASE SHALL BE PROVIDED. THE SUB-BASE SHALL BE A MINIMUM OF 6" THICK - COMPACTED CRUSHED ROCK COMPACTED TO 93% OF OPTIMUM DENSITY IN ACCORDANCE WITH ASTM D 1557. THE SURFACE OF SUB-BASE SHALL BE UNIFORMLY LEVEL, NOT VARYING MORE THAN 1/2" FROM A TRUE HORIZONTAL PLANE. REFER TO BUILDING HANDLING SHEET FOR SUB-BASE REQUIREMENTS DURING BUILDING PLACEMENT. (PREPARED SUB-BASE NOT BY CXT).



EXT STANDARD BUILDING

DATE

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DATE	3/8-01-01	DATE	03-14-07
SCALE		FILE NO.	07-043P
RAWN			

GRAVEL PAD DETAIL

FORM NO.	10000000000000000000
----------	----------------------



INSTALLATION SUGGESTIONS FOR DAKOTA FLUSH RESTROOM

1.0 MEASUREMENTS

A. Building

Check drawing for actual dimensions and weight.

Weight:	78,000
Width:	11' 6"
Length:	26' 0"
Height:	12' 0"

2.0 INSTALLATION

A. Access to Site

Should the customer feel that site is not accessible, it would be up to the customer to contact CXT®. A determination of changes and accessibility should be made at least 30 days prior to delivery date. Delivery to site is made on semi-trucks and specialized trailers. If at the time of delivery conditions of access are hazardous or unsuitable for truck and equipment due to weather, physical constraints, roadway width or grade, the building must be off-loaded to a storage area until the site is made accessible. In any such case, additional costs for cranes, trucking, etc. will be charged to the account of the customer.

B. Placement

The floor of the building should be the high spot of the chosen site. Finished floor elevation should be 3-6" above the natural grade level with pathway slopes up to meet the entryway.

C. Excavation and Compaction

The base area for the building should extend beyond the floor by at least 6" in each direction. Excavation of the area must be large enough and deep enough to accommodate the base area. Water, sewer, electrical, etc. lines need to be placed before base material is added and compacted. See drawings for placement of utilities. Compact the bottom of the area prior to placing base material. A *minimum* of 6" of a compacted $\frac{3}{4}$ " minus angular gravel material (i.e., road base) should be used as the base material. The material should be placed level and compacted to support a minimum of 1500 pounds per square foot. The base must be confined to prevent washout erosion or any other undermining. This base will provide support, leveling, and drainage. The base also limits frost action.

The base area should be prepared for any concrete apron at the same time as it is prepared for the building if it is to be added shortly after installation of the facility itself.

D. Recommended Lifting Equipment

CXT can provide a drawing of the recommended lifting/rigging arrangement. Crane of appropriate capacity to lift and place building onto designated site.

E. Post-Tensioning and Connection

Building section should be lifted into place as close as possible without damaging the sections. Once sections are aligned run post-tension cables (provided) through the holes cast into the floor. Use hydraulic post-tensioning device to cinch the building sections together. Pull on the cables evenly to ensure building sections remains square. Leave cables at tension. Cut off excess cable length and grout over holes. Weld sections together at weld plates provide on the interior of the chase area. Use caulk provided to seal building sections.

F. Utility Connection

Mechanical drawings can be provided showing locations of stub up area, plumbing and electrical hook-ups.

Utilize a licensed electrician and plumber to hook up all electrical and plumbing utilities from building section to building section and from the building itself and the stubbed-up utilities that came up through the customer prepared gravel pad.

COUNCIL BILL NO. 23-16

ORDINANCE NO. _____

An Ordinance authorizing the Mayor to enter into a contract with Pyrotechnics by Encore LLC, Inc. for firework displays for the July 4, 2023, July 4, 2024 and July 4, 2025 celebrations in the amount of \$19,950.00 per year, in the City of Carthage, Missouri.

**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 contract with Pyrotechnics by Encore LLC of Ozark, Missouri for three years of July 4th firework displays beginning July 4, 2023 in the amount of \$19,950.00 per year, 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 _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Public Services Committee



5200 State Highway W Ozark, MO 56721

THIS CONTRACT (this "Contract") is made **February 23, 2023**, by and between Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, in Ozark, MO. ("Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC"), and **City of Carthage, MO**, with its principal place of business.

