

**COUNCIL AGENDA  
CITY OF CARTHAGE, MISSOURI  
TUESDAY, FEBRUARY 26, 2019  
6:30 P.M. – COUNCIL CHAMBERS**

1. Call to Order
2. Invocation
3. Pledge of Allegiance to flag
4. Calling of the Roll
5. Reading and Consideration of Minutes of Previous Meeting
6. Presentations/Proclamations
7. Public Comments  
(Each person addressing the Council shall state their name and address or the organization or firm represented and is limited to no more than five (5) minutes. The time may be extended by the chair if deemed necessary. Once a person has had their say on a particular issue they are not permitted to once again speak on the issue unless called to answer any further questions by the Council or Chair)
8. Reports of Standing Committees
9. Reports from Special Committees and Board Liaisons
10. Report of the Mayor
11. Reports/Remarks of Councilmembers  
(Each Councilmember is limited to no more than two (2) minutes. The time may be extended by the Chair if deemed necessary. Once a Councilmember has had their say on a particular issue they are not permitted to once again speak on the issue unless permitted by the Chair)
12. Administrative Reports
13. Report of Claims Presented Against the City
14. Public Hearings
15. Old Business

1. **C.B. 19-06** – An Ordinance to authorize the Mayor to apply for federal financial assistance on behalf of the City of Carthage and to execute any contract(s) resulting from such application for any grants between the City of Carthage and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects. (Budget Ways & Means)
2. **C.B. 19-07** – An Ordinance to amend Division 8 – Parks Administrator, Sections 2-211 – Generally through 2-212 – Duties; Section 16-24. – Traffic and motor vehicles in Kellogg Lake Park; and other references to the Parks Administrator's position in the Code of Carthage. (Insurance, Audit & Claims)

3. **C.B. 19-08** – An Ordinance authorizing the Mayor to execute an Agreement between the City of Carthage, Missouri and the Missouri Highway and Transportation Commission providing for a Transportation Alternatives Funds Program Agreement ((TAP-1601(703)) for ADA compliant sidewalks, entrances and crosswalks along Central Avenue (MO96), from Garrison Avenue to Route 66. (Public Works)

#### 16. New Business

1. **C.B. 19-09** – An Ordinance changing Memorial Hall Rental Fees in the City of Carthage. (Public Services Committee)

#### 17. Mayor's Appointments

#### 18. Resolutions

1. **Resolution 1862** – A Resolution authorizing the execution of a Memorandum of Understanding between the Office of State Courts administrator and the Carthage Municipal Division of Jasper County for participation in the debt collection and tax offset program. (Public Safety Committee)
2. **Resolution 1863** – A Resolution approving the declaration of certain materials and pieces of equipment of the City of Carthage Fire Department as surplus to the City's needs and authorizing their disposition. (Staff)

#### 19. Closing Comments

#### 20. Executive Session

#### 21. Adjournment

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

MINUTES OF THE MEETING OF THE CITY COUNCIL  
CITY OF CARTHAGE, MISSOURI  
February 12, 2019

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

The following Council Members answered roll call: James Harrison, Juan Topete, David Armstrong, Ceri Otero, Mike Daugherty, Alan Snow, Darren Collier, Brady Beckham, and Kirby Newport. Council Member Ray West was absent. City Administrator Tom Short and City Attorney Nate Dally were present.

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. Daugherty made a motion, seconded by Mr. Armstrong, to approve the minutes of the January 22, 2019 Council Meeting. Motion carried unanimously.

No citizens were present to speak during Citizens Participation Period.

Mr. Collier reported the Budget, Ways and Means Committee met on February 11. Bids for IT managed services were reviewed from Stronghold Data (\$107,925), Neotech (\$95,308), Pearson Kelly (\$89,224.87), and Oxen (\$81,588). Pearson Kelly is the only company that offers first point of contact services. They would handle daily problems, manage anti-virus and provide back-up solutions. Mr. Henady would be focusing on IT projects and problems the IT service had difficulty with. Current budget has \$56,000 allocated for additional staffing and this could be used toward the cost of IT managed services. Mr. Collier made a motion, seconded by Mr. Daugherty, to proceed with the contract with Pearson Kelly with the stipulations of reducing the contract term to two years and add an opt-out clause. Motion carried. Committee members approved CB 19-06 which addresses the annual process for partial expense reimbursement for the taxi program. The budget process is underway with the presentation of capital projects at the next meeting. Mr. Collier made a motion, seconded by Mr. Snow, to approve the 2020 Budget Goals. Motion carried. Banking services will be going out to bid with implementation effective July 1.

Ms. Otero reported the Committee on Insurance/Audit and Claims met on this date in the Council Chambers and approved the claims. Members continued discussions on changing the Parks Administrator job title to Parks and Recreation Director. This will show up as CB 19-07. A Lateral Recruitment Policy was reviewed. This policy will help with recruitment efforts by allowing flexibility to hire individuals with prior comparable employment experience at a rate higher than the initial step of the assigned range. Individuals can receive prior equivalent credited service at a rate of up to .5 years of credited service for every full time year of service provided to the former employer, up to a maximum of 10 years of credited service. Ms. Otero made a motion, seconded by Mr. Armstrong, to accept the Lateral Recruitment Policy. Motion carried. Renewal of the employee dental plan was discussed. This is fully paid by the employee. Ms. Otero

made a motion, seconded by Mr. Collier, to approve the Delta Dental Plan with zero deductible for both the PPO and Premier networks and a two-year rate guarantee. Motion carried. The employee health fair will be April 16.

Mr. Harrison reported the Public Safety Committee is between meetings with the next meeting scheduled for February 21.

Mr. Beckham reported the Public Services Committee is between meetings with the next meeting scheduled for February 19.

Mr. Daugherty reported the Public Works Committee met on February 5. Application for a TAP Grant was discussed and approved and is being presented in CB 19-08.

Special Committee and Board Liaison reports were given by Mr. Topete for the Kellogg Lake Board and Carthage Tree Board, Ms. Otero for the Carthage Humane Society and Harry S Truman Coordinating Council, Mr. Daugherty for the Convention and Visitors Bureau, and Mr. Snow for the Library Board.

City Attorney Nate Dally reported on information he had received from Spencer Fane regarding the railroad lawsuit. MNR operates on the Union Pacific lines and was willing to meet to discuss the condition of the railroads. Spencer Fane advised that discussions were not necessary until Union Pacific was willing to take responsibility.

Fire Chief Roger Williams gave an update on Fire Station #2. He informed council members of a memorial service to be held February 18 for fallen firefighter Steve Fierro.

City Administrator Tom Short reported on the following: renovations at Memorial Hall being done by the Street Department, IT offices are under construction, a Vision Carthage meeting, a walk-thru at Fire Station #2 to develop a punch list, a meeting at CWEP to discuss potential development, a United Way luncheon, sales tax update, 5-year capital budgets are due February 22, CWEP has been smoke testing, Region M grant application, and Eggs & Issues to be held February 15.

The Committee on Claims filed a report in the amount of \$1,840,180.07 against the following funds: General Revenue \$103,423.94, Public Health \$4,778.52, Parks Stormwater \$5,398.00, Golf Course \$13,131.96, Lodging \$8,500.00, Library \$25,000.00, Capital Improvements \$1,923.50, Payroll \$178,024.15, and Carthage Water & Electric \$1,500,000.00. Ms. Otero made a motion, seconded by Mr. Daugherty, to accept the report and allow the claims. Motion carried.

Under old business, C.B. 19-05 - An Ordinance authorizing the Mayor to execute a Missouri Highway and Transportation Commission Cost Apportionment Program Supplemental Agreement between the City of Carthage, Missouri and the Missouri Highway and Transportation Commission providing for public improvements designated as Route 571 Intersection Improvements, for the construction of intersection improvements on Route 571 at Elk and Garrison Streets; Job No.: 7P3187I was placed

on second reading followed by a roll call vote of 8 yeas and 1 nay. Ayes: Beckham, Collier, Daugherty, Harrison, Newport, Otero, Snow, and Topete. Nay: Armstrong. The council bill was approved and numbered Ordinance 19-07.

Under new business, C.B. 19-06 - An Ordinance to authorize the Mayor to apply for federal financial assistance on behalf of the City of Carthage and to execute any contract(s) resulting from such application for any grants between the City of Carthage and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects was placed on first reading with no action taken.

C.B. 19-07 - An Ordinance to amend Division 8 – Parks Administrator, Sections 2-211 – Generally through 2-212 – Duties; Section 16-24. – Traffic and motor vehicles in Kellogg Lake Park; and other references to the Parks Administrator’s position in the Code of Carthage was placed on first reading with no action taken. Ms. Otero stated a correction will be made to Section 16-24 (c) prior to the next reading, changing Parks Administrator to Parks & Recreation Director.

C.B. 19-08 - An Ordinance authorizing the Mayor to execute an Agreement between the City of Carthage, Missouri and the Missouri Highway and Transportation Commission providing for a Transportation Alternatives Funds Program Agreement ((TAP-1601(703)) for ADA compliant sidewalks, entrances and crosswalks along Central Avenue (MO 96), from Garrison Avenue to Route 66 was placed on first reading with no action taken.

Mr. Armstrong made a motion, seconded by Mr. Collier, to approve Resolution 1861 – A Resolution providing for the formal acceptance of a donation by the City Council of the City of Carthage, Missouri pursuant to city policy. Resolution passed by a roll call vote of 9 yeas and 0 nays. Ayes: Armstrong, Beckham, Collier, Daugherty, Harrison, Newport, Otero, Snow, and Topete.

During closing remarks, Mr. Armstrong thanked Tom and the mayor for meeting with him and having a fruitful discussion, Mr. Snow stated he would be in favor of a work session as mentioned by Mr. Armstrong in an email, Mr. Beckham thanked the candidates that were present for attending the council meeting, and Mr. Newport encouraged council members to attend all budget meetings during the budget process.

Mr. Newport made a motion, seconded by Mr. Collier, to adjourn the regular session of the Council Meeting. Motion carried and meeting adjourned at 7:05 PM.

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Dan Rife, Mayor

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Traci Cox, City Clerk

***PRESENTATIONS/  
PROCLAMATIONS***

***PUBLIC  
HEARINGS***

***OLD  
BUSINESS***

COUNCIL BILL NO. 19-06

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

An Ordinance to authorize the Mayor to apply for federal financial assistance on behalf of the City of Carthage and to execute any contract(s) resulting from such application for any grants between the City of Carthage and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects.

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

**SECTION I.** That the Mayor is hereby authorized to apply for federal financial assistance on behalf of the City of Carthage and to execute any contract(s) resulting from such application for any grants between the City of Carthage and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects.

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

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

Sponsored by: Budget Ways & Means Committee

**PROJECTED OPERATING BUDGET**

Project Period: July 1, 2018 to June 30, 2019

<b>TOTAL OPERATING EXPENSES</b>		
501.00	Project Manager Salary	15,000
502.01	Project Manager Fringe	3,130
509.03	Office Supplies	850
501.01	Drivers	43,578
502.01	FICA	3,334
510.01	Veh Maint	3,000
503.05	Radio Maint	350
509.02	Travel & Train	300
503.02	Services (Audit)	1,000
505.021	Mobile Phone	1,200
506.99	Other Insurance	1,574
504.01	Fuel & Lubricants	7,200
501.00	Clerical	6,900
514.01	Public Notices	300
	<b>Total Expenses</b>	<b>87,716</b>
<b>REVENUE</b>		
	Passenger Revenue	19,400
	Area Agency on Aging	1,500
	Jasper County Shelter	1,200
	<b>Total Fare and other Revenue</b>	<b>22,100</b>
	<b>Project Costs</b>	<b>65,616</b>
<b>CALCULATION OF FUNDING REQUEST</b>		
	Local Share 50%	32,808
	General Fund	11,811
	In Kind Contributions	20,997
	<b>Total Applicant Share</b>	<b>32,808</b>
	<b>Section 5311 Funds Requested</b>	<b>32,808</b>

An Ordinance to amend Division 8 – Parks Administrator, Sections 2-211 – Generally through 2-212 – Duties; Section 16-24. – Traffic and motor vehicles in Kellogg Lake Park; and other references to the Parks Administrator’s position in the Code of Carthage.

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

**SECTION I:** Division 8 – Parks Administrator, Sections 2-211 – Generally through 2-212 – Duties of the Code of Carthage is hereby repealed and the following enacted in lieu thereof:

**DIVISION 8. - PARKS & RECREATION DIRECTOR**

**Sec. 2-211. - Generally.**

There is created the office of Parks & Recreation Director. The Parks & Recreation Director shall be appointed by the mayor with the consent of a majority of the members elected to the council. The Parks & Recreation Director may be removed from office by the mayor with the consent of a majority of all the members elected to the council or by two-thirds vote of all members elected to the council without the approval of the mayor.

**Sec. 2-212. - Duties.**

- (a) The Parks & Recreation Director shall have the responsibility to plan, organize, direct, coordinate, maintain and evaluate the parks and recreation programs, including the golf program, of the city including but not limited to program effectiveness and demands for expanded or new program offerings as well as recommendations and implementation of appropriate changes.
- (b) The Parks & Recreation Director shall have the responsibility to evaluate the need for and feasibility of new programs, conducting short and long-range program planning, identifying sources of grant funding and supervising the preparation of grant applications.
- (c) The Parks & Recreation Director shall supervise the recruitment, selection and training of regular and temporary employees of the department, prepare and administer the department budget, supervise the maintenance of required records, prepare or supervise the preparation of regular and special reports, confer with civic and special interest groups regarding the parks and recreation program. The Director shall also participate in and supervise a variety of informational and public relation activities to make the public aware of program offerings and facilities available and any other reasonable duties as assigned.
- (d) The Parks & Recreation Director shall perform all directives of the mayor or the council. The Director shall report monthly to the council on all activities of his department.

**SECTION II:** Section 16-24. – Traffic and motor vehicles in Kellogg Lake Park of the Code of Carthage is hereby repealed and the following enacted in lieu thereof:

**Sec. 16-24. - Traffic and motor vehicles in Kellogg Lake Park.**

- (a) Persons operating a motor vehicle within Kellogg Lake Park shall operate the same in a

Careful and prudent manner.

