

**COUNCIL AGENDA
CITY OF CARTHAGE, MISSOURI
THURSDAY, OCTOBER 11, 2016
7:30 P.M. – COUNCIL CHAMBERS**

1. Invocation
2. Pledge of Allegiance
3. Calling of the Roll
4. Reading and Consideration of Minutes of Previous Meeting
5. Citizens Participation Period
6. Report of Standing Committees
7. Report from Special Committees and Board Liaisons
8. Mayor's Report
9. Miscellaneous Reports of Officers of the City
10. Report of Claims Committee
11. Old Business
 1. **CB 16-43** – An Ordinance rezoning certain property at 519 West Fairview in the City of Carthage from District “A”, First Dwelling, to District “O”, Non-Retail, as requested by Carolyn Wyatt. (Planning and Zoning)
12. New Business
 1. **CB 16-45** – An Ordinance amending the Purchasing Manual of the City of Carthage by adding a new Appendix I regarding Federal Transit Administration programs. (Committee on Insurance Audit & Claims)
 2. **CB 16-46** – An Ordinance authorizing the Mayor to execute an Agreement between the City of Carthage and the Missouri Highway and Transportation Commission providing for a Municipal Agreement for J7P2228F and J7P2228G. (Public Works)
 3. **CB 16-47** – An Ordinance amending the Annual Operating and Capital Budget of the City of Carthage for the fiscal year 2016 – 2017. (Budget Ways and Means)
13. Mayor's Appointments
14. Resolutions

15. **CLOSED SESSION** – Consider and discuss a vote to close part of the meeting to discuss leasing, purchase or sale of real estate pursuant to Section 610.021 (2) of the Missouri Revised Statutes.

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

**MINUTES OF THE MEETING OF THE CITY COUNCIL
CITY OF CARTHAGE, MISSOURI
September 27, 2016**

The Carthage City Council met in regular session on the above date at 7:30 P.M. in the City Hall Council Chambers with Mayor J. Michael Harris presiding. Fire Chief Roger Williams gave the invocation and Police Chief Greg Dagnan led the flag salute.

The following Council Members answered roll call: Brady Beckham, Jason T.A. Shelfer, Jim Swatsenbarg, Juan Topete, Larry Chapin, Tim Shields, Mike Daugherty, Dan Rife, and Darren Collier. City Attorney Nate Dally was present. City Administrator Tom Short was absent.

The following Department Heads were present: Police Chief Greg Dagnan, Fire Chief Roger Williams, Public Works Director Zeb Carney, Parks Director Alan Bull and City Clerk Traci Cox.

Mr. Chapin made a motion, seconded by Mr. Shelfer, to approve the minutes of the September 15, 2016 Council Meeting. Motion carried.

During Citizen's Participation Period: Mark Elliff, President of the Chamber of Commerce and Economic Development Director, reported on the upcoming Manufacturing Day on October 7 with facility tours being conducted at Flex-O-Lators and Machine Products. He also reminded everyone of Maple Leaf festivities from October 8-15. Brandon Lewis, 303 W. Centennial, questioned CB 16-44 regarding recreational off-highway vehicles. Mr. Lewis asked if the wording for the changes was being added or in place of existing definitions and also asked about the permitting process. Chief Dagnan explained it was simply a procedural process to align city ordinances with State Statutes. He also stated the permit was in place for a rare need to cross a city street but would not be issued for regular travel on city streets. Melissa Pavy, 4762 County Lane 138, asked why golf carts were still allowed on city streets and if there were any specific complaints that had been received regarding the use of the vehicles. City Attorney Dally explained the state allows the city the option to allow the golf carts to be permitted for use. Brian Steverson, 2532 Fulton, wanted to know what had changed in the last 10 years that would warrant the changes when riders have more respect now. Donald Wagner, 3837 County Lane 119, requested verification that city ordinances couldn't violate State Statutes. Mayor Harris expressed his concern with the confusion surrounding the changes presented in CB 16-44 and felt it should be referred back to the Public Safety Committee. Mr. Shelfer made a motion, seconded by Mr. Chapin, to table CB 16-44 until the Public Safety Committee had a chance to address the concerns. The motion was then tabled until after the first reading of CB 16-44.

Mr. Swatsenbarg reported the Budget, Ways and Means Committee was between meetings with the next meeting scheduled for October 10.

Mr. Shelfer reported the Committee on Insurance/Audit and Claims met on this date in the Council Chambers and approved the claims. Amendments to the Purchasing Policy

Manual were also discussed. Mr. Shelfer made a motion, seconded by Mr. Daugherty to amend the policy relative to the city transportation system. Motion passed.

Mr. Rife reported the Public Safety Committee met on September 19. Mr. Rife made a motion, seconded by Mr. Daugherty, to approve a request by Caleb Stiles and Cherry Babcock to block the west side of the square for Octoberfest and approved a beer garden on October 22 from 4:00 p.m. to 10:00 p.m. Motion passed. Mr. Rife made a motion, seconded by Mr. Beckham, to close 7th Street, Chesnut Street, and 6th and Maple as necessary for setup of the fireworks display and to close Central Park during the display for Maple Leaf on October 14 with Fire Chief Roger Williams having the authority to halt the display in inclement weather. Motion passed.

Mr. Beckham reported the Public Services Committee was between meetings with the next meeting scheduled for October 3.

Mr. Shelfer reported the Public Works Committee was between meetings.

Special Committee and Board Liaison reports were given by Mr. Swatsenborg for the Carthage Water & Electric Plant, Harry S Truman Coordinating Council, the Planning and Zoning Board and Vision Carthage Committee, and Mr. Shelfer for the Jasper County Commissioners' Meeting.

Mayor Harris stated that he was born and raised in Carthage and has always supported the high school football team. He attended games at Rock Stadium growing up and this Friday is the last regular season home game that will be played at Baker Stadium. He encouraged all to come to attend and show support for the Carthage Tigers.

City Attorney Dally reported he had gone to Liberty Tree to discuss the Conceal and Carry Law as a representative of both Jasper County Prosecutors Office and the City of Carthage. He also discussed the first Administrative Search Warrant that was issued.

Chief Dagnan stated Maple Leaf was approaching with several activities planned due to the 50th Anniversary. He also informed those in attendance that the next Public Safety Committee meeting was scheduled for October 17 at 5:30 p.m. at the Fire Department.

Public Works Director Zeb Carney reported that asphalt will be laid on River Street on Friday with the inspection to take place the following Tuesday and open for traffic on Wednesday.

The Committee on Claims filed a report in the amount of \$2,159,783.46 against the following funds: General Revenue \$30,432.13, Public Health \$2,799.00, Golf Course \$1,235.66, Inmate Security \$307.83, Fire Protection \$380.60, Payroll \$124,628.24, and Carthage Water & Electric \$2,000,000.00. Mr. Shelfer made a motion, seconded by Mr. Daugherty, to accept the report and allow the claims. Motion carried.

Under old business, CB 16-41 - an ordinance approving a cooperative agreement between the City of Carthage, Jasper County, Missouri, the County of Jasper County,

Missouri, and Carthage Special Road District, Jasper County, Missouri for road maintenance, snow removal, and enforcement for roads abutting the Carthage city limits, and authorizing the mayor of the City of Carthage to execute the cooperative agreement for road maintenance, snow removal and enforcement was placed on second reading followed by a roll call vote of 9 yeas and no nays. Bill passed.

CB 16-42 – an Ordinance to amend Section 21 – 144 of the Code of the City of Carthage, City participation in cost of sidewalk improvements was placed on second reading followed by a roll call vote of 9 yeas and no nays. Bill passed.

Under new business, CB 16-43 – an Ordinance rezoning certain property at 519 West Fairview in the City of Carthage from District “A”, First Dwelling, to District “O”, Non-Retail, as requested by Carolyn Wyatt was placed on first reading with no action taken.

CB 16-44 – an Ordinance to add Section 23-641 of the Carthage Code to define recreational off-highway vehicles as defined in the Missouri Revised Statutes was placed on first reading with no action taken. Mr. Chapin requested to bring back the motion to table CB 16-44 until after the Public Safety Committee meeting on October 17. Motion passed.

Mr. Shelfer made a motion, seconded by Mr. Swatsenbarg, to approve Resolution 1786, a Resolution of the City Council of the City of Carthage approving a recommendation of the Public Works Committee granting an administrative lot split for property located in the 800 Block of Budlong (the East 10.5 feet of Carthage Miscellaneous Lot 58 and all of Carthage Miscellaneous Lot 59, Section 3, Township 28, Range 31, Jasper County Missouri), Carthage, Missouri. Resolution passed.

During closing remarks, Mr. Shelfer discussed his involvement with Vision Carthage and stated he had attended the Homecoming Parade and acknowledged Matt Huntley for receiving Principal of the Year, Mr. Chapin recognized the Boy Scouts that observed the council meeting, Mr. Daugherty encouraged all to check out the new events scheduled for Maple Leaf, and Mr. Collier thanked those that attended for their participation and civil discussion.

Mr. Collier made a motion, seconded by Mr. Beckham, to adjourn the regular session of the Council meeting. Motion carried and meeting adjourned at 8:10 PM.

J. Michael Harris, Mayor

Traci Cox, City Clerk

***OLD
BUSINESS***

COUNCIL BILL NO. 16-43

ORDINANCE NO. _____

An Ordinance rezoning certain property at 519 West Fairview in the City of Carthage from District "A", First Dwelling, to District "O", Non-Retail as requested by Carolyn Wyatt.