WHEREAS, Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC. is providing **City of Carthage, MO**, with a fireworks exhibition and display for a **three-year term**, under such terms and conditions as provided herein, and thereby, the parties agree as follows:

1. Fireworks Display. Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC. shall sell, furnish, and deliver to **City of Carthage, MO**, certain fireworks which Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC. agrees to exhibit and display on the following dates in accordance with the program set forth and agreed upon at the time of the signing of this contract, the specifics of which are set forth in the "Fireworks Exhibition and Display Program" attached hereto and incorporated herein by reference thereto (the "Fireworks Display").

Date of Show: **July 4th, 2023 / July 4th, 2024 / July 4th 2025**

2. Payment Schedule. For and in consideration of the Fireworks Display, **City of Carthage, MO**, agrees to pay Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC. the sum of **\$19,950 Minimum Per Year** (the "Contract Price") paid as follows: Every year Display Budget is **\$19,950.00. \$9,975** due after signing of this contract remainder due before show date of **\$9,975**.

3. Display Responsibilities. Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC and **City of Carthage, MO** will collaborate in the performance of all tasks relating to the Fireworks Display. These tasks include, but are not limited to, (i) procuring and furnishing a place suitable for the Fireworks Display (the "Display Site"), (ii) applying for, obtaining, and securing all permits, licenses, and approvals required by all applicable local, state, and federal laws and regulations as well as those required by any local policing and fire departments for the Fireworks Display (Collectively, the "Required Approvals"), (iii) providing adequate private and/or public security, police and fire protection, (iv) securing an acceptable location with private and/or public security personnel to park the Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC Technician fireworks truck(s) overnight (or for such longer or shorter period as Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC may reasonably require in order to effectively provide the Fireworks Display), (v) securing adequate protection to preclude all individuals, other than those authorized by Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, from entering the security area designated by Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, (vi) keeping unauthorized persons or personal or real property of any kind, including without limitation, motor vehicles, outside of the Display Site, fallout area or safe zone. Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, and **City of Carthage, MO**, shall fulfill their responsibilities as set forth herein in accordance with all local, state, and federal laws, orders, and regulations, including those of the National Fire Protection Association (NFPA)

4. Indemnification and Limitation of Liability. **City of Carthage, MO**, shall indemnify, defend and hold Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC and its shareholders, directors, officers, employees, agents, representatives, and insurers harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether arising from tort, contract or otherwise, that occur directly or indirectly from (a) the gross negligence or willful misconduct of **City of Carthage, MO**, or their employees, agents, contractors, or representatives, or (b) the failure of **City of Carthage, MO**, to comply with its obligations and responsibilities as set forth herein. Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC shall indemnify, defend and hold **City of Carthage, MO**, harmless from any and all demands, claims, causes of action, judgments or liability (including, without limitation, the costs of suit and reasonable costs of experts and attorneys) arising from damage to or destruction of property (including, without limitation, real and personal) or bodily or personal injuries (including, without limitation, death), whether

arising from tort, contact or otherwise, that occur directly or indirectly from (a) the gross negligence or willful misconduct of Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC or its employees, agents, contractors, ore representatives. **City of Carthage, MO** shall not under any circumstances be entitled to recover any consequential, incidental, exemplary, special and/or punitive damages from Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, including, without limitation, loss of Income, business or profits.

5. Postponement. A Rain date of July 3rd has been set. In the event that another postponement such that Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, in its sole and absolute discretion, determines that the Fireworks Display would be impossible, impractical, or would unnecessarily increase the risk of damage or danger to person and/or property, the parties agree to immediately hold a postponement meeting at which time an attempt to reschedule the Fireworks Display shall be discussed with a view toward reaching a mutually satisfactory postponement time and/or date. In the event the mutually satisfactory postponement time and/or date is beyond the day following the scheduled Fireworks Display and it is impracticable for the personnel and equipment of Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC to remain at the Fireworks Display location until the rescheduled Fireworks Display date, then **City of Carthage, MO**, shall pay the actual expenses incurred by Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC related to the postponement, which shall not exceed twenty five percent (25%) of the Contract Price. Actual expenses include, but are not limited to expenses of travel, lodging, labor, meals, rentals, permit fees, set-up and/or dismantling of display, additional taxes or surcharges, or any other additional expenses that incurred prior to and/or as a result of the postponement or cancelation.

