

Please Note: The Council Meeting will be conducted at Rolla City Hall but physical participation will be limited per CDC guidelines. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSOqtuhOAVkCCyieA>

COUNCIL PRAYER

Ministerial Alliance

AGENDA OF THE ROLLA CITY COUNCIL

Monday, April 4th, 2022; 6:30 P.M.

City Hall Council Chambers

901 North Elm Street

PRESIDING: MAYOR LOUIS J. MAGDITS, IV

COUNCIL ROLL: MORIAH RENAUD, TERRY HIGGINS, MEGAN JOHNSON, ANN MURPHEY, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JODY EBERLY, ROBERT KESSINGER, CARROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND DEANNE LYONS

PLEDGE OF ALLEGIANCE

Councilman Lister Florence

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – March 7, 2022
2. City Council Meeting – March 21, 2022
3. City Council Closed Session-March 21, 2022

II. PUBLIC HEARINGS - None

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – None

IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

- a. Environmental Services Department Monthly Report – February 2022
- b. Police Department Monthly Report – February 2022
- c. Animal Control Division Report – February 2022
- d. RMU monthly reports – February 2022
- e. Rolla Board of Public Works minutes for February 22, 2022
- f. The Centre Income Statement – February 2022
- g. Municipal Court Division Summary – February 2022
- h. City of Rolla Financial Reports – February 2022
- i. Planning and Zoning Commission Minutes – March 15th, 2022
- j. Parks Advisory Commission Minutes – February 10th, 2022
- k. Board of Adjustment Minutes for – March 10th, 2022

April 4th, 2022

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS**

- A. Motion to approve a citizen's contract for a cross walk on 18th Street. (City Engineer Darin Pryor) **Motion**
- B. Motion to Rescind Resolution No. 1998 to reconsider the CUP for Collective Solution (cell tower) (City Administrator John Butz) **Motion**
- C. Ordinance to reconsider approval of the CUP for Collective Solutions (cell tower) (City Administrator John Butz) **First Reading**

VII. **CLAIMS and/or FISCAL TRANSACTIONS**

- A. Motion to award bid to TurfWerks for the purchase of a 72" cut, liquid-cooled bank mower. (Parks Director Floyd Jernigan) **Motion**
- B. Motion to award bid to McCoy Construction & Forestry for the purchase of a John Deere 410L Backhoe Loader. (Parks Director Floyd Jernigan) **Motion**
- C. Motion to award bid to Donald Maggi Inc. for Project #515-Elm Street Improvements. (City Engineer Darin Pryor) **Motion/First Reading**

VIII. **CITIZEN COMMUNICATION**

IX. **MAYOR/CITY COUNCIL COMMENTS**

- A. Reminder of April 5th municipal election. (Mayor Magdits)

X. **COMMENTS FOR THE GOOD OF THE ORDER**

- XI. **CLOSED SESSION** – Closed session pursuant to RSMO. 610.021 (1) to discuss legal work product.

XII. **ADJOURNMENT**

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY MARCH 7, 2022; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Pro-tem Jody Eberly

Council Members in Attendance via Zoom Videoconferencing: Lister Florence and Mayor Louis J. Magdits IV

Council Members in Physical Attendance: Moriah Renaud, Terry Higgins, Megan Johnson, Ann Murphey, Matt Fridley, Jody Eberly, Carolyn Bolin, Robert Kessinger, Stanley Mayberry, and Victoria Steen.

Council Members Absent: Deanne Lyons

Department Directors in Attendance via Zoom Videoconferencing: - None

Department Directors and Other City Officials in Physical Attendance: City Administrator John Butz, Community Development Director Steve Flowers, Public Works Director Steve Hargis, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Parks Director Floyd Jernigan, Centre Recreation Director Marci Fairbanks, Finance Director Steffanie Rogers, City Planner Tom Coots, and City Counselor Lance Thurman.

Mayor Pro-Tem Jody Eberly called the meeting to order at approximately 6:30 p.m. and asked Megan Johnson to lead in the Pledge of Allegiance.

Councilwoman Murphey entered late at 6:32 p.m.

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – February 7, 2022
2. City Council Meeting – February 22, 2022

A motion was made by Johnson and seconded by Higgins to approve the minutes. A voice vote showed 11 Ayes, zero Nays, and 1 absent.

II. PUBLIC HEARINGS - None

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. St. Pat's Celebration Update (City Engineer Darin Pryor) Mr. Pryor gave a brief update of the events for the St. Pat's Celebration. A motion was made by Fridley and seconded by Bolin to allow the appropriate

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street and parking lot closures. A voice vote showed 11 Ayes, zero Nays, and 1 absent.

Tourism Director Aimee Campbell also discussed two separate fun runs that will be happening on March 19th. The Best Ever St. Pat's 5K and the Best Ever St. Pat's Beer Run.

- B. First Annual Rolla Craft Fair, April 2, 2022. Amy Luebbert, RDBA Volunteer, discussed the upcoming Spring Craft Fair. A motion was made by Johnson and seconded by Fridley to allow the appropriate street closings. A voice vote showed 11 Ayes, zero Nays, and 1 absent.

IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

- a. Environmental Services Department Monthly Report – January 2022
- b. Building Codes monthly report – February 2022
- c. Police Department Monthly Report – January 2022
- d. Animal Control Division Report – January 2022
- e. RMU monthly reports – January 2022
- f. Rolla Board of Public Works minutes for January 25, 2022
- g. The Centre Income Statement – January 2022
- h. Municipal Court Division Summary – January 2022
- i. City of Rolla Financial Reports – December 2021
- j. Planning and Zoning Commission Minutes – February 15, 2022
- k. Parks Advisory Commission Minutes – January 26th, 2022
- l. Development Review Committee Minutes – March 1st, 2022

Chief Fagan explained that the increase in call statistics has to do with the change in how crimes are reported. With UCR (Uniformed Crime Reporting), when a crime with multiple infractions occur, only the most serious one of them all would be reported. Now with the mandatory switch to NIBRS (National Incident Based Reporting System), every incident must be reported.

V. OLD BUSINESS

- A. **Ordinance** to approve the minor subdivision plat of Davis Addition. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4671: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF DAVIS ADDITION. A motion was made by Johnson and seconded by Murphey to approve the subdivision. A roll call vote showed the following: Ayes: Renaud, Florence, Steen, Bolin, Higgins, Murphey, Fridley, Johnson, Kessinger, Mayberry, and Eberly. Nays: none. Absent: Lyons.
- B. **Ordinance** to enter into a contract with Hutchinson Recreation for a new Buehler Park playground structure. (Parks Director Floyd Jernigan) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4672: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SALE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND HUTCHINSON RECREATION FOR THE PURCHASE OF A NEW PLAYGROUND STRUCTURE FOR BUEHLER PARK. A motion was made by Bolin and seconded by Higgins to allow the purchase. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Bolin, Renaud, Steen, Mayberry, Murphey, Johnson, Eberly, and Florence. Nays: none. Absent: Lyons.

VI. NEW BUSINESS

- A. **Ordinance** to amend section 18-3 and 18-16 regarding curb-side recycling. (Environmental Services Director Brady Wilson) After the discussion at the February 22nd council meeting regarding the possible discontinuation of the curbside recycling program, it was decided that the current verbiage of the City Code regarding such, needed to be revised. City Counselor Lance Thurman read the ordinance for its first reading, by title: AN ORDINANCE REPEALING SECTION 18-3 AND SECTION 18-16, OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION IN LIEU THEREOF PERTAINING TO RECYCLING COLLECTIONS.
- B. **Ordinance** to amend Section 27-36 of the City Code regarding UTV operations. (City Administrator John Butz) City Counselor Lance Thurman read the ordinance for its first reading, by title: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI TO AMEND SECTION 27-36 OF THE CODE OF THE CITY OF ROLLA, MISSOURI TO ALLOW THE OPERATION OF UTILITY VEHICLES WITHIN THE LIMITS OF SAID CITY, TO ESTABLISH REASONABLE REGULATIONS THERETO, AND TO REPEAL ALL CONFLICTING ORDINANCES.
Further discussion was had about amending the proposed ordinance to reflect a higher liability insurance coverage rather than the state statute minimum and a “whereas” clause to allow for further review after a set time frame.

VII. CLAIMS and/or FISCAL TRANSACTIONS - None

VIII. CITIZEN COMMUNICATION –

- A. Environmental Services Director Brady Wilson shared with Council that the next Spring Cleanup is scheduled for April 2nd.
- B. Jordon Leppich – county resident: Spoke in opposition of the homeless shelter moving.
- C. Robert Miller – 2101 Vienna: Spoke on behalf of the homeless and government overreach.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Fire Chief Ron Smith reminded Council of the Statewide tornado drill on March 8th.
- B. Centre Recreation Director Marci Fairbanks reminded Council of the Daddy Daughter Dance on Friday, March 11th from 6-8pm.
- C. Mayor Pro-Tem Jody Eberly updated the public that on March 10th, the Board of Adjustment (BOA) meeting would not be discussing the Mission application for a “Use Variance” which has ben postponed until the April 7th BOA meeting. At the March 10th meeting, there will be a discussion on use variance applications in general.
- D. Councilman Florence gave kudos to RMU for an excellent job done over the weekend repairing downed power lines.

X. COMMENTS FOR THE GOOD OF THE ORDER

A. Councilman Fridley brought forth three issues that were brought to his attention: 7th street speeding, unsecured neighborhood dogs and excessive barking, and the decline of neighborhood properties in the area of Richard, Laird, Lariat, and Johnson.

B. Councilwoman Bolin reminded Councilmembers to speak into their microphones.

XI. CLOSED SESSION – None

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:44 pm
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR

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**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY MARCH 21, 2022; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits IV

Council Members in Attendance via Zoom Videoconferencing: Deanne Lyons

Council Members in Physical Attendance: Moriah Renaud, Terry Higgins, Megan Johnson, Ann Murphey, Matt Fridley, Jody Eberly, Robert Kessinger, Stanley Mayberry, and Victoria Steen.

Council Members Absent: Carrolyn Bolin and Lister Florence.

Department Directors in Attendance via Zoom Videoconferencing: - Centre Recreation Director Marci Fairbanks

Department Directors and Other City Officials in Physical Attendance: City Administrator John Butz, Community Development Director Steve Flowers, Public Works Director Steve Hargis, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Parks Director Floyd Jernigan, Finance Director Steffanie Rogers, City Planner Tom Coots, MIS Coordinator Brian Kinsey and City Counselor Carolyn Buschjost

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Ann Murphey to lead in the Pledge of Allegiance.

I. **PUBLIC HEARINGS** - None

II. **ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS**

- A. Executive Director Stevie Kearse presented the Rolla Area Chamber of Commerce (RACC) 2021 Year End Tourism Report & 2022 Tourism Marketing Plan.

III. **OLD BUSINESS**

- A. **Ordinance** to amend Sections 18-3 and 18-16 of the City Code regarding curb-side recycling. (Environmental Services Director Brady Wilson) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4673, AN ORDINANCE REPEALING SECTION 18-3 AND SECTION 18-16, OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION IN LIEU THEREOF PERTAINING TO RECYCLING COLLECTIONS. Environmental Services Director Brady Wilson reiterated that approval of the ordinance will discontinue the City's curbside recycling pick-up program effective April 2, 2022. A motion was made by Eberly and seconded

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by Renaud to pass the ordinance. A roll call vote revealed the following: Ayes: Johnson, Fridley, Steen, Renaud, Higgins, Murphey, Lyons, Kessinger, Eberly, and Mayberry. Nays: none. Absent: Bolin and Florence. Ordinance passed.

- B. **Ordinance** to amend Section 27-36 of the City Code regarding UTV operations. (City Administrator John Butz) A motion was made by Fridley and seconded by Steen to amend the proposed ordinance to reflect in section 13 for permits, an expiration of June 30th. The statement, "This fee is nonrefundable, nontransferable, and will not be prorated", an ordinance effective date of June 1, 2022, and a trial period ending date of December 31st, 2022. A show of hands revealed 8 yes and 2 no (Murphey and Eberly). City Counselor Carolyn Buschjost read the ordinance for its final reading as amended, by title: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI TO AMEND SECTION 27-36 OF THE CODE OF THE CITY OF ROLLA, MISSOURI TO ALLOW THE OPERATION OF UTILITY VEHICLES WITHIN THE LIMITS OF SAID CITY, TO ESTABLISH REASONABLE REGULATIONS THERETO, AND TO REPEAL ALL CONFLICTING ORDINANCES. A motion was made by Steen and seconded by Kessinger to pass the ordinance as amended. A roll call vote showed the following: Ayes: Steen, Fridley, Kessinger, and Mayberry. Nays: Renaud, Higgins, Murphey, Johnson, Eberly, and Lyons. Absent: Florence and Bolin. Ordinance failed.