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

SECTION I: The following described property is hereby rezoned from District "A", First Dwelling, to District "O", Non-Retail as requested by Carolyn Wyatt to wit:

HALL & WHITSETTS ADD E 79' LOTS 25 TO 27 INC.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

J. Michael Harris, Mayor

ATTEST:

Traci, Cox, City Clerk

REZONING REQUEST

You must provide all requested information on this application. Blanks may delay processing your request. (write 'n/a' if information not applicable)



"America's Maple Leaf City"

Date: Aug 11 2016

Filing Fee: \$100.00

Owner: Carolyn Wiggott

Address: 925 Ridgewood

Tele: 417/358-3344

City: Carthage

State: MO

Zip Code: 64836

Email Address: carolwiggott@hotmail.com

Fax: 417/358-3349

Applicant: Carolyn Wiggott
(person to whom all correspondence will be sent)

Relationship to Owner: _____

Address: _____ Tele: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____ Fax: _____

Property Location: 519 W FAIRVIEW

Legal Description: HALF 1/4 WHITSETTS ADDITION E 79' LOTS 25 TO 27 INC

(attach separate sheet if necessary)

Adjacent Zoning and Land Use:

	Existing Land Use	Zoning
North	<u>Residential</u>	_____
South	<u>Business & residential</u>	_____
East	<u>Residential & Commercial</u>	_____
West	<u>Residential</u>	_____

Note: The City's Zoning Ordinance may be viewed at the Public Works Department

Present Use of Property: rental
Proposed Use of Property: Real Estate Office

Current Zoning: 'A' FIRST DWELLING

Zoning Requested: D 'D' NON-RETAIL

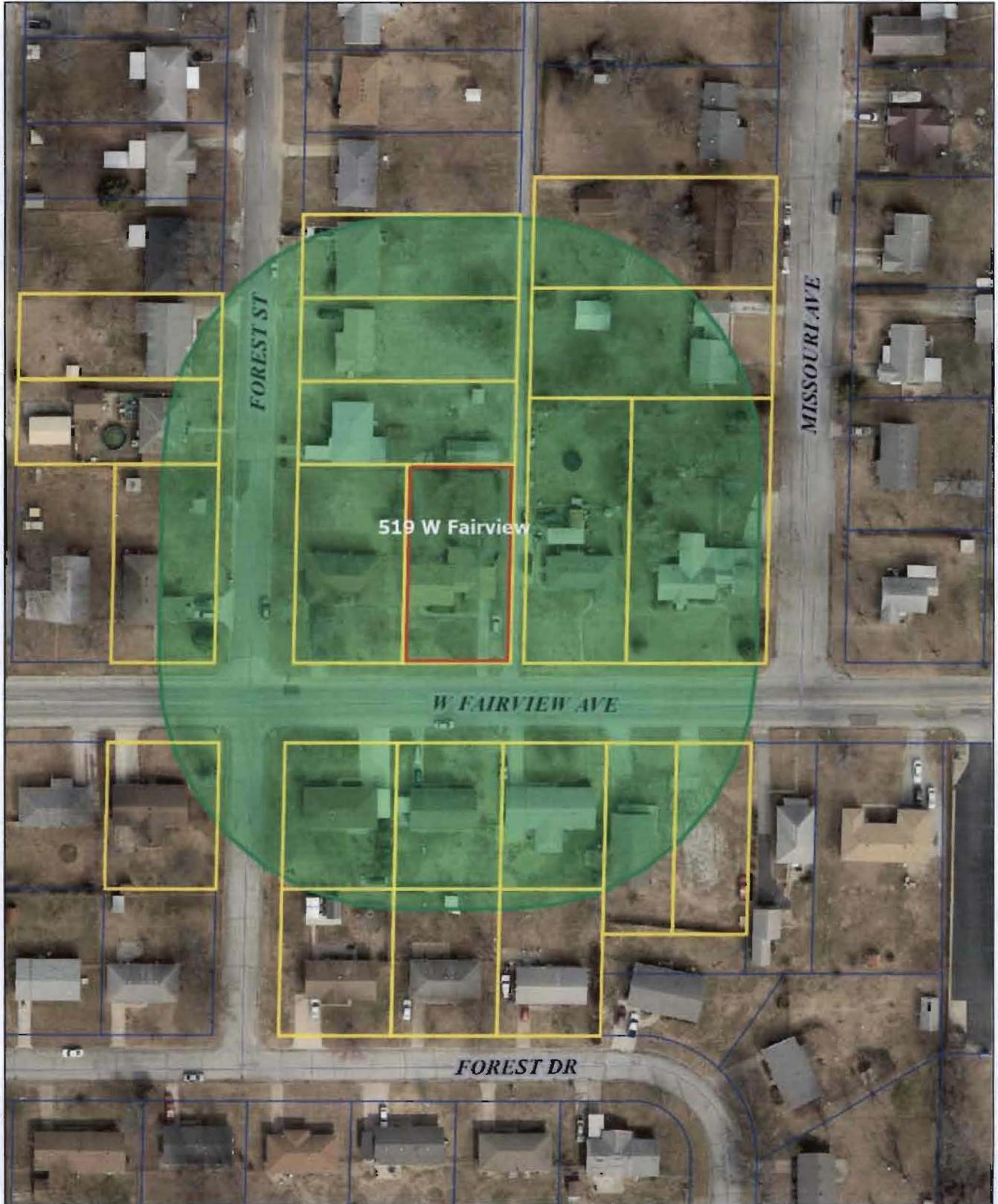
Request initiated by: Denied permit Change of land use New development

[Signature]
Owner's Signature

[Signature]
Applicant's Signature

Return Form to: Public Works Department

Office Use Only: Date Received: 8/11/16 Hearing date: 9/14/16 Approved: Yes No
Filing Fee: PAID ✓



ZONING MAP

Legend

- County Boundary
- Parcels
- Major Roads
- Local Roads

Zoning

- A - First Dwelling B - Second Dwelling C - Apartment
- O - Non Retail
- D - Local Business
- E - General Business
- F - Light Industrial
- G - Heavy Industrial



519 W Fairview



***NEW
BUSINESS***

COUNCIL BILL NO. 16-45

ORDINANCE NO. _____

An Ordinance amending the Purchasing Manual of the City of Carthage by adding a new Appendix I regarding Federal Transit Administration programs.

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

SECTION I: The Purchasing Manual of the City of Cartage is hereby amended to include the addition of a new section (Appendix I, FEDERAL TRANSIT ADMINISTRATION (FTA) FUNDED PROGRAMS), as set forth on the attachment hereto.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

J. Michael Harris, Mayor

ATTEST:

Traci Cox, City Clerk

Sponsored by: Insurance Audit & Claims Committee

APPENDIX I
FEDERAL TRANSIT ADMINISTRATION (FTA) FUNDED PROGRAMS

This appendix applies to procurements involving Federal Transit Administration (FTA) funded programs. Any sections of the Purchasing Manual which are in conflict with the provisions herein are hereby superseded.

LOCAL PREFERENCES

The City of Carthage will not grant any preference to local or State businesses for any procurement involving FTA-funded programs.

SPECIAL PROVISIONS REGARDING FTA-FUNDED PROCUREMENTS

PROTESTS

Pre-Bid Opening Protests. If an Offeror can demonstrate that the Contract Documents issued by The City of Carthage are unduly exclusionary and restrictive or that federal, state or local laws or regulations have been violated during the course of the procurement, then the Offeror may seek a review by the City Administrator or his appointed representative, at 326 Grant St. Protests shall be clearly identified as Protests and submitted in writing as early as possible, but no later than five (5) business days before proposal opening. Within four (4) business days after receipt of a pre-proposal protest, the City Administrator shall make one of the determinations listed in the paragraph entitled Rulings on Protests.

Post-Bid Opening Protests. A protest to the acceptance or rejection of any or of all offers or bids to a contract, or to the award thereof, or to any such action proposed or intended by The City must be received in writing by the City Administrator no later than five (5) business days after the protesting party first learned, or reasonably ought to have learned, of the action or the proposed or intended action to which he/she protests.

In the event the protester alleges that the City Administrator or the representative appointed by the City Administrator to serve as Decision-Maker for the particular protest, engaged in improper conduct during the subject procurement, the General Counsel shall serve as the Decision-Maker. In the event it has been alleged that the General Counsel has engaged in improper conduct during the subject procurement, either the City Administrator or the City Engineer shall serve as the Decision-Maker.

Rulings on Protests. Within four (4) business days, the City Administrator shall render one of the following determinations:

- (a) Protest is overruled.
- (b) Protest is substantiated. City Administrator shall issue instructions to remedy issues relating to the protest.
- (c) Procurement activity is suspended until written notification by the City Administrator.

The determination shall be in writing and shall provide at a minimum a general response to each material issue raised in the protest. All documents submitted by the Protester and/or City staff and reviewed by the Decision-Maker in the reaching of a determination shall form and be retained by The City as the formal record of the dispute resolution process.

The issuance of the foregoing determination is the City's final decision of the dispute.

All interested parties shall be notified of any protests that are filed. The City shall refrain from awarding a contract within five business days of the date of a decision rendered by the City Administrator regarding a protest, unless The City determines that:

(a) The items to be procured are urgently required.

(b) Delivery or performance will be unduly delayed by failure to make a prompt award.

(c) Failure to make a prompt award will otherwise cause undue harm to the City of Carthage or the State or federal government.

Protester's Appeal to Federal or State Agencies. In the event that the City of Carthage fails to have written protest procedures or fails to abide by the protest procedures set forth above, and federal or state funds are participating in the procurement, then the protester may seek a review by the appropriate funding agency.

Protesters shall file such a protest not later than five (5) business days after a final decision is rendered under the City of Carthage's protest procedure. In instances where the protester alleges that the City failed to make a final determination on the protest, protesters shall file a protest with the appropriate agency not later than five (5) business days after the protester knew or should have known of the City's failure to render a final determination on the protest.

REQUIREMENTS FOR DETERMINATION OF CONTRACTOR/VENDOR RESPONSIBILITY

SAFETEA-LU amended 49 U.S.C. Section 5325 to require FTA-assisted contract awards be made only to "responsible" contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract.

Responsibility is determined by the grantee after receiving bids or proposals and before making contract award. FTA expects the prospective contractor to demonstrate affirmatively to the grantee that it qualifies as "responsible" and that its proposed subcontractors also qualify as "responsible."