6. Cancellation. If (i) **City of Carthage, MO**, cancels this contract for any reason, or (ii) Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC is unable to timely complete all tasks relating to the Fireworks Display in accordance with this Contract with the assistance of **City of Carthage, MO**, and Cancels despite all party's best efforts, liquidating damages for such cancellation shall be paid by **City of Carthage, MO**, to Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC as follows: a. In the event the Fireworks Display is cancelled after the signing of this contract until ninety (90) days before the date or dates scheduled for the Fireworks displays, twenty-five percent (25%) of the amount of Contract Price; b. In the event the Fireworks Display is cancelled no more than ninety (90) days and no less than four (4) days before the date or dates scheduled for the Fireworks Display, fifty (50%) of the Contract Price; c. If the Fireworks Display is cancelled no more than three (3) days but before the day scheduled for the Fireworks Display, seventy-five (75%) percent of the Contract Price; or d. On the day scheduled for the Fireworks Display, one hundred (100%) percent of the Contract Price.

In the event that **City of Carthage, MO**, chooses to terminate this contract, it shall do so by written notification via certified mail addressed to Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC, 5200 State Highway w Ozark MO, 65721, Notice shall be effective upon receipt of said written notice by Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC. Except as provided in section 5 above with respect to weather postponement, in the event of circumstances beyond the control of either party, such as fire, strikes, delay, acts of God or similar causes which prevent the delivery of materials or performances as set forth herein, the parties hereto release one another from any and all obligation and responsibilities contained herein.

7. Venue. In any action on or relating to this Contract, the parties hereto consent to the exclusive jurisdiction and venue of the state courts of Missouri and the federal courts located in the United States District Court for the state of Arkansas and Missouri.

8. Legal Construction If any provision of this Contract is held illegal, invalid, or otherwise unenforceable, then: (a) the same shall not affect other terms or provisions of this Contract; and (b) such term or provision shall be deemed modified to the extent necessary to render such term or provision and the rights and obligations of the parties shall be construed and enforced accordingly, preserving to the fullest extent the intent and agreements of the parties set forth herein.

9. Entire Agreement This Contract and the Fireworks Exhibition and Display Program constitutes the entire agreement between the parties hereto, and there are no other understandings, either oral or written, regarding to the subject matter hereof.

IN WITNESS WHEREOF, the undersigned executed this Contract by and through their authorized representatives whose names appear below.



Encore Pyrotechnics DBA of Pyrotechnics by Encore LLC



Authorized Representative

City of Carthage, MO

Authorized Representative



Encore Pyrotechnics

5200 State Hwy W
Ozark, MO 65721 US
encorepyrotechnics@gmail.com

INVOICE

BILL TO

Chelsea Cholley
City of Carthage
521 Robert Ellis Young Dr
Carthage, MO 64836

INVOICE 15
DATE 02/23/2023
TERMS Due on receipt
DUE DATE 02/23/2023

SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
Fireworks Display	\$19,950 Show Budget Per yer \$9,975 due at signing, Remainder \$9,975 due before show	1	9,975.00	9,975.00

Show date July 4th 2023, 2024, 2025

BALANCE DUE

\$9,975.00

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Pyrotechnics By Encore LLC	
2 Business name/disregarded entity name, if different from above dba Encore Pyrotechnics	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☒ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
5 Address (number, street, and apt. or suite no.) See instructions. 5200 State Highway W	Requester's name and address (optional)
6 City, state, and ZIP code Ozark MO 65721	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

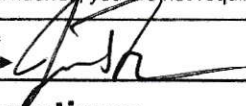
Social security number									
			-				-		
or									
Employer identification number									
8	8	-	4	2	1	4	4	6	7

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► 	Date ► 1-2-23
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

COUNCIL BILL NO. 23-17

ORDINANCE NO. _____

An Ordinance authorizing a special use permit to allow for the construction of a shower house located at 125 E. Fairview in the City of Carthage, Jasper County, Missouri.

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

SECTION I: A special use permit is hereby granted to the Congregation of the Mother Redeemer for the construction of a shower house located at 125 E. Fairview in the City of Carthage, Jasper County, Missouri on real estate legally described in Exhibit A, which is attached hereto and incorporated herein by reference.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Planning, Zoning & Historic Preservation Commission

EXHIBIT A

ALL OF A TRACT OF LAND DESCRIBED AS FOLLOWS, BEGINNING 30 FEET NORTH AND 30 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 28, RANGE 31, IN THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, THENCE NORTH 150 FEET, THENCE WEST 209 3/4 FEET, THENCE SOUTH 150 FEET, THENCE EAST 209 3/4 FEET TO BEGINNING.