IV. NEW BUSINESS

- A. **Motion** to allow the use of the Rolla National Airport Extravaganza site for Greek Week games with beer sales on September 10th and 17th. (City Administrator John Butz) A motion was made by Johnson and seconded by Murphey to allow the use. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Renaud, Steen, Mayberry, Murphey, Johnson, and Eberly. Nays: Lyons. Absent: Bolin and Florence. Motion passed.
- B. **Ordinance** authorizing the Mayor to execute an agreement with the Missouri Department of Corrections regarding the Supervised Work Release Program. (Public Works Director Steve Hargis) City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: ORDINANCE 4674: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI DEPARTMENT OF CORRECTIONS. A motion was made by Kessinger and seconded by Fridley to suspend the rules for final reading. A voice votes showed 9 Ayes, 1 Nay (Lyons) and 2 Absent (Bolin and Florence). Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Fridley and seconded by Higgins to pass the ordinance. A roll call vote revealed the following: Ayes: Murphey, Mayberry, Renaud, Steen, Kessinger, Higgins, Eberly, Fridley, and Johnson. Nays: Lyons. Absent: Bolin and Florence. Ordinance passed.
- C. **Ordinance** Approving the final plat of Jordan Subdivision #2 (City Planner Tom Coats) – One of the applicants sold Lot 3 and part of Lot 2 to the other applicant last year, however the subdivision of Lot 2 and reorganization of the lot lines should have been reviewed and approved as a minor subdivision. Approval of the minor subdivision final plat will resolve this oversight. The new Lot 1 is developed as a self-storage use while the new Lot 2 is currently under contract for sale to the Rolla Mission, which is separately considering zoning approval for their use. Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF JORDAN SUBDIVISION #2.

V. CLAIMS and/or FISCAL TRANSACTIONS

- A. **Award** of telephone services for City Hall. (MIS Coordinator Brian Kinsey) In late 2021, RFP's were sought regarding a new telephone system or service solution for City Hall. 22 responses were received, 21 of which proposed cloud-based services. A motion was made by Eberly and seconded by Murphey to award the bid to Nextiva. A voice vote showed 9 Ayes, 1 Nay (Fridley), and 2 Absent (Bolin and Florence).

VI. CITIZEN COMMUNICATION

- A. Reminder of Citywide Spring Cleanup April 2, 2022 (Environmental Services Director Brady Wilson)
B. Julie Cosbar - 904 Southview: Asked about the restructuring of unused employee sick leave to benefit those retiring. Mayor Magdits explained that no such funds were promised to the employees, and that Council would be having a series of workshops this summer to discuss employee compensation and benefits.
C. Lela Weibbenmeier: Asked for clarification regarding the status of The Mission rezoning application and the future process regarding the same.

VII. MAYOR/CITY COUNCIL COMMENTS

- A. Reminder of the April 5th municipal election. (Mayor Magdits)
B. Councilwoman Johnson questioned Tom Coots on the original application process by The Mission.
C. Councilman Fridley reminded the public of a Candidate Forum being held on Thursday, March 24th at 6:00pm on Facebook Live.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

- IX. **CLOSED SESSION** – Closed session pursuant to RSMO. 610.021 (1) to discuss legal work product.

At 8:22pm a motion was made by Fridley and seconded by Kessinger to enter into closed session. A roll call vote revealed the following: Ayes: Higgins, Steen, Renaud, Mayberry, Murphey, Lyons, Johnson, Kessinger, Eberly, and Fridley. Nays: none. Absent: Bolin and Florence.

At 9:05pm Council adjourned from closed session. City Counselor Carolyn Buschjost stated Council went into closed session to discuss a legal matter in which no action was taken.

X. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:07pm
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR

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FEBRUARY MATERIALS COLLECTED & SHIPPED FROM RECYCLING CENTER

(Based on Calendar Year)

Material	Feb 2022	Jan 2022	Feb 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Cardboard	131.0 ton	148.0 ton	85.0 ton	279.0 ton	189.0 ton	1,649.0 ton
Newspaper	17.5 ton	34.5 ton	59.0 ton	52.0 ton	99.0 ton	527.1 ton
High Grade Paper	0.0 ton	0.0 ton	0.0 ton	0.0 ton	22.0 ton	65.5 ton
Aluminum	2.3 ton	0.0 ton	2.2 ton	2.3 ton	2.2 ton	19.7 ton
Steel Cans/Scrap Metal	6.4 ton	6.5 ton	7.5 ton	12.9 ton	12.0 ton	63.7 ton
Plastic	0.0 ton	11.0 ton	0.0 ton	11.0 ton	10.0 ton	122.6 ton
Glass	0.0 ton	21.0 ton	19.0 ton	21.0 ton	38.0 ton	260.2 ton
Batteries	0.3 ton	0.0 ton	0.0 ton	0.3 ton	0.0 ton	0.3 ton
Electronic Waste	3.1 ton	4.0 ton	3.1 ton	7.1 ton	6.7 ton	47.8 ton
Household HW	0.0 ton	0.0 ton	0.0 ton	0.0 ton	0.0 ton	0.3 ton
TOTAL	160.6 ton	225.0 ton	175.8 ton	385.6 ton	378.9 ton	2,756.0 ton

SERVICES PROVIDED

Type of Service	Feb 2022	Jan 2022	Feb 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Special Pick-ups	28	55	44	83	109	732
Paper Shredding	4.0 hours	10.5 hours	3.5 hours	14.5 hours	14.5 hours	64.3 hours
Reported Trash Nuisances	0	0	0	0	0	0
Households Dropping Off Hazardous Waste	43	53	40	96	79	762

DISPOSAL TONNAGE

(Sanitation Division)

Material	Feb 2022	Jan 2022	Feb 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Refuse	1,182.3 ton	1,306.5 ton	1,104.5 ton	2,488.8 ton	2,284.6 ton	18,681.1 ton

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Rolla Police Department Monthly Report

YTD 2022

Calls for Service

"Calls for Service" refers to the general daily activity of the officers - and dispatchers, in some situations - of the Rolla Police Department, as recorded in the Computer Aided Dispatch (CAD) system. Each incident handled by one or more of those individuals, whether in response to a citizen's request for assistance, self-initiated by an officer, or scheduled, is recorded as a single "Call for Service". Call types are assigned based on the initial circumstances presented to the dispatcher and, therefore, should not be considered a reflection of the full nature of the call. "Calls for Service" should also not be mistaken for "Reports Taken".

<u>Description</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>YTD</u>	<u>2021 YTD</u>	<u>% Increase</u>
Abandoned/Recovered Property	18	11											29	37	-21.62%
Abandoned Vehicle	13	16											29	31	-6.45%
Accident - Fatality	0	0											0	0	#DIV/0!
Accident - Injury	19	13											32	32	0.00%
Accident - Leave The Scene	13	14											27	29	-6.90%
Accident - No Injury	45	48											93	85	9.41%
Accident - Private Property	23	22											45	32	40.63%
Accident - Road Blocked	5	5											10	14	-28.57%
Adult Abuse	0	0											0	0	#DIV/0!
Alarm LE	75	80											155	147	5.44%
Animal Bite/Attack	2	3											5	4	25.00%
Animal Control	88	91											179	161	11.18%
Arson	0	0											0	0	#DIV/0!
Assault	13	13											26	17	52.94%
Assist Agency Non-LEA	85	69											154	148	4.05%
Assist Citizen	4	10											14	24	-41.67%
Assist LEA	16	9											25	42	-40.48%
Assist Motorist	24	40											64	81	-20.99%
Building Lockout	0	0											0	1	-100.00%
Burglary	14	12											26	37	-29.73%
Business/Building Check	410	191											601	482	24.69%
Call for Police	73	60											133	137	-2.92%
Check Well Being	96	102											198	194	2.06%
Child Abuse	2	1											3	3	0.00%
Child Exploitation/Pornography	0	0											0	0	#DIV/0!
Confidential Investigation	0	2											2	0	#DIV/0!
Conservation Violation	0	1											1	0	#DIV/0!
Court	8	8											16	13	23.08%
Crossing Guard (Officer coverage)	5	7											12	18	-33.33%
CWB 911 Hangup	251	209											460	486	-5.35%
Death	1	3											4	0	#DIV/0!
Destruction of Property	13	20											33	24	37.50%
Disturbance-Fireworks	1	1											2	0	#DIV/0!
Disturbance-Liquor	0	0											0	3	-100.00%
Disturbance-Other	73	53											126	130	-3.08%
Domestic Violence	39	45											84	72	16.67%
Driving While Intoxicated	13	10											23	9	155.56%
Drown/Water Rescue	0	0											0	0	#DIV/0!
Drug Paraphernalia	5	2											7	28	-75.00%
Escort - Bank	0	1											1	1	0.00%
Escort - Courtesy	7	11											18	20	-10.00%
Escort - Funeral	7	7											14	19	-26.32%
Exparte Violation	2	6											8	10	-20.00%
Field Interview	38	28											66	62	6.45%
Fight	4	4											8	5	60.00%
Fingerprints	6	11											17	4	325.00%
Follow-up	141	87											228	292	-21.92%
Foot Patrol	0	0											0	1	-100.00%
Forgery-Counterfeiting	1	1											2	0	#DIV/0!
Found Body	0	0											0	0	#DIV/0!
Fraud - Checks/Credit Card	13	16											29	26	11.54%
Harassment	16	20											36	33	9.09%
Hotel/Motel Check	0	0											0	0	#DIV/0!
Identity Theft	0	2											2	1	100.00%
Information Request	202	205											407	383	6.27%
Intoxicated Person	11	7											18	14	28.57%
Juvenile Complaint	12	15											27	8	237.50%
Keep the Peace/Standby	22	13											35	7	400.00%
Kidnapping	1	0											1	0	#DIV/0!

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<u>Description</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>YTD</u>	<u>2021 YTD</u>	<u>% Increase</u>
Leave without Pay	0	1											1	2	-50.00%
Liquor Violation	0	0											0	0	#DIV/0!
Littering/Dumping	2	2											4	0	#DIV/0!
Loitering	9	7											16	12	33.33%
Lost or Stolen Property	7	6											13	11	18.18%
Loud Noise Complaint	19	28											47	41	14.63%
Malicious Mischief	3	1											4	3	33.33%
Mask Ordinance Violation	0	0											0	4	-100.00%
Mental Health	35	25											60	61	-1.64%
Missing Person	3	15											18	10	80.00%
Narcotics Violation	14	18											32	43	-25.58%
No Business License	1	0											1	0	#DIV/0!
Open Door	6	10											16	17	-5.88%
Overdose	5	11											16	31	-48.39%
Paper Service	30	27											57	39	46.15%
Prisoner Transport	1	3											4	2	100.00%
Property Damage-Non Criminal	0	1											1	2	-50.00%
Prostitution	0	0											0	0	#DIV/0!
Prowler	1	3											4	3	33.33%
Public Indecency	0	0											0	1	-100.00%
Public Relations	4	1											5	7	-28.57%
Pursuit	1	0											1	0	#DIV/0!
Rape/Sexual Assault	0	1											1	1	0.00%
Robbery	0	1											1	1	0.00%
Runaway	7	7											14	4	250.00%
Search Warrant	0	0											0	1	-100.00%
Vacation/Security Check	32	17											49	9	444.44%
Selective Enforcement	0	0											0	0	#DIV/0!
Sewer Alarm	0	0											0	0	#DIV/0!
Sex Offenses	11	3											14	6	133.33%
Shots Fired	2	2											4	6	-33.33%
Smoking Violation	0	0											0	0	#DIV/0!
Soliciting	1	1											2	0	#DIV/0!
Stabbing	0	0											0	0	#DIV/0!
Stabbing or Shooting with Injury	0	0											0	1	-100.00%
Stalking	0	0											0	0	#DIV/0!
Stealing	54	38											92	146	-36.99%
Stolen Vehicle	10	5											15	20	-25.00%
Suicide	1	0											1	0	#DIV/0!
Suspicious Activity	80	78											158	146	8.22%
Suspicious Package/Item	0	0											0	2	-100.00%
SWAT Callout	0	0											0	0	#DIV/0!
Tampering	3	8											11	14	-21.43%
Telephone Harassment	8	4											12	17	-29.41%
Tow Sticker Expired	11	7											18	14	28.57%
Traffic Complaint	122	160											282	211	33.65%
Traffic Stop	291	379											670	404	65.84%
Trespassing	36	38											74	33	124.24%
Try to Contact	14	12											26	16	62.50%
Vehicle Identification	60	55											115	130	-11.54%
Vehicle Lockout	1	1											2	6	-66.67%
Vehicle Repossession	6	5											11	13	-15.38%
Veterinary Call	7	3											10	5	100.00%
Weapons Violation	4	2											6	3	100.00%
Totals	2,832	2,591	0	0	0	0	0	0	0	0	0	0	5,423	4,905	10.56%