Factors to consider when making responsibility determinations include:

- Integrity and Ethics. Has a satisfactory record of integrity and business ethics, in compliance with 49 U.S.C. Section 5325(j)(2)(A).
- Debarment and Suspension. Is neither debarred nor suspended from Federal programs under US DOT regulations, "Non-procurement Suspension and Debarment."
- Affirmative Action and DBE. Is in compliance with the Common Grant Rule's Affirmative Action and US DOT's Disadvantaged Business Enterprise requirements.

- **Public Policy.** Is in compliance with the public policies of the Federal government, as required by 49 U.S.C. Section 5325(j)(2)(B).
- **Administrative and Technical Capacity.** Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them, in compliance with 49 U.S.C. Section 5325(j)(2)(D).
- **Licensing and Taxes.** Is in compliance with applicable licensing and tax laws and regulations.
- **Financial Resources.** Has, or can obtain, sufficient financial resources to perform the contract, as required by 49 U.S.C. Section 5325(j)(2)(D).
- **Production Capability.** Has, or can obtain, the necessary production, construction, and technical equipment and facilities.
- **Timeliness.** Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments.
- **Performance Record.** Is able to provide a satisfactory current and past performance record.

REFERENCES: 49 U.S.C. Section 5325, 2 CFR 200.318(h), 49 CFR 18.36(b)(8) FTA Circular 4220.1F, Ch. VI, Section 8.b

DISPUTE RESOLUTION

Disputes - Disputes arising in the performance of FTA contracts which are not resolved by agreement of the parties shall be decided in writing by City's authorized representative. This decision shall be final and conclusive unless within ten days from the date of receipt of its copy, the contractor mails or otherwise furnishes a written appeal to City's Program Director. In connection with any such appeal, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of City's Program Director shall be binding upon the contractor and the contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by City, the contractor shall continue performance under a contract while matters in dispute are being resolved.

Claims for Damages - Should either party to a contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury of damage.

Remedies - Unless a contract provides otherwise, all claims, counterclaims, disputes and other matters in question between City and a contractor arising out of or relating to an agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within Jasper County, Missouri.

Rights and Remedies - The duties and obligations imposed by contract documents and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by City or contractor shall constitute a waiver of any right or duty afforded any of them under the contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach hereunder, except as may be specifically agreed in writing.

COUNCIL BILL NO. 16-46

ORDINANCE NO. _____

An Ordinance authorizing the Mayor to execute an Agreement between the City of Carthage and the Missouri Highway and Transportation Commission providing for a Municipal Agreement for J7P2228F & J7P2228G.

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 execute on behalf of the City of Carthage, an Agreement with the Missouri Highway and Transportation Commission providing for a Municipal Agreement for J7P2228F & J7P2228G.

SECTION II: That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

J. Michael Harris, Mayor

ATTEST:

Traci Cox, City Clerk

Sponsored by: Public Works Committee

CCO Form: DE11
Approved: 04/93 (CEH)
Revised: 09/15 (AR)
Modified: 09/16 (BDG)

Municipal Agreement
Route: 96
County: Jasper
Job No.: J7P2228F & J7P2228G

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION MUNICIPAL AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Carthage, Missouri, a municipal corporation (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Route 96, Jasper County, Job Nos. J7P2228F & J7P2228G shall consist of replacing existing bridges K0428 & L0409.

(2) IMPROVEMENT WITHIN CITY: The improvement within the City is located as follows:

Beginning at Station 548+60, a point approximately 170 feet north and east of City street, Zapletal Way, running along the centerline of Route 96. Hence, the project runs northerly along Route 96 centerline to Station 590+39 just north of existing bridge L0409. Length of Improvement within the City is 4179.00 feet.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the City.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the City limits described in paragraphs (1) and (2) above and designated as Commission Job Nos. J7P2228F & J7P2228G and specifically as follows:

(A) At the conclusion of the project, the City shall continue to retain

ownership of the right of way along Route 96 (Central Street in Carthage) between Garrison Avenue and Zapletal Way. The Commission will continue to maintain the roadway surface, curb to curb, along Route 96 (Central Street in Carthage) between Garrison Avenue and Zapletal Way and highway signing as indicated in a Maintenance Agreement between the Commission and the City dated September 19, 2002.

(B) The Commission will require the contractor to salvage to the extent possible the limestone balusters on existing bridge K0428. The Commission will require the contractor to deliver the salvaged balusters to a location as designated by the City. Once delivered to the City, the balusters shall become property of the City. The City will hold harmless the Commission for the condition of the balusters. The Commission makes no warranties on the condition of the balusters or their fitness for any purpose. The City will receive the balusters in an "as-is" condition.

(6) RIGHT-OF-WAY USE: The City grants the right to use the right-of-way of public roads, streets, and alleys as necessary for construction and maintenance of said public improvement.

(7) CLOSE AND VACATE:

(A) The City shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(B) The City will allow the use of the City Street, Garrison Avenue by the Commission during construction as a detour for traffic under 9 tons. The detour will be marked as Historic US 66 detour by the Commission.

(8) RIGHT-OF-WAY ACQUISITION:

(A) Upon approval of all agreements, plans and specifications by the Commission and the Federal Highway Administration (FHWA), the Commission will file copies of the plans with the city clerk of the City and the county clerk of the county and proceed to acquire at its expense, at no cost or expense to the City, any necessary right-of-way required for the construction of the improvement.

(B) The portion of state highway covered by this Agreement shall be a controlled access highway and rights of access between the highway and abutting property shall be procured and the cost classified as right-of-way cost and paid for by the Commission in the same manner as other right-of-way costs. Only such rights of ingress and egress shall be allowed as indicated on the plans approved by the Commission and FHWA.

(C) The City is the owner of the property adjacent to bridge K0428. The City shall convey the necessary right of way for the construction of new bridge #A8425 to the Commission. A copy of the Quitclaim Deed is attached as Exhibit B.

(9) UTILITY RELOCATION:

(A) The Commission and the City shall cooperate to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by such public utilities or the owners of the facilities except where the City is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the City will pay its obligated portion of the cost.

(B) The Commission shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) It is understood and agreed by the parties to this Agreement that no city-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the City which must be moved, adjusted, or altered to accommodate construction of this improvement, and such city-owned utilities, poles, wires, conduits, and pipes are located within the present city limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the City will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the City except as otherwise provided. The City shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the City in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's district engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the City in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the City for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any city-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way

other than a city street or alley, the alteration, relocation, or adjustment shall be made by the City at its cost.

(F) The City agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's district engineer or his authorized representative. Similarly, the City will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's district engineer or his authorized representative. The City shall take whatever actions that are necessary to assure compliance with this Subsection.

(10) LIGHTING

(A) The Commission, at its cost, will install decorative lighting on new bridge #A8425 over MNA Railroad that is mutually acceptable to both the City and the Commission. After the project completion, the City shall be responsible for all costs associated with maintenance, repair and electricity of the lighting installed. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the City on the improvement without approval of the Commission.

(B) The City shall pay the cost of electrical current for the operation of the lighting, basic intersection lighting and interchange lighting. The City shall provide and maintain power at the locations designated.

(C) The City may have the maintenance work required pursuant to this Agreement performed by either its own maintenance personnel or by contract with qualified individuals or companies approved by the Commission to provide a fully functional and dependable lighting system.

(D) The City shall respond to any emergency situation in which repair or maintenance of damage to the lighting is required immediately to correct a dangerous condition or restore the safe, unobstructed flow of traffic on the improvement.

(E) In order to coordinate maintenance activities on the improvement, the City shall notify the Commission either by telephone, telefax, or in writing, prior to performing maintenance work within Commission right of way. Such notification shall be made to the District Engineer or a designated assistant, and shall include the location and nature of the work to be performed.

(F) Any maintenance activities done by the City which involves closing one or more of the through lanes of the improvement, affects the safety of the traveling public, or which will cause permanent changes to the configuration of the improvement, may require a permit from the Commission. The City will be informed of whether or not a permit is required at the time the City notifies Commission of the proposed maintenance activities. The City shall comply with any additional condition placed upon the issuance of the permit. As part of the City's maintenance of the continuous lighting on the Bridge #A8425; the Commission, at its cost and at the request of the City, may perform traffic control consisting of a lane closure.

(G) The City shall be responsible for any utility locate request information at Bridge #A8425 concerning the cable(s) for the lighting system, including the pullbox(es) and conduit(s).

(11) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The City shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(12) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The City shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the City's authority and control of the storm sewer facilities or natural drainage involved.

(13) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the construction and maintenance of the highway.

(14) COMMENCEMENT OF WORK: After acquisition of the necessary right-of-way, the Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction and right-of-way costs. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(15) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), city-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the City.

(C) The City shall inspect and maintain the sidewalks constructed by this project in a condition reasonably safe to the public and, to the extent allowed by law, shall indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalks.

(16) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission temporarily accepts the portion of the City street system described in this Agreement as part of the State Highway System for the purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The City shall perform or cause to be performed normal maintenance on the project site.

(C) The Commission will inspect the three bridges on Garrison Avenue prior to using it as a detour for the project. After completion of the project, the Commission will inspect the three bridges again. The City, at its cost, may send a representative to accompany the Commission's representative performing the bridge inspections. The Commission's representative will provide a minimum of 48 hours advance notice of the inspections to the City.

(17) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved City street that was temporarily accepted as part of the State Highway System for the purposes of this project pursuant to paragraph (16) above and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All

obligations of the Commission with respect to the City street system under this Agreement shall cease upon completion of the improvement.

(18) POLICE POWERS: It is the intent of the parties to this Agreement that the City shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the City will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(19) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the City shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(20) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the City shall take whatever actions that are necessary to enforce this Section.

(21) WITHHOLDING OF FUNDS: In the event that the City fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the City for compliance and the City's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the City.

(22) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration, and is further subject to the availability of federal and state funds for this construction.