(b) No person shall drive any motor vehicle on a driveway located in any of the Kellogg Lake Park and/or facilities at any speed over the posted speed limit.

(c) No person in Kellogg Lake Park shall drive any vehicle on any area except the paved park and/or facility roads or parking areas provided for that purpose, or such other areas as may on occasion be specifically designated as temporary parking areas by the parks administrator.

(d) No person in Kellogg Lake Park shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.

(e) No person shall leave, park or stop a motor vehicle within Kellogg Lake Park after the designated closing time unless authorized by the Parks & Recreation Director.

(f) No trucks, buses, or other commercial vehicle exceeding a gross weight of eight thousand (8,000) pounds may enter any Kellogg Lake Park unless on a designated road or unless specific permission in writing is obtained from the parks administrator. This does not include vehicles delivering to or coming from the parks and/or facility, or vehicles engaged in work for the city.

(g) No person shall leave a parked vehicle for the purpose of carpooling or the advertisement to sell said vehicle in Kellogg Lake Park.

**SECTION III:** the Code of Carthage is further amended to define any other reference to the Park Administrator's position to mean Parks & Recreation Director.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

**COUNCIL BILL NO. 19-08**

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

An Ordinance authorizing the Mayor to execute an Agreement between the City of Carthage, Missouri and the Missouri Highway and Transportation Commission providing for a Transportation Alternatives Funds Program Agreement ((TAP-1601(703)) for ADA compliant sidewalks, entrances and crosswalks along Central Avenue (MO 96), from Garrison Avenue to Route 66.

**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, Missouri an Agreement with the Missouri Highway and Transportation Commission providing for a Municipal Agreement for TAP-1601(702) for ADA compliant sidewalks, entrances and crosswalks along Central Avenue (MO 96), from Garrison Avenue to Route 66, a true copy of which is attached hereto and incorporated herein as if set out in full.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**

**Sponsored by: Public Works Committee**

Missouri Department of Transportation

3025 East Kearney Street  
P.O. Box 868  
Springfield, Missouri 65801  
417.895.7600  
Fax: 417.895.7637  
1.888.ASK MODOT (275.6636)

January 15, 2019

Zeb Carney, Public Works Director  
City of Carthage  
326 Grant  
Carthage, MO 64836

Re: New TAP Project: 1601(703)

Dear Zeb,

Enclosed are the two copies of the Sidewalk Agreement which I emailed you about. Please have both copies of this Agreement dated and executed and return both to me, along with two copies of the executed Program Agreement that was mailed to you previously and a copy of the Ordinance.

My mailing address is:

Julie Zibert – MoDOT  
Sr. Transportation Planner  
2915 Doughboy Drive  
Joplin, MO 64804

If you have any questions, please let me know.

Sincerely,



Julie Zibert – MoDOT  
Sr. Transportation Planner

Enclosures

/jz



CCO Form: DE65  
Approved: 12/07 (BDG)  
Revised: 03/17 (BG)  
Modified:

TAP-1601(703)

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
SIDEWALK IMPROVEMENTS AGREEMENT**

THIS AGREEMENT is made and entered into by and between the Missouri Highways and Transportation Commission (hereinafter, "Commission"), whose address is P.O. Box 270, 105 W. Capitol, Jefferson City, Missouri 65102, and the City of Carthage, Missouri (hereinafter, "City"), whose address is 326 Grant, Carthage, MO 64836.

**WITNESSETH:**

WHEREAS, the Commission owns and operates, as part of the State Highway System, Route 571, Route 96 and Route 66 located within the City limits in Jasper County; and

WHEREAS, the City is desirous of performing certain tasks related to the installation and maintenance of sidewalk improvements within the City limits.

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

(1) PROPOSAL: The City proposes and the Commission will allow the installation, including maintenance, of sidewalk improvements on Commission right-of-way as provided in this Agreement.

(2) LOCATION: The general location of the sidewalk improvements to be installed and maintained pursuant to this Agreement is along Central Avenue (Rt 96), from Garrison Avenue (Rt 571) to Rt 66.

(3) COSTS: All costs associated with the construction of the proposed sidewalk improvements, including, but not limited to, signing, traffic signals, and traffic control during construction, will be borne entirely by the City, with no cost incurred by the Commission.

(4) PLANS: The City shall have detailed plans prepared at no cost to the Commission, which are to be submitted to the Commission's District Engineer for the Commission's review and approval. The Commission's District Engineer, in his/her sole discretion, may require modifications to the plans prior to approving the plans.

(5) TRAFFIC CONTROL DEVICES: All pavement marking, signs, and traffic signals installed with the proposed improvements shall be in accordance with

the latest revision of the *Manual on Uniform Traffic Control Devices for Streets and Highways*.

(6) RELOCATION: The City shall secure the removal, relocation or adjustment of any public or private utilities located on private easements or public right-of way, if the construction of the herein contemplated improvements so required, without cost to the Commission.

(7) INSPECTION: The City will allow inspection of the construction and maintenance activities of the herein contemplated improvements by the Commission's District Engineer, or his authorized representative, at any time and shall take no attempts to prevent said inspection. Within thirty (30) days following notice by the City to the Commission that construction is complete, the Commission will inspect the work to determine that it is acceptable. The sidewalk improvements will not be placed in operation until the Commission authorizes.

(8) 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.

(9) OWNERSHIP AND MAINTENANCE: All improvements made pursuant to this Agreement within the state-owned right-of-way shall become the Commission's property. The City, at its sole cost and expense, is responsible for maintaining all sidewalks constructed or installed pursuant to this Agreement in fully operational, safe and aesthetically acceptable condition. All future alterations, modifications, or maintenance of the sidewalk improvements will be the responsibility of the City. Maintenance by the City will include, but is not limited to, crack repair, patching holes, removing litter, debris, trash, and leaves, and removal of snow and ice (through methods approved by the Commission). All sidewalks constructed pursuant to this Agreement shall be maintained in a condition safe for use of the sidewalks by the general public at all times. If the City fails to maintain the sidewalks in a safe condition, the Commission may cancel this Agreement and remove the sidewalks from Commission right of way or the Commission may maintain the sidewalks at the City's cost and expense.

(10) PERMITS: Before beginning work, the City shall secure from the Commission's District Engineer a permit for the proposed improvement. The City shall comply with any additional conditions placed on the permit by the Commission.

(11) BOND: The City shall secure sufficient bond, as determined by the Commission's District Engineer or his authorized representative, for the construction of the proposed improvement on Commission right-of-way.

(12) CONSTRUCTION OF IMPROVEMENTS: All construction of the proposed improvements shall be according to the latest editions of the Missouri Highways and Transportation Commission's *Standard Specifications for Highway Construction*, Standard Plans for Highway Construction, and the Missouri Department of Transportation's *Approved Products List for Traffic Signals and Highway Lighting*.

(13) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the City and the Commission.

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

(15) AUDIT OF RECORDS: The City must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(16) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City.

(17) 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 this Agreement.

(18) MISSOURI NONDISCRIMINATION CLAUSE: The City shall comply with all state and federal statutes applicable to City relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(19) 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.

(20) 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.

(21) 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.

(22) NO INTEREST: By constructing and maintaining the sidewalk improvements on Commission right of way, the City gains no interest in Commission right-of-way whatsoever. The Commission shall not be obligated to keep the constructed improvements in place if the Commission, in its sole discretion, determines removal or modification of the improvements is in the best interests of the state highway system. In the event the Commission decides to remove the improvements, the City shall not be entitled to a refund of the funds expended by the City pursuant to this Agreement.

(23) 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.

(24) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this

Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(25) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(26) DURATION: Unless otherwise terminated pursuant to (9) or (16), above, or through mutual agreement of the parties, this Agreement shall be in effect for a continuing duration upon execution of this Agreement.

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

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_

Title \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title \_\_\_\_\_

Ordinance Number: \_\_\_\_\_

*NEW*  
*BUSINESS*

**COUNCIL BILL NO. 19-09**

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

An Ordinance changing Memorial Hall Rental Fees in the City of Carthage.

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

**SECTION I:** Fee changes are hereby established for Memorial Hall rentals in accordance with the schedule which is attached hereto and incorporated herein by reference; the new fees shall go into effect beginning April 01, 2019.

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

**PASSED AND APPROVED THIS DAY \_\_\_\_\_ OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox City Clerk**

Sponsored by: Public Services Committee

**CARTHAGE MEMORIAL HALL  
RENTAL FEE CONTRACT  
407 SOUTH GARRISON  
CARTHAGE, MO 64836  
Phone: 417-237-7050  
Fax: 417-237-7051**

**Group Name:** \_\_\_\_\_

**Person in Charge:** \_\_\_\_\_

**Phone# (Home):** \_\_\_\_\_ **Work:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_ **City, State, Zip:** \_\_\_\_\_

**Dates Needed:** \_\_\_\_\_ **Keys:** \_\_\_\_\_

**ROOM CHARGES**

<i><b>Auditorium</b></i>	<u><b>Non- Alcohol</b></u>	<u><b>Alcohol</b></u>
Up to 8 hours	<b>\$250.00</b>	<b>\$325.00</b>
Up to 12 hours	<b>\$275.00</b>	<b>\$425.00</b>
"Set-Up" Day (M-F 8:30a-4:30p)	<b>\$100.00</b>	
Boxing/Wrestling Matches	<b>\$300.00</b>	<b>\$600.00</b>
Auditorium Kitchen	<b>\$ 25.00</b>	<b>\$ 50.00</b>
Deposit up to 8 hours	<b>\$100.00</b>	<b>\$250.00</b>
Deposit up to 12 hours	<b>\$250.00</b>	<b>\$250.00</b>

<i><b>Lower Level</b></i>	
6 hours	<b>\$125.00</b>
8 hours	<b>\$150.00</b>
12 hours	
Lower Level Kitchen	<b>\$ 35.00</b>
Deposit	<b>\$ 50.00</b>

<i><b>Lower Level Mtg. Rooms (4 hr. rate, 8:00a-5:00p)</b></i>	<i><b>Mon – Fri</b></i>	<i><b>Weekend/Holiday/Extra</b></i>
B36	<b>\$ 40.00</b>	<b>\$75.00</b>
B41	<b>\$ 40.00</b>	<b>\$75.00</b>
Deposit	<b>\$ 25.00</b>	<b>\$25.00</b>

<i><b>Other Misc. Charges</b></i>	
Table Covers <i>(Renter is responsible for cover replacement)</i>	<b>\$ 1.00 (Paper or Plastic)</b>
Electric Hook-up	<b>\$ 3.00 (per day, per RV unit)</b>

**RENTAL COST DUE** **TOTAL\$** \_\_\_\_\_

**DEPOSIT COST DUE** **TOTAL\$** \_\_\_\_\_

**\*Note\***

*The City of Carthage's policy is that activities which use alcohol are permitted for dispensing by licensed caterers only. Additionally, the dispensing of alcohol is further subject to Missouri State Liquor Laws. Renters are required to obtain a State Liquor License and must provide a copy of the license to the Memorial Hall Supervisor prior to receiving approval to rent Memorial Hall. If alcohol is used & not paid for, any and all deposits may be retained by the City.*

\_\_\_\_\_  
City Representative

\_\_\_\_\_  
Renter

**I have received a copy of the Supplemental Rules at the Memorial Hall and I understand their requirements.**

\_\_\_\_\_  
Renter

\_\_\_\_\_  
Date

**MEMORIAL HALL LEASE AGREEMENT**

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the City of Carthage, hereinafter referred to as City and \_\_\_\_\_, hereinafter referred to as lessee.

In consideration of the promises contained and mutual and valuable consideration exchanged between the parties the parties agree, as follows:

1. City shall rent to lessee and lessee shall rent from City, space within a building commonly known as the Carthage Memorial Hall.
2. The rent shall take effect on the dates listed on the attached "Rental Fee Worksheet". The "Rental Fee Worksheet" is attached hereto and is a part of this rental agreement.
3. The rental fee shall equal the "total rental costs" shown on the attached "Rental Fee Worksheet".
4. Lessee shall pay rent no less than seven (7) days prior to the day of the scheduled event. For office space, rent shall be due on the first day of each month.
5. If rent is not paid seven (7) days in advance of the event, the date becomes an open rental date available to anyone on a "first come, first serve" basis.
6. Cancellation will result in the loss of the deposit. Lessee is obligated for the full amount of the rent seven (7) days in advance of the event if the event is not held or if the space is not used by the lessee. If lessee shall fail to pay the rent prior to seven (7) days in advance of the date of the event, the City shall have the right to immediately take possession of the space.
7. Fees are to be paid at Memorial Hall.
8. A deposit is required in the following amounts:

	<u>Non-Alcohol</u>	<u>Alcohol</u>
Auditorium	\$100 up to 8 hours	<b>\$250 *</b>
	\$250 up to 12 hours	<b>\$250 *</b>
Lower Level	\$50	
Office Rooms	\$125	

One full month's rent is required as a deposit for office space.  
*\* permitted for dispensing by licensed caterer only*

9. In order to guarantee a reservation date, a deposit is required. Deposit is non-refundable unless date is rebooked.
10. City retains the right to have City staff in attendance during the event at the expense of the lessee.
11. Lessee shall not engage in any activities in said building which would be in violation of any of the laws of the State of Missouri or the United States of America or any ordinances of the City of Carthage. City may require lessee to provide security for the event at lessee's expense as deemed necessary by the City. Such security may include approved uniformed police officers in such force as City may require. Lessee shall agree to abide by the rules established for the facility including, but not limited to the attached "Supplemental Rules for Memorial Hall".
12. In the event a disaster, including but not limited to flood, snow, ice, tornado, bomb threat, or fire City of Carthage shall not be bound to perform under the terms of this agreement.
13. Late cancellations resulting from a disaster such as listed in number twelve (12) above, may be eligible for a refund of deposit and/or rent. Such situations will be evaluated on a case by case basis and are not guaranteed of receiving funds.
14. Hours of operations of the Memorial hall are:  
 Sunday - Thursday 7:00 A.M. - 1:00 A.M.  
 Friday - Saturday 7:00 A.M. - 2:00 A.M.  
 Events must be out of facility by the ending times indicated or an additional fee of \$100 per hour will be assessed.