AND

ALL OF THAT PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 9, TOWNSHIP 28, RANGE 31, DESCRIBED AS FOLLOWS, BEGINNING AT A POINT 239 3/4 FEET WEST AND 230 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 9, THENCE NORTH 75 FEET, THENCE EAST 239 3/4 FEET TO POINT OF BEGINNING, EXCEPT 30 FEET MORE OR LESS ALONG THE EAST SIDE THEREOF FOR STREET, IN THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI.

AND

ALL OF A TRACT OF LAND DESCRIBED AS FOLLOWS, BEGINNING 180 FEET NORTH AND 30 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 29, RANGE 31, IN THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, THENCE NORTH 50 FEET, THENCE WEST 209 3/4 FEET, THENCE SOUTH 50 FEET, THENCE EAST 209 3/4 FEET, TO BEGINNING,

AND

THE EAST 69.25 FEET OF THE FOLLOWING PARCEL, BEGINNING 239.75 FEET WEST AND 30 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 9, TOWNSHIP 28, RANGE 31, THENCE WEST 209.75 FEET TO THE EAST LINE OF MAIN STREET, THENCE NORTH 75 FEET, THENCE EAST 209.75 FEET, THENCE SOUTH 75 FEET TO BEGINNING, IN THE CITY OF CARTHAGE JASPER COUNTY, MISSOURI.

AND

THE EAST 69.25 FEET OF THE FOLLOWING PARCEL, ALL OF THE NORTH HALF (N1/2) OF THE SOUTH 150 FEET OF THE WEST HALF (W1/2) OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT, BEGINNING 30 FEET WEST AND 30 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 9, TOWNSHIP 28, RANGE 31, THENCE NORTH 200 FEET, THENCE WEST 419.5 FEET, THENCE SOUTH 200 FEET, THENCE EAST 419.5 FEET TO THE POINT OF BEGINNING, ALL IN JASPER COUNTY, MISSOURI.

Street address of said property is: 125 East Fairview, Carthage, MO 64836

An Ordinance to amend Section 600 – City Rules and Regulations of the Personnel Policy Manual of the City of Carthage by adding subsection 608 – Whistleblower Protection Policy.

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

SECTION I: Section **600 – City Rules and Regulations** of the Personnel Policy Manual is hereby amended by adding subsection 608 – Whistleblower Protection Policy.

608. Whistleblower Protection Policy: The City of Carthage requires Department Heads, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the City of Carthage, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

- 01. Reporting Responsibility:** This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the City of Carthage can address and correct inappropriate conduct and actions. It is the responsibility of all Department Heads, officers, and employees to report concerns about violations of the City of Carthage’s code of ethics or suspected violations of law or regulations that govern the City of Carthage’s operations.
- 02. No Retaliation:** It is contrary to the values of the City of Carthage for anyone to retaliate against any Department Head, officer, or employee who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of the City of Carthage. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.
- 03. Reporting Procedure:** The City of Carthage encourages employees to share their questions, concerns, suggestions, or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor’s response, you are encouraged to speak with your Department Head. Supervisors and Department Heads are required to report complaints or concerns about suspected ethical and legal violation in writing to the City of Carthage’s human resources department, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor, Department Head, or the City Administrator. Complaints against Department Heads must be submitted in writing directly to the human resources department.

- 04. Compliance Officer:** The City of Carthage's human resources department is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The City Administrator will advise the City Council and/or Department Head of all complaints and their resolution and will report at least annually to the Finance Director and/or Auditor on compliance activity relating to accounting or alleged financial improprieties.
- 05. Accounting and Auditing Matter:** The City of Carthage's City Administrator or human resources department shall immediately notify the Finance Director and/or Auditor of any concerns or complaint regarding city accounting practices, internal controls, or auditing and work with the Finance Director and/or Auditor until the matter is resolved.
- 06. Acting in Good Faith:** Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.
- 07. Confidentiality:** Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- 08. Handling of Reported Violations:** The City of Carthage's City Administrator or human resources department will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Insurance, Audit and Claims

RESOLUTION NO. 1996

A RESOLUTION PROVIDING FOR THE FORMAL ACCEPTANCE OF A DONATION TO THE CITY OF CARTHAGE'S POLICE DEPARTMENT BY THE CITY COUNCIL OF THE CITY OF CARTHAGE, MISSOURI PURSUANT TO CITY POLICY.