(23) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(24) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the City and Commission, respectively, each of whom being duly authorized to execute the contract amendment on behalf of the City and Commission, respectively.

(25) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(26) CITY REPRESENTATIVE: The City's Mayor is designated as the City's representative for the purpose of administering the provisions of this Agreement. The City's representative may designate by written notice other persons having the authority to act on behalf of the City in furtherance of the performance of this Agreement.

(27) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
The Honorable Mike Harris, Mayor
603 E. 3rd Street
Carthage, MO 64836

Facsimile No: (417) 237-7005

- (B) To the Commission:
Becky Baltz, District Engineer
3025 East Kearney Street
P.O. Box 868
Springfield, MO 65801

Facsimile No: (417) 895 - 7637

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(28) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(29) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of the contract.

(30) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(31) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the City.

(32) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(33) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

CITY OF CARTHAGE, MISSOURI

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

By: _____

Title: _____

Ordinance Number _____

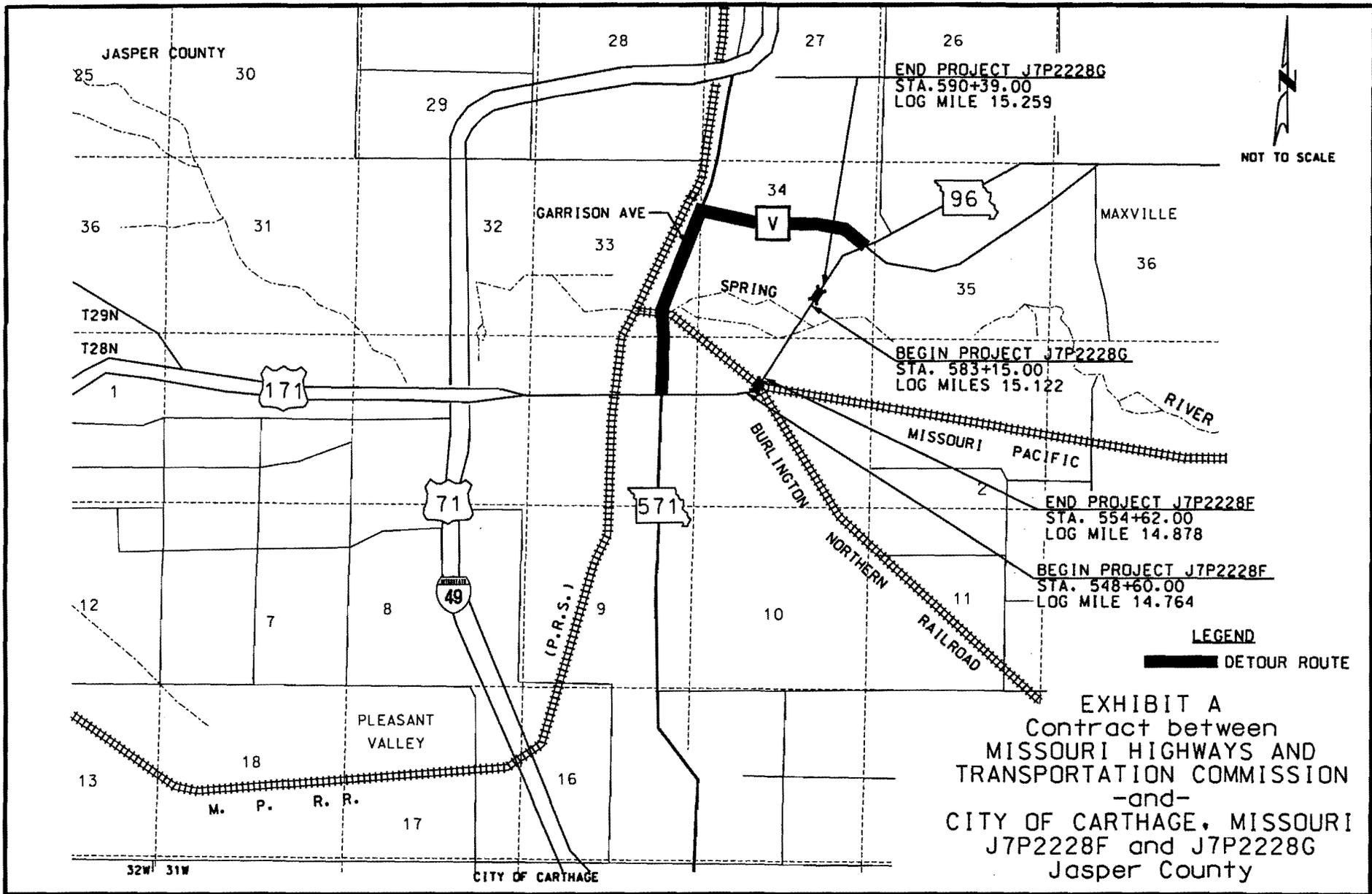


EXHIBIT B**Contract Between MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION and CITY OF
CARTHAGE, MISSOURI - J7P2228F & J7P2228G - JASPER COUNTY****MoDOT****Missouri Department of Transportation****Southwest District
Becky Baltz, District Engineer**3025 East Kearney Street
P.O. Box 868
Springfield, Missouri 65801
417.895.7600
Fax: 417.895.7637
1.888.ASK MODOT (275.6636)Re: Acquisition Right of Way
County: Jasper
Route: 96 - bridge replacement
Project: J7P2228F
Parcel: 3

September 7, 2016

City of Carthage
328 Grant Street
Carthage, MO 64836

Dear Mr. Tom Short, City Administrator:

The Missouri Department of Transportation is pleased to inform you of an improvement planned for your area. Engineering drawings which describe the proposed project are attached.

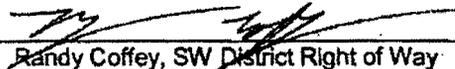
We do want to inform you of your right to receive compensation for the land and/or property rights in question, as determined by an appraisal of the rights to be acquired from your property.

We are hopeful that, because of the benefits to be derived from the project, we can reach an agreement with you to donate the required land and/or property rights to accomplish the proposed construction. Should you choose to donate, we would appreciate your signing this letter, waiving your right to compensation and pro rata tax adjustment and returning it to us. To comply with regulations, we will also need your signature later on a formal conveyance document.

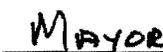
An acquisition brochure is furnished with this letter. Its purpose is to explain the process which must be followed to acquire right of way.

We look forward to the completion of this improvement project and appreciate your cooperation.

Respectfully,

Missouri Department of Transportation by:
Randy Coffey, SW District Right of Way

ACCEPTED BY PROPERTY OWNER


Representative for the City of Carthage9-19-16
Date
Title

*Our mission is to provide a world-class transportation experience that
delights our customers and promotes a prosperous Missouri.*

www.modot.org

Missouri Highways Transportation Commission

Legal Description

Exhibit A

County Jasper	Route 96	Project Number J7P2228F	Date Prepared 7/19/16	
Legal description contained on pages		2	of 2	
Professional Land Surveyor				
Print Name Travis Thiemann		MO PLS Number 2008000731		
Signature <i>Travis Thiemann</i>		Date 7/19/16		
		Missouri Highways and Transportation Commission 105 West Capital, Jefferson City, MO 65102 888-ASK MODOT (888)275-6636		Only the following legal descriptions contained in this "EXHIBIT A" are authenticated by this seal:

Tract 3

Tracts of land being part of the platted East Mound Street and Willow Street of the North Carthage Addition to the City of Carthage, Northwest Quarter of Section 3, Township 28 North, Range 31 West, Jasper County Missouri, and lying on both sides of the hereinafter described centerline of a highway, now known as Route 96 to wit:

Beginning at a set iron pin at the intersection of the existing Westerly boundary line of Route 96 and the existing Northerly boundary line of the Missouri & Northern Arkansas Railroad 80.00 feet left of Route 96 centerline station 552+52.56; thence along said Railroad boundary line on a non-tangent curve to the left, said curve having a radius of 1981.52 feet, (chord bears N 44°42'17" W, 10.29 feet), an arc distance of 10.29 feet to a set iron pin 90.00 feet left of Route 96 centerline station 552+55.00; thence leaving said existing railroad boundary N 31°34'37" E, a distance of 11.63 feet to a point 90.00 feet left of Route 96 centerline station 552+66.63; thence S 88°46'20" E, a distance of 11.59 feet to a point on the existing Westerly boundary line of Route 96, 80.00 feet left of Route 96 centerline station 552+72.48; thence, along said existing boundary line, S 31°34'37" W, a distance of 19.92 feet to the point of beginning.

Also,

Beginning at a set iron pin at the intersection of the existing Easterly boundary line of Route 96 and the southerly boundary line of platted East Mound Street, 74.81 feet right of Route 96 centerline station 552+93.60; thence along said existing Route 96 boundary line, N 32°27'40" E, a distance of 6.43 feet to an existing concrete boundary marker, 74.91 feet right of Route 96 centerline station 553+00.03; thence continuing along said existing boundary line N 31°39'33" E, a distance of 63.20 feet to a set iron pin 75.00 feet right of Route 96 centerline station 553+63.23; thence continuing along said boundary line S 88°46'34" E, a distance of 28.97 feet to a set iron pin 100.00 feet right of Route 96 centerline station 553+77.87; thence leaving said existing boundary line S 31°34'37" W, a distance of 69.53 feet to a set iron pin on the southerly boundary line of platted East Mound Street, 100.00 feet right of Route 96 centerline station 553+08.34; thence along said southerly boundary line N 88°45'26" W, a distance of 29.19 feet to the point of beginning.

The above described tracts contain 0.046 acres (2001 sq. ft.) more or less.

Route 96 Centerline:

Commencing at an existing concrete boundary marker at the Southwest corner of Lot 545 of the North Carthage Addition to the City of Carthage, Northwest Quarter of Section 3, Township 28 North, Range 31 West; thence on a Missouri Western Zone grid bearing of N 59°46'18" E, a distance of 121.92 feet to Route 96 centerline station 548+60.00 for the point of beginning; thence along said centerline N 31°34'37" E, a distance of 602.00 feet to Route 96 centerline station 554+62.00 for the point of centerline termination, said point being N 19°06'07" E, a distance of 612.70 feet from an existing concrete boundary marker at the Southwest corner of Lot 546 of the North Carthage Addition to the City of Carthage.