\_\_\_\_\_  
 City Representative

Renter

\_\_\_\_\_  
 Date

Date

## SUPPLEMENTAL RULES FOR MEMORIAL HALL

1. Do not paste, tape, paint, draw, nail or otherwise place any items on the wall of Memorial Hall except in the areas constructed on concrete blocks. Double backed foam adhesive tape is not allowed on any walls including those constructed of concrete blocks.
2. **IF RECOMMENDED BY CITY STAFF, LARGE EVENTS MUST EMPLOY OFF-DUTY POLICE OFFICERS (THOSE WITH ARREST POWERS IN THE CITY OF CARTHAGE) FOR SECURITY PURPOSES. THE NUMBER OF OFFICERS REQUIRED SHALL BE DETERMINED BY THE CHIEF OF POLICE. IN PARTICULAR, ROCK CONCERTS, DANCES AND BOXING MATCHES OR EVENTS WHERE ALCOHOL IS TO BE DISPENSED WILL BE REQUIRED TO EMPLOY OFF-DUTY OFFICERS. THE MINIMUM NUMBER OF OFFICERS REQUIRED SHALL BE ONE (1) OFFICER FOR EVERY 50 ATTENDEES WITH NO FEWER THAN TWO (2) PER EVENT. LESSEE IS RESPONSIBLE FOR EMPLOYMENT AND PAYMENT OF SAID OFFICERS.**
3. Do not sit on the tables.
4. Do not leave items past the agreed rental period.
5. Memorial Hall is a "No smoking building".
6. The fire code prohibits lighted candles or other open flame without a permit. Candles must be in a non-combustible holder, must not have combustible materials next to them. Permit can be obtained through the Carthage Fire Dept. The Fire Dept. will need an example of type of candles to be used. Exit doors to the facility may not be blocked, padlocked or otherwise obstructed.
7. Any event held where the attendees include persons under the age of 18 years, shall have a minimum of one (1) chaperone for every 25 attendees. In no such event shall there be less than two (2) chaperones. A chaperone shall be no younger than 30 years of age or be the parent or guardian of an attendee.
8. The use of Dance Wax must receive prior approval from City Hall. The type of substance used must also be approved.
9. No children are permitted on the stage or balcony area, unless accompanied by an adult.
10. Renters must comply with the parking signs on the south and west lots.
11. Do not allow children to run through the building.
12. If balloons are used for decoration, the ceiling fans will not be turned on. Balloons shall be tied down and not set free inside the building.
13. Only an adult 21 years old or older may rent space in Memorial Hall when alcohol is permitted. Proof of age must be provided at the time of booking in the form of a pictured ID or other acceptable identification.
14. Damage to the facility and/or leaving the facility in an excessively unclean condition may result in loss of all or part of the deposit, the amount withheld is to be determined by the City staff.
15. Facility temperature is pre-set and is not to be adjusted.
16. Sound equipment is pre-set and is not to be adjusted.

17. Groups renting Memorial Hall shall have the first priority in using the outside electrical connections. Additionally, groups sponsoring activities at Memorial Hall shall be responsible for collecting the rent for the hook-ups, turning the money into City Hall, and to monitor the usage of the hook-ups.
18. Memorial Hall staff are not permitted to receive tips or other compensation, other than their regular City salary, without approval from the City.
19. Boxing/Wrestling matches may be required to obtain approval from the Public Services Committee of the City Council. Boxing/Wrestling matches must provide a minimum of two (2) uniformed officers, at the renter's expense. The City must approve the law enforcement agency from which the officers are obtained. Uniformed personnel from a security guard service will not be accepted. Boxing matches must be sanctioned by the State of Missouri Boxing Commission. A doctor must be present for any boxing/wrestling events. If ring card girls are present, they must be adequately clothed (two piece bathing suits are permitted, "thongs" are not). Ring girls may not touch members of the audience or dance during the event.
20. Requests for regular, ongoing rental of ground level spaces or the basement must be approved by the Public Services Committee. Basement offices and periodic rentals may be approved by City Staff.
21. Supplemental rules/regulations may be required by the City depending upon the nature of the event held.
22. If renters fail to comply with the rules established for use of Memorial Hall, future rental dates may be revoked.

***MAYOR'S  
APPOINTMENTS***

# ***RESOLUTIONS***

**RESOLUTION NO. 1862**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE OF STATE COURTS ADMINISTRATOR AND THE CARTHAGE MUNICIPAL DIVISION OF JASPER COUNTY FOR PARTICIPATION IN THE DEBT COLLECTION AND TAX OFFSET PROGRAM.**

**WHEREAS**, Section 488.5030, RSMo authorizes the courts to contract with private providers of collection agency services to collect past-due court-ordered penalties, fines, restitution, sanctions, court costs, including restitution and juvenile monetary assessments, or judgments to the state of Missouri or one of its political subdivisions, and allows the costs of collections to be added to the amount due, and

**WHEREAS**, Court Operating Rule 21.07 requires participation in the debt collection program by all divisions of the circuit court using the approved statewide case management system (CMS) for the collection of accounts receivable, and

**WHEREAS**, Section 488.5028, RSMo, allows courts to participate in the Missouri Department of Revenue's (DOR) tax offset program, and

**WHEREAS**, Court Operating Rule 21.06 requires participation in the tax offset program by all divisions of the circuit court using the CMS for the collection of accounts receivable,

**NOW, THEREFORE BE IT RESOLVED**, by the City of Carthage, Missouri, that the Mayor, and relevant City officials are hereby authorized to sign the Memorandum of Understanding between the Office of State Courts Administrator and the Carthage Municipal Division of Jasper County for participation in the Debt Collection and Tax Offset Program attached as Exhibit "A".

**PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2019**

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**Dan Rife, Mayor**

**ATTEST:**

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**Traci Cox, City Clerk**

*Sponsored by: Public Safety Committee*

**Memorandum of Understanding**  
**Between Office of State Courts Administrator and**  
**the Carthage Municipal Division of Jasper County of the**  
**Twenty-Ninth Judicial Circuit**  
**A Court Using the Approved Statewide Case Management System**

**I. PARTIES**

This document constitutes an AGREEMENT between the Office of State Courts Administrator (OSCA) and Carthage Municipal Division of Jasper County of the Twenty-Ninth Judicial Circuit (Court) for the purpose set out hereunder:

**II. PURPOSE:**

The purpose of the agreement is to establish guidelines for participation in the debt collection and tax offset programs and to identify the responsibilities of the respective parties.

**III. BACKGROUND AND PURPOSE**

Section 488.5030, RSMo authorizes the courts to contract with private providers of collection agency services to collect past-due court-ordered penalties, fines, restitution, sanctions, court costs, including restitution and juvenile monetary assessments, or judgments to the state of Missouri or one of its political subdivisions and allows the costs of collections to be added to the amount due, not to exceed twenty percent of the amount collected. OSCA, on behalf on the Judiciary, has signed a contract with a third party vendor (Contractor) to provide debt collection services to the courts.

Court Operating Rule 21.07 requires participation in the debt collection program by all divisions of the circuit court using the approved statewide case management system (CMS) for the collection of accounts receivable. Municipal divisions using the CMS must participate in the debt collection program within six (6) months of implementation of the CMS.

Section 488.5028, RSMo, allows courts to participate in the Missouri Department of Revenue's (DOR) tax offset program. If a person fails to pay court cost, fines, fees or other sums ordered to be paid to the state or political subdivision, a court may report any such debt in excess of \$25.00 to OSCA. OSCA will seek as setoff of the individual's Missouri income tax refund.

Court Operating Rule 21.06 requires participation in the tax offset program by all divisions of the circuit court using the CMS for the collection of accounts receivable. Municipal divisions using the CMS must participate in the tax offset program within six (6) months of implementation of the CMS.

**IV. DEBT COLLECTION PROGRAM****A. CRITERIA FOR PARTICIPATION IN DEBT COLLECTION**

1. The Court must utilize the approved CMS.
2. The Court must accept the standard notices and processes as jointly developed by the Contractor, OSCA, and the courts.
3. The Court must have a bank account that has the capability of electronically receiving the collections from Contractor. The Court shall provide the necessary bank account

information to the Contractor for the transfer and shall keep the Contractor and OSCA informed of any bank account changes.

## B. DEFINITIONS

1. **DEBT:** Court-ordered penalties, fines, restitution, sanctions, court costs, including restitution and juvenile monetary assessments, or judgments to the state of Missouri or one of its political subdivisions that have not been paid.
  - a. The debt shall be in excess of \$5.00.
  - b. The debt shall be considered delinquent when there is a balance due sixty days past the due date of the final payment.
  - c. The debt should be turned over to the Contractor for collection within the following parameters:
    - Unpaid restitution shall only be referred and collected while the defendant is on probation if the prosecutor is not collecting restitution. The court in Grossoehme v. Cordell, 904 S.W.2<sup>nd</sup> 392 (Mo.App. 1995), held that the jurisdiction of the court did not extend beyond the period of probation.
    - Unpaid costs in civil cases shall be referred and collected within ten years from final judgment, unless the judgment has been revived. The statute of limitations for civil judgments is ten years.
    - All unpaid costs in criminal cases may be referred as there is no statute of limitations in criminal cases for the nonpayment of fines and costs.
2. **DEBT COLLECTION EXTRACT PROCESS:** The extract process will identify and refer eligible cases to the Contractor that meet the established criteria through an automated process.
3. **DEBT COLLECTION ADJUSTMENT PROCESS:** The adjustment process will identify and send to the Contractor the following information on referred cases: adjustments in balance due to receipts from tax offset, from Department of Corrections for Crime Victim's Compensation Judgments or from the Contractor for debt collection.
4. **DEBT COLLECTION RECALL, HOLD AND RESUME PROCESS:** The process of reporting the following activities to Contractor are 1) accounts placed on collection hold status, 2) adjustments on accounts on hold, 3) accounts recalled from collection and 4) reinstatements after recall.
5. **EXEMPT:** A case that has unpaid costs and fines and the Court has determined that such case shall not be referred to the Contractor for collection.
6. **HOLD:** To temporarily suspend collection on the debt held by the Contractor. The Court may place a debt on hold only if the Court has been asked by the debtor for a determination of indigency, or has contested the validity of the debt, or the Court on its own action, may place a debt on hold only to adjust the balance if the amount reported to the Contractor was incorrect. The Court shall release the hold when appropriate.
7. **RECALL:** To withdraw the debt from collection by the Contractor. The Court may recall a debt only if the costs were incorrectly reported to the Contractor or the debtor is declared indigent and allowed to serve jail time or community service work in lieu of

costs, debtor is declared indigent and costs are waived, the debtor has filed for bankruptcy, or by other order of the court. The Contractor will retain their percentage for collection of any costs or fees collected prior to the recall of the account.

8. **REFERRED:** A case in which the Contractor is actively pursuing collection activity; not on hold or recalled.

### C. RESPONSIBILITIES OF THE PARTIES

#### 1. OSCA shall:

- a. Work cooperatively with the Contractor to develop and maintain the debt collection interface to submit and receive data electronically.
- b. Develop the program to extract data from the CMS that meets the established criteria.
- c. Provide procedures for any and all enhancements to the CMS.
- d. Act as liaison with the Contractor for the courts.
- e. Assure that Contractor meets its contractual obligations for Debt Collection Services.
- f. Be the point of contact regarding questions concerning the debt collection contract.

#### 2. Court shall:

- a. Establish a contact person for the Debt Collection Program and inform OSCA with their contact information.
- b. Use the payment plan option in the CMS to submit cases for debt collection. If the Court needs to exclude a case from the electronic file, the Court must mark the case "exempt" from collection prior to the meeting the definition of debt in section III.
- c. Retains the option to recall a debt or to place a debt on hold.
- d. Receipt the money into the CMS to the appropriate cases and appropriate costs upon receipt of the funds collected by Contractor
- e. Follow the process and procedures as set forth in the Court Clerk Handbooks and GOLD for assessing costs, creating payment plans and receipting payments.
- f. Not receipt payments that would result in the debt being reduced once a case has been referred for collection. Payments receipted from sources noted in subsections i-iii below shall result in an adjustment to the balance due through the debt collection adjustment process on the case except for:
  - i. funds collected by the tax offset program,
  - ii. cash only bonds for warrants issued prior to the court's participation in the debt collection program,
  - iii. Crime Victim's Compensation Judgments collected by the Missouri Department of Correction or
  - iv. funds collected by debt collection.
- g. "Recall" the case if the debt is satisfied in full or put the case on "hold" to adjust the balance due if the court orders that the debtor be given a credit in whole or in part against the balance due.

- h. Forward all other payments not included in section f above to the Contractor to process and to deduct their collection fee or shall refer the debtor to Contractor for payment processing. The Court understands the balance due of a referred case should not change as the result of any Court actions, including direct payment by the debtor to the referring Court.
- i. Withdraw any outstanding warrants if all other conditions of the warrant have been satisfied if a warrant has been issued for non-payment of court costs and the amount of funds collected by the Contractor satisfies the outstanding balance.
- j. Issue a compliance letter if a license suspension has been issued for failure to pay fines and costs and the amount of funds collected by the Contractor satisfies the outstanding balance.
- k. Authorize the Contractor to pursue collection against an estate of a deceased debtor if the Court shall desire such action.
- l. Answer all questions regarding the debt.
- m. Refer all questions from debtors concerning the Contractor account status to the Contractor as directed by the Contractor.
- n. Contact the Contractor as directed for Court questions concerning the Contractor account status.