IV. b. 2

Rolla Police Department Monthly Report YTD 2022

Part I Crimes

Calls that result in written reports are processed through the department's Records Management System (RMS) and ultimately reported to the MSHP and FBI. Beginning in 2020, we transitioned from the FBI's Uniform Crime Report (UCR) method, which counted only the most serious crime from each incident, to the National Incident-Based Reporting System (NIBRS), which counts each of the offenses per incident separately. NIBRS is now considered the FBI's standard method of reporting. The FBI has historically classified eight of the most serious offenses as "Part I Crimes":

	<u>Criminal Homicide</u>	<u>Rape</u>	<u>Robbery</u>	<u>Felony Assault</u>	<u>Burglary</u>	<u>Larceny</u>	<u>Auto Theft</u>	<u>Arson</u>	<u>Total</u>	<u>Change from Previous Yr</u>
February	0	0	0	8	5	22	1	0	36	
YTD 2022	0	0	0	14	13	56	4	0	87	
2021	0	12	9	68	120	564	34	1	808	-21.86%
2020	1	11	1	93	156	712	59	1	1034	11.42%
2019	0	16	6	87	164	604	46	5	928	14.71%
2018	0	30	7	84	102	547	34	5	809	-5.49%
2017	0	18	14	80	114	593	32	5	856	12.19%

Overdoses

The following data pertain to calls for service responded to by the Rolla Police Department in which an overdose was known or suspected. It is not an accurate representation of all overdoses occurring in Rolla, as these incidents aren't always reported since Narcan is available over-the-counter. Also, in many circumstances, law enforcement may not be called on to respond, as an overdose could be reported as a medical call, or the patient could be transported to the hospital by family/friends. Note the "Narcan Administered" column is ONLY for Narcan administered by RPD. Therefore, it cannot be used as a representation of the # of Narcan uses per overdose incident, as many times another responding agency (Fire, EMS, other LE) administers the Narcan. We do not have statistics for those agencies. Overdose Deaths are those deaths in which it is immediately known an overdose was involved. There is potential for this total to increase as death investigations and/or lab results are finalized.

	<u>Overdose Calls for Service</u>	<u>Narcan Administered by RPD</u>	<u>Overdose Deaths</u>
February	11	1	0
YTD 2022	20	3	1
2021	140	58	15

10.6.3

ANIMAL CONTROL MONTHLY TOTALS

February 2022

ANIMALS IMPOUNDED

	Canine	Feline	Other Domestic	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
City of Rolla	13	5	0	8	26	55	36
Rolla Area (Rural Areas)	0	0	0	0	0	3	13
Newburg Area	0	0	0	0	0	0	0
Doolittle Area	0	0	0	0	0	0	0
Edgar Springs Area	0	0	0	0	0	0	0
St. James Area	0	0	0	0	0	0	0
Ft. Leonard Wood (Mil)	0	0	0	0	0	0	0
Other Law Enf. Agencies	0	0	0	0	0	0	0
Monthly Total	13	5	0	8	26		
2022 YTD Total	33	9	0	16		58	
2021 YTD Total	26	10	0	13			49
Total Phelps County	0	0	0	0	0	3	12

ANIMAL DISPOSITION

	Canine	Feline	Other Domestic	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
Animals Adopted ①	6	0	0	0	6	18	4
Animals Claimed	7	1	0	0	8	19	18
Euthanized(III/Injured)	0	0	0	0	0	1	0
Euthanized(Dangerous)	0	2	0	0	2	5	5
Euthanized(Un-Placed)②	0	0	0	0	0	0	0
Deceased on Arrival	0	2	0	8	10	18	12
Transferred to Rescue ③	1	0	0	0	1	2	0
Wildlife Relocated	0	0	0	0	0	1	1
Other	0	0	0	0	0	0	0
Monthly Total	14	5	0	8	27		
2022 YTD Total	36	12	0	16		64	
2021 YTD Total	19	10	0	11			40

ADDITIONAL STATISTICS

	Monthly Total	2022 YTD Total	2021 YTD Total
Adoption Rate (① +③)+(①+②+③)	100.00%	100.00%	100.00%
PR Programs	0	1	2
Calls for Service	95	191	150
Written Warnings	0	0	0
Citations	2	4	2
Total Incinerator Hours	66	133	144

N.C. 1



STATISTICS

February 2022

PRODUCTION

Date of Demand	02/18/2022
Time of Demand	08:00 AM
Scada Demand	62,000.00
kWh Purchased	29,857,800
Total Cost	\$1,817,339.47 *
Cost per kWh	0.060866 *
Load Factor	71.7%

Pumped #2 Well	0
Pumped #3 Well	0
Pumped #4 Well	2,693,000
Pumped #5 Well	1,949,000
Pumped #6 Well	2,578,000
Pumped #7 Well	1,064,000
Pumped #8 Well	1,652,000
Pumped #9 Well	5,642,000
Pumped #10 Well	0
Pumped #11 Well	3,725,000
Pumped #12 Well	2,210,000
Pumped #13 Well	4,363,000
Pumped #14 Well	6,306,000
Pumped #15 Well	2,461,000
Pumped #16 Well	4,312,000
Pumped #17 Well	3,887,000
Pumped # 1 Ind Park Well	3,628,000
Pumped # 2 Ind Park Well	2,919,000
Total Gallons	<u>49,389,000</u>

METERS IN SERVICE	Electric	Water
Residential - Single Phase	7,994	6,408
Residential - Three Phase	23	20
Commercial - Single Phase	933	510
Commercial - Three Phase	496	307
Power Service	100	90
Industrial	6	2
Area Lighting	16	7
Street Lighting	28	1
Missouri S&T		5
PWSD #2		536
Total	9,596	7,886

ELECTRIC SALES

Residential - Single Phase kWh	12,600,333
Residential - Three Phase kWh	136,148
Commercial - Single Phase kWh	1,575,131
Commercial - Three Phase kWh	3,534,365
Power Service kWh	6,054,670
Industrial kWh	5,212,330
Area Lighting kWh	6,452
Street Lighting kWh	32,972
Rental Lights kWh	78,141
Total kWh Sold	29,230,542
Demand kW	27,453
Revenue	\$2,562,317.75
Monthly Loss	2.10%
Fiscal Year to Date Loss	7.18%

WATER SALES

Residential - Single Phase Gallons	21,970,000
Residential - Three Phase Gallons	251,000
Commercial - Single Phase Gallons	4,870,000
Commercial - Three Phase Gallons	3,919,000
Power Service Gallons	7,551,000
Industrial Gallons	1,520,000
Missouri S&T Gallons	1,569,000
PWSD #2 Gallons	1,571,000
Total Gallons Sold	43,221,000
Revenue	\$240,783.20
Pumping Cost, Electric	\$31,841.10
Monthly Unidentified Loss	8.64% **
Fiscal Year to Date Unidentified Loss	10.04% ***

Sewer Service Charge	\$319,193.71
Refuse Service Charge	\$203,214.17

Gross Payroll	\$257,048.67
---------------	--------------

* Energy losses are not included in this statistic and are estimated at an additional 12%.

** Loss includes 1,900,000 gallons per water main flushing records.

*** FY loss includes 12,314,000 gallons per water main flushing records.

IV.d.1



FINANCIAL STATEMENT
FEBRUARY 2022

RECEIPTS:		
Electric, Water, Tax, Sewer and Refuse Charge	\$3,445,707.34	
Accounts Receivable - Miscellaneous	\$92,380.11	
Customer's Deposits - Refundable	\$23,350.00	
Misc Non-Operating Revenue	<u>\$2,069.13</u>	
Total Receipts	\$3,563,506.58	
FSCB Super-Now Account Interest (January 31, 2022)	\$2,565.76	
FSCB Money Market Account Interest (January 31, 2022)	\$0.00	
FSCB Electronic Payment Account Interest (January 31, 2022)	\$424.18	
FSCB ISC Sweep Account Interest (January 31, 2022)	\$17,733.13	
PCB Super-Now Account Interest (January 31, 2022)	\$0.07	
Public Utility Cash In Bank (January 31, 2022)	<u>\$31,802,022.70</u>	
Total Receipts and Cash In Bank		<u>\$35,386,252.42</u>
DISBURSEMENTS:		
Power Purchased	\$2,089,726.34	
Operating Expenses	\$196,650.01	
Administrative and General Expenses	\$96,887.70	
Payroll	\$182,872.61	
Capital Expenditures	\$312,043.68	
Construction in Progress	\$36,664.73	
Stock Purchases (Inventory)	\$20,967.50	
Balance of Customer's Deposits after Finals	\$13,196.90	
Medical, Dental, Vision and Life Insurance Paid by Employees	\$12,780.83	
457 Plan Employee Contributions	\$9,123.75	
Flexible Spending Account Contributions	\$1,382.44	
U.S. Withholding Tax	\$23,451.17	
Missouri Dept. of Revenue (Sales Tax)	\$43,635.66	
Missouri Dept. of Revenue (Income Tax)	\$9,959.00	
First State Community Bank (Social Security)	\$36,726.58	
Sewer Service Charge	\$344,268.10	
Refuse Service Charge	\$204,530.90	
PILOT to City of Rolla	\$114,295.91	
Purchase U.S. Treasury Bill / Certificates of Deposit	\$0.00	
Standpipes Lease/Purchase	\$959.03	
Utility Incentives	\$0.00	
Unclaimed Deposits to State	\$0.00	
Primacy Fees	<u>\$0.00</u>	
Total Disbursements	\$3,750,122.84	
Cash in Bank (February 28, 2022)	<u>\$31,636,129.58</u>	
Total Disbursements and Cash In Bank		<u>\$35,386,252.42</u>
BALANCE OF OTHER FUNDS:		
PUBLIC UTILITY ACCOUNTS:		
Citizens Bank of Newburg, Ck#1273 for \$49.89		\$2,000.00
First State Community Bank-Electronic Payment Account, Ck#1063 for \$1,766,323.07		\$472,419.66
First State Community Bank-Money Market		\$0.00
First State Community Bank-ICS Sweep Account		\$304,807.83
First State Community Bank-General Fund, Checks #35462 thru #35597 for \$3,750,711.78		\$3,308,550.83
PCB-Super Now, Check #26354 for \$11,182.06		\$2,559.26
Town & Country Bank		<u>\$2,000.00</u>
Total Public Utility Accounts		\$4,092,337.58
ELECTRIC RESERVES:		
Certificates of Deposit	\$0.00	
Money Market Account	\$10,195,583.00	FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>	
Total Electric Reserves	\$10,195,583.00	
RESTRICTED ELECTRIC RESERVES:		
Certificates of Deposit	\$0.00	
Money Market Account	\$14,250,000.00	FY21 Funded
U.S. Treasury Bills	<u>\$0.00</u>	
Total Electric Reserves	\$14,250,000.00	
WATER RESERVES:		
Certificates of Deposit	\$0.00	
Money Market Account	\$3,098,209.00	FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>	
Total Water Reserves	\$3,098,209.00	
TOTAL RESERVES:		<u>\$27,543,792.00</u>
TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:		<u>\$31,636,129.58</u>

iv.d.2

REGULAR SESSION – February 22, 2022

~ Meeting was held in the Board Room at RMU's Tucker Professional Centre at 4:30 p.m. ~

The meeting was called to order at 4:30 p.m. by Rolla Board of Public Works ("RBPW" or "Board") President Nick Barrack presiding. The following were present:

- Board members:
- Vice President Albert Crump, Jr.
- Secretary Dr. Wm. E. Showalter
- Vice Secretary Ted Read (via phone)
- RMU Staff:
- General Manager Rodney P. Bourne, P.E.
- Operations Manager Chad Davis, P.E.
- Business Manager Jason Grunloh
- Finance Manager Gwen Cresswell
- RMU Legal Counsel:
- Lance Thurman

Minutes submitted, according to Agenda, by RMU's Executive Administrative Assistant, Nicole Affolter.