WHEREAS, periodically, private individuals and agencies would like to make donations and grants to the City of Carthage for general or specific purposes; and

WHEREAS, the City has adopted a policy to formalize the conditions and procedures to be followed by the City in accepting said donations and grants, and to assist the City Council in evaluating the impact of proposed donations and grants on the resources of the City of Carthage; and

WHEREAS, This policy also establishes guidelines that ensure donations occur at arm's length from any City decision-making process, and provide criteria and process for the acceptance of donations; and

WHEREAS, The City Administrator's Office has prepared and submitted a report evaluating the impact of the proposed donations or grants on the resources of the City.

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 of Carthage, Missouri accepts a donation of \$19,580.00 from the Law Enforcement Sales Tax Grant Board for ODET Fees, New Firearms and MdE FTO Software for the police department, in the City of Carthage.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

Dan Rife, Mayor

ATTEST:

Miranda Deal, City Clerk

CITY ADMINISTRATOR'S OFFICE DONATION REPORT:

The City Administrator shall prepare a report evaluating the impact of all proposed donations or grants on the resources of the City. This report must include both the immediate costs of placing said donation into service or program into action and the costs required to maintain or continue the program in future budget years. Such costs may include analysis of annual personnel, repair and maintenance and equipment expenditures and any future capital improvements required by the donation. The report must be submitted to Council at the same time acceptance of the donation or grant is to be considered. If additional operating costs are associated with the acceptance of the donation, the Council shall identify the source of revenues to defray the additional costs at the time of acceptance.

There will be no adverse impact of acceptance of the cash contributions. The Budget Ways & Means Committee will meet to determine a recommendation on the appropriation of these funds. It is recommended that the funds be placed in the General Revenue Fund budget pending Budget Ways & Means Committee recommendations for City Council action regarding appropriations of said funds.

CORRESPONDENCE



Play & Park Structures of MO
303 Bass St.
Park Hills, MO, 63601
Phone: 573-631-1968
Fax: 423-425-3124
Email:
scasada@playandpark.com
Contact: Steve Casada

Municipal Park - Quote 796-153666 Change Order

Carthage Parks & Recreation
 Attn: Abi Almandinger
 521 Robert Ellis Young Drive
 Carthage, MO 64836
 Phone: 417-237-7035

Quote Number: 796-158470
 Quote Date: 3/2/2023

Stock ID	Description	Quantity	Weight	Unit Price	Amount
INSTALL	Cut & Grade Site Prep - Site Prep is Quoted in a Per Cubic Yard Price. Cut & Grade in order to prepare site for future playground site. Site is to be graded to an approximate 2% slope. Site is to have a compaction rate of 90% ?standard? or better. Compaction test to be performed by qualifi ed engineer. Cut & Grade Site Prep as per grading detail provided by Zanevan Engineering. Permits by others.	1	0	\$30,650.00	\$30,650.00

Pricing per MO State Contract #CC202382005 _____ Total Weight: 0 SubTotal: \$30,650.00
 included. If the customer is not tax exempt, taxes will be added to the Total Amount: \$30,650.00
 total.

THIS QUOTATION IS SUBJECT TO POLICIES IN THE CURRENT PLAY & PARK STRUCTURES CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO PLAY & PARK STRUCTURES, C/O Play & Park Structures of MO.

Pricing: f.b.b. factory, firm for 30 days from date of quotation.

Installation: A certified Play & Park Structures Installer is recommended for play equipment installation. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs.

Submittals: our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. Play & Park Structures designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

Acceptance of quotation:

Accepted By (printed): Dan Rife

Signature: Dan Rife

Title: Mayer

Purchase Amount: \$30,650.00

P.O. No: _____

Date: _____

Phone: _____

E-mail: _____

Order Information

Bill to:

Company: _____

Attn: _____

Address: _____

City/State/Zip: _____

Billing Contact: _____

Billing Phone: _____

Billing Fax: _____

Enter desired color palette name: _____

Enter desired color: Uprights (_____)

Accents (_____)

Roofs/Tubes (_____)

Play & Park Structures of MO

By: _____

Salesperson's signature

Ship to:

Company: _____

Attn: _____

Address: _____

City/State/Zip: _____

Jobsite Contact: _____

Jobsite Phone: _____

Jobsite Fax: _____

OR

Decks (_____)

Slides/Panels (_____)

Salesman's Signature _____

Customer's Signature _____



Play & Park Structures of MO
303 Bass St.
Park Hills, MO, 63601
Phone: 573-631-1968
Fax: 423-425-3124
Email:
scasada@playandpark.com
Contact: Steve Casada

Carter Park - Quote 796-154586 Change Order

Carthage Parks & Recreation
Attn: Abi Almandinger
521 Robert Ellis Young Drive
Carthage, MO 64836
Phone: 417-237-7035