## **V. TAX OFFSET PROGRAM**

### **A. CRITERIA FOR PARTICIPATION IN THE TAX OFFSET PROGRAM**

1. The Court must utilize the approved CMS.
2. The debt, which is defined as court costs, fines, fees and other sums ordered to be paid to the state or political subdivision, shall be in excess of \$25.00.
3. The individual's Social Security Number is required.
4. The debt shall be considered delinquent if any scheduled payment or part of a payment is thirty days past the scheduled due date on the payment plan.
5. Debts shall be submitted to DOR on each individual case and shall not be combined together with other debts owed on different cases by the same individual.
6. The individual has a right to request a court review of the fines and costs on the case for which the tax offset was applied.
7. The individual's spouse has a right to request an apportionment of the tax offset.
8. The Court must have a bank account that has the capability of electronically receiving the debt offsets from OSCA and the Court shall provide the necessary bank account information to OSCA for the transfer and shall keep OSCA informed of any bank account changes.

### **B. RESPONSIBILITIES OF THE PARTIES**

1. OSCA shall:
  - a. Develop the interface to submit and receive data electronically from DOR.

- b. Develop the program to extract data from CMS that meets the established criteria.
  - c. Prepare weekly an electronic file containing cases meeting the criteria for the Program and send it to DOR.
  - d. Receive each week from DOR.
    - i. The list of those individuals whose tax refunds have been intercepted.
    - ii. Notice of Tax Intercept letters that are printed and ready for mailing.
    - iii. The Name Control Error (SSN mismatch) report which includes individuals whose name and/or SSN does not match DOR records.
  - e. Forward the Name Control error report to the Court electronically.
  - f. Forward copies of the intercept notices to the Court electronically.
  - g. Mail the original notices of tax intercept to the individuals and their spouses.
  - h. Hold the intercepted funds in an escrow account for forty-five (45) days if the individual does not request a review of the offset and there has not been a request for spousal apportionment. After the deadline, OSCA shall transfer the funds to the Court.
  - i. Hold the funds in an escrow account until the Court notifies OSCA the outcome of the review of the offset if the individual requests a review and there has not been a request for spousal apportionment. If a refund is due the individual, OSCA shall process the individual's refund within fifteen (15) days of receipt of the court's notice. If funds are due the court and forty-five (45) days have elapsed, OSCA shall electronically transmit the funds to the Court.
  - j. Immediately forward a request for spousal apportionment to DOR if such a request has been made. OSCA shall hold the intercepted funds in the escrow account until DOR notifies OSCA of the amount of the spousal apportionment. Within fifteen (15) days from notification from DOR the funds are due the spouse, OSCA shall release the spouse's apportionment of the refund to the spouse. After forty-five (45) days have elapsed, OSCA shall electronically transfer the remainder of the funds to the Court if a request for review has not been filed.
  - k. Refer questions relating to spousal apportionment to DOR.
  - l. Prepare informational materials for the Court to distribute.
2. Court shall:
- a. Establish a contact person for the program. The contact or designee shall be responsible for receiving and reviewing all electronic notices weekly.
  - b. Use the payment plan option in CMS in order to submit cases for tax offset. If the court needs to exclude a case from the electronic file, the court shall mark the payment plan inactive.
  - c. Review the Name Control Error report within in three (3) days of receipt of the report and advise OSCA whether the individual's refund should be intercepted or released. The court shall update their record as needed.
  - d. Immediately notify OSCA if an application for review has been received by the court in order for OSCA to put the intercepted funds on hold.

- e. Review the application for review within fifteen (15) calendar days of receipt and notify OSCA of the outcome. The court shall update their records as needed.
- f. Receipt the intercepted funds into the CMS to the appropriate cases and appropriate costs after the funds are transferred to the Court's bank account.
- g. Withdraw any outstanding warrants if all other conditions of the warrant have been satisfied when a warrant has been issued for non-payment of court costs and the amount of funds intercepted satisfies the outstanding balance.
- h. Answer questions regarding the debt and shall refer questions to OSCA only if the question relates to the spousal apportionment of if the court finding on an application for review was forwarded to OSCA at least thirty (30) days prior to the inquiry.

**C. CONFIDENTIALITY**

All tax related information is confidential. Section 32.057, RSMo, prohibits the unlawful disclosure of tax information filed with DOR. Court staff designated to receive tax notices, must sign an oath of confidentiality prior to participation in the Program and shall not unlawfully disclose tax information. The Court shall notify OSCA of all changes made to the staff that are designated to receive tax notices.

**VI. AGREEMENT**

This agreement shall be effective \_\_\_\_\_, 20\_\_.

In witness whereof the undersigned have executed this Memorandum of Understanding:

\_\_\_\_\_  
Kathy S. Lloyd  
State Courts Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Appointing Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Honorable Gayle Crane  
Presiding Judge  
Twenty-Ninth Judicial Circuit

\_\_\_\_\_  
Date



# Gila LLC d/b/a Municipal Service Bureau/Gila Group

ACH Credit Vendor - Client Agreement

Client Name	<input type="text"/>	Tax ID	<input type="text"/>	
Address	<input type="text"/>			
City	<input type="text"/>	State	<input type="text"/>	
Contact Person	<input type="text"/>	ZIP CODE	<input type="text"/>	
Email Address	<input type="text"/>		Telephone	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/>	

I (we) hereby authorize Gila LLC to Credit the below listed Financial Institution.

Financial Institution	<input type="text"/>	Address	<input type="text"/>	
City	<input type="text"/>	State	<input type="text"/>	
Routing Number	<input type="text"/>	Account Number	<input type="text"/>	
Type of account must be checking.			Telephone	<input type="text"/>

The following parties have agreed to transmit payments electronically via ACH.  
The vendor will credit the client's account upon each periodic billing, until termination of said contract and/or 30 days written notice.

<input type="text"/>	X <input type="text"/>	<input type="text"/>
Name (type or printed)	Signature	Date
<input type="text"/>	X <input type="text"/>	<input type="text"/>
Name (type or printed)	Signature	Date

Please send completed agreement to:

Vendor Name: Gila LLC d/b/a Municipal Services Bureau/Gila Corp  
 Address: 8325 Tuscany Way, Bldg 4, Austin, TX 78754  
 Contact Person: Barbara Fugler Telephone # ( 800 ) 568-7004 x3240  
 Direct # ( 512 ) 323-4237 Fax # (512) 371-9994

Automatic Email Notifications: [msbinvolcing@gilacorp.com](mailto:msbinvolcing@gilacorp.com)  
 Authorized Representative Name: Barbara Fugler  
 Title: V.P. Finance/Controller

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Missouri Court Information Sheet for Debt Collection

Action to be taken:

New:

Update:

<b>Court Name</b>	
<b>Circuit #</b>	
<b>Location Code (from JIS)</b>	
<b>Address 1</b>	
<b>Address 2</b>	
<b>City, State, Zip Code</b>	
<b>Court Phone Number</b>	
<b>Court Fax #</b>	
<b>Phone Number for Public</b>	

Change of primary /secondary contact information:

**Primary Contact Information:**

<b>Name</b>	
<b>Email address</b>	
<b>Telephone Number</b>	
<b>Secondary Contact Information:</b>	
<b>Name</b>	
<b>Email address</b>	
<b>Telephone Number</b>	

Add:

Change:

Remove:

**Dispute Resolution Contact Information:**  **Include Primary Contact**

<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	

Add:

Change:

Remove:

**Contact to receive monthly disbursement reports:**  **Include Primary Contact**

<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	

Add:

Change:

Remove:

**Contact(s) to receive access to the Municipal Services Bureau website:**

<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	
<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	
<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	
<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	
<b>Name</b>	
<b>Email Address</b>	
<b>Phone Number</b>	

**Additional Information if Needed:**

--

**Authorized Signature of Court:**

**Date:**

--	--



## MISSOURI DEPARTMENT OF REVENUE CONFIDENTIALITY OATH

WHEREAS, in the course of its official business, the Missouri Department of Revenue receives and possesses certain information which is confidential pursuant to state and federal law; and,

WHEREAS, by virtue of my employment or contractual responsibilities, I may have access to the aforesaid confidential information,

NOW THEREFORE, I, \_\_\_\_\_, upon my oath do solemnly swear and affirm that I shall abide by the Constitution and laws of the state of Missouri, including but not limited to Section 32.057 RSMo, the Constitution and laws of the United States of America, including but not limited to 26 U.S.C. §§7213, 7213A and 7431, and the duly promulgated regulations and policies of the Missouri Department of Revenue regarding authorized access to, and inspection and disclosure of confidential information. I shall not reveal the condition or affairs of any individual, corporation, partnership, association, or of any other person, firm or institution, or any facts pertaining to same that may come to my knowledge by virtue of my official position, unless required by law to do so in the discharge of the obligations of my position. I understand that the unauthorized disclosure of confidential information may result in the imposition of criminal and civil penalties.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**RESOLUTION NO. 1863**

**A RESOLUTION APPROVING THE DECLARATION OF CERTAIN MATERIALS AND PIECES OF EQUIPMENT OF THE CITY OF CARTHAGE FIRE DEPARTMENT AS SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING THEIR DISPOSITION.**

**WHEREAS**, City Department Heads exercise direct supervision over inventories of supplies, and the sale, trade, or disposition of surplus supplies and equipment belonging to the City; and

**WHEREAS**, the Purchasing Officer, is responsible (with Council approval) for the disposition or sale of salvage, obsolete, or surplus materials, to prevent deterioration and value losses of no longer used materials, and to reduce storage costs; and

**WHEREAS**, the Fire Chief has submitted a list of said obsolete and surplus materials to the Public Safety Committee for review and consideration which recommended to declare such items as surplus and obsolete for City Council for review and consideration of declaring such items as surplus or obsolete.

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

That the attached list of materials and equipment, due to their age and potential for liability if sold, are determined and declared to be obsolete and surplus to the City's needs and are authorized for appropriate disposal by City staff.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dan Rife, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Traci Cox, City Clerk**



401 W. CHESTNUT | 417.237.7100

**Roger Williams, Fire Chief**

2-21-19

### **Equipment to be Declared Surplus**

13- Bunker Coats of varying age (2004-2010) all are heavily worn and no longer suitable for fire use.

16- Bunker pants of varying age (2004-2010) all are heavily worn and no longer suitable for fire use.

15- SCBA units that are out of service and have been replaced by newer updated units. NFPA Standards range from 1997-2002.

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

BUDGET WAYS & MEANS COMMITTEE  
MONDAY, FEBRUARY 11, 2019 5:30 P.M.  
CITY HALL COUNCIL CHAMBERS

**MEMBERS PRESENT:** Darren Collier, Juan Topete and Alan Snow. Ray West was absent.

**OTHERS PRESENT:** City Administrator Tom Short, City Clerk Traci Cox, Fire Chief Roger Williams, It Tech Amon Henady, Ceri Otero, Tyler Warnall, and Ed Barlow.

Chairman Collier called the meeting to order at 5:30 P.M.

**\*NOTE:** All areas *"italic"* below were submitted to the Committee in a pre-meeting memo by Mr. Short.

**OLD BUSINESS**

**Consideration and approval of minutes from previous meeting.** Mr. Topete made a motion to accept the minutes of the January 14 meeting. Motion approved 3-0.

**NEW BUSINESS**

**1. Consider and discuss IT staffing proposals for IT Department.**

*"As part of the fiscal 2019 budget the City authorized the establishment of an IT Department. For budgeting purposes, the department was 'staffed' with hired personnel. After discussion, proposals were solicited for an independent firm to supply necessary services to the City. Included are the proposals from four companies who supplied proposals. We will discuss these at the meeting. The benefits of going with a service outweigh hiring personnel for this department. Due to timing in the budget, the department can handle this year's amount of a potential agreement within its current budget. However, the overall costs for the service in next year's budget will be higher than the City hiring its own personnel for subsequent years. The current estimate is approximately \$24,000 based on current numbers. At this point, a Council Bill for the Agreement will be prepared for presentation to the Council at the February 26, 2019 meeting after staff has had an opportunity to review the Agreement."*

**Mr. Short** explained the original design for IT staffing was to hire additional staff but now felt it was more efficient to outsource the service. Bids were received for IT management services. Amon Henady reviewed the bids received from Stronghold Data (\$107,925), Neotech (\$95,308), Pearson Kelly (\$89,224.87), and Oxen (\$81,588). Pearson Kelly is the only company that offers first point of contact services. They would handle daily problems, manage anti-virus and provide back-up solutions. Mr. Henady would be focusing on IT projects and problems the IT service had difficulty with. Current budget has \$56,000 allocated for additional staffing and this could be used toward the cost of IT managed services. Pearson Kelly is new to managed services and offered a 3-year contract. Committee members felt the contract should be negotiated to decrease the length of term and to add a dissatisfaction clause. Mr. Snow moved to award to Pearson Kelly with the stipulations of adding a dissatisfaction clause and decreasing the length of contract term to two years. Motion carried.

2. **Consider and discuss an Ordinance to authorize the Mayor to apply for federal financial assistance for the Taxi program.**

*"The State had previously moved up their timeframes for approval of the grant process regarding the taxi program. We now have to have the completed application to them by March 1, 2019. This year will not include any capital items as the replacement of the "bus" occurred last year and the van was replaced approximately a year to a year and a half before that. In order to meet this timeframe we need approval by the Council of the submitting the grant by the end of the month. This is about a month earlier than we have done it in the past but similar to last year."*

**Mr. Short** discussed the changes to the deadline and the need to proceed with the grant application. The request from MoDOT is \$32,808. Mr. Topete made the motion to recommend a Council Bill to authorize the Mayor to apply for federal financial assistance for the Taxi program. Motion carried 3-0.

3. **Consider and discuss Overall Goals and Priorities for Fiscal 2020 Budget.**

*"Included is a draft copy of the goals and priorities for the Fiscal 2020 Budget. This is basically a marked-up version of the approved 2019 goals and policies. There have been a number of items added or changed that will be discussed at the meeting. The changes appear in the red print. A clean copy of the changes is also included for easier reading. Once the goals and priorities for next year's budget are determined, they will be communicated to the departments and agencies for preparation of their requests. The forms for the requested 2020 budget are scheduled to be sent out February 25, 2019 to the Agencies and Departments."*

**Mr. Short** reviewed areas of the goals that had changed from last year. Mr. Collier requested Mr. Short prepare a list explaining items/city projects that are currently included in the 2019 Budget, noting those carried forward from previous budgets, and which funds the items/projects would be paid from. He also requested information be provided for projects that will need to be carried forward into the next budget year. Mr. Collier stated it would make it easier to understand where the funds are going and also help with prioritizing what to carry forward when budgeting. Mr. Snow made a motion to approve the Overall Goals and Priorities for Fiscal 2020 Budget. Motion carried 3-0.