* * * * *

I. APPROVAL OF MINUTES

Crump made a motion, seconded by Showalter, the minutes of the January 25, 2022, Board meeting Regular session be approved as presented. Motion passed unanimously.

II. CITIZEN COMMUNICATION (None)

III. SPECIAL PRESENTATION (None)

IV. STAFF REPORTS

A. FINANCE MANAGER'S REPORT'S (Cresswell)

1. The Board received the Statement of Income & Expenses reports for January 2022 (FY22). Cresswell reviewed January reports (FY22), with the following January comparisons: For January we are showing operating income of \$2,786,171. This is a decrease of over \$238,000 from January 2021. Year to date operating income is \$10,009,625 which is only \$13,837 under this time last year, so our operating income is staying pretty steady with last year. Purchased power expenses were \$2,253,588 for January which is an increase of over \$305,000 from last January. Our year to date purchased power is \$7,118,173 which is a decrease of over \$493,000 from this time last year. Total operating expenses were \$3,109,747 for January and \$10,257,072 year to date. This puts our year-to-date operating expenses down over \$255,000 from last year at this time. Our net loss was \$261,868 for January, and we are showing net income for the year of \$28,101. Last year at this time, if you exclude the large asset sale, we are showing a net loss of \$183,195.
2. Cresswell presented RMU's Financial Statement, Statistics report, and the Disbursement Summary for January 2022 which included the following public utility account checks and transfers:

Public utility checks	Phelps Co Bank - Super Now	Checks #26353
	First State Community Bank - General Fund	Checks #35325-35461
Transfer of funds	First State Community Bank - Electronic Pmt Acct	Check #1061

Showalter made a motion, seconded by Crump, that the reports be approved as presented and forwarded to the City. Motion passed unanimously.

3. Audit Update

Cresswell reported that auditors were on-site the week of February 7th and completed the majority of field work. We are hoping for a final audit be presented and approved at the March meeting.

B. BUSINESS MANAGER'S REPORT

iv. e. 1

February 22, 2022

1. MIRMA Annual Evaluation

Grunloh reported that due to the weather the MIRMA annual safety audit was rescheduled to Wednesday, March 2, 2022.

C. OPERATIONS MANAGER'S REPORT (Davis)

1. Updates on:

a. Current RMU projects

Davis highlighted portions of his Operations Manager's Report. Complete details are as follows:

ELECTRIC DEPARTMENT -(E1) 1600 Old Wire Outer Road (EJ Holdings).

Installation of new pole and underground electric distribution system extension to allow for commercial redevelopment. Started, May 13, 2021. Ongoing.

(E2) 1022 Kingshighway (Burger King).

Reconfiguration of poles, primary underground padmount transformer, and metering in conjunction reconstruction of the business. Started, September 2, 2021. Completed, February 14, 2022.

(E3) Downtown North Substation:Circuit 1B (Northeast).

Reconfiguration of some of the overhead and underground electric distribution system to replace underground conductor that failed. Some work on Circuit 4B (Northwest) also. Started, September 28, 2021. Ongoing.

(E4) Country Trace Subdivision (Sunny Drive between Christy Drive and Victoria Lane on South Rolla Street).

Reconfiguration of some overhead electric distribution to underground distribution and installation of new underground electric to serve new residential subdivision. Started, September 28, 2021. Ongoing.

(E5) Lions Club Drive: Installation of street lighting.

a. Hwy 72 to 1000 E Lions Club Drive. Completed

b. 1000 E Lions Club Drive to Rolla Street. Started, January 13, 2022

c. Rolla Street to Hwy 63. Future

(E6) Alley east of Main Street: 9th Street to 10th Street.

Replacement of two electric distribution poles. Started, February 4, 2022. Completed, February 15, 2022.

(E7) Fox Creek Road

Underground distribution system improvements. Started, February 3, 2022. Ongoing.

FIBER(F1) 11th and Cedar Streets to 10th Street and Forum Drive (Salem Avenue and Summit Avenue to Salem Avenue and Highway 72).

Installation of overhead fiber optic cable. Started, November 22, 2021. Ongoing.

WATER DEPARTMENT -(W1) Highway 72, east of South Rucker Street.

Replacement of 8" water main with new 8" PVC in conjunction with commercial development. Started, December 21, 2021. Ongoing.

(W2) Turkey Run (Sycamore Drive to Sycamore Drive) and Mallard Square.

Replacement of water main with new 8" PVC water main. Started, January 10, 2022. Ongoing.

PRESENTATION -1. Experts in the Classroom - Rolla High School

Presented by Rick Booker, Jeslin Casto, Dalton Smith, and Chad Davis on January 25, 2022.

TRAINING/PERSONNEL1. Service Department Staff

Kent Sbabo, Water Distribution Foreman - Promoted, January 25, 2022.

Robert VanDeusen, Night Serviceman - Started, February 18, 2022

MPUA / MoPEP1. MoPEP Committee - Columbia, MO (conference Call)

Attended by Chad Davis and Rodney Bourne on February 3, 2022.

2. MoPEP Virtually Ownership Working Group - Columbia, MO (conference call)

Attended by Chad Davis on February 3, 2022.

MISCELLANEOUS

IV.e.2

February 22, 2022

1. Street repairs for water improvements – Total Cost \$154,051.73 (January 31, 2022, Invoices)

- a. Water main repairs - \$44,374.50 (295.83 tons)
- b. New main at Green Acres - \$26,692.07 (8,109 sq. ft.)
- c. Strobach, Walker, and others - \$82,985.16 (25,692 sq. ft.)

D. **GENERAL MANAGER'S REPORT** (Bourne)1. Building Expansion Update

Bourne reported that the committee has met twice and has short listed two architectural firms for interviews. Preliminary date for interviews is Wednesday, February 23, 2022, weather permitting. We anticipate a recommendation for approval at the March meeting.

2. Grants/Applications

Bourne reported that there are several funding opportunities available in the near term that we may apply for. Some will require us to work with the City and/or MRPC to make the applications. Here are some possible funding sources.

- City American Rescue Plan Act (ARPA) funds.
RMU management has spoken with the City regarding expansion of RMU's fiber optic network to connect additional City facilities. As proposed, the City would fund the infrastructure improvements with ARPA funds. We would add the new locations without increasing the City's current monthly payment for this service.
- State ARPA Funds.
 - (1) \$250 million for broadband infrastructure
 - (2) \$30 million for cell towers campaign
 - (3) \$30 million for digital literacy campaign
 - (4) \$30 million for broadband affordability
 - (5) \$10 million for broadband capacity
 - (6) \$56 million for broadband grants from the Department of Commerce programs
- USDA Rural Energy Pilot Program.
 - (1) This is a very limited 80/20 grant program funding:
 - a. Community Energy planning, capacity building and technical assistance
 - b. Community efficiency and weatherization
 - c. Installation and equipping of community-scale renewable energy technologies and systems
 - (2) RMU is working with the City and MRPC to apply for item b. and c.
 - (3) There is only \$10M available in this program nationwide
- USDA.
 - (1) Rural Development ReConnect Program
 - (2) Community Connect Grants
- Infrastructure and Jobs Act (IAJA).
 - (1) \$65B may become available nationally
 - (2) MO expects \$100M+ for broadband initiatives

Bourne reported that the state is recognizing the obstacles to get consultants and contractors to do the work or to get materials which pricing has increased significantly. As of today, RMU has not submitted any applications.

V. **OLD BUSINESS** (None)VI. **NEW BUSINESS**1. RFB #22-112: Reclosers

Davis reported that this bid is for additional reclosers for upcoming projects. However, after reconsideration, staff recommends rejection of this bid, and we will rebid with at least one other option. After a brief discussion, Read made a motion, seconded by Showalter to reject this bid to allow rebid. Motion passed unanimously.

2. RFB #22-108: Water Materials

Davis reported that this is a stock bid and staff recommends low bid. After a brief discussion, Crump made a motion, seconded by Read to accept the low bid from Water & Sewer Supply in the amount of \$157,963.55. Motion passed unanimously.

Crump made a motion, seconded by Showalter, that the Board adjourn to Executive Session to discuss Legal under RSMo (Supp. 1997) Section 610.021 (1). Roll call vote was taken 4:47 p.m. Votes: Barrack, yes; Crump, yes; Showalter, yes; Read, yes.

IV. e. 3

February 22, 2022

VII. EXECUTIVE SESSION


A. Legal under RSMo (Supp. 1997) Section 610.021 (1).

Showalter made a motion seconded by Read that the meeting return to open session. Roll call vote taken at 6:07 p.m. Votes: Barrack, yes; Crump, yes; Showalter, yes; Read, yes.

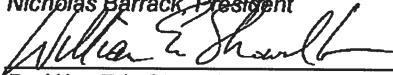
Thurman announced the Board discussed privileged attorney/client communications in executive session with no action taken.

VIII. ADJOURNMENT

With no further business appearing, Showalter made a motion, seconded by Crump, to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 6:08 p.m.



Nicholas Barrack, President



Dr. Wm. Eric Showalter, Secretary

The Board's next meeting is scheduled for Tuesday, March 22, 2022, at 4:30 p.m.

W.e.4

**Operation Manager's Report
RMU Board of Public Works Meeting
February 22, 2022**

ELECTRIC

- E1. 1600 Old Wire Outer Road (EJ Holdings) - Installation of new pole and underground electric distribution system extension to allow for commercial redevelopment.
Started: May 13, 2021
Ongoing
- E2. 1022 Kingshighway (Burger King) - Reconfiguration of poles, primary underground, padmount transformer, and metering in conjunction reconstruction of the business.
Started: September 2, 2021
Completed: February 14, 2022
- E3. Downtown North Substation: Circuit 1B (Northeast) - Reconfiguration of some of the overhead and underground electric distribution system to replace failed underground conductor. Some work on Circuit 4B (Northwest) also.
Started: September 28, 2021
Ongoing
- E4. Country Trace Subdivision (Sunny Drive between Christy Drive and Victoria Lane on South Rolla Street) - Reconfiguration of some overhead electric distribution to underground distribution and installation of new underground electric to serve new residential subdivision.
Started: September 28, 2021
Ongoing
- E5. Lions Club Drive
a. Hwy 72 to 1000 E Lions Club Dr - Installation of street lighting.
- Completed
b. 1000 E Lions Club Dr to Rolla Street - Started: January 13, 2022
c. Rolla Street to Hwy 63 - Future
- E6. Alley east of Main Street: 9th Street to 10th Street - Replacement of two electric distribution poles.
Started: February 4, 2022
Completed: February: 15, 2022
- E7. Fox Creek Road - Underground distribution system improvements.
Started: February 3, 2022
Ongoing

**Operation Manager's Report
RMU Board of Public Works Meeting
February 22, 2022**

FIBER

- | | |
|--|--|
| F1. - 11th and Cedar Streets to 10th Street and Forum Drive
- Salem Avenue and Summit Avenue to Salem Avenue and Highway 72
- Communications Building to 11th and Cedar to Downtown Substation | - Installation of overhead fiber optic cable.
Started: November 22, 2021
Ongoing |
|--|--|

WATER

- | | |
|--|--|
| W1. Highway 72, east of South Rucker Street | - Replacement of 8" watermain with new 8" PVC in conjunction with commercial development.
Started: December 21, 2021
Ongoing |
| W2. Turkey Run (Sycamore Drive to Sycamore Drive) and Mallard Square | - Replacement of water main with new 8" PVC water main.
Started: January 10, 2022
Ongoing |

PRESENTATIONS

- | | |
|--|---|
| 1. Experts in the Classroom
Rolla High School | - January 25, 2022
Presented by: Rick Booker, Justin Casto, Dalton Smith, and Chad Davis |
|--|---|

TRAINING / PERSONNEL

- | | |
|-----------------------------|--|
| 1. Service Department Staff | - Kent Sbabo, Water Distribution Foreman
Promoted: January 25, 2022
- Robert VanDeusen, Night Serviceman
Started: February 18, 2022 |
|-----------------------------|--|