Quote Number: 796-158471
Quote Date: 3/2/2023

Stock ID	Description	Quantity	Weight	Unit Price	Amount
INSTALL	Cut & Grade Site Prep - Site Prep is Quoted in a Per Cubic Yard Price. Cut & Grade in order to prepare site for future playground site. Site is to be graded to an approximate 2% slope. Site is to have a compaction rate of 90% ?standard? or better. Compaction test to be performed by qualified engineer. Cut & Grade Site Prep as per grading detail provided by Zanevan Engineering. Permits by others.	1	0	\$6,125.00	\$6,125.00

Pricing per MO State Contract #CC202382005 _____ Taxes not included. If the customer is not tax exempt, taxes will be added to the total.

Total Weight: 0

SubTotal: \$6,125.00
Total Amount: \$6,125.00

THIS QUOTATION IS SUBJECT TO POLICIES IN THE CURRENT PLAY & PARK STRUCTURES CATALOG AND THE FOLLOWING TERMS AND CONDITIONS. OUR QUOTATION IS BASED ON SHIPMENT OF ALL ITEMS AT ONE TIME TO A SINGLE DESTINATION, UNLESS NOTED, AND CHANGES ARE SUBJECT TO PRICE ADJUSTMENT. PURCHASES IN EXCESS OF \$1,000.00 TO BE SUPPORTED BY YOUR WRITTEN PURCHASE ORDER MADE OUT TO PLAY & PARK STRUCTURES, C/O Play & Park Structures of MO.

Pricing: f.o.b. factory, firm for 30 days from date of quotation.

Installation: A certified Play & Park Structures Installer is recommended for play equipment installation. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs.

Submittals: our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. Play & Park Structures designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

Acceptance of quotation:

Accepted By (printed): Dan Rife

Signature: Dan Rife

Title: Mayor

Purchase Amount: \$6,125.00

P.O. No: _____

Date: _____

Phone: _____

E-mail: _____

Order Information

Bill to:

Company: _____

Attn: _____

Address: _____

City/State/Zip: _____

Billing Contact: _____

Billing Phone: _____

Billing Fax: _____

Ship to:

Company: _____

Attn: _____

Address: _____

City/State/Zip: _____

Jobsite Contact: _____

Jobsite Phone: _____

Jobsite Fax: _____

Enter desired color palette name: _____ OR _____

Enter desired color: Uprights (_____) Decks (_____)

Accents (_____) Roofs/Tubes (_____) Slides/Panels (_____)

Play & Park Structures of MO

By: _____

Salesperson's signature

Salesman's Signature

Customer's Signature

Abi Almandinger

From: Abi Almandinger
Sent: Monday, February 27, 2023 4:29 PM
To: Ceri Otero; Ed Hardesty; Brandi Ensor; Trudy Blankenship
Cc: mustangdan1963@yahoo.com; Greg Dagnan; Traci Cox; Zeb Carney; Bill Hawkins; Ryan Huntley; Jason Eckhart
Subject: Carl Lewton Stadium update
Attachments: Carthage Rock Stadium Zanevan letter.pdf

Public Services Committee,

As you know, Zanevan Engineering has been in the process of establishing whether or not Carl Lewton Stadium is structurally sound. Attached please find the City Engineer's report.

Whatever decisions are made regarding the stadium, we need to remember the Rock is an important historical component of our city. It is our sincere hope that we continue to honor the historic value of this icon of our community as we move forward.

This will be on the March 7 Public Services Committee agenda to consider and discuss.

Please let me know if you have any questions.

Thank you,

Abi Almandinger
Parks & Rec Director
City of Carthage
417.793.6589



February 21, 2023

City of Carthage
326 Grant
Carthage, MO 64836

Re: Carl Lewton Rock Stadium at Municipal Park
Structural Assessment

To Whom it May Concern:

A structural assessment was completed on the concrete bleacher seating at the Carl Lewton Rock Stadium at Municipal Park in Carthage. The bleachers were constructed in the 1930's using local field rock and concrete composed of cement and mine chat aggregate. The presence of steel reinforcement, if any, is unknown without completing destructive testing of the structure. Seating was originally provided by spectators sitting on the concrete benches. Plastic seats were retrofitted in some areas of the stadium at a later date. The stadium seating has no roof or shelter so the concrete is fully exposed to the elements, including rainwater, sun, and freeze/thaw cycles, which have created cracking throughout the structure over its lifetime. The condition of the original concrete seating area is deteriorated and generally poor, with delamination of the surface present in all areas. The steps were leading up into the bleachers were modified at a time following the original construction, and are uneven and deteriorated.