4. **Staff Reports**

*"We have received the **February Sales Taxes**. This month's receipt for the 1% General Fund portion for February 2019 showed an increase of 5.73% from the same month last Fiscal Year. This amounted to approximately \$11,880 more than the same month last year. Year-to-date numbers are 3.05% (\$48,328) higher than last year's year-to-date totals. However, year-to-date Sales Tax receipts are slightly less than anticipated. Also included*

is the summary Revenue & Expense Report (unaudited) (budget report) as of the end of January 2019. As of January 2019, there did not appear to be any major budgetary concerns, on a fund basis, outside of the **Golf Course Fund**. Currently in the **General Fund**, expenditures are running higher than revenues by about \$144,820. The originally approved budget anticipated using \$1,481,451 of the fund balance. The original budget anticipated using a portion of the **Golf Fund's** fund balance in addition to a transfer from the General Fund of \$80,000. We will continue to monitor the budget for any outstanding and potential adjustments that will need to take place before the end of the fiscal year. Also included in the packet is the Pooled Investment Report for January 2019. Activity for the month added about \$9,029 to the City's accounts. For information, contract disbursements to the **CVB** are continuing to be made at the full contract amount which is payable in twelve (12) equal monthly installments of eight thousand five hundred dollars and no cents (\$8,500.00). A reminder, next month's meeting will include the discussion of the 5 Year Capital Plan and presentations from Department Heads."

**Mr. Short** reported Sales Tax for this month were up in comparison to last year in the General Fund. Funds for the Convention and Visitors Bureau were discussed. The City continues to make its contractual payment, but the organization has been without a director for several months. Ms. Cox reported bid specifications for banking services are ready to be released. The new bid will be awarded to allow implementation July 1.

**ADJOURNMENT:** The meeting adjourned at 6:56 PM on motion by Mr. Snow. Motion carried 3-0.

Respectfully Submitted,  
Traci Cox

**COMMITTEE ON INSURANCE/AUDIT AND CLAIMS  
TUESDAY, FEBRUARY 12, 2019  
CITY HALL COUNCIL CHAMBERS**

**COMMITTEE MEMBERS PRESENT:** Ceri Otero, Brady Beckham, David Armstrong and Kirby Newport.

**OTHER COUNCIL MEMBERS:**

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

Chairperson Ceri Otero called the meeting to order at 5:30 P.M.

**OLD BUSINESS:**

**Approval of minutes from previous meeting:** On a motion by Mr. Armstrong, the minutes of the January 22, 2019 meeting were approved 4-0.

**Review and approval of the Claims Report:** The Committee discussed items regarding the Claims Report. Mr. Beckham moved to approve the claims. Motion carried 4-0.

**Consider and Discuss the job title of Parks Administrator:** A Council Bill was presented that repeals two sections of the Code to change the title to Parks and Recreation Director. Section 24 (c) also needs to be changed to reflect the new title. Mr. Newport moved to forward the Council Bill to council. Motion carried 4-0.

**NEW BUSINESS:**

**1. Consider and Discuss Lateral Recruitment/Employment Policy**

Mr. Short presented the Lateral Recruitment Policy. This policy will help with recruitment efforts by allowing flexibility to hire individuals with prior comparable employment experience at a rate higher than the initial step of the assigned range. Individuals can receive prior equivalent credited service at a rate of up to .5 years of credited service for every full time year of service provided to the former employer, up to a maximum of 10 years of credited service. Mr. Newport moved to recommend adopting the Lateral Recruitment Policy to council. Motion carried 4-0.

**2. Consider and Discuss Employee Dental Plan**

Ms. Cox reported quotes had been received from both Beimdiek Insurance Agency and Impact Benefits. The current dental provider is Guardian through Impact Benefits. Guardian was proposing a 9% rate increase for renewal. Previous plans that had a smaller network were not favorable among employees resulting in very low participation; therefore, rates and provider networks were considered. Mr. Newport moved to recommend to council the Delta Dental plan with zero deductible for both PPO and Premier networks and two-year rate guarantee. Motion carried 4-0.

**3. Staff Reports:**

Mr. Short reported on a possible adjustment to the per diem rates for travel expenses. Ms. Cox reported bids for banking services will be going out soon and will become effective July 1. The employee health fair will be held on April 16.

**ADJOURNMENT:** Mr. Armstrong made a motion to adjourn at 6:03 PM. Motion carried 4-0.

Traci Cox  
City Clerk

## PUBLIC SERVICES COMMITTEE

February 19, 2019  
Park Department Office  
521 Robert Ellis Young Drive

Public Services Committee Members Present; Brady Beckham, Juan Topete, James Harrison and Mike Daugherty.  
Member absent; None.

Staff Present; Tom Short, Alan Bull and Mark Peterson.

Non-Members Present; Ceri Otero.

At 5:16 P.M. Mr. Topete called the meeting to order.

**Mr. Daugherty moved to approve minutes from the January 17, 2018 meeting. Motion carried.**

Public participation

NONE

Old Business:

NONE

NEW BUSINESS:

1. Consider and discuss possible contract with YMAC for pool management- Mr. Bull reported he had included a copy of the proposed management contract for the next pool season. Mr. Bull pointed out that the YMCA had increased the amount by \$6,000. Mr. Bull explained this was due to the increase in the minimum wage. The Committee looked at what percentage the wage had increased versus what the percentage of the increase was. The Committee felt the increase was more than needed and that the contract amount should be lowered. Also mentioned was the fact that the "true up" clause had been removed. The Committee felt this was a good thing to have in the contract because it protected both groups. Mr. Bull stated he had included this item so it could be discussed and then if there were a need to make changes there would still be time to get it done before the pool opened. The Committee asked Mr. Bull to meet with the YMCA Director and ask to lower the contract amount by \$2,000. Mr. Bull stated he would do that and let the Committee know where it was headed.

2. Consider and discuss rate change for Memorial Hall- Mr. Short presented a possible change for several Memorial Hall rates. He stated the rates hadn't been changed since 2008 and he felt there needed to be some adjustments. Mr. Short stated that he thought the eight and twelve hour rates should be increased by \$25. Mr. Beckham asked how many long term rentals were at the Hall besides the license office. Mr. Beckham also asked about the operating costs of the Hall versus the revenue. The Hall is costing approximately \$173,000 to operate after revenue. Mr. Short stated one of the larger items is utilities due to the size of the building. Mr. Beckham wondered if there was anything that could be done to help with the heating and cooling costs. Mr. Short also reported on a water leak that the Public Works had tracked down and were able to by-pass. It seems there was about 400,000 gallons of water that had run into the well under the elevator and was pumped out by the sump pump.

**Mr. Daugherty moved to recommend to Council increasing the rates at Memorial Hall as presented. Motion carried.**

3. Consider and discuss possible grant application for certain capital projects- Mr. Bull reported that a local organization was having a new round of grant applications for projects under \$20,000. Mr. Bull stated he and Mr. Short had discussed possible projects that would meet the requirements of the grant. Mr. Bull felt that a good project would be the construction of two pickle ball courts. Mr. Bull stated he has been constantly asked about when the City would build some courts. Mr. Bull provided a proposed budget showing a total cost of \$14,350. This would include two courts, concrete, fencing, lights, nets and coating. Mr. Bull felt that there needed to be two courts at least and when building one the only increase to two is a little fencing and more concrete really. Mr. Daugherty asked if a motion would be needed. Mr. Short thought that all that was needed was direction from the Committee. The Committee was in full agreement for Mr. Bull to apply for the grant.

## STAFF REPORTS

### **City Administrator-Tom Short**

Mr. Short reported on golf revenue and rounds. Rounds were still above projections but revenue overall was down about ten percent. But January had actually been a pretty good month with revenues for the month exceeding the projected. Mr. Peterson also noted January being pretty good but warned February had just been terrible due to the weather. It seems there hasn't been a weekend this month with good weather. Mr. Peterson stated he would be coming to the next meeting with some ideas on rate changes, mostly on memberships. There are several things happening in our area that may cause us to make some adjustments this year. Mr. Topete asked Mr. Peterson if he had ever approached anyone in the Spanish community about the possibility of getting some interest in golf from that sector. Mr. Peterson stated he had not done that yet.

Mr. Short also reported applications had closed for the Park Director's position. Mr. Short stated he had received ten applications.

## **Park Administrator-Alan Bull**

Mr. Bull reported that there had been monies from the Civic Enhancement Fund that had run through Committee's and had been approved by Council for expenditure. Mr. Bull stated he had turned in a list of projects along with cost estimates. Mr. Bull wanted to run a couple of the items by the Committee just to make sure everyone was good with the expenditure. The first item was a motor and pump for Kellogg Lake. Mr. Bull explained that the old motor used to fill the Lake had expired and could no longer be rebuilt. Mr. Bull reported they had looked at all the places in Joplin and had only found two places that could get what would be needed. The other item is a drinking fountain for Central Park. This item would be paid for by money donated to the City for a certain fountain that had a Victorian look. Mr. Bull showed the Committee eight different quotes on the exact same fountain. The low price fell under the amount donated by \$285. The Committee had no problem with Mr. Bull proceeding with the purchase of these items.

Mr. Bull reported that during the cold weather of the last few weeks the maintenance people had been servicing and repairing all equipment.

Mr. Topete stated that he thought the City needed to take a hard look at building soccer fields for adults. Mr. Topete stated there used to be games at Fair Acres but they don't do that anymore due to some changes in how the fields are used. Mr. Topete felt the City was missing out on some tax revenues as there quite a few players from Carthage that were traveling to Monett, Joplin and Neosho to play in adult leagues. Mr. Topete thought Carthage could be capturing some of that play and bringing in some sales tax. Mr. Bull stated he had talked to Mr. Topete about this and thought what was really needed was a soccer complex. About four fields, restroom and concession building. This would take more property than some people might realize. And then when you add in parking it would need about twenty acres to make it correctly. Mr. Topete felt it would be a good project and maybe one of the local trusts would be interested in getting involved.

**Mr. Daugherty moved to adjourn. Motion carried.**

**Meeting adjourned at 6:40**

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# City of Carthage



## Public Safety Committee – Minutes

**Meeting Date:** February 21, 2019

**Meeting Location:** Carthage Fire Department

**Call to Order:** Chairman Harrison

**Time Called to Order:** 5:30pm

**Attendance:**

Chairman Harrison, Councilman Collier, Councilman Newport, Administrator Short, Chief Dagnan, Chief Williams

Citizen/Other: Morgan Housh, Ceri Otero, Joe Ellis, Kip Smith, David

**OLD BUSINESS**

Councilman Collier made the motion to accept the minutes from the previous meeting as written. Motion passed.

**CITIZEN PARTICIPATION**

1. Chief Dagnan spoke on the Art.A.Fair on behalf of Wendi Douglas. The organization, Council on Arts, is planning an Art.A.Fair on April 13<sup>th</sup> from 10:00 am to 5:00pm. They are requesting street closures including the inside of the Square, the south side of the Square, Main Street from 4<sup>th</sup> to 5<sup>th</sup> (both lanes), and the south side only of 4<sup>th</sup> Street. The council will be meeting with the Public Services committee as well. They also have event insurance for the event. Councilman Newport made a motion to approve the street closures on April 13<sup>th</sup> from 10:00am to 5:00pm for the Art.A.Fair. Motion passed.
2. Kip Smith and Joe Ellis spoke to the committee on holding a homemade boat race at Spring River in Kellogg Lake Park. The race will take place on Saturday July 20<sup>th</sup>. This event is being called the Carthage Paddle Battle. He would also like to have food trucks and beer garden, live music, and boat vote on Friday July 19<sup>th</sup>. Kip provided the committee with an overview of the event. The committee discussed the event and let Kip know that he will need to speak with the Public Services committee. He will also need to have event insurance before the event can take place. With the sale of beer on Friday night he would have to have at least two Carthage officers present and more depending on the size of the event. Kip would like the Fire Department to be present on the day of the race with the rescue boat in case of an emergency. Kip will come back to next month's Public Safety meeting to discuss in greater detail what roads they are requesting closed and any other details that will need approved. No motion was taken.

***Persons with disabilities who need special assistance – please contact the Fire Department at 417-237-7100, or the Police Department at 417-237-7200 at least 24 hours prior to the meeting.***

## **NEW BUSINESS**

1. The committee discussed the MOU between Office of State Courts Administrator (OSCA) and the Carthage Municipal Division of Jasper County for participation in the Debt Collection Program and Tax Offset Program. In order to participate in the program, it is required to have this MOU. OSCA requires there be a separate MOU for the tax intercept and the debt collection program. This has been discussed in the previous meeting. A copy of the MOU is attached. Councilman Newport made a motion to take the MOU to full council for vote. Motion passed.
2. Chief Williams spoke with the committee on some equipment to be declared surplus. He has 13 bunker coats, 16 bunker pants, and 15 SCBA units. Councilman Newport made a motion to present to full council for a resolution to declare the items surplus. Motion passed.
3. Staff Reports
  - a. Police
    - i. The CPD and CFD held a radio installation, firmware, and programming check on the NexEdge radios, both mobiles or portables on Wednesday February 20<sup>th</sup>. Multiple agencies participated.
  - b. Fire
    - i. Chief Williams spoke with the committee on Station 2

## **ADJOURNMENT**

Councilman Newport made a motion to adjourn. Motion passed.