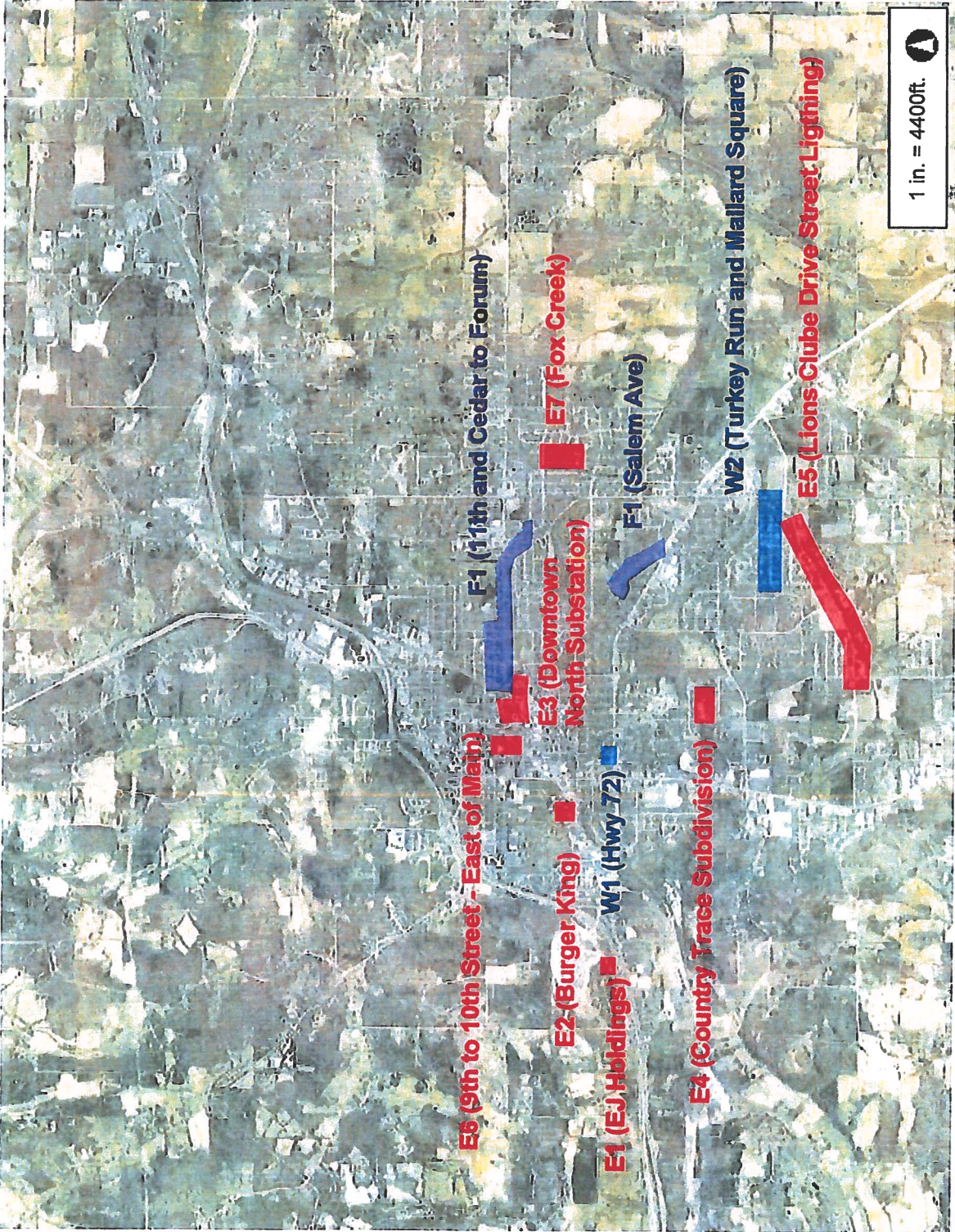
MPUA / MoPEP

- | | |
|--|---|
| 1. MoPEP Committee
Columbia, MO (conference call) | - February 3, 2022
Attended by: Chad Davis and Rodney Bourne |
| 2. MoPEP Virtual Ownership Working Group
Columbia, MO (conference call) | - February 3, 2022
Attended by: Chad Davis |

MISCELLANEOUS

- | | |
|---|---|
| 1. Street repairs for water improvements
a. Water main repairs
b. New main at Green Acres
c. Strobach, Walker, and others
(January 31, 2022 invoices) | - Total cost = \$154,051.70
\$44,374.50 (295.83 tons)
\$26,692.07 (8,109 sq. ft.)
\$82,985.16 (25,692 sq. ft.) |
|---|---|

Operation Manager's Report February 22, 2022



Legend

Notes

1 in. = 4400ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

IV.e.7



**FINANCIAL STATEMENT
FEBRUARY 2022**

RECEIPTS:	
Electric, Water, Tax, Sewer and Refuse Charge	\$3,445,707.34
Accounts Receivable - Miscellaneous	\$92,380.11
Customer's Deposits - Refundable	\$23,350.00
Misc Non-Operating Revenue	<u>\$2,089.13</u>
Total Receipts	\$3,563,506.58
FSCB Super-Now Account Interest (January 31, 2022)	\$2,565.76
FSCB Money Market Account Interest (January 31, 2022)	\$0.00
FSCB Electronic Payment Account Interest (January 31, 2022)	\$424.18
FSCB ISC Sweep Account Interest (January 31, 2022)	\$17,733.13
PCB Super-Now Account Interest (January 31, 2022)	\$0.07
Public Utility Cash In Bank (January 31, 2022)	<u>\$31,802,022.70</u>
Total Receipts and Cash In Bank	<u>\$35,386,252.42</u>
DISBURSEMENTS:	
Power Purchased	\$2,089,726.34
Operating Expenses	\$186,650.01
Administrative and General Expenses	\$96,687.70
Payroll	\$182,872.61
Capital Expenditures	\$312,043.68
Construction in Progress	\$36,664.73
Stock Purchases (Inventory)	\$20,967.50
Balance of Customer's Deposits after Finals	\$13,196.90
Medical, Dental, Vision and Life Insurance Paid by Employees	\$12,780.83
457 Plan Employee Contributions	\$9,123.75
Flexible Spending Account Contributions	\$1,382.44
U.S. Withholding Tax	\$23,461.17
Missouri Dept. of Revenue (Sales Tax)	\$43,835.66
Missouri Dept. of Revenue (Income Tax)	\$9,959.00
First State Community Bank (Social Security)	\$36,726.58
Sewer Service Charge	\$344,268.10
Refuse Service Charge	\$204,530.80
PILOT to City of Rolla	\$114,295.91
Purchase U.S. Treasury Bill / Certificates of Deposit	\$0.00
Standpipes Lease/Purchase	\$959.03
Utility Incentives	\$0.00
Unclaimed Deposits to State	\$0.00
Primacy Fees	<u>\$0.00</u>
Total Disbursements	\$3,750,122.84
Cash in Bank (February 28, 2022)	<u>\$31,638,129.58</u>
Total Disbursements and Cash In Bank	<u>\$35,386,252.42</u>
BALANCE OF OTHER FUNDS:	
PUBLIC UTILITY ACCOUNTS:	
Citizens Bank of Newburg, Ck#1273 for \$49.89	\$2,000.00
First State Community Bank-Electronic Payment Account, Ck#1063 for \$1,786,323.07	\$472,419.66
First State Community Bank-Money Market	\$0.00
First State Community Bank-ICS Sweep Account	\$304,807.83
First State Community Bank-General Fund, Checks #35462 thru #35597 for \$3,750,711.78	\$3,308,550.83
PCB-Super Now, Check #26354 for \$11,182.08	\$2,559.28
Town & Country Bank	<u>\$2,000.00</u>
Total Public Utility Accounts	\$4,092,337.58
ELECTRIC RESERVES:	
Certificates of Deposit	\$0.00
Money Market Account	\$10,195,583.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Electric Reserves	\$10,195,583.00
RESTRICTED ELECTRIC RESERVES:	
Certificates of Deposit	\$0.00
Money Market Account	\$14,250,000.00 FY21 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Electric Reserves	\$14,250,000.00
WATER RESERVES:	
Certificates of Deposit	\$0.00
Money Market Account	\$3,098,209.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Water Reserves	\$3,098,209.00
TOTAL RESERVES:	<u>\$27,543,792.00</u>
TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:	<u>\$31,638,129.58</u>

IV.e.8



STATISTICS

February 2022

PRODUCTION

Date of Demand	02/18/2022
Time of Demand	08:00 AM
Scada Demand	62,000.00
kWh Purchased	29,857,800
Total Cost	\$1,817,339.47 *
Cost per kWh	0.060866 *
Load Factor	71.7%

Pumped #2 Well	0
Pumped #3 Well	0
Pumped #4 Well	2,693,000
Pumped #5 Well	1,949,000
Pumped #6 Well	2,578,000
Pumped #7 Well	1,064,000
Pumped #8 Well	1,652,000
Pumped #9 Well	5,642,000
Pumped #10 Well	0
Pumped #11 Well	3,725,000
Pumped #12 Well	2,210,000
Pumped #13 Well	4,363,000
Pumped #14 Well	6,306,000
Pumped #15 Well	2,461,000
Pumped #16 Well	4,312,000
Pumped #17 Well	3,887,000
Pumped # 1 Ind Park Well	3,628,000
Pumped # 2 Ind Park Well	2,919,000
Total Gallons	49,389,000

METERS IN SERVICE	Electric	Water
Residential - Single Phase	7,994	6,408
Residential - Three Phase	23	20
Commercial - Single Phase	933	510
Commercial - Three Phase	496	307
Power Service	100	90
Industrial	6	2
Area Lighting	16	7
Street Lighting	28	1
Missouri S&T		5
PWSD #2		536
Total	9,596	7,886

ELECTRIC SALES

Residential - Single Phase kWh	12,600,333
Residential - Three Phase kWh	136,148
Commercial - Single Phase kWh	1,575,131
Commercial - Three Phase kWh	3,534,365
Power Service kWh	6,054,670
Industrial kWh	5,212,330
Area Lighting kWh	6,452
Street Lighting kWh	32,972
Rental Lights kWh	78,141
Total kWh Sold	29,230,542
Demand kW	27,453
Revenue	\$2,562,317.75
Monthly Loss	2.10%
Fiscal Year to Date Loss	7.18%

WATER SALES

Residential - Single Phase Gallons	21,970,000
Residential - Three Phase Gallons	251,000
Commercial - Single Phase Gallons	4,870,000
Commercial - Three Phase Gallons	3,919,000
Power Service Gallons	7,551,000
Industrial Gallons	1,520,000
Missouri S&T Gallons	1,569,000
PWSD #2 Gallons	1,571,000
Total Gallons Sold	43,221,000
Revenue	\$240,783.20
Pumping Cost, Electric	\$31,841.10
Monthly Unidentified Loss	8.64% **
Fiscal Year to Date Unidentified Loss	10.04% ***

Sewer Service Charge	\$319,193.71
Refuse Service Charge	\$203,214.17
Gross Payroll	\$257,048.67

* Energy losses are not included in this statistic and are estimated at an additional 12%.