Beneath the bleachers, rooms were formed into the concrete to create dugouts, restrooms, a concession stand, and storage. The rooms run the length of the stadium, and are approximately 12 feet wide. The ceiling of these rooms is formed by a 7-inch-thick concrete slab spanning the 12 feet, with unknown concrete strength or reinforcement quantities. Cracking of the ceiling and wall concrete is present throughout the stadium, as well as evidence of water seeping through the cracks, leaving limestone deposits suspended from the ceilings. Water was noted dripping from the ceiling on the day of the inspection, as well as water on the floor, several days following the most recent rainfall event, indicating the structure remains saturated for extended periods. This not only adds to the weight that is supported by this slab, but also could indicate voids may be present in the bleachers above the slab where fine particles have eroded out over time. This may also indicate that hidden cracks exist within the structure where the water has expanded and contracted during freeze and thaw cycles over time reducing the structural capacity of the concrete. The top four levels concrete seating in the stadium are all supported by this slab. The saturated concrete and rock material weight, in addition to the live load of spectators in the stands, is supported by the cracked, 12-foot span concrete slab of compromised structural integrity.

CIVIL
ENGINEERING
Project Management
Construction Plans
Permitting
Right of Way Negotiation
Utility Coordination
Project Specifications
Contract Documents
Agency Coordination

CONSTRUCTION
ENGINEERING
Bidding Services
Construction Inspection
Contract Administration
Project Documentation

STRUCTURAL
ENGINEERING
Highway Bridges
Forensic Investigations
Building Inspections
Residential Structures
Commercial Structures
Structure Rehabilitation

1221 Oak Street
Carthage, MO 64836
jason@zanevan.com
417.540.1107
www.zanevan.com

The stadium has many ADA accessibility issues which are formed into the concrete structure. These include the three entrance ramps into the stadium exceeding 28% slope, which far exceeds the 8.3% maximum slope allowed. In addition, the steps leading into the bleachers vary in height and depths, causing trip hazards when ascending or descending. The concrete viewing area between the bleachers and the field has settled and is uneven, with numerous tripping hazards. Concrete patches to attempt to mitigate these issues have deteriorated.

Rehabilitation and retrofitting of this structure would be an unfeasible solution due to the scope of removal work that would need to be completed and the costs associated with constructing the modifications. The removal of any concrete may expose additional issues, and potentially worsen the existing cracks and further reduce the structural integrity of the remaining concrete. Reconstructing the ramps and stairs to meet current accessibility requirements would be a challenge due to the geometric and space constraints that are set into the existing concrete. Making a major investment to the structure which has deteriorated to such poor present condition would not be recommended due the magnitude of issues that would need to be addressed and the costs associated with mitigating them.

Sincerely,
Zanevan Engineering



Jason Eckhart, PE
President



CITY OF CARTHAGE MARIJUANA TAX

APRIL 4, 2023

RECREATIONAL MARIJUANA BACKGROUND

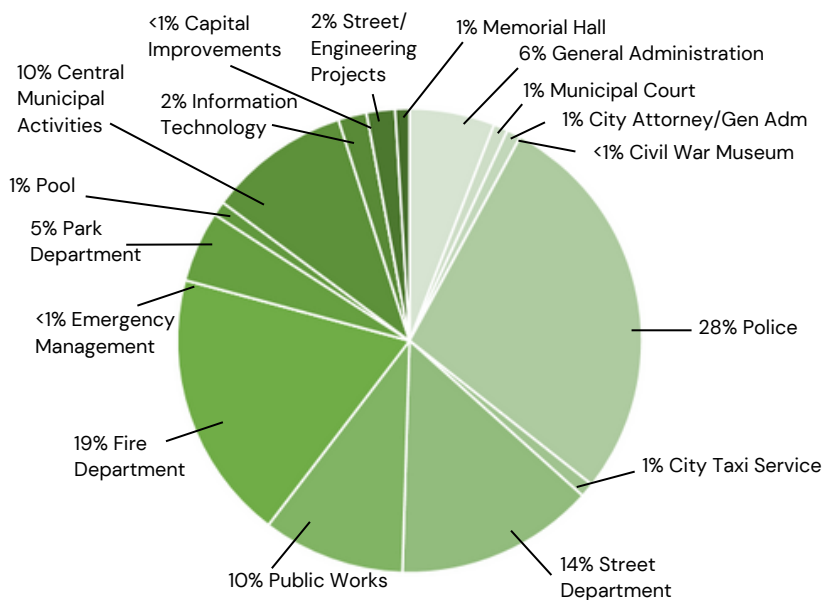
During the statewide election of November 2022, Missouri voters approved an amendment to the state's constitution, which made the use and sale of recreational (adult use) marijuana legal in Missouri for adults over the age of 21.