This conveyance includes all the realty and realty rights described in the preceding paragraphs that lie within the limits of platted East Mound Street and Willow Street as shown on the plat recorded with the Jasper county recorder in Book A at page 69.

CCO FORM: RW02
Approved: 6/93 (TLP)
Revised: 12/15 (AR)
Modified:

COUNTY: Jasper
ROUTE: 96
PROJECT: J7P2228F
FED. PROJECT: _____
PARCEL: 3

QUITCLAIM DEED

THIS INDENTURE, made this ____ day of _____, 20____, between **The City of Carthage** of the County of Jasper, State of Missouri, (hereinafter, "Grantor"), and the **STATE OF MISSOURI**, acting by and through the **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**, (hereinafter, "Grantee").

Grantor(s)' Address: 326 Grant Street, Carthage, MO 64836

Grantee's Address: 3025 East Kearney, Springfield, MO 65803

WITNESSETH:

The said Grantor, in consideration of the sum of One and no/100 DOLLARS (\$1.00), to it paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto said Grantee, its successors and assigns, the real estate and interests in real estate in the County of Jasper, State of Missouri, and described as follows:

A tract of land located in the Northwest Quarter of Section 3, Township 28 North, Range 31 West; more particularly described in Exhibit A.

TO HAVE AND TO HOLD THE SAME, with all and singular rights, immunities, privileges, and appurtenances thereunto belonging, unto the said Grantee, its heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first written above.

By: J. Michael Harris

Print name and title: J. MICHAEL HARRIS MAYOR

COUNCIL BILL NO. 16-47

ORDINANCE NO. _____

An Ordinance amending the Annual Operating and Capital Budget of the City of Carthage for the fiscal year 2016 - 2017.

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

SECTION I: The City of Carthage's 2016 - 2017 Annual Operating and Capital Budget for the **General Fund**, is hereby amended to reflect supplemental appropriations of:

- Up to \$26,050 to the **Salaries** line item of the **Police Department** to make the Part Time Clerk's position a full time position from the unallocated and undesignated General Fund fund balance;
- Up to \$3,000 to the **Fireworks Matching** line item of the **CMA Department** from \$3,000 supplemental revenues from the Chamber of Commerce for the Maple Leaf fireworks display;

SECTION II: The City of Carthage's 2016 - 2017 Annual Operating and Capital Budget for the **Capital Improvements Sales Tax Fund**, is hereby amended to reflect a supplemental appropriation of up to \$25,000 to the **Sidewalk Repair Incentive** line item for a **Sidewalk Incentive Program** from the unallocated and undesignated fund balance.

SECTION III: The City of Carthage's 2016 - 2017 Annual Operating and Capital Budget for the **Parks/Stormwater Sales Tax Fund**, is hereby amended to reflect a supplemental appropriation to the **Capital Outlay** line item for carry-over projects of up to \$35,000 for Fitness Park at Fair Acres from the unallocated and undesignated fund balance.

SECTION IV: The City of Carthage's 2016 - 2017 Annual Operating and Capital Budget for the **Public Safety Grant Fund**, is hereby amended to reflect a supplemental appropriation of up to \$3,000 to the **General Tools & Supplies** line item from supplemental Donations to the Fire Department of \$3,000.

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

PASSED AND APPROVED THIS _____ DAY OF _____,
2016.

ATTEST:

J. Michael Harris, Mayor

Traci Cox, City Clerk

***MAYOR'S
APPOINTMENTS***

RESOLUTIONS

MINUTES
STANDING
COMMITTEES

**COMMITTEE ON INSURANCE/AUDIT AND CLAIMS
TUESDAY SEPTEMBER 27, 2016
CITY HALL COUNCIL CHAMBERS**

COMMITTEE MEMBERS PRESENT: Jason Shelfer, Mike Daugherty, Tim Shields, and Dan Collier.

OTHER COUNCIL MEMBERS:

OTHERS PRESENT: Finance Officer Maria Gutierrez-Fisher, Mayor J. Michael Harris, Police Chief Greg Dagnan, Secretary Jean Christian, Administrative Officer Michael Banes, and City Clerk Traci Cox

Chairman Jason Shelfer called the meeting to order at 4:45 P.M.

OLD BUSINESS:

Approval of minutes from previous meeting: On a motion by Mr. Collier, the minutes of the September 15, 2016 meeting were approved 4-0.

Review and approval of the Claims Report: The Committee discussed items regarding the Claims Report before it was approved 4-0 on a motion by Mr. Daugherty.

NEW BUSINESS:

Staff Reports:

Michael Banes & Jean Christian presented the proposed amendments to the City's purchasing manual recommended by MoDOT. After discussion Mr. Daugherty made a motion to amend the purchasing manual as presented. Motion carried 4-0.

Mrs. Gutierrez-Fisher reported the annual audit is currently taking place and is going well according to schedule. Auditors are scheduled to be at City Hall through Thursday September 29th,2016 at which time an exit interview will take place between the Auditor, City Administrator, and Finance Officer.

Mr. Cox reported Health Insurance rates would remain the same for the next calendar year; however claims are being monitored.

Mr. Harris announced a change of offices at City Hall. Mayor J. Michael Harris will relocate to the first floor and Finance Officer Maria Gutierrez-Fisher to the 2nd floor. The Finance Officer will continue to report to the City Administrator and the City Clerk to the Mayor.

Other Reports: None

ADJOURNMENT: Mr. Daugherty made a motion to adjourn at 5:01 PM. Motion carried 4-0.

Maria Gutierrez-Fisher
Finance Officer

PUBLIC SERVICES COMMITTEE

October 3, 2016
Park Department Office
521 Robert Ellis Young Drive

Public Services Committee Members Present; Brady Beckham, Juan Topete and Tim Shields.
Staff Present; Alan Bull.

Non-Members Present; Mayor Harris, John Hacker, Jason Shelfer and John Nicholas.

At 5:15 P.M. Mr. Beckham called the meeting to order.

Mr. Topete moved to approve minutes from the August 29, 2016 meeting. Motion carried.

Public participation

NONE

Old Business:

1. Consider and discuss possible bike share program- Mr. Bull reported he had been in contact with Zagster and discussed the possibility of Carthage working with them on a bike share program. Mr. Bull reported Zagster felt it was too early to have a conference call as they felt the City needed to assess whether there was a real need for the program before starting negotiations. Several Committee members were a little taken aback by this attitude. Mr. Bull explained Zagster just felt that the City needed to go a little further to make sure this was something needed and would be utilized by enough people to make the program worthwhile. Mr. Bull stated he could work with the CVB and the local paper to try and gather numbers of how many people would be interested in a program such as this. Mr. Beckham stated data searching was a time consuming business and wondered if putting together a plan and presenting it to Zagster wouldn't be a better way to go. Mr. Shelfer volunteered to be on a subcommittee to work on this project. Mr. Bull explained he could never get any kind of cost from the company as they said all cities are different and all costs are different. Mr. Bull did find there are sponsor programs where a business would get advertising and have a station for a fee. Mr. Topete suggested calling other towns approximately the size of Carthage if there are any and asking the appropriate person for information on how they accomplished their program and what their costs were. Mr. Bull agreed this was a good idea and would see what he could find out. There was discussion of utilizing stolen bikes from the Police Department for a City sponsored program. Mayor Harris had brought this idea before the Committee some time ago.

NEW BUSINESS:

NONE

STAFF REPORTS

Park Administrator-Alan Bull

Mr. Bull reported on current projects within the parks such as the restroom construction in Carter Park, the installation of soccer goals at the old tennis courts, asphaltting of the new south entrance road and parking lots and renovation of the full court basketball across the street from the park.

Mr. Bull also stated he would be going out for bids on some equipment this month and the Committee would see those at the next meeting.

Mr. Bull reported the last phase of the bike lanes had been partially completed and should be completed by the end of the month.

Mr. Bull also reported he had been given official notice that the golf superintendent would be retiring next year. Also, another park maintenance worker plans to retire next year also.

Mr. Bull reported he had met with the Kellogg Lake Board and gone over several items at the Lake. There were a couple of projects the Board would like to tackle in the next year. Also there were some maintenance items they discussed to help improve the Lake area.

Mr. Topete stated he was glad to see several projects going on in Carter Parl. He felt the amount of usage there showed a definite need for improvements.

Mr. Beckham discussed Walnut Bottoms Trail are. There is a need for some new markers and the Walnut Bottoms group has budgeted funds for the project. Mr. Bull stated he would still like to see more permanent markers and has product on hand to accomplish this. The problem is getting permission due to the flood plain issue and getting equipment into the area needing the work.

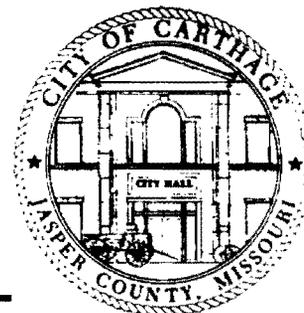
Mr. Beckham informed the Committee he had been invited to a meeting, which he attended, with Sarcoxie and Reeds officials to discuss converting the railroad running from Carthage through these there towns into trails. Mr. Beckham stated there was a definite interest to accomplish this project but it would take some time to finalize. Mr. Beckham stated he wanted the Committee to know he had attended the meeting but was not speaking for the City.

Meeting adjourned at 6:00 P.M.

PUBLIC WORKS COMMITTEE

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

"America's Maple Leaf City"



10-04-16 PUBLIC WORKS COMMITTEE MEETING MINUTES

Committee Members present: Jason Shelfer, Brady Beckham, Jim Swatsenbarg, Juan Topete

Staff Members present: Zeb Carney, Public Works Director; Marcia Weng, Public Works Secretary, and Tom Short, City Administrator

Guests present: John Hacker

October 4, 2016 Public Works Committee meeting called to order at 5:30 p.m. by Chairman, Mr. Shelfer.