** Loss includes 1,900,000 gallons per water main flushing records.

*** FY loss includes 12,314,000 gallons per water main flushing records.

10.e.9

The Centre Rolla's Health & Recreation Complex
Income Statement
For the 5 Months Ending
February 28, 2022

	<u>Period To Date</u>	<u>PTD Budget</u>	<u>Variance</u>	<u>Last Year</u>	<u>Year To Date</u>	<u>YTD Budget</u>	<u>Variance</u>	<u>Last Year</u>
Members:								
New	154	123	25%	118	794	725	10%	472
Net New & Reactivated Bridge/Freezes	(3)			(16)	(61)			(19)
Cancelled	69	76	9%		374	376	1%	564
Net	<u>82</u>	<u>47</u>	<u>74%</u>	<u>102</u>	<u>359</u>	<u>349</u>	<u>3%</u>	<u>(111)</u>
Total Members	<u>1,903</u>	<u>1,974</u>	<u>-4%</u>	<u>1,507</u>	<u>1,903</u>	<u>1,974</u>	<u>-4%</u>	<u>1,507</u>
Revenues								
Rental & Other:								
Conference Room & Other Rental	\$180	\$0	\$180	\$0	\$700	\$0	\$700	\$0
Miscellaneous Income	0	0	0	0	0	0	0	2,706
	<u>180</u>	<u>0</u>	<u>180</u>	<u>0</u>	<u>700</u>	<u>0</u>	<u>700</u>	<u>2,706</u>
Member Services:								
Membership Dues	46,028	49,350	(3,322)	22,207	211,875	229,675	(17,800)	108,186
Guest Fees	8,682	6,000	2,682	6,542	32,932	30,000	2,932	15,468
Special Programs	0	0	0	0	1,990	0	1,990	0
Locker Rent	180	0	180	100	416	0	416	100
	<u>54,890</u>	<u>55,350</u>	<u>(460)</u>	<u>28,849</u>	<u>247,213</u>	<u>259,675</u>	<u>(12,462)</u>	<u>123,754</u>
Fitness:								
Enrollment Fees/Health Assessments	817	3,075	(2,258)	806	1,518	18,125	(16,607)	806
Special Programs	221	100	121	60	1,707	500	1,207	1,297
	<u>1,038</u>	<u>3,175</u>	<u>(2,137)</u>	<u>866</u>	<u>3,224</u>	<u>18,625</u>	<u>(15,401)</u>	<u>2,103</u>
Ancillary:								
Swim Programs/Outdoor Pool	9,616	11,000	(1,384)	5,698	38,165	55,000	(16,835)	17,234
General Medical Integration	0	1,180	(1,180)	0	0	4,520	(4,520)	0
Recreation	8,383	3,000	5,383	1,603	34,955	15,000	19,955	3,017
Café	436	650	(214)	47	1,626	3,250	(1,624)	164
Pro Shop	16	393	(377)	42	313	1,573	(1,260)	167
Personal Training/Pilates	3,381	6,514	(3,133)	1,365	16,816	30,317	(13,501)	(4,650)
Children's Area	1,697	500	1,197	123	6,145	2,500	3,645	192
	<u>23,530</u>	<u>23,237</u>	<u>293</u>	<u>8,878</u>	<u>98,020</u>	<u>112,160</u>	<u>(14,140)</u>	<u>16,123</u>
Total Revenue	<u>79,637</u>	<u>81,762</u>	<u>(2,125)</u>	<u>38,593</u>	<u>349,157</u>	<u>390,460</u>	<u>(41,303)</u>	<u>144,686</u>
Expenses								
Salaries & Burden	94,263	87,087	(7,176)	53,877	425,655	432,935	7,280	318,654
Other Employee Expenses	3,007	2,000	(1,007)	1,615	13,178	10,000	(3,178)	15,346
General Supplies & Services	638	375	(263)	192	1,717	1,875	158	2,128
Program Supplies	0	150	150	342	0	750	750	717
Environmental Supplies	1,806	2,250	444	473	7,175	11,250	4,075	6,416
Cost of Goods Sold	8	698	690	17	236	3,216	2,980	77
Minor Equipment	658	817	159	235	1,736	4,085	2,349	1,941
Repairs & Maintenance/Service Contracts	6,250	7,572	1,322	4,317	32,181	37,860	5,679	15,979
Marketing & Collateral	9,764	5,200	(4,564)	1,844	25,770	26,000	230	6,679
Utilities	18,410	15,125	(3,285)	17,323	75,511	75,625	114	69,374
Bank Fees & Miscellaneous	2,701	1,387	(1,314)	1,809	9,932	6,935	(2,997)	2,698
CAM, Taxes & Fees	2,571	2,136	(435)	1,683	10,463	10,680	217	7,261
Total Expenses	<u>140,075</u>	<u>124,797</u>	<u>(15,278)</u>	<u>83,727</u>	<u>603,554</u>	<u>621,211</u>	<u>17,657</u>	<u>447,269</u>
Net Operating Income	<u>(60,438)</u>	<u>(43,035)</u>	<u>(17,403)</u>	<u>(45,135)</u>	<u>(254,397)</u>	<u>(230,751)</u>	<u>(23,646)</u>	<u>(302,583)</u>
Management Fees	8,000	10,000	2,000	0	40,000	50,000	10,000	30,896
Net Income (Loss)	<u>(\$68,438)</u>	<u>(\$53,035)</u>	<u>(\$15,403)</u>	<u>(\$45,135)</u>	<u>(\$294,397)</u>	<u>(\$280,751)</u>	<u>(\$13,646)</u>	<u>(\$333,479)</u>
Ancillary Services Net Income (Loss)								
Swim Programs/Outdoor Pool (Net)	\$5,990	\$6,600	(\$610)	(\$1,764)	\$19,931	\$33,000	(\$13,069)	(\$26,665)
Recreation (Net)	\$6,938	\$900	\$6,038	(\$1,790)	\$23,263	\$4,500	\$18,763	(\$3,748)
Café (Net)	\$436	\$227	\$209	\$47	\$1,626	\$1,135	\$491	\$164
Pro Shop (Net)	\$8	\$118	(\$110)	\$26	\$77	\$472	(\$395)	\$91
Personal Training/Pilates (Net)	\$545	\$2,280	(\$1,735)	\$1,354	\$4,107	\$10,612	(\$6,505)	(\$6,405)
Children's Area (Net)	\$306	(\$995)	\$1,301	(\$282)	(\$474)	(\$4,975)	\$4,501	(\$213)
Total Ancillary Services Net Income (Loss)	<u>\$14,223</u>	<u>\$9,130</u>	<u>\$5,093</u>	<u>(\$2,410)</u>	<u>\$48,531</u>	<u>\$44,744</u>	<u>\$3,787</u>	<u>(\$36,777)</u>

IV. F. 1

MUNICIPAL DIVISION SUMMARY REPORTING FORM

Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.

<u>I. COURT INFORMATION</u>		Municipality: Rolla Municipal	Reporting Period: Feb 1, 2022 - Feb 28, 2022	
Mailing Address: 901 NORTH ELM, ROLLA, MO 65401				
Physical Address: 901 NORTH ELM, ROLLA, MO 65401			County: Phelps County	Circuit: 25
Telephone Number: (573)3648590		Fax Number:		
Prepared by: RELAUUN SMITH		E-mail Address:		
Municipal Judge: James T. Crump				
<u>II. MONTHLY CASELOAD INFORMATION</u>		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations/informations) pending at start of month		13	1,107	226
B. Cases (citations/informations) filed		2	367	12
C. Cases (citations/informations) disposed				
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0
2. court/bench trial - GUILTY		0	0	0
3. court/bench trial - NOT GUILTY		0	0	0
4. plea of GUILTY in court		0	21	5
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	183	0
6. dismissed by court		0	0	0
7. <i>nolle prosequi</i>		0	34	12
8. certified for jury trial (not heard in Municipal Division)		0	0	0
9. TOTAL CASE DISPOSITIONS		0	248	32
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		15	1,226	206
E. Trial de Novo and/or appeal applications filed		0	0	0
<u>III. WARRANT INFORMATION (pre- & post-disposition)</u>		<u>IV. PARKING TICKETS</u>		
1. # Issued during reporting period	56	1. # Issued during period		222
2. # Served/withdrawn during reporting period	47	<input type="checkbox"/> Court staff does not process parking tickets		
3. # Outstanding at end of reporting period	1,156			

IV. g. 1

MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Rolla Municipal	Reporting Period: Feb 1, 2022 - Feb 28, 2022
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<u>V. DISBURSEMENTS</u>			
Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)		Other Disbursements: Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$3,015.50	Court Automation	\$532.00
Clerk Fee - Excess Revenue	\$289.09	Overpayment-E/R	\$18.00
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$8.91	Total Other Disbursements	\$550.00
Bond forfeitures (paid to city) - Excess Revenue	\$400.00	Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$12,627.50
Total Excess Revenue	\$3,713.50	Bond Refunds	\$344.00
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Total Disbursements	\$12,971.50
Fines - Other	\$6,650.00		
Clerk Fee - Other	\$622.91		
Judicial Education Fund (JEF) <input checked="" type="checkbox"/> Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$76.00		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$541.88		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$19.21		
Law Enforcement Training (LET) Fund surcharge	\$152.00		
Domestic Violence Shelter surcharge	\$152.00		
Inmate Prisoner Detainee Security Fund surcharge	\$0.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$150.00		
Total Other Revenue	\$8,364.00		

10.9.2

**CITY OF ROLLA
CASH ANALYSIS REPORT
February 28, 2022**

GENERAL FUND

CASH IN BANK	\$ 10,732.93
NIB GENERAL FUND	\$ 933.21
CASH - BAIL BONDS	\$ -
ROLLA MUNICIPAL COURT	\$ 2,769.50
ASI FLEX 125	\$ 13,853.38
CASH - HEALTH ACCOUNT	\$ -
TIF ACCOUNT - EATS	\$ 118,487.96
TIF ACCOUNT - PILOT	\$ 33.70
CASH - PAID UNDER PROTEST	\$ 15.00
INVESTMENTS - GENERAL FUND	\$ 41,031.10
USE TAX MMA	\$ 433,375.51
MMA - GENERAL FUND RESERVE REBUILD	\$ 503,086.10
POLICE EVIDENCE FUNDS	\$ 18,573.64
CITY SEIZURES & FORFEITURES	\$ 17,639.74
TASKFORCE SEIZURES & FORFEITURES	\$ 581,982.49
ANIMAL CONTROL SHELTER COMM PARTNER	\$ 130,753.97
ANIMAL CONTROL SHELTER RESERVE	\$ 615,987.64
PROPERTY FIRE DAMAGE ACCOUNT	\$ 17.02
ANIMAL CONTROL SHELTER COMM PARTNER - ENDOW	\$ -
DISASTER RESPONSE	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 5,685.90
US BANK ESCROW	\$ -
INVESTMENTS - CDS	\$ -
EAC ACCOUNT	\$ -
GENERAL FUND TOTALS	\$ 2,494,958.79

SEWER FUND

CASH IN BANK	\$ 1,000,970.04
NIB GENERAL FUND	\$ 636.32
RISK MANAGEMENT RESERVE	\$ -
SEWER FUND MMA	\$ 13,554.82
SEWER FUND DEPREC & RESERVE	\$ 502,860.60
INVESTMENTS - GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 3,905.50
US BANK ESCROW	\$ -
INVESTMENT - CDS	\$ -
SEWER FUND TOTALS	\$ 1,521,927.28

ENVIRONMENTAL SERVICES FUND

CASH IN BANK	\$ 1,157,879.39
NIB ENV SVS FUND	\$ -
RISK MANAGEMENT RESERVE	\$ -
INVESTMENTS - GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 7,291.41
MMA PCB	\$ 70,257.25
ENV SVS CC	\$ 54,694.62
INVESTMENT - CDS	\$ -
ENV SVS FUND TOTALS	\$ 1,290,122.67

ARPA FUNDING

CASH IN BANK	\$ 1,139.63
ARPA FUNDING MMA	\$ 2,061,340.51
AIRPORT FUND TOTALS	\$ 2,062,480.14

IV.h.1

**CITY OF ROLLA
CASH ANALYSIS REPORT
February 28, 2022**

AIRPORT FUND

CASH IN BANK	\$ (923,207.61)
NIB GENERAL FUND	\$ 536,300.85
RISK MANAGEMENT RESERVE	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 15,885.09
INVESTMENTS - MMA	\$ 109,829.01
INVESTMENTS - MMA (BREWER LEASE AGREE)	\$ 27,300.00
AIRPORT FUND TOTALS	\$ (233,892.66)

CEMETERY FUND

CASH IN BANK	\$ 4,190.00
CASH - MMA	\$ 325,885.60
INVESTMENTS - RESTRICTED	\$ -
CEMETERY FUND TOTALS	\$ 330,075.60

STREET FUND

CASH IN BANK	\$ 1,430,243.58
NIB GENERAL FUND	\$ -
RISK MANAGEMENT RESERVE	\$ -
GENERAL FUND MMA	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 8,350.56
CASH - MMA	\$ 2,051,333.50
MODOT RESERVE	\$ 1,505,798.00
INVESTMENT - CDS	\$ -
STREET FUND TOTALS	\$ 4,995,725.64