**Next Meeting Date: March 18, 2019**

**Next Meeting Location: Carthage Police Department**

***Persons with disabilities who need special assistance – please contact the Fire Department at 417-237-7100, or the Police Department at 417-237-7200 at least 24 hours prior to the meeting.***

***MINUTES  
SPECIAL  
COMMITTEES  
AND BOARDS***

The Carthage Public Library Board of Trustees Meeting Minutes – January 8, 2019

The Carthage Public Library Board of Trustees met Tuesday, January 8, 2019 in the Carthage Public Library Community Room. The meeting was called to order at 5:10 pm by Peggy Ralston, President.

### **Roll Call**

Board members present were Peggy Ralston, Gary Cole, Miriam Putnam, Donna Maggard and Justin Baucom. Also present were Library Director Julie Yockey and Judy Welch. Also present was Alan Snow from the Carthage City Council.

### **Minutes of Last Meeting**

There were no changes to the Minutes of the last regular meeting. A motion to approve the Minutes of the regular session of December 11, 2018 was made by Miriam Putnam and seconded by Justin Baucom. Motion passed unanimously.

### **Financial Report**

Attached. December 2018 financials were presented. Julie reported there is \$200,000 property tax projected and that investments have grown to almost at \$4,000. Gary Cole moved to accept the December 31, 2018 Year End Financials. Justin Baucom seconded. Motion passed unanimously.

### **Director's Progress and Service Report**

Attached. Julie spoke highly of Lupeta and her husband and their danger of being deported. The staff received professional development on December 20. The speaker came from the Daniel Boone Library in Columbia. Julie introduced two of the Library employees: Deborah Whitmore, who was honored as "Employee of the Year" and Jerry Welch. Jerry is our custodian, and man of all talents as well as our groundskeeper & gardener.

All calendars and schedules are changing to Google. The Steadley grant has not been funded. The Trust Advisor is "interested and wants more information" before the grant can be funded. There are plans to meet and review the specifics of the request before April.

### **President's Message**

Peggy remarked that Vice-President, Sandy Swingle will preside at the February 12, 2019 meeting.

### **Council Liaison's Report**

Alan Snow reported that the Council was entering into the Budget Session in February with an April Budget hearing. The final Budget will be approved at the June meeting.

### **Committee Reports**

Building Committee – No report

Budget Committee – No report

Community Relations – No Report

By-Laws – No report

Library Gardens – No Report

ADA Compliance – No report

Communications – No report

**Unfinished Business** – No report

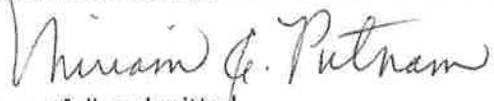
**New Business** - None

**Payment of Bills**

Peggy Ralston reported that she had received the bills and that they could be paid. Gary Cole moved to pay the bills with a second by Miriam Putnam. Motion passed unanimously.

**Adjournment**

With no further business, Gary Cole made a motion to adjourn. Donna Maggard seconded. Motion passed unanimously. Meeting adjourned at 5:48 pm.

  
Respectfully submitted,

Miriam Putnam

Secretary Pro Tem

MINUTES  
CARTHAGE TREE BOARD

February 13, 2019  
5:15 P.M.  
Park Department Office

Tree Board Members Present; Robert Balek, Noah Smith, Bryan Stringer and Dale Hopp.  
Tree Board Members Absent: Cody Smith.  
Non-Members Present; Alan Bull, Juan Topete, and Jon Skinner.

Meeting was called to order at 5:17.

A) Consider and discuss tree seminar – Mr. Skinner asked several questions in regards to what is available at the meeting room for the seminar. Mr. Bull and Mr. Smith reported on the sound system, the drop down screen and computer. Mr. Bull stated that Lorie had asked about these things and had forwarded the information to the speakers. Mr. Skinner explained how he thought the tables should be arranged and how many spaces we might need. Mr. Bull reported that with speakers and attendees there were at least 24 people. Mr. Skinner felt we should have agendas copied and placed on all the tables. There were discussions on food, snacks, name tags and other miscellaneous things associated with the seminar. Also there was some discussion as to how speakers were to be introduced. Mr. Bull stated he would have Lorie try to get that information ahead of time.

B) Consider and discuss 2019 Arbor Day Celebration- Mr. Bull reported the school was still onboard for the Arbor Day Celebration but a for sure date still needed to be set. This year it will be fifth graders instead of fourth and there will be many more kids. Mr. Bull stated the seedlings were ordered some time ago and would be here on time. Mr. Bull stated he would have Lorie get back with the school and push to get a date.

Mr. Skinner asked about the proposed changes to the Tree Ordinance. Mr. Bull stated it was still not finalized but should be ready soon. Mr. Topete asked if he could be sent a copy of the proposed Ordinance.

Mr. Stringer asked about the CW&EP Tree Line program. Mr. Skinner stated the utilities planted trees in the City for their program. Mr. Stringer asked about a program that allowed citizens to insert different trees in a program and see what they would look like on their property. Mr. Skinner agreed it was a neat system but it was expensive and would have to be paid for the utility.

**Meeting adjourned 5:47**

# CWEP BOARD MEETING MINUTES

February 21, 2019

The Carthage Water & Electric Plant Board met in regular session February 21, 2019, 4:00 p.m. at the CWEP Office, 627 W Centennial, Carthage, MO.

**Board:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Pat Goff - President        | <input checked="" type="checkbox"/> G. Stephen Beimdiek - Member |
| <input checked="" type="checkbox"/> Neel Baucom -Vice President | <input checked="" type="checkbox"/> Brian Schmidt – Member       |
| <input checked="" type="checkbox"/> Danny Lambeth -Secretary    | <input type="checkbox"/> Ron Ross - Member                       |
| <input checked="" type="checkbox"/> Darren Collier -Liaison     |  |

**Staff:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Chuck Bryant-General Manager            | <input checked="" type="checkbox"/> Jason Choate-Director of Water Services    |
| <input checked="" type="checkbox"/> Cassandra Ludwig-General Counsel        | <input checked="" type="checkbox"/> Kelli Nugent/CFO                           |
| <input checked="" type="checkbox"/> Jason Peterson-Director IT & Broadband  | <input checked="" type="checkbox"/> Kevin Emery-Director of Power Services     |
| <input checked="" type="checkbox"/> Megan Stump- Executive Assistant        | <input checked="" type="checkbox"/> Stephanie Howard-Director of Business & ED |
| <input checked="" type="checkbox"/> Meagan Milliken-Customer Relations Mgr. |  |

President Goff called the meeting to order at 4:00 p.m.

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

**APPROVAL OF MINUTES:**

A motion by Lambeth and seconded by Beimdiek to approve the minutes of the regular meeting of January 17, 2019 as presented passed unanimously.

**APPROVAL OF DISBURSEMENTS:**

A motion by Baucom and seconded by Schmidt to approve disbursements for January in the amount of \$3,808,362.82 passed unanimously.

**FINANCIAL STATEMENT:**

CFO Nugent presented the financials for November noting that the net income for the month was ahead of budget by approximately \$133,000 and prior year by approximately \$157,000. She noted that for the year to date the utility is ahead of budget by approximately \$1,504,000 and ahead of prior year by approximately \$469,000.

A motion by Beimdiek and seconded by Baucom to approve January financials passed unanimously.

**COMMITTEE REPORTS:** None.

**CITIZEN'S PARTICIPATION PERIOD:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**RECOMMENDATION OF WATER MAIN REPLACEMENT ON CLAXTON AVE.**

General Manager Bryant recommended Asbell Excavating & Trucking of Carl Junction, Missouri be selected for the water line replacement work on Claxton Avenue as the lowest bidder in the amount of \$195,958.00, as this qualified vendor appears to be capable of performing the work specified.

A motion by Lambeth and seconded by Schmidt to accept the selection of Asbell Excavating & Trucking of Carl Junction, Missouri for water line replacement work on Claxton Avenue passed unanimously.

**CONSIDERATION OF REVISION OF CWEP INVESTMENT POLICY**

CFO Nugent noted the revisions to the investment policy are very minor, nothing majorly changed. She reported the revisions for the most part are some language adjustments. The policy is in line with the MO State Treasurer's Model Investment Policy.

A motion by Beimdiek and seconded by Baucom to approve the revision of the CWEP investment policy passed unanimously.

**CONSIDERATION OF REVISION OF CWEP POLICY REGARDING WORKER'S COMPENSATION**

General Counsel Ludwig reported revisions to the worker's compensation policy is something we have needed, we have always had this policy we just needed it wrote down somewhere. She added that the goal was to keep the policy concise but to get the point across.

A motion by Lambeth and seconded by Baucom to approve the revision of the CWEP policy regarding worker's compensation passed unanimously.

**CONSIDERATION OF REVISION OF CWEP POLICY REGARDING EMPLOYEE SICK LEAVE**

General Manager Bryant reported the revisions to the CWEP policy regarding employee sick leave are very minor. He added that the revisions are mainly some language changes, the policy itself is still the same.

A motion by Beimdiek and seconded by Baucom to approve the revision of the CWEP policy regarding employee sick leave passed unanimously.

### **CONSIDERATION OF MUTUAL AID POLICIES**

General Counsel Ludwig reported that we have added a mutual aid policy to our handbook, this policy has two parts, mutual aid assistance and mutual aid reimbursements. The policy states what the employee can expect to be paid, she noted that the rates are industry standard. Ludwig added that having this mutual aid policy will make getting our money faster and easier.

A motion by Baucom and seconded by Lambeth to approve the consideration of mutual aid policies passed unanimously.

### **CONSIDERATION OF POLICY REGARDING SECURITY DEPOSITS**

General Counsel Ludwig noted the policy regarding security deposits is just putting into paper format the rules to which we already follow.

A motion by Lambeth and seconded by Beimdiek to approve the policy regarding security deposits passed unanimously.

### **CONSIDERATION OF POLICY REGARDING BILLING ADJUSTMENTS**

General Counsel Ludwig noted the policy regarding billing adjustments lets us go back a year if we have over-billed or under-billed. She noted that 1 year for both under and over billing seemed to be the most common according to the APPA Listservs. Ludwig added that this problem doesn't happen very often but having a policy in writing will help in the future for this kind of situation.

A motion by Beimdiek and seconded by Baucom to approve the consideration of the policy regarding billing adjustments passed unanimously.

**BOARD MEMBER COMMENTS:** President Goff wanted to commend some of our employees on going the extra mile for a customer whose house burned down. He noted that Ron Miller, Elvis Castor and Aaron Adams were on the scene. Ron Miller, one of CWEP's powerplant dispatchers, had a pair of overalls he loaned to the owner of the home that was on fire. Elvis Castor, CWEP's electric inspector, supplied his personal generator and helped the home owner water his cattle. Aaron Adams, CWEP's Communications field technician foreman, was a neighbor on the scene willing to lend a helping hand.

## **STAFF REPORTS:**

General Manager Bryant noted it has been a couple busy months with the winter weather, CWEP's vegetation management has done a great job to keep us in a position with very minimal outages this winter. Bryant reported that CWEP has received 1820 MWh of supplemental power from SPA in January compared to a 17-year January average of 529 MWh. Bryant announced that electric crews have been installing new streetlights along Annie Baxter west of Lowe's. Electric crews will continue to make streetlight improvements along Grand, Fairlawn, and Garrison from Fir Road to Fairview. Bryant noted that our Collections crew cleaned nearly 23,000 ft of sewer mains and videoed 1425 ft. He added the Wilson lift station was cleaned using our Vac truck to vacuum out the sludge in the bottom of the wet well. GM Bryant reported that Director of Water Services Choate has been working on a water salesman setup for bulk water sales, this station would have a credit card swiper to collect payment and eliminate the need for us to tie up staffing to fill customers. Bryant announced that our FTTH internet service is now available to 724 homes. GM Bryant reported that our HR manager has been very busy the past few months with over 300 applications and two new hires for the SCADA position and the Customer Service Representative position, he acknowledged that he is excited about the two new hires and thinks they will be a good fit to CWEP.

Director of Water Services Choate reported that TREKK began smoke testing of Basin 4, the basin included 100,000 ft of pipe. As expected, many defects have been identified including several sump pumps attached to our system. These will require coordination with Public Works to address.

At 5:26 the meeting adjourned.

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President – G. A. Pat Goff

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Secretary – Danny Lambeth

***AGENDAS  
STANDING  
COMMITTEES***

PUBLIC SERVICES COMMITTEE  
TUESDAY FEBRUARY 19, 2019  
5:30 P.M.  
PARK DEPARTMENT OFFICE  
521 ROBERT ELLIS YOUNG DRIVE

**Old Business**

1. Consideration and approval of minutes from previous meeting

**CITIZENS PARTICIPATION**

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

**New Business**

1. Consider and discuss possible contract with YMCA for pool management.
2. Consider and discuss possible rate changes for Memorial Hall.
3. Consider and discuss possible grant application for certain capital projects.

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: 02/15/2019 @ 11:10 AM

By: TC

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# City of Carthage



## NOTICE OF MEETING Public Safety Committee – Agenda Thursday February 21, 2019 5:30 p.m. Carthage Fire Department 401 W Chestnut, Carthage MO 64836

### TENTATIVE AGENDA

#### OLD BUSINESS

1. Consideration and approval of minutes from previous meeting.

#### CITIZEN PARTICIPATION

1. Consider and discuss road closure for Art.A.Fair on April 13<sup>th</sup> – Wendi Douglas
2. Consider and discuss Kellogg Lake homemade boat race – Joe Ellis

#### NEW BUSINESS.

1. Consider and Discuss an MOU between Office of State Courts Administrator and the Carthage Municipal Division of Jasper County for participation in the Debt Collection Program and Tax Offset Program.
2. Consider and Discuss Fire Department surplus equipment
3. Staff Reports.
  - a) Police Department
  - b) Fire Department

#### 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: 2-20-19 @ 4:11 pm  
BY: *m*

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS

February 26, 2019

5:30 PM

Carthage City Hall

Agenda

**Old Business**

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

**Citizens Participation**

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

**New Business**

1. Staff Reports
2. Consider and discuss possible amendment to Section 805 (06) of the Personnel Policy Manual of the City of Carthage regarding Meals and Per Diem expenses.

**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***

CARTHAGE TREE BOARD

WEDNESDAY, FEBRUARY 13, 2019  
5:15 P.M.