A motion was made by Juan Topete to accept the minutes from the September 6th meeting. All ayes. Motion carried.

Citizen Participation: None.

Old Business: The municipal agreement with MODOT, in regards to the 96 bridge project, was lightly discussed with Brady Beckham making a motion to accept the proposed agreement. All ayes, the motion carried.

New Business: None.

Other Business: Anderson Engineering has sent a letter requesting approval from the City to provide engineering and surveying for a proposed office building on the NE side of the roundabout out at Myers Park. Jim Swatsenbarg made a motion to accept his request. All ayes, motion carried.

Next on the agenda, Brady Beckham wanted to discuss the incorporation of unincorporated areas into the city. After much discussion, Brady requested Zeb and Tom consider areas that would benefit the city and look at possibly incorporating them into the city.

Staff Reports:

Public Works Director Zeb Carney reported on the following:

505 Chestnut – Has been demolished and the debris cleared

Pipe Extension on Chapel Road – This was made possible by a deal with Sprouls and the purchase of a piece of pipe from them

River Street – The asphalt has been laid

Sidewalk Project – Should be complete in the next 5 to 6 weeks

River Street – There is the possibility of a change order in the future as far as Durward Hall Stormwater Project tying into it.

Robert Ellis Young Stormwater Project – 154 yards of cement has been poured this week

611 Howard – Everything is a go for the demolition of this residence.

Tom Short reported on the following:

There is a meeting with MODOT on Thursday regarding the 96 Bridge.

Tom updated the Committee on the progress of the Wayfinding Committee and the proposed signage project.

Committee Members Report:

Brady Beckham wanted to know if anyone knew about the registry for Dangerous or Abandoned Buildings and seeing if there are any within the city limit's that we could demo.

Jim Swartsenbarg made a motion to adjourn at 7:00 p.m. All ayes. Motion carries.

***MINUTES
SPECIAL
COMMITTEES
AND BOARDS***

MINUTES
CARTHAGE TREE BOARD

October 5, 2016
5:15 P.M.
Park Department Office

Tree Board Members Present; Dale Hopp, Anne Stocker and Ed Browning
Members absent; Justin Baucom and Cody Smith
Non-Members Present; Alan Bull, Brian Potter and Robert Balek

Meeting was called to order at 5:29

A) Discuss Big Tree contest- The Board looked through the entries and figured scores to determine the winners. There were several "other" entries and a couple of oak entries. The oak tree winner was decided by score but the other category had an entry that was missing a measurement which made it impossible to score. Mr. Browning thought he still had records on that tree from a County tree contest and he would check on that when he went home. Mr. Bull stated he thought it odd that in Carthage there were no maple tree entries. The winner of the largest oak goes to Charlie Rogers for a tree located at 1204 Grand Avenue.

B) Discuss Maple Leaf Parade entry – Ms. Stocker asked about the use of a truck again this year and if there would be any trees from Pinewood Nursery to use in the parade. Mr. Bull stated the truck was available but he was still looking for a driver. Also, Mr. Bull stated he would be in touch with the nursery and was sure trees wouldn't be a problem. Ms. Stocker had an idea that every Board member could paint trees on pumpkins for the entry. The Board members declined. It was decided to do as in the past, hay bales to sit on, banners on the side and trees for decoration.

C) Discuss possible Tree Ordinance changes- Ms. Stocker reported she had found all her notes from when she and Mr. Smith had worked on this project. Mr. Bull wondered if the Board needed to dedicate a meeting strictly for this item. Ms. Stocker agreed and felt it would be ready to go for the November meeting. Ms. Stocker asked about the format, if the Board would be able to word any changes correctly. Mr. Bull stated the document would be looked over by the City Attorney before going to the Public Services Committee and he would make sure it read correctly.

D) Consider and discuss the tree pruning workshop- The Board discussed the up-coming workshop. This is set for November 19 in Municipal Park. This has already been advertised through the Department of Conservation and it looks like everything is in place. Ms. Stocker states that she hopes all members can attend, even if it snows.

E) Discuss list of trees for park planting- Mr. Browning handed out the current list of trees from the City Tree Ordinance and then the list he had been working on. The Board discussed the need to remove the current list from the Ordinance as recommended trees might need changing for various reasons and it is hard to do when they are part of the Ordinance. Mr. Browning pointed out something from the Tree Ordinance he found interesting. In the Ordinance it states that any tree being planted on City property would need written permission from the Tree Board. The Board discussed the different trees on the new list and all were pleased with the choices. Mr. Bull thought the members should take them home and look through them and then at the next meeting could discuss either the need to delete some or add some. Mr. Bull informed the Board that once again Carthage Water and Electric were planting trees on the golf course through their Tree Line USA program. They have been doing this for several years and have planted a pretty substantial number at this time.

Meeting adjourned 6:08

***AGENDAS
STANDING
COMMITTEES***

PUBLIC SERVICES COMMITTEE
MONDAY OCTOBER 3, 2016
5:15 P.M.
PARK DEPARTMENT OFFICE
521 ROBERT ELLIS YOUNG DRIVE

Tentative Agenda

1. Consideration and approval of minutes of previous meeting
2. Citizen participation

Old Business

1. Consider and discuss possible bike share program.

New Business

NO NEW BUSINESS

Staff reports

Other Business

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: _____

By: _____

PUBLIC WORKS COMMITTEE

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

"America's Maple Leaf City"



AGENDA

October 4, 2016 - 5:30 P.M.
PUBLIC WORKS COMMITTEE

1. Consideration of minutes from previous meeting
2. Citizen participation
3. Old Business
 - a.) Consider and Discuss the Municipal Agreement with MODOT in regards to the Route 96 Bridge.
4. New Business
5. Other Business
 - a.) Consider and Discuss Anderson Engineering Agreement for surveying and engineering proposed Office Building.
 - b.) Consider and Discuss Unincorporated Areas adjacent to the City – Brady Beckham
 - c.)
6. Reports from Staff
 - Director of Public Works – Zeb Carney
 - City Administrator – Tom Short
7. Reports from Committee Members

Meeting is normally held the first and third Tuesday of each month.
Public Works Department, 623 E. 7th Street

*Persons with disabilities who need special assistance - Call 417-237-7010 (voice)
Or 1-800-735-2466 (TDD via Relay Missouri) at least 48 hours prior to meeting date.*

--NOTICE OF MEETING--
COMMITTEE ON BUDGET/WAYS & MEANS
MONDAY, OCTOBER 10, 2016
6:00 P.M.
COUNCIL CHAMBERS, CITY HALL
326 GRANT ST., CARTHAGE, MISSOURI
--TENTATIVE AGENDA--

OLD BUSINESS

1. Consideration and approval of minutes from previous meeting.

NEW BUSINESS

1. Consider and discuss FY 2017 First Quarter Report.
2. Consider and discuss amendments to the FY 2017 Annual Operating and Capital Budget for the City of Carthage.
3. Staff Reports.
4. Other Business.

ADJOURNMENT

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

POSTED: _____

BY: _____

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS

October 11, 2016

4:45 PM

Carthage City Hall

Agenda

Old Business

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

New Business

1. Consider and discuss the reclassification of a City employee
2. Staff Reports
3. Other Business

Adjournment

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

Posted _____

***AGENDAS
SPECIAL
COMMITTEES
AND BOARDS***

John Bartosh
Presiding Commissioner

JASPER COUNTY COMMISSION

302 S. Main ST
Carthage, MO 64836

Jim Honey
Eastern District Commissioner

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

Darrius K. Adams
Western District Commissioner

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



COMMISSION AGENDA
OCTOBER 4, 2016
9:00 A.M.
JASPER COUNTY COURTHOUSE ROOM 101

1. CALL TO ORDER
 - PLEDGE OF ALLEGIANCE
 - PRAYER
2. ROLL CALL
3. APPROVAL OF MINUTES
4. PRESENTATIONS
5. REPORTS AND COMMUNICATIONS
6. ELECTED OFFICIALS/CITIZENS REQUESTS
 - ◊ **Surplus Property for the Jasper County Assessor**
7. COMMISSIONER'S REPORTS
8. UNFINISHED BUSINESS
 - ◊ **Liberty National Insurance-Sam Hawley/Tim Sellens**
9. NEW BUSINESS
 - ◊ **Award Bid for County Auditing Services**
10. PUBLIC HEARINGS

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

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

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

NOTICE POSTED SEPTEMBER 30, 2016, 2015 AT 4:00 P.M.

(RSMO 610.020)

CARTHAGE TREE BOARD

WEDNESDAY, OCTOBER 5, 2016
5:15 P.M.

CARTHAGE PARK DEPARTMENT

MUNICIPAL PARK

TENTATIVE AGENDA

1. Discuss big tree contest.
2. Discuss Maple Leaf parade entry.
3. Up-date on possible Tree Ordinance changes.
4. Discuss tree pruning workshop.
5. Discuss list of trees for park planting.

Other business

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: _____

By: _____

CARTHAGE PUBLIC LIBRARY BOARD OF TRUSTEES
Tuesday, October 11th, 2016 5:15 p.m.

CARTHAGE PUBLIC LIBRARY BOARD ROOM
612 S. Garrison Ave.