RECREATION FUND

CASH IN BANK	\$ (495,168.25)
RISK MANAGEMENT RESERVE	\$ -
INVESTMENTS - GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 306.57
DEPR RES & EQUIP - MMA	\$ -
INVESTMENT - CDS	\$ -
INVESTMENTS - SALES TAX	\$ -
CENTRE CC	\$ -
RECREATION FUND TOTALS	\$ (494,861.68)

HEALTH INSURANCE FUND

HEALTH INSURANCE RESERVE	\$ 500,703.55
CASH - HEALTH ACCOUNT	\$ 99,088.28
GENERAL FUND CREDIT CARD ACCOUNT	\$ 24,789.33
HEALTH FUND TOTALS	\$ 624,581.16

PARK FUND

CASH IN BANK	\$ 15,343.71
NIB GENERAL FUND	\$ 250.00
RISK MANAGEMENT RESERVE	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 10.00
INVESTMENTS - PARK SALES TAX	\$ 333,608.32
PARKS CC	\$ 110,747.52
PARK FUND TOTALS	\$ 459,959.55

PARK LAND RESERVE FUND

CASH IN BANK	\$ 44,767.18
PARK LAND RESERVE ACCOUNT	\$ 29,779.71
PARK LAND RESERVE FUND TOTALS	\$ 74,546.89

GRAND TOTAL ALL FUNDS **\$ 11,063,143.24**

ANY AND ALL FINANCIAL RECORDS ARE OPEN TO THE PUBLIC

W.h.2

CITY OF ROLLA
REVENUE/EXPENDITURE REPORT - UNAUDITED
February 28, 2022
42% of Year

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<u>GENERAL FUND</u>				
REVENUES	\$ 14,359,238.00	\$ 5,459,652.93	\$ 8,899,585.07	38.0%
EXPENDITURES				
GENERAL ADMINISTRATIVE	\$ 676,855.00	\$ 285,957.28	\$ 390,897.72	42.2%
ADMINISTRATION	\$ 312,932.00	\$ 124,493.73	\$ 188,438.27	39.8%
LIBRARY	\$ 300,750.00	\$ 122,818.75		40.8%
FINANCE	\$ 679,960.00	\$ 308,799.50	\$ 371,160.50	45.4%
LEGAL	\$ 67,300.00	\$ 35,374.05	\$ 31,925.95	52.6%
COURT	\$ 92,990.00	\$ 40,099.86	\$ 52,890.14	43.1%
TELECOMMUNICATIONS	\$ 1,438,550.00	\$ 527,807.68	\$ 910,742.32	36.7%
ANIMAL CONTROL	\$ 831,455.00	\$ 125,089.49	\$ 706,365.51	15.0%
POLICE	\$ 5,522,076.00	\$ 2,378,303.63	\$ 3,143,772.37	43.1%
FIRE	\$ 3,990,300.00	\$ 1,419,747.69	\$ 2,570,552.31	35.6%
ROLLA RURAL FIRE	\$ -	\$ 240,318.97	\$ (240,318.97)	#DIV/0!
BUILDING SERVICES	\$ 92,165.00	\$ 31,721.18	\$ 60,443.82	34.4%
COMMUNITY DEVELOPMENT	\$ 513,925.00	\$ 183,316.82	\$ 330,608.18	35.7%
ECONOMIC DEVELOPMENT	\$ 53,000.00	\$ 52,927.16	\$ 72.84	99.9%
TOTAL EXPENDITURES	\$ 14,572,258.00	\$ 5,876,775.79	\$ 8,517,550.96	40.3%
REVENUES OVER/UNDER EXPENDITURES	\$ (213,020.00)	\$ (417,122.86)	\$ 382,034.11	
<u>SEWER FUND</u>				
REVENUES	\$ 9,294,965.01	\$ 19,552,050.24	\$(10,257,085.23)	210.4%
EXPENDITURES	\$ 8,607,349.00	\$ 5,784,867.55	\$ 2,822,481.45	67.2%
REVENUES OVER/UNDER EXPENDITURES	\$ 687,616.01	\$ 13,767,182.69	\$(13,079,566.68)	
<u>ENVIRONMENTAL SERVICES FUND</u>				
REVENUES	\$ 3,760,750.00	\$ 1,279,236.06	\$ 2,481,513.94	34.0%
EXPENDITURES				
RECYCLING	\$ 582,720.00	\$ 202,272.59	\$ 380,447.41	34.7%
SANITATION	\$ 2,822,900.00	\$ 1,056,049.43	\$ 1,766,850.57	37.4%
VEHICLE MAINTENANCE	\$ 448,560.00	\$ 199,115.97	\$ 249,444.03	44.4%
TOTAL EXPENDITURES	\$ 3,854,180.00	\$ 1,457,437.99	\$ 2,396,742.01	37.8%
REVENUES OVER/UNDER EXPENDITURES	\$ (93,430.00)	\$ (178,201.93)	\$ 84,771.93	
<u>ARPA FUNDING</u>				
REVENUES	\$ -	\$ 976,801.48	\$ (976,801.48)	#DIV/0!
EXPENDITURES	\$ -	\$ 975,759.27	\$ (975,759.27)	#DIV/0!
REVENUES OVER/UNDER EXPENDITURES	\$ -	\$ 1,042.21	\$ (1,042.21)	

CITY OF ROLLA
REVENUE/EXPENDITURE REPORT - UNAUDITED
February 28, 2022
42% of Year

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<u>AIRPORT FUND</u>				
REVENUES	\$ 661,206.00	\$ 243,883.23	\$ 417,322.77	36.9%
EXPENDITURES	\$ 663,425.00	\$ 351,227.64	\$ 312,197.36	52.9%
REVENUES OVER/UNDER EXPENDITURES	\$ (2,219.00)	\$ (107,344.41)	\$ 105,125.41	
<u>CEMETERY FUND</u>				
REVENUES	\$ 13,200.00	\$ 15,202.16	\$ (2,002.16)	115.2%
EXPENDITURES	\$ 20,000.00	\$ 1,337.50	\$ 18,662.50	6.7%
REVENUES OVER/UNDER EXPENDITURES	\$ (6,800.00)	\$ 13,864.66	\$ (20,664.66)	
<u>STREET FUND</u>				
REVENUES	\$14,707,990.50	\$ 2,289,236.09	\$ 12,418,754.41	15.6%
EXPENDITURES				
STREET	\$ 6,459,175.00	\$ 2,436,440.56	\$ 4,022,734.44	37.7%
TDD	\$ 4,869,228.00	\$ 738,446.69		
ENGINEERING	\$ 883,150.00	\$ 348,285.70	\$ 534,864.30	39.4%
TOTAL EXPENDITURES	\$12,211,553.00	\$ 3,523,172.95	\$ 4,557,598.74	
REVENUES OVER/UNDER EXPENDITURES	\$ 2,496,437.50	\$ (1,233,936.86)	\$ 7,861,155.67	
<u>RECREATION FUND</u>				
REVENUES	\$ 815,000.00	\$ 2.31	\$ 814,997.69	0.0%
EXPENDITURES				
AQUATICS	\$ -	\$ 4,482.01	\$ (4,482.01)	#DIV/0!
ADMINISTRATION	\$ 750,205.00	\$ 332,177.80	\$ 418,027.20	44.3%
MAINTENANCE	\$ -	\$ 18,296.27	\$ (18,296.27)	#DIV/0!
TOTAL EXPENDITURES	\$ 750,205.00	\$ 354,956.08	\$ 395,248.92	47.3%
REVENUES OVER/UNDER EXPENDITURES	\$ 64,795.00	\$ (354,953.77)	\$ 419,748.77	
<u>PARK FUND</u>				
REVENUES	\$ 1,760,942.00	\$ 848,538.09	\$ 912,403.91	48.2%
EXPENDITURES				
ADMINISTRATION	\$ 226,125.00	\$ 107,109.64	\$ 119,015.36	47.4%
PARKS	\$ 1,168,790.00	\$ 321,971.71	\$ 846,818.29	27.5%
SPLASHZONE	\$ 232,250.00	\$ 21,438.24	\$ 210,811.76	9.2%
OUTDOOR RECREATION	\$ 199,935.00	\$ 44,631.35	\$ 155,303.65	22.3%
TOTAL EXPENDITURES	\$ 1,827,100.00	\$ 495,150.94	\$ 1,331,949.06	27.1%
REVENUES OVER/UNDER EXPENDITURES	\$ (66,158.00)	\$ 353,387.15	\$ (419,545.15)	

10.6.4

CITY OF ROLLA
REVENUE/EXPENDITURE REPORT - UNAUDITED
February 28, 2022
42% of Year

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<u>PARK LAND RESERVE FUND</u>				
REVENUES	\$ 1,000.00	\$ 1,300.98	\$ (300.98)	130.1%
EXPENDITURES	\$ 39,500.00	\$ -	\$ 39,500.00	0.0%
REVENUES OVER/UNDER EXPENDITURES	\$ (38,500.00)	\$ 1,300.98	\$ (39,800.98)	

**MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, MARCH 15, 2022**

Presiding: Don Brown, Chairperson

Commission Members Present: Walter Bowe, Lister Florence Jr., Janece Martin, Russell Schmidt, Kevin Crider

Commission Members Absent: Robert Anderson, Monte Shields

City Officials in Attendance: Tom Coots, *City Planner*, Sarah West, *Administrative Assistant*, Steve Flowers, *Community Development Director*

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, February 15, 2022. **Chairperson Don Brown approved the minutes as printed and distributed.**

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **SUB22-01, Davis Addition:** A minor subdivision Final Plat to combine 3 commercial lots into one lot. ***Approved by City Council at March 7, 2022 meeting.***

III. OLD BUSINESS:

1. **SUB21-07, Ridgeview Christian Church Plat 1:** A Minor Subdivision Final Plat to combine several lots into one lot and vacate the rights-of-way of Walker Ave and Ridgeview Rd adjacent to the property. **Applicant has requested to be tabled to the April 12, 2022 meeting.**

A motion was made by Walter Bowe, seconded by Janece Martin, to grant the applicant's request to table the case to the April 12, 2022 meeting. A voice vote showed all in favor. The motion passes unanimously.

IV. PUBLIC HEARING:

1. **SUB22-03, Bradley Addition:** A Minor Subdivision Final Plat to combine several lots into 3 lots; dedicate rights-of-way for 13th Street and Tim Bradley Way; and vacate portions of the rights-of-way of Spring Avenue, 13th Street, and an alley between Poole Ave, Spring Ave, 13th Street, and University Dr. **Applicant has requested to be postponed to the April 12, 2022 meeting.**

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A motion was made by Janece Martin, seconded by Walter Bowe, to grant the applicant's request to postpone the case to the April 12, 2022 meeting. A voice vote showed all in favor. The motion passes unanimously.

V. NEW BUSINESS:

- 1. **SUB22-02, Jordan Subdivision #2:** A Minor Subdivision Final Plat to reorganize 3 commercial lots into 2 lots.

Tom Coots presents the staff report.

Don Brown asks about egress and ingress. **Coots** states that currently lot 1 has frontage on both Hartville Road and Highway 63, and the applicant is proposing a private access easement across lot 2 located near the current driveway. Lot 2 also has frontage on Highway 63 and Hartville Road.

Russell Schmidt asks about a lot line being in close proximity to an existing building. **Coots** states this is the current lot line, and the proposed lot line will be in a different location. **Schmidt** asks about property ownership. **Coots** states the proposed lot 1 on the plat is owned by 3 Springs Holding LLC and the proposed lot 2 is owned by JC Land Investments LLC.

A motion is made by Russell Schmidt, seconded by Janece Martin, to recommend approval to City Council to reorganize 3 commercial lots into 2 lots. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Martin, Schmidt, and Crider. Nays: None. The motion passes unanimously.

VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF: NONE

VII. CITIZEN COMMENTS: NONE

Meeting adjourned: 5:46 p.m.
Minutes prepared by: Sarah West

NEXT MEETING: Tuesday, April 12, 2022

W.I. 2

Park Advisory Commission Meeting Minutes

Special Meeting

February 10, 2022

Zoom/City Hall, 3rd Floor Conference Room

Members Present: Larry Thomas

Members Present by Zoom: Ken Kwantes, Andrew Meggitt, Mike Fleishhauer, Sue Arnold, and Susan Wrasmann

Absent: None

Others Present: Floyd Jernigan and Julie Rodgers

Others Present by Zoom: Stan Busch

1. Call to Order

- Mr. Kwantes called the meeting to order at 5:02 p.m. Purpose of this meeting is to update details of the Downtown Plaza Fountain and to look at submitted bid proposals for a new playground feature in Buehler Park. The group will discuss and make a selection from submitted bids.