CARTHAGE PARK DEPARTMENT  
MUNICIPAL PARK

TENTATIVE AGENDA

1. Consider and discuss tree seminar
2. Consider and discuss Arbor Day
3. Any 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: \_\_\_\_\_

**John Bartosh**  
*Presiding Commissioner*

**Tom Flanigan**  
*Eastern District Commissioner*

**Daricus K. Adams**  
*Western District Commissioner*

# JASPER COUNTY COMMISSION



302 S. Main ST  
Carthage, MO 64836

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

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

COMMISSION AGENDA  
FEBRUARY 19, 2019  
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
  - ◊ **Randy Evans-Present LEST Grant Board Recommendations**
  - ◊ **Don Melton-Webb City Police Chief-Present Radio Repeater Project**
5. REPORTS AND COMMUNICATIONS
6. ELECTED OFFICIALS/CITIZENS REQUESTS
7. COMMISSIONER'S REPORTS
8. UNFINISHED BUSINESS
9. NEW BUSINESS
  - ◊ **Approve Contract for the Purchase of 602 Pearl**
  - ◊ **Approve the Contracts with Olsson Associates for Services for 2019**
  - ◊ **Approve Temporary Construction Easement with the City of Joplin for Sidewalk Improvement Project**
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 FEBRUARY 15, 2019 AT 4:00 P.M.

(RSMO 610.020)

# CITY OF CARTHAGE

Planning, Zoning, and Historic  
Preservation Commission

## AGENDA

Date of Meeting: **2/20/2019**

Place: **City Hall Chambers  
326 Grant St.**

Time: **5:15 pm**



### To Consider the following items:

- 1. Requested by:** Shawn Meister **Request type:** Annexation  
**Project Location:** 2835 Grand Ave and Lot adjacent (west) **Reason for Hearing:** Request is for annexation

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- 2. Requested by:** Shawn Meister **Request type:** ReZoning  
**Project Location:** 2835 Grand Ave and Lot adjacent (west) **Reason for Hearing:** Request (contingent upon annexation approval) to rezone property from 'A' First Dwelling to 'E' General Business

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- 3. Requested by:** **Request type:**  
**Project Location:** **Reason for Hearing:**

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- 4. Requested by:** **Request type:**  
**Project Location:** **Reason for Hearing:**

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- 5. Requested by:** **Request type:**  
**Project Location:** **Reason for Hearing:**

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### Commission Members

<b>Voting Members:</b>	Chairman	Harry Rogers	1350 S Main St	417-358-4527
	Vice Chairman	Abi Almandinger	1220 S Main	417-793-6589
	Secretary	Bill Barksdale	1314 S Garrison	417-388-2464
	Member	Mark Elliff	1511 Grand	417-358-3613
	Member	Levi Utter	502 E Centennial	417-540-6565
	Member	Vacant	Vacant	Vacant
	Member	Jim Swatsenbarg	601 Howard	417-358-1690

<b>Non-Voting Members:</b>	Mayor	Dan Rife	City Hall	417-237-7003
	Councilmember			
	City Administrator	Tom Short	City Hall	417-237-7003

<b>Staff:</b>	Public Works Director	Zeb Carney	Public Works Department	417-237-7010
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Posted: 02/06/2019 @ 2:05 PM  
TC



## AGENDA

Notice is hereby given that the Carthage Water & Electric Plant Board will meet February 21, 2019, 4:00 p.m. at the CWEP Complex, 627 W. Centennial, Carthage. The tentative agenda of the regular meeting includes:

### ADDITIONS TO THE AGENDA

APPROVAL OF THE BOARD MINUTES: January 2019

APPROVAL OF DISBURSEMENTS: January \$3,808,362.82

FINANCIAL STATEMENT: January

### COMMITTEE REPORTS

CITIZENS PARTICIPATION PERIOD:

OLD BUSINESS: None.

### NEW BUSINESS:

1. Recommendation of water main replacement on Claxton Ave.
2. Consideration of revision of CWEP Investment Policy
3. Consideration of revision of CWEP Policy regarding worker's compensation
4. Consideration of revision of CWEP policy regarding employee sick leave
5. Consideration of mutual aid policies
6. Consideration of policy regarding security deposits
7. Consideration of policy regarding billing adjustments

### STAFF REPORTS

### BOARD MEMBER COMMENTS

Persons with disabilities who need special assistance may call 417-237-7300 or 1-800-735-2466 (TDD via Relay Missouri) at least 24 hours prior to meeting.

Representatives of the news media may obtain copies of this notice by contacting:  
Megan Stump, P O Box 611 Carthage, MO 64836 417-237-7300

Posted: 02/19/2019 @ 4:40 PM  
TC

# ***CORRESPONDENCE***

**Carthage Public Library  
Balance Sheet - Cash basis  
January 31, 2019**

**Assets**

<b>Current Assets</b>	
Cash in bank - treasurer's cash	\$ 335,501.33
Cash in bank - Simmons Bank	21,339.94
Cash on hand - circulation desk	100.00
Cash on hand - Internet desk	40.00
Petty cash	120.00
Prepaid expense	14,314.58
MOSIP Investment	454,522.86
<b>Total Current Assets</b>	<u>825,938.71</u>
 <b>Total Assets</b>	 <u>\$ 825,938.71</u>

**Liabilities and Net Assets**

<b>Net Assets</b>	
Unrestricted Net Assets	\$ 469,365.24
Temporarily Restricted Net Assets:	
Boylan Grant	6,327.80
Carthage Community Foundation	2,943.26
CPL Development Foundation	13,853.21
Debbie Putnam - Ebooks	32,739.74
Library Gardens	7,159.87
Rading to Read Grant - 2018	(2,106.00)
Rading to Read Grant - 2019	(465.00)
Rading to Read Grant - Local - 2018	307.42
Rading to Read Grant - Local - 2019	3,283.91
Spotlight on Literacy Grant - MOSL - 2018	(2,477.50)
Spotlight on Literacy Grant - MOSL - 2019	(175.00)
Spotlight on Literacy Grant - Local - 2018	9,675.14
Spotlight on Literacy Grant - Local - 2019	17,083.25
Steadley Trust	47,641.68
Summer reading program - Local	167.15
Summer reading program - MOSL grant	2,835.82
Thelma Stanley Foundation Grant	10,000.00
Operational reserves	195,998.47
Change in net assets	11,780.25
<b>Total Net Assets</b>	<u>825,938.71</u>
 <b>Total Liabilities and Net Assets</b>	 <u>\$ 825,938.71</u>

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and seven months ended January 31, 2019**

	2019		2019		2019		Annual	
	Month Actual	Monthly Budget	Monthly Variance	Year to date	Annual Budget	Annual Variance		
Revenue	\$	\$	\$	\$	\$	\$	\$	\$
Book sale income	122.50	250.00	(127.50)	1,019.95	3,000.00	(1,980.05)		
Copier income	483.80	583.34	(99.54)	4,364.60	7,000.00	(2,635.40)		
Donations	168.55	0.00	168.55	44,695.61	0.00	44,695.61		
Donations-restricted	1,500.00	625.00	875.00	27,840.48	7,500.00	20,340.48		
Fax income	114.80	83.34	31.46	947.45	1,000.00	(52.55)		
Fine income	659.98	500.00	159.98	4,393.42	6,000.00	(1,606.58)		
Interest income	1,063.52	166.67	896.85	5,500.35	2,000.00	3,500.35		
Non-resident fee income	560.00	666.67	(106.67)	4,480.00	8,000.00	(3,520.00)		
Payment for lost books	92.94	27.78	65.16	485.41	333.33	152.08		
Postage income	2.00	27.78	(25.78)	18.00	333.33	(315.33)		
State aid	3,519.39	750.00	2,769.39	7,548.46	9,000.00	(1,451.54)		
Sur tax	20.44	1,000.00	(979.56)	20.44	12,000.00	(11,979.56)		
Tax income	191,298.94	16,916.67	174,382.27	194,157.84	203,000.00	(8,842.16)		
Tax income - Park and storm water	34,745.82	37,588.42	(2,812.60)	269,295.41	450,701.00	(181,405.59)		
Other income	176.40	27.78	148.62	5,522.71	333.34	5,189.37		
Total revenue	234,529.06	59,183.45	175,345.63	570,290.13	710,201.00	(139,910.87)		

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and seven months ended January 31, 2019**

	2019 Month Actual	Monthly Budget	Monthly Variance	2019 Year to date	Annual Budget	Annual Variance
<b>Operating Expenses</b>						
Salaries	33,808.63	39,000.00	5,191.37	262,553.83	468,000.00	205,446.17
Lagers	1,619.15	1,581.83	(37.32)	12,121.94	18,982.00	6,860.06
Insurance - health	549.59	416.66	(132.93)	4,092.60	5,000.00	907.40
Payroll taxes - FICA	2,586.34	2,983.50	397.16	20,090.37	35,802.00	15,711.63
Total payroll expenses	38,563.71	43,981.99	5,418.28	298,858.74	527,784.00	228,925.26
Employee goodwill	399.25	250.00	(149.25)	2,235.57	3,000.00	764.43
Advertising	200.00	166.66	(33.34)	414.00	2,000.00	1,586.00
Audio-visuals	62.88	333.33	270.45	705.47	4,000.00	3,294.53
Books	2,537.33	2,500.00	(37.33)	19,704.80	30,000.00	10,295.20
Books - children's	850.45	1,250.00	399.55	6,195.45	15,000.00	8,804.55
Contract fees	1,896.95	3,083.33	1,186.38	23,909.54	37,000.00	13,090.46
Dues and travel	724.20	833.33	109.13	5,173.53	10,000.00	4,826.47
Ebooks	0.00	291.66	291.66	3,200.00	3,500.00	300.00
Furniture and equipment	1,902.65	1,159.75	(742.90)	10,197.47	13,917.00	3,719.53
Information technology (IT)	500.17	583.33	83.16	3,547.74	7,000.00	3,452.26
Insurance	0.00	1,750.00	1,750.00	25,553.25	21,000.00	(4,553.25)
Legal and professional	1,500.00	583.33	(916.67)	5,600.00	7,000.00	1,400.00
Periodicals	58.00	500.00	442.00	3,867.73	6,000.00	2,132.27
Postage	149.41	125.00	(24.41)	815.61	1,500.00	684.39
Programs - adult	306.72	291.66	(15.06)	1,263.91	3,500.00	2,236.09
Programs - children	1,193.66	1,083.33	(110.33)	5,162.41	13,000.00	7,837.59
Programs, teens	0.00	83.33	83.33	38.75	1,000.00	961.25
Repairs and maintenance	5,167.83	9,166.66	3,998.83	109,703.19	110,000.00	296.81
Supplies	1,994.03	2,083.33	89.30	11,829.25	25,000.00	13,170.75
Telephone	552.22	333.33	(218.89)	2,592.22	4,000.00	1,407.78
Utilities	3,336.23	2,916.66	(419.57)	17,941.25	35,000.00	17,058.75
Total expenses and losses	23,331.98	29,368.02	6,036.04	259,651.14	352,417.00	92,765.86
	61,895.69	73,350.01	11,454.32	558,509.88	880,201.00	321,691.12

See accountant's compilation report.

**Carthage Public Library**  
**Statements of Income and Other Changes in Net Assets - Cash basis**  
**For the one month and seven months ended January 31, 2019**

	2019 Month Actual	Monthly Budget	Monthly Variance	2019 Year to date	Annual Budget	Annual Variance
Increase/(Decrease) in unrestricted net assets before transfers	172,633.39	(14,166.56)	186,799.95	11,780.25	(170,000.00)	181,780.25
Transfers from temporary restricted	3,860.30	14,166.67	(10,306.37)	79,092.07	170,000.00	(90,907.93)
Transfers to temporary restricted	(1,500.00)	0.00	(1,500.00)	(27,801.53)	0.00	(27,801.53)
Increase/(Decrease) in unrestricted net assets	174,993.69	0.11	174,993.58	63,070.79	0.00	63,070.79
<b>Changes in temporarily restricted net assets</b>						
Racing to Read Grant - 2018	0.00			2,026.00		
Racing to Read Grant - 2019	0.00			3,237.00		
Racing to Read Grant - Local - 2019	0.00			10,000.00		
Spotlight on Literacy Grant - MOSL - 2018	0.00			2,206.25		
Spotlight on Literacy Grant - MOSL - 2019	0.00			3,500.00		
Spotlight on Literacy Grant - Local - 2018	0.00			(10,000.00)		
Spotlight on Literacy Grant - Local - 2019	0.00			10,000.00		
Summer reading program	0.00			(27.25)		
Summer reading program - Local - 2019	1,500.00			1,500.00		
Summer reading program - MOSL grant	0.00			5,359.53		
Boylan Grant	0.00			(215.13)		
Carthage Community Foundation	0.00			(2,943.26)		
CPL Development Foundation	0.00			(2,250.00)		
Library Gardens	(200.89)			(1,732.11)		
Racing to Read Grant - 2018	0.00			80.00		
Racing to Read Grant - 2019	(2,482.21)			(4,009.71)		
Racing to Read Grant - Local - 2018	0.00			(307.42)		
Racing to Read Grant - Local - 2019	710.32			(2,205.37)		
Spotlight on Literacy Grant - MOSL - 2018	0.00			271.25		
Spotlight on Literacy Grant - MOSL - 2019	(718.75)			(6,462.50)		
Spotlight on Literacy Grant - Local - 2018	0.00			324.86		
Spotlight on Literacy Grant - Local - 2019	(1,168.77)			(8,095.57)		
Steadley Trust	0.00			(45,000.00)		
Summer reading program	0.00			(307.05)		
Summer reading program - MOSL grant	0.00			(3,253.02)		
Thelma Stanley Foundation Grant	0.00			(2,987.04)		
Increase/(Decrease) in temporarily restricted net assets	(2,360.30)			(51,290.54)		
<b>Change in net assets</b>	\$ 172,633.39			\$ 11,780.25		

See accountant's compilation report.