Additionally, the amendment placed a **6% State of Missouri sales tax** on purchases of recreational marijuana and authorized local governments to add a 3% sales tax.

At its Jan. 17, 2023, meeting, Carthage City Council unanimously voted to put a question regarding the additional 3% sales tax on recreational marijuana on the ballot for the April 4 municipal elections.

Locally, Jasper County has its own recreational marijuana sales tax question on the April ballot, as do several municipalities within the county, including both Joplin and Webb City.

GENERAL FUND EXPENDITURES BY DEPARTMENT



VOTER INFORMATION

The Carthage City Council has voted to call an election on the question of whether to impose an additional 3% sales tax on recreational marijuana.

The election will take place Tuesday, April 4, 2023, commencing at 6:00 A.M. and closing at 7:00 P.M.

The tax, if approved, would **ONLY** apply to recreational marijuana.

OFFICIAL BALLOT LANGUAGE

Shall the City of Carthage, Missouri impose a sales tax of three percent (3%) on all retail sales of adult "non-medical" use marijuana sold in the City of Carthage, Missouri?

INSTRUCTIONS TO VOTERS: If you are in favor of the question, fill in the oval opposite "YES", like this ●. If you are opposed to the question, fill in the oval opposite "NO", like this ●.

YES ●

NO ●

MARIJUANA TAX EXPLAINED

The State of Missouri currently collects an additional 6% sales tax on purchases of recreational marijuana.

If voters approve the Marijuana Tax, the City of Carthage will collect an additional 3% sales tax on purchases of recreational marijuana.

The funds collected from the tax would be allocated to the City's general fund.

3%

Additional sales tax on recreational marijuana

\$50,0000 – \$100,000

In projected revenue in the first year of the tax

CITY OF CARTHAGE MARIJUANA TAX

FREQUENTLY ASKED QUESTIONS

WHAT WOULD MARIJUANA TAX MEAN FOR CARTHAGE RESIDENTS?

Recreational marijuana has only been legal in Missouri for a short time, and it is difficult to accurately estimate how much annual revenue the tax would generate.

If voters approve of the Marijuana Tax, the tax would go into effect October 1, 2023. It is estimated that the City of Carthage would collect between approximately \$50,000 and \$100,000 in the first year of the tax.

WHAT IS RECREATIONAL MARIJUANA?

In November 2022, Missouri voters passed a constitutional amendment allowing the sale and use of marijuana for personal use for those that are of 21 years of age and over.

The State of Missouri charges a 6% sales tax on legal purchases of recreational marijuana. In addition, cities and counties have the option to charge a sales tax of up to 3% with voter approval.

WHO PAYS THE RECREATIONAL MARIJUANA SALES TAX?

Only people purchasing recreational marijuana in Carthage at a state-licensed store would pay the 3% city sales tax.

HOW MUCH REVENUE COULD THE RECREATIONAL MARIJUANA TAX BRING TO CARTHAGE?

Recreational marijuana has only been legal in Missouri for a short time, and it is difficult to accurately estimate how much annual revenue the tax would generate. Estimates show that the tax would generate \$50,000 – \$100,000 annually.

HOW WOULD THE CITY SPEND THE MONEY?

Any revenues from a recreational marijuana tax would be allocated to the City's General Fund. This fund allows the City the flexibility to put the money into city services needed most as they can change from year to year.

WOULD THE 3% INCREASE APPLY TO MARIJUANA PURCHASED FOR MEDICAL USE?

No. If voters approve the Marijuana Tax, the additional 3% sale tax would only apply to marijuana purchased for recreational use.

WHEN WILL RECREATIONAL MARIJUANA SALES BE LEGAL?

Licensed dispensaries approved for retail sales began selling recreational marijuana in Missouri on February 3, 2023.

HOW MANY DISPENSARIES ARE IN THE CITY LIMITS OF CARTHAGE?

There is one dispensary located in the City of Carthage.



Paid for by the City of Carthage, Missouri. Dan Rife, City Mayor
326 Grant Street, Carthage, MO 64836



"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 determine 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 be 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 an 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.