AGENDA

Roll Call of Members

Minutes of the Last Meeting

Financial Report

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

Unfinished Business

New Business

Revise Overtime Policy

Payment of Bills

Adjournment



CARTHAGE
PUBLIC LIBRARY

612 S. Garrison Avenue
Carthage, Missouri 64836
Ph 417.237.7040
Fx 417.237.7041
carthage.lib.mo.us

CITY OF CARTHAGE



Planning, Zoning, & Historic
Preservation Commission

Date: 10/17/16
Place: City Hall Chambers
326 Grant St.
Time: 5:15 pm

AGENDA

To Consider the following items:

Requested by:

Purpose:

**NOTICE: DUE TO LACK OF BUSINESS
MEETING IS CANCELLED**

Requested by:

Purpose:

Requested by:

Purpose:

Requested by:

Purpose:

Requested by:

Purpose:

Commission Members:

Chairman	Harry Rogers	1350 S Main St	417-358-4527
Vice Chairman	Kara Hardesty	325 S Main	417-359-8182
Secretary	Bill Barksdale	1314 S Garrison	417-388-2464
Liason	Jim Swatsenbarg	601 Howard	417-359-5210
Member	Eric Putnam	521 E Highland	417-388-2739
Member	Abi Almandinger	1220 S Main	417-793-6589
Member	Richard "Bud" Rogers	2122 S Main	417-438-4645
Member			
Staff	Tom Short	City Hall	417-237-7003
Staff	Zeb Carney	Public Works Department	417-237-7010
Staff	Mike Harris	City Hall	417-237-7003

CORRESPONDENCE

Carthage Humane Society Inc
Profit & Loss
September 4 through October 4, 2016

	Sep 4 - Oct 4, 16
Income	
ACO	615.00
Adoptions	3,810.00
City of Carthage Contract	2,500.00
Donations	764.66
Memorials	125.00
Misc. Income	180.00
RTO	150.00
Surrender	85.00
Trailer Rental Income	300.00
Trusts	7,831.22
	16,360.88
Total Income	16,360.88
Gross Profit	16,360.88
Expense	
Bank and Credit card fees	308.20
Contract Services	
Outside Contract Services	1,000.00
	1,000.00
Total Contract Services	1,000.00
Insurance	
Auto Insurance	380.50
Building insurance	501.00
Insurance - Other	918.34
	1,799.84
Total Insurance	1,799.84
Insurance - Health	500.00
Kennel Annex Expense	2,181.47
Misc. Expense	89.22
Operations	
Supplies	459.83
Telephone, Telecommunications	127.85
	587.68
Total Operations	587.68
Payroll Expense	
Payroll tax expense	
Employee Medicare Expense	133.63
Employee Social Security Tax Ex	571.39
Employer Medicare Tax Expense	133.63
Employer Social Security Tax Ex	571.39
Federal Withholding Tax Expense	112.00
State Withholding Tax	44.00
SUTA	140.71
	1,706.75
Total Payroll tax expense	1,706.75
Payroll Expense - Other	8,355.11
	10,061.86
Total Payroll Expense	10,061.86
Utilities	
Electric	1,215.98
	1,215.98
Total Utilities	1,215.98
Utilities - trash	340.19
Veterinary costs	2,000.00
VETERINARY SUPPLIES	1,546.40
	21,630.84
Total Expense	21,630.84
Net Income	-5,269.96

Carthage Humane Society Inc
Profit & Loss
July 1 through October 4, 2016

	Jul 1 - Oct 4, 16
Income	
ACO	1,363.00
Adoptions	18,190.00
City of Carthage Contract	7,500.00
Donations	1,743.66
Grants	23,338.00
Memorials	2,355.00
Misc. Income	905.00
Pet Smart Rescue Waggin	974.12
RTO	660.00
Surrender	359.00
Trailer Rental Income	750.00
Trusts	22,087.23
Total Income	80,225.01
Gross Profit	80,225.01
Expense	
Bank and Credit card fees	432.74
Contract Services	
Outside Contract Services	1,963.00
Total Contract Services	1,963.00
Facilities and Equipment	
Equip Rental and Maintenance	180.21
Total Facilities and Equipment	180.21
Food Costs	52.58
Insurance	
Auto Insurance	380.50
Building insurance	1,139.85
Insurance - Other	1,985.84
Total Insurance	3,506.19
Insurance - Health	1,626.97
Kennel Annex Expense	10,998.27
Misc. Expense	347.03
Operations	
Postage, Mailing Service	18.80
Supplies	1,144.63
Telephone, Telecommunications	383.47
Total Operations	1,546.90
Payroll Expense	
Payroll tax expense	
Employee Medicare Expense	478.15
Employee Social Security Tax Ex	2,044.59
Employer Medicare Tax Expense	478.15
Employer Social Security Tax Ex	2,044.59
Federal Withholding Tax Expense	448.00
State Withholding Tax	553.00
SUTA	508.51
Total Payroll tax expense	6,554.99
Payroll Expense - Other	29,757.66
Total Payroll Expense	36,312.65
Refunds	150.00
Repairs and Maintenance	150.00
SWB Line of credit interest exp	295.73

Carthage Humane Society Inc
Profit & Loss
July 1 through October 4, 2016

	Jul 1 - Oct 4, 16
Utilities	
Electric	3,835.50
Total Utilities	3,835.50
Utilities - trash	1,021.79
Veterinary costs	6,500.00
VETERINARY SUPPLIES	4,724.58
Total Expense	73,644.14
Net Income	6,580.87

Tom Short

From: Brady Beckham <bradybeckham@gmail.com>
Sent: Thursday, September 29, 2016 5:12 PM
To: Mayor; Tom Short; Wendi Douglas; Mark J. Elliff; Alan Bull
Cc: J.T.A. Shelfer
Subject: Fwd: Fwd: Map

Mayor and City partners,

Please see the below from Brent Hugh, the president of MO Bike/Ped Fed. confirms that after the recently approved change order is complete, Carthage will have more miles of bike route than any other city in Missouri.

Thanks to the City Staff for their efforts to execute this project.

-Brady

----- Forwarded message -----

From: **Brent Hugh** <director@mobikefed.org>
Date: Thu, Sep 29, 2016 at 3:35 PM
Subject: Re: Fwd: Map
To: Brady Beckham <bradybeckham@gmail.com>

Brady,

Many thanks for forwarding the map. This is an ambitious system indeed!

Here are my calculations as to number of citizens per mile of on-road bike lane/route in various MO cities:

- St. Louis: 318,416 population & 120 miles of bike routes = 2653 people per mile of bike lane
- Carthage now: 14232 population & 24 mile bike route system, assuming 70% complete = 847 people per mile of bike route
- Carthage when complete: 14232 population & 24 mile = 593 people per mile of bike route
- Springfield: 164,122 population & 72 mile on-road route system = 2279 people/mile of bike route
- Columbia: 115,276 population & 149.3 mile on road route system = 772 people per mile of bike route
- Kansas City: 467,007 population & 200 mile on-road route system = 2335 people per mile of bike route
- Blue Springs: 53,294 population & 22 miles on-road route system= 2422 people per mile

So it looks to me like you are currently in 2nd place and when complete will be in first place!

Your main competition is Columbia, which has been working on its citywide bike route system since the early 2000s.

There are some other cities with bike lanes - Lee's Summit, Wildwood, St Joseph, Kirksville, Independence, and so on. But I'm pretty sure none of the others are approach the density of coverage that Carthage & Columbia now have. So I'm pretty sure the above summary hits at most of the top cities, at least.

FYI the summary of Columbia's status is here:

https://www.fhwa.dot.gov/environment/bicycle_pedestrian/nptp/2014_report/hep14035.pdf

FYI I'm putting a story about all this on our web site tomorrow:

<http://mobikefed.org/2016/09/which-missouri-cities-have-most-miles-bicycle-lanes-capita>

Thanks!

--Brent

At 05:07 PM 9/27/2016, you wrote:

Mr. Hugh,Â

Kindly see the attached map FYI. Just thought you might like to know what's going on in SW MO.Â

We signed a change order to pull the 2017 project up and complete it while the painting crews were already here. Everything on this map will be executed before Thanksgiving (probably sooner). As of yesterday, I'd say it's 70% complete (with only shared lanes remaining).Â

Is it official? Do we have the most bike routes per capita in the state?

-Brady

----- Forwarded message -----

From: **Alan Bull** <a.bull@carthagemo.gov>
Date: Tue, Sep 27, 2016 at 4:52 PM
Subject: Map
To: Brady Beckham <bradybeckham@gmail.com>

Â
Alan Bull
Park Director
Carthage Parks & Rec

Content-Type: application/pdf; name="OVERALL BIKE ROUTES.pdf"
Content-Disposition: attachment; filename="OVERALL BIKE ROUTES.pdf"
X-Attachment-Id: 3324a79d9919c31b_0.1

The Missouri Bicycle and Pedestrian Federation is a statewide coalition of bicyclists, walkers, runners, trail organizations and related businesses which represents over 50,000 Missourians and advocates on behalf of the state's two million ardent bicyclists and six million walkers.

FOR IMMEDIATE RELEASE

October 5, 2016

For more information, contact Laura Holloway, MML communications specialist, at (573) 635-9134 or Lholloway@mocities.com.

Missouri Municipal League Opposes Amendment 4

Citizens Could Face a Reduction of Vital Local Services.

JEFFERSON CITY, Missouri -- The Missouri Municipal League Board of Directors voted recently to oppose Amendment 4, stating the proposed measure would limit the ability for city sales taxes to adjust to an ever-shifting economy.

The effect could lead to a significant reduction in vital local services, such as police, fire, street maintenance, parks and more.

“This measure would amend the Missouri State Constitution, making it incredibly difficult for cities to revise tax structures over time,” said MML President and Riverside Mayor Kathy Rose. “It could cripple a local government in carrying out the needs citizens demand.”

MML opposes Amendment 4 for the following reasons:

- Placing a sales/use tax expansion prohibition in the Missouri Constitution would not allow this vitally important local revenue source to adjust to new technologies and an ever-shifting economy.
- Amendment 4 could lead to the elimination or reduction of vital local services.
- There are no current efforts in Missouri to tax services. Placing a broad constitutional prohibition on the ballot to prevent an action that has not yet or may never occur is bad public policy.
- With existing constitutional requirements, any proposals to extend sales tax to services in Missouri require a vote of the people. Amendment 4 focuses on a problem that does not exist.

Other opponents of Amendment 4 include the Missouri Budget Project, an organization providing independent research on state policy issues and how they impact Missourians.