**Carthage Public Library  
Gift Account Activity  
For the one month and seven months ended January 31, 2019**

	Beginning Balance	Increases	Decreases	Ending balance
Boylan Grant	\$ 6,327.80	\$ 0.00	\$ (215.13)	\$ 6,112.67
Carthage Community Foundation	2,943.26	0.00	(2,943.26)	0.00
CPL Development Foundation	13,853.21	0.00	(2,250.00)	11,603.21
Debbie Putnam - Ebooks	32,739.74	0.00	0.00	32,739.74
Library Gardens	7,159.87	0.00	(1,732.11)	5,427.76
Racing to Read Grant - 2018	(2,106.00)	2,026.00	80.00	0.00
Racing to Read Grant - 2019	(465.00)	3,237.00	(4,009.71)	(1,237.71)
Racing to Read Grant - Local - 2018	307.42	0.00	(307.42)	0.00
Racing to Read Grant - Local - 2019	3,283.91	10,000.00	(2,205.37)	11,078.54
Spotlight on Literacy Grant - MOSL - 2018	(2,477.50)	2,206.25	271.25	0.00
Spotlight on Literacy Grant - MOSL - 2019	(175.00)	3,500.00	(6,462.50)	(3,137.50)
Spotlight on Literacy Grant - Local - 2018	9,675.14	(10,000.00)	324.86	0.00
Spotlight on Literacy Grant - Local - 2019	17,083.25	10,000.00	(8,095.57)	18,987.68
Steadley Trust	47,641.68	0.00	(45,000.00)	2,641.68
Summer reading program - Local	167.15	(27.25)	(307.05)	(167.15)
Summer reading program - Local - 2019	0.00	1,500.00	0.00	1,500.00
Summer reading program - MOSL grant	2,835.82	5,359.53	(3,253.02)	4,942.33
Thelma Stanley Foundation Grant	10,000.00	0.00	(2,987.04)	7,012.96
Operational reserves	195,998.47	0.00	0.00	195,998.47
<b>Totals</b>	<b>\$ 344,793.22</b>	<b>\$ 27,801.53</b>	<b>\$ (79,092.07)</b>	<b>\$ 293,502.68</b>

See accountant's compilation report.  
0

**Carthage Public Library  
Check register**

January 1, 2019 - January 31, 2019

Date	Reference	Description	Amount
<b>Cash in bank - Simmons Bank</b>			
01/04/19		Impound Payment - Tax Agent	250.00
01/04/19		Impound Payment - Firm Vendor	121.80
01/04/19	32493	Internal Revenue Service	3,316.86
01/07/19	TASCINSURAN CE	TASC DIRECT PAY	354.00
01/08/19	32470	Alice Greenwood-Mathe	400.00
01/08/19	32471	Baker & Taylor	295.53
01/08/19	32472	Bloom Boutique	13.00
01/08/19	32473	Carrier Corporation	1,088.50
01/08/19	32474	Carthage Press	200.00
01/08/19	32475	Carthage Water & Electric	2,897.08
01/08/19	32476	Florette By Countryside	32.46
01/08/19	32477	Gale	241.73
01/08/19	32478	Great America Financial Services	287.53
01/08/19	32479	Julie Yockey	171.20
01/08/19	32480	Lakeland Office Systems, Inc.	102.23
01/08/19	32481	Sam's Club MC/SYNCB	1,776.48
01/08/19	32482	Schmidt Associates P.C.	55.00
01/08/19	32483	Unique Management Services, Inc.	44.75
01/08/19	32484	Sherri Luce	235.40
01/08/19	32485	MOBIUS	160.42
01/18/19		Impound Payment - Tax Agent	262.00
01/18/19		Impound Payment - Firm Vendor	121.80
01/18/19	32686	Internal Revenue Service	3,377.91
01/22/19	TASCINSURAN CE	TASC DIRECT PAY	195.59
01/24/19	32486	4 State Maintenance Supply, Inc.	122.70
01/24/19	32487	AFLAC	866.52
01/24/19	32488	Amazon	225.33
01/24/19	32489	AT&T	83.55
01/24/19	32490	Baker & Taylor	712.01
01/24/19	32491	Four State Office Products and Interiors	72.76
01/24/19	32492	Gale	357.96
01/24/19	32493	Greenscape	200.89
01/24/19	32494	Homefront Pest Protection	100.00
01/24/19	32495	Houchen Blindery	474.75
01/24/19	32496	Lowe's Business Acct/GECRB	8.51
01/24/19	32497	Mid America Books	840.10
01/24/19	32498	Petty Cash	17.00
01/24/19	32499	Recorded Books	154.23
01/24/19	32500	Red Bud Sales and Service	104.80
01/24/19	32501	RMC Imaging, Inc.	825.00
01/24/19	32502	Schmidt Associates P.C.	87.00
01/24/19	32503	Sherri Luce	235.40
01/24/19	32504	Sherwin-Williams	117.88
01/24/19	32505	Spire	439.15
01/24/19	32506	Total Electronics Contracting Inc.	378.95
01/24/19	32507	VISA Card Services	1,353.87
01/24/19	32508	Voya Financial	145.46
01/31/19	32509	Baker & Taylor	279.38
01/31/19	32510	Carrier Corporation	3,060.00
01/31/19	32511	DEMCO	40.85
01/31/19	32512	Four State Office Products and Interiors	23.49
01/31/19	32513	Great America Financial Services	181.14
01/31/19	32514	Jerry Welch	20.87
01/31/19	32515	Judy Welch	11.24
01/31/19	32516	KPM CPA	1,500.00
01/31/19	32517	Lowe's Business Acct/GECRB	207.69

**Carthage Public Library**

**Check register**

January 1, 2019 - January 31, 2019

<b>Date</b>	<b>Reference</b>	<b>Description</b>	<b>Amount</b>
01/31/19	32518	Sam's Club MC/SYNCB	2,850.57
01/31/19	LAGERS-PMT	MO Lagers Payment Payroll Deductions January 2019	2,438.95
01/31/19	P89	Payroll Journal Entry	27,356.42
		<b>Total demand</b>	<u>61,895.69</u>

Director's Progress and Service Report  
February 2019, Julie Yockey, Director

We have received word that our request to the Missouri State Library in the amount of \$10,000 has been accepted for our Summer Reading Program. Thank goodness, and thanks also goes to the Library Development Foundation for their donation of \$1,500. We also received a donation from the Literacy Council of Carthage in the amount of \$1,000. The state grant funds extra staff that are needed during the summer, as well as money for advertising and programing. Monies from local entities helps us provide rewards, books and incentives to participants. The theme for this years' program is "A Universe of Stories."

The library has been enjoying a nice steady winter, with 88 new library card holders in January. Bi lingual and English Story Times are ongoing, as well as our adult English and Naturalization classes. On January 24<sup>th</sup> the library, in collaboration with Head Start hosted families for a tour of the library. A time where they could see all that we have to offer their children as well as themselves. Pat Wakefield was on hand as our translator while Sherri Luce gave the tour to families. Pat sparked interest in many people about our Naturalization classes!

On February 22<sup>nd</sup>, I attended the Southwest Missouri Library Director's meeting in Pineville Missouri. We had a going away party for our dear friend Jacque Gage as she ended her career with the Joplin Public Library. We also heard updates from each library director who was in attendance. All libraries are concerned about the new minimum wages law which has gone into effect. The increase in funds that will be required has caused a great deal of discussion state wide in the public library realm. We are all of the same thought that in order to retain our wonderful staff we have in place, we must be able to pay them the minimum wage, and for most libraries this is a huge hardship. Some are already talking about cutting staff, decreasing hours of operation, passing a sales tax or closing branches. The Barry Lawrence Library has closed its' Purdy branch and Miller is on the list to be next. I reported to the group that state wide, sales tax revenue is down about 6 %. These are concerns which relate in some way to all of us.

The Library Development Foundation will be holding a "Fun Walk" fundraiser on May 4<sup>th</sup>. This is their first attempt in quite a few years to raise money for the library, and we hope it goes well. All funds will go towards Summer Reading. I have worked with them on a grant to help provide funds for needed advertising and rewards for the "Walk."

This is the time of the year when our politicians are working on the budget for the following year. I will be attending the "Eggs and Issues" event on February 15<sup>th</sup>, here in Carthage. It is a great opportunity to meet and visit with all of our Representatives, Senators and local politicians. I will be in Jefferson City working at the Capitol on February 25-27 for Library Advocacy week. Thankfully, we have a huge library supporter who is now the Chairman of the Budget Committee for the House. Cody Smith and I have an appointment already set up for Monday the 25<sup>th</sup>. I look forward to this time in Jefferson City. The Secretary of State, probably our largest supporter in Jeff City, has done a short video for FB, which, his main remark is "You will not find another line item in this budget that gives you more bang for your buck like the public library does." Library funding has decreased by 42% state wide since 2010 which has placed hardships on many of the 365 public libraries in our state. On average, we receive about ten cents per library visit from the state. This year the amount of State Aide that we will receive is about \$6,000. Think about that for a minute when you compare it to our total budget.

Mr. Bill Putnam has finished his book "The Steadley Legacy" and will be here on March 4<sup>th</sup> at 6:30 for a book talk and signing. The public is invited, and it proves to be a very interesting time of discovery listening to Bill share the history of this very unselfish family. All proceeds from the book go to the Carthage Public Library.

During the month of January we had only one incident involving teens, which, once again the Junior High worked with me to solve the situation. We also had one adult incident which resulted in the patron losing their library privileges. All in all, it has been a really nice month for us.

Respectfully submitted,

Julie Yockey, Director

## Children's Progress Report January 2019, Sherri Luce

We are so glad to be back in the Community Room! Sherri and Janine each hosted four story times (English and Bi Lingual) this January. Carthage Parents as Teachers visited one English and one Bi Lingual Story Time this month to see the Community Room updates and remind our families of their services. They are a great partner to the Library, sharing many of our events with their families and on their Facebook page. Sherri also visited her regular outreach groups, bringing our total number of attendees this month to 368. This includes a small group of parents from Carthage Head Start that came by for a tour of the Library (all of which signed up for Library cards afterwards ☺)

January brings with it our Winter Reading Program. There are three age groups (Primary, Independent, and Teens). Each group has a BINGO board to choose activities/book genres from. The program starts Jan. 7<sup>th</sup>, and runs through Feb. 16<sup>th</sup>. There are 100 children and teens signed up to participate in this program.

**CIRCULATION REPORT for January 2019**

<b>New Books/Periodicals</b>	
Adult Books	<u>142</u>
Adult Periodicals	<u>79</u>
YA Books	<u>24</u>
YA Periodicals	<u>1</u>
Juvenile Books	<u>54</u>
Juv Periodicals	<u>19</u>
<b>Totals</b>	<b><u>319</u></b>

<b>New Applications</b>	
Adult	<u>47</u>
Juvenile	<u>41</u>
<b>Total</b>	<b><u>88</u></b>

<b>AWE Computers</b>	
AWE #1	<u>94</u>
AWE #2	<u>83</u>
AWE #3 (Bilingual)	<u>75</u>
AWE #4 (Bilingual)	<u>48</u>
<b>Total</b>	<b><u>300</u></b>

<b>Computer Use</b>	
Adult	<u>584</u>
Reference/Genealogy	<u>5</u>
Microfilm	<u>6</u>
Juvenile	<u>110</u>
Tablets	<u>41</u>
AWE	<u>300</u>
Teen Laptops	<u>93</u>
Wireless	<u>355</u>
<b>Total</b>	<b><u>1494</u></b>

<b>Circulation</b>	<b>Adult</b>	<b>YA</b>	<b>Juvenile</b>	<b>Total</b>
Books	<u>1938</u>	<u>221</u>	<u>2375</u>	<u>4534</u>
Periodicals	<u>155</u>	<u>0</u>	<u>4</u>	<u>159</u>
Audio	<u>78</u>	<u>0</u>	<u>89</u>	<u>167</u>
Visual	<u>728</u>	<u>-</u>	<u>-</u>	<u>728</u>
Circulating Electronics	<u>0</u>	<u>-</u>	<u>-</u>	<u>0</u>
eBooks	<u>899</u>	<u>100</u>	<u>129</u>	<u>1128</u>
<b>Totals</b>	<b><u>3798</u></b>	<b><u>321</u></b>	<b><u>2597</u></b>	<b><u>6716</u></b>
In House Use	<u>213</u>	<u>-</u>	<u>-</u>	<u>213</u>
<b>Courier</b>	<b>Lending</b>	<b>Borrowing</b>		<b>Total</b>
	<u>475</u>	<u>492</u>		<u>967</u>
<b>Circulation Total</b>				<b><u>7896</u></b>

<b>Learning Express</b>	<b>NewsBank</b>	<b>Ebscohost</b>	<b>HeritageQuest</b>	<b>Total</b>
<u>0</u>	<u>14</u>	<u>9</u>	<u>149</u>	<u>172</u>

<b>ENGLISH</b>	<b>Adult</b>	<b>YA</b>	<b>Juvenile</b>	<b>Total</b>
Programs	<u>1</u>	<u>0</u>	<u>9</u>	<u>10</u>
Attendees	<u>7</u>	<u>0</u>	<u>361</u>	<u>368</u>

<b>SPANISH</b>	<b>Adult</b>	<b>Juvenile</b>	<b>Total</b>
Programs	<u>6</u>	<u>4</u>	<u>10</u>
Attendees	<u>25</u>	<u>44</u>	<u>69</u>

	<b>Requests</b>	<b>Filled</b>
<b>ILL Requests Made</b>	<u>1</u>	<u>1</u>
<b>ILL Requests Rec'd</b>	<u>120</u>	<u>0</u>

<b>Door Count</b>	<u>N/A</u>
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	<b>Adult</b>	<b>YA</b>	<b>Juvenile</b>	<b>Total</b>
<b>Mending</b>	<u>12</u>	<u>1</u>	<u>23</u>	<u>36</u>
<b>Discards</b>	<u>123</u>	<u>0</u>	<u>6</u>	<u>129</u>
<b>Corrective Processing</b>	<u>17</u>	<u>1</u>	<u>55</u>	<u>73</u>

## **"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.