The Missouri Municipal League provides a united voice for municipalities across Missouri. Founded in 1934, MML now serves 660 municipalities with training, resources and legislative advocacy for local government leaders. Learn more at www.mocities.com.

AMENDMENT 4

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article X is amended by adding one new section to be known as Section 26, to read as follows:

Section 26. In order to prohibit an increase in the tax burden on the citizens of Missouri, state and local sales and use taxes (or any similar transaction-based tax) shall not be expanded to impose taxes on any service or transaction that was not subject to sales, use or similar transaction-based tax on January 1, 2015.

CITY OF CARTHAGE ANNEXATION POLICY

INTRODUCTION

Annexation is the process by which a city extends its municipal services, regulations, voting privileges and taxing authority to new territory. Cities annex territory to provide developed and developing areas with municipal services and to exercise regulatory authority necessary to protect public health, safety and general welfare. Annexation is also a means of ensuring that residents and businesses outside a city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services.

Annexation and the imposition of land use/development regulations may also be used as a growth management tool to implement the comprehensive plan.

The purpose of the land use plan is to minimize conflicts between adjacent uses, maximize the efficiency of the transportation network, achieve fiscally sound decisions pertaining to private development and public infrastructure investments, and generally aspire to create a livable environment for the citizens of the City.

Annexation in the City of Carthage (the "City") has occurred sporadically and without the benefit of a written policy or process. Growth in Southwest Missouri over the past decade and a half has heightened the interest and need in having annexation and development policies for the City to follow for planning purposes.

PURPOSE & INTENT

There basically are two types of annexation procedures for Missouri municipalities: 1) the property owners petition a municipality for annexation, and 2) the municipality (City) initiates the annexation. This document is to be used as a guide and reference for consideration of all annexations to the City whether property owner initiated or City initiated. This policy will serve as the foundation for additional research necessary to guide decisions regarding each annexation. Groups such as the Planning, Zoning & Historic Preservation Commission, City Council, and City Staff will use this policy when considering annexation petitions.

The purpose of developing an annexation policy for the City is to provide a rational, consistent and objective methodology for making annexation decisions. By employing a prescribed process, the City Council will use consistent criteria provided to use in determining whether or not an individual annexation request will be in the best interest of the City of Carthage. The policy will also enable the City to be more proactive in identifying areas for annexation and provide for meaningful public participation in formulating the annexation program.

The City of Carthage seeks to annex property within its development area for the following purposes:

- To diversify the economic base and create job opportunities by annexing property for

- commercial and industrial development.
- To protect public health, safety and general welfare.
- To avoid costly duplication of public urban facilities and services.
- To promote orderly growth by facilitating long-range planning for the provision of municipal services and by applying appropriate land use regulations, development standards, property maintenance standards, fire codes, construction codes and environmental regulations.
- To ensure that residents and businesses outside of the corporate limits who benefit from access to the City's facilities and services contribute property taxes and other revenues to pay for the costs associated with providing and maintaining those facilities and services.
- To direct, protect and preserve its utility services.
- To promote intergovernmental cooperation.

The Council of the City of Carthage has therefore determined that the following policies, guidelines and procedures are in the best interests of the City and its citizens.

GUIDING PRINCIPLES

Annexation should be of mutual benefit to the petitioner as well as the City and its residents. It should be advantageous to the property owners and/or residents in the areas being considered in terms of cost and services received. On the other hand, it should be clearly established that annexation is of value to the City in the realization of its objectives. To this extent, the City of Carthage has set forth the following guiding principles:

- Annexation is the response to growth, and is intended to be pursued in a manner whose fiscal impact on the incorporated City is fundamentally positive.
- Annexation shall not create enclaves (islands or donut holes) within the City limits.
- Annexation of property shall be at least environmentally neutral or improving.
- Annexation shall be in the best overall interest of the City.
- Annexation may require mutually agreed upon development agreements where necessary.

STATEMENT OF POLICY

In order to achieve orderly growth while developing a more cohesive and less fragmented City boundary and a high quality community, the City of Carthage shall entertain those annexation petitions, property owner initiated or City initiated, involving the addition of real property to the boundaries of the City. While entertaining these annexation petitions, the City Council shall weigh all of the relevant factors and make an informed decision on each proposed annexation. The primary concern of the City shall be whether the proposed annexation would be in the best overall interest of the City. The City's Annexation Policy therefore recognizes factors of concern and provides a method for evaluating the impact of the proposed annexation. The City's annexation policy is driven by the ability of the City to reasonably provide needed and necessary services to any area proposed for annexation. This includes provisions related to public safety (police, fire and emergency services), infrastructure (electric, water, sewer, drainage and roads), quality of life, and

compatibility with long-range development plans as identified in the Carthage Comprehensive Plan.

PRIORITIES

The following areas of priority exist in order of importance for consideration of annexation into the corporate limits of the City:

- Areas of undeveloped land for commercial, industrial growth located adjacent to the existing City limits that meet contiguity requirements. The 1994 Comprehensive Plan Update (Development Objective D4) states that the City should, "plan for annexation of land west and south of the City and provide for growth in response to the state highway improvements at interchanges with U.S. Alt. 71 Highway." In order to achieve this, the plan delineated two actions. 1) Plan for annexation to create room for urban growth within the City, expanding the market choice for land, particularly for multifamily housing, commercial, industrial and expanded tourism development, and 2) plan for annexing vacant land adjacent to the City where growth is projected.
- Unincorporated "Islands" within the existing City limits.
- Areas (if any) currently served by City utilities not within the corporate boundary.
- Areas of strategic importance or deemed desirable not connected to City utilities.
- Protection of valuable natural resources to protect environmentally sensitive areas.

ANNEXATION POLICIES

The City Council has determined that for the reasons listed above, that certain policies are in the best interest of the City and its citizens. It is strongly suggested that careful thought be given to each of these policies, and that substantial compliance be required for the City's best overall interest and those included in an annexation area. The following is a set of policies for use in considering a petition for annexation:

- The City shall pursue a systematic annexation process to promote orderly growth and the provision of municipal services and to preserve the City's fiscal position.
- The City shall consider annexation as a means of managing growth and providing zoning controls.
- The City shall consider annexation of an area in the immediate path of growth to prevent undesirable development patterns.
- All annexation should have a positive impact on the City financially. The City shall pursue an annexation program that adds to the economic stability of the City.
- The City shall consider annexation of an area to increase the quality of life, upgrade utility facilities, and provide the necessary services to meet the specific needs of the residents in the development area.
- Areas of unincorporated land that are considered a liability for any reason shall be avoided unless they are of strategic priority or that benefit the City in some fashion that mitigates the financial impact.

- Annexation should be considered based on the availability of utilities. Incremental growth is suggested near existing city limits as municipal utility and departmental capacity permits.
- Annexations that would result in the creation of islands or peninsulas of unincorporated area shall be avoided if possible. Annexation (property owner initiated or City initiated) of existing unincorporated island or peninsula areas is suggested, including those that would result in the annexation of portions of these areas, thereby making them smaller.
- Annexations of larger than five acres are strongly encouraged in order to avoid smaller piecemeal annexations of single parcels. This encourages the collection of a number of parcels for annexation at one time.
- The City shall adopt a more proactive position in utilizing the tool of annexation, prior to development, to control the type, quality, and location of development in areas currently outside the City limits.
- That annexation generally follow existing roads and utilities in order to minimize the public expense for extension of main or service lines and streets.
- Each annexation should require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.
- Extensions of main and service lines shall be chargeable to the property development rather than to the public generally.
- The City shall consider annexation of an area to protect environmentally sensitive areas and to better regulate the quality of the development in the area.

PROCEDURES

How is Annexation Accomplished?

There are two types of annexation: property owner initiated and City initiated. Each involves a different process.

Property owner initiated annexation into the City is a relatively simple process. Basically, it involves the following steps:

1. Submission of a completed annexation petition with applicable fee.
2. Review by Staff and Planning, Zoning & Historic Preservation Commission.
3. Passage of a resolution by the City Council.
4. The holding of a public hearing.
5. Acceptance by the City of Carthage for annexation.
6. Setting the zoning of the property.

This entire process takes approximately two months. All that is required of the property owner is the submission of a completed annexation petition, obtainable from the City.

City initiated annexation involves the following steps:

1. Adoption of resolution of intent to annex.

2. Preparation of the plan of intent.
3. Introduction of the annexation ordinance.
4. Public hearing.
5. Adoption of annexation ordinance.
6. Obtain declaratory judgment.
7. Election.

Under Missouri law, the annexation must be approved by a majority of voters in separate elections held in the area to be annexed and in the City.

ROLES OF CITY ADMINISTRATION, STAFF, PLANNING, ZONING & HISTORIC PRESERVATION COMMISSION AND MAYOR AND CITY COUNCIL

Roles of City Administration, Staff, Planning, Zoning & Historic Preservation Commission and Council; each of these individuals/entities has a specific role in the process of annexation. First, the City Council sets overall City goals and objectives including this policy, and the staff takes in petitions for, or initiates annexation of areas based on these objectives. The petition is then introduced to the Planning, Zoning & Historic Preservation Commission, which reviews with staff and passes on an advisory recommendation either in support of, against, or neutral to the petition to the City Council. The Council then conducts a public hearing and considers all aspects of the annexation petition. They ultimately vote to approve or deny the annexation ordinance as introduced. Finally, after annexation, the action is recorded with the County, and the appropriate City departments amend all applicable documents and notify the appropriate agencies, individuals, etc. as to the property being incorporated into the City.

ZONING

Parcels proposed for annexation to the City shall be pre zoned as District A, First Dwelling House District. Pre zoning shall remain unless or until a request for re zoning is submitted or if the property owner or City initiate procedures for other than District A, First Dwelling House District zoning as a condition of annexation. In the latter case, zoning will be in substantial compliance with the City's Comprehensive plan.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARTHAGE
OCTOBER 11, 2005.**

"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.