2. Approval of Minutes

- Sue Arnold made a motion to approve the Jan. 26, 2022, minutes. Andrew Meggitt seconded approval and the motion passed with no opposition.

3. Downtown Plaza Update

- The RDBA Downtown Plaza Fountain Park project was approved at City Council on Monday night. City Council was confident with the information they had received, voting favorably for the project with a 10-1 approval.

There were no day-to-day operation details given in the packet provided to Council members. CDC says a fountain has to be run as a splash pad unless there is a public barrier/signage. RDBA's presentation did not include a barrier or signage. The fountain will need chemicals, a pump, a filtration system, a disinfection system, and an electronic system to perform multiple daily chemical readings with the ability to regulate chemical levels, as well as a utility building to house these systems, along with electric. The plans submitted to Council had none of these. Parks staff researched other municipalities about their experience with fountains. Kansas City, St. Joe, Maryville and Salem responded. We also collected NRPA posts regarding maintenance of fountains. Problems cited were vandalism with soaping and being used as bathing and bathroom facilities. Several cities had discontinued their fountains due to the above and much greater than expected water usage. All admitted they had underestimated expected water usage due to evaporation and unintended "bather loads." One had to hire a

W.J.L

full-time maintenance staffer. Mr. Jernigan said the key point would be in how Public Works designs this. Should there be a vandalism incident with the water, a system to dump the contaminated water would reduce the need for immediate overnight and weekend maintenance, would save on chemical costs, and would reduce staff costs in overtime hours. This would come at the cost of more water, although it may still be more cost effective to take that approach.

Larry Thomas pointed out that the agenda says RDBA will need to raise \$125,000. The MOU states the term of agreement is only for three years, so RDBA will have to raise the money or it will not happen.

As of this meeting, RDBA was fundraising for the project, which is planned for 2023.

4. Buehler Park Playground

Mr. Jernigan talked to the group about the new proposed playground structure for Buehler Park. We sent specs in the packets, but not all bid applicants met specs. Hutchinson Miracle and Athco were the only two who met specs for the proposal. Nonetheless, staff noted there are some good features on some of the others that were submitted. Mr. Jernigan presented the top playground structures based on staff's recommendations to the group on easels. The group talked about each playground structure.

Mr. Jernigan reported that there are good features on the Hutchinson playground, but staff would like to swap two of the features from Option C for two from Option A, which would work better for the park's theme. Mr. Jernigan will contact Hutchinson. If they do not have suitable features to replace the ones we do not like, we would contact one of the other companies to see if we can purchase a featured piece from their bid.

Mr. Kwantes asked what the budget was for the playground. Mr. Jernigan said it was \$115,000, but that doesn't include the safety surface, which would add approximately \$10,000. A portion of the money will come from Prop P and some from the Parkland Reserve, from an ordinance that was rewritten three years ago stating we have to use the money for a regional, signature, or other main park within a specified time. All of the playground features were within budget.

5. Adjournment

Andrew Meggitt made a motion to adjourn. Susan Wrasmann seconded. All were in favor, with no opposition. The meeting adjourned at 5:29 p.m. Next regular Park Board Meeting is scheduled for Wednesday, March 23, at 5 p.m.

BOARD OF ADJUSTMENT MINUTES
March 10, 2022, 5:30 P.M.
Rolla City Hall
1st Floor, Council Chambers

<u>Presiding:</u>	Chairperson Matt Crowell
<u>Members Present:</u>	Laura Stoll, Judy Jepsen
<u>Alternates Present:</u>	Jonathan Hines
<u>Members Not Present:</u>	None
<u>City Officials in Attendance:</u>	Tom Coots, <i>City Planner</i> , Steve Flowers, <i>Community Development Director</i> , Sarah West, <i>Administrative Assistant</i> , Louis J. Magdits IV, <i>Mayor</i> , John Butz, <i>City Administrator</i>

City Planner **Tom Coots** called the meeting to order at 5:30 PM.

I. ELECTION:

Coots called for nominations of Chairperson and Vice-Chairperson. **Judy Jepsen** makes a motion, seconded by **Laura Stoll** to nominate **Matt Crowell** as the Chairperson. A voice vote shows all in favor. **Judy Jepsen** volunteered to serve as Vice-Chairperson. **Crowell** swore in all present who intended to speak.

II. APPROVE MINUTES:

Crowell conducted a voice vote to approve the minutes from the December 9, 2021 Board of Adjustment meeting as printed and distributed.

III. OLD BUSINESS:

- 1. ZV2021-04:** Variance to Section 42-244.4 (h) to allow a reduction in the front yard setback for a sign in the C-1, Neighborhood Commercial district. **TO BE POSTPONED TO APRIL 7, 2022 AT 5:30 AT REQUEST OF APPLICANT**

IV. PUBLIC HEARING:

- 1. ZV2021-05:** Variance to Section 42-244.6 sub-section (3), to allow additional monument signs in the C-3, Highway Commercial district. **TO BE POSTPONED TO APRIL 7, 2022 AT 5:30 AT REQUEST OF APPLICANT**
- 2. ZV2022-02:** Variances to Section 42-171.3 and Section 42-244.4, to allow a sign projecting above the eave line and in excess of the maximum structure height in the R-1, Single-family district at 801 W 11th Street.

W.K.1

Coots presents the staff report.

Stoll asks about responses from neighbors. **Coots** states he received no responses in opposition to the variance. **Stoll** stated she was a member of the church applying for the variance, but not on any legislative Board within the church.

Jay Cox, residing at 315 Pebblestone Lane, confirms he was sworn in. **Cox** is the applicant, and the president of the Immanuel Lutheran Church. He states the church is only replacing the cross as a matter of maintenance. If required to lower the cross below the eave line, visibility would be hindered, possibly causing the church to place more crosses to increase visibility on each side. **Stoll** states that many churches have a cross above the eave line. She asks if this is a code that churches must follow. **Cox** is not aware of any code. He states there are no structural changes, just replacing a wooden cross with metal internally illuminated one.

Crowell asks if the cross needs to be lit. **Cox** states this is only a preference. **Crowell** asks if the applicant knew the luminance. **Cox** states the luminance was unknown, but it would not be bright.

Crowell opens the public hearing.

Kyle Brown, residing at 812 W 11th Street, is sworn in. He expresses opposition to the variance, as well as voices concern about the metal lit cross being a hazard for certain weather conditions.

Crowell closes the public hearing.

Coots asks the board to go over the criteria for approval.

1st Criterion: **Crowell** asks what type of buildings surrounds the subject property. **Hines** states Missouri University of Science and Technology owns several properties in that area. Both **Hines** and **Crowell** comment that requiring the applicant to lower the cross below the eave line could possibly create a hardship due to the lowered visibility.

All Board members agreed the 1st criterion was met.

All Board members agreed the 2nd criterion was met.

3rd Criterion: **Crowell** comments about the similarity of the goal of increasing attendance and the goal to increase income, but the Board found that this meets the intent of the criteria.

All Board members agreed the 3rd criterion was met.

All Board members agreed the 4th criterion was met.

5th Criterion: **Crowell** comments the lit cross was not the minimum variance required. **Jepsen** asks if a spotlight would be allowed. **Coots** states yes, if the applicant retains the current cross. **Crowell** calls the applicant up again for more discussion. **Cox** states again a lit cross is not necessary, but would be preferred as members of the church contribute. **Hines** states a lit cross is a step above the minimum requirement for a variance. **Coots** states the focus is not on the proposed cross being lit, since the applicant could increase night visibility on the current cross, but the location of the proposed cross being over the eave line.

All Board members agreed the 5th criterion was met.

All Board members agreed the 6th criterion was met.

A motion was made by Laura Stoll, seconded by Judy Jepsen, to approve the variance to allow a sign projecting above the eave line and in excess of the maximum structure height in the R-1, Single-family district. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Hines. Nays: None. The motion passes unanimously.

3. **ZV2022-03: Use Variance to allow a Homeless Service use in the C-2, General Retail district at 1344 S Bishop Ave. TO BE POSTPONED TO APRIL 7, 2022 AT 5:30 AT REQUEST OF APPLICANT**

V. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:

1. **ZV2019-06: Consideration of extension of expiration of Special Exception to allow a church parking lot in the R-1, Single-family district.**

Coots presents the staff report.

A motion is made by Jonathan Hines, seconded by Laura Stoll, to approve a one-year extension, expiring March 10, 2023, of the expiration of Special Exception to allow a temporary gravel church parking lot. A roll call vote on the motion showed the following: Ayes: Crowell, Stoll, Jepsen, and Hines. Nays: None. The motion passes unanimously.

2. **Discussion regarding Use Variance application:** Discussion regarding Use Variance application and whether a Use Variance application, as defined in City Code, must be related to a unique physical characteristic of the property in order to be reviewed by the Board.

Hines comments an applicant could go to the Board for a different interpretation of the Code, but not for an issue that has no Codes written. It could be insinuating that the Board of Adjustment could write the Code. He states this type of issue would be best seen by the Planning and Zoning Commission and City Council.

Crowell asks who makes the interpretation for items outside City Code. **Coots** states it would be the Director of Community Development. The Board could interpret Code if an applicant files for an appeal.

Jepsen asked for clarification of a PUD. **Coots** states a PUD rezones a property to allow for any use approved in the PUD.

Hines comments about the Board possibly not being able to see a case, if it is not related to a physical characteristic.

Having no further business, the meeting was adjourned at 6:33 P.M.

Minutes prepared by **Sarah West**

NEXT MEETING:

Thursday, April 7, 2022

W.K. 4

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Darin Pryor

ACTION REQUESTED: Motion

ITEM/SUBJECT: 18th Street Midblock Crossing

BUDGET APPROPRIATION \$7500 In-Kind

DATE: 04/04/2022

COMMENTARY:

We have received a request from Jared Jordan for a pedestrian mid-block crosswalk adjacent to 1051 18th Street. Mr. Jordan is developing the property at 1051 18th Street and feels strongly that a crosswalk is needed and is willing to pay half of the cost. At this point city staff isn't aware of an identified need for the crosswalk. Studies have shown that on two-lane roads the presence of a marked crosswalk alone at an uncontrolled location (mid-block is an example) was associated with no difference in pedestrian crash rate, compared to an unmarked crosswalk. Pedestrians should exercise caution when crossing streets at an uncontrolled location, regardless of who has the legal right-of-way, since it is the pedestrian who suffers the most physical injury in a collision with a motor vehicle.

The sight distance at this location is 396 feet justifying the need for a push-button activated midblock crossing.

Attached is the citizen contract for the materials for the flashing mid-block crossing for council review and discussion. In previous locations the city would provide the labor to install and cover ongoing maintenance.

V.I.A.I

DEPARTMENT OF PUBLIC WORKS

901 North Elm St.

P.O. Box 979

Rolla, MO 65402

Phone: (573) 364-8659

FAX: (573) 364-8602

email: shargis@rollacity.org

www.rollacity.org

**CONTRACT FOR CONSTRUCTION SERVICES TO BE PROVIDED BY THE
CITY OF ROLLA, MISSOURI AT A CITIZEN'S REQUEST**

CITIZEN REQUESTING WORK: Jared Jordan

LOCATION OF REQUESTED WORK: 18th Street Adjacent to 1051 18th Street

TYPE OF WORK REQUESTED: Install push-button activated flashing crosswalk

GRAND TOTAL CONTRACT: \$7,510

ACCOUNT NO. 07/4-00043081

The city, through the execution of this agreement by the city official listed below, agrees to perform the construction work described in accordance with the standards and specifications required for such work by the code of the City of Rolla within a reasonable time after the citizen has deposited with the city the amount of the estimated cost of such work as set forth above.

Citizen agrees to deposit \$7,510, non-refundable, in cash with the city prior to any construction work being commenced.

ADDITIONAL COSTS: Should the estimate of cost of said work be insufficient to reimburse the city for the actual cost of said construction work, citizen agrees to pay the balance of such costs upon the request of the city.

(Citizen signs on notification of additional costs) _____

Should the deposit required of the citizen be in excess of the actual costs of such construction work, city will, upon completion of the work, return the balance thereof to citizen.

Wherefore the parties have executed this agreement this ____ day of _____, 2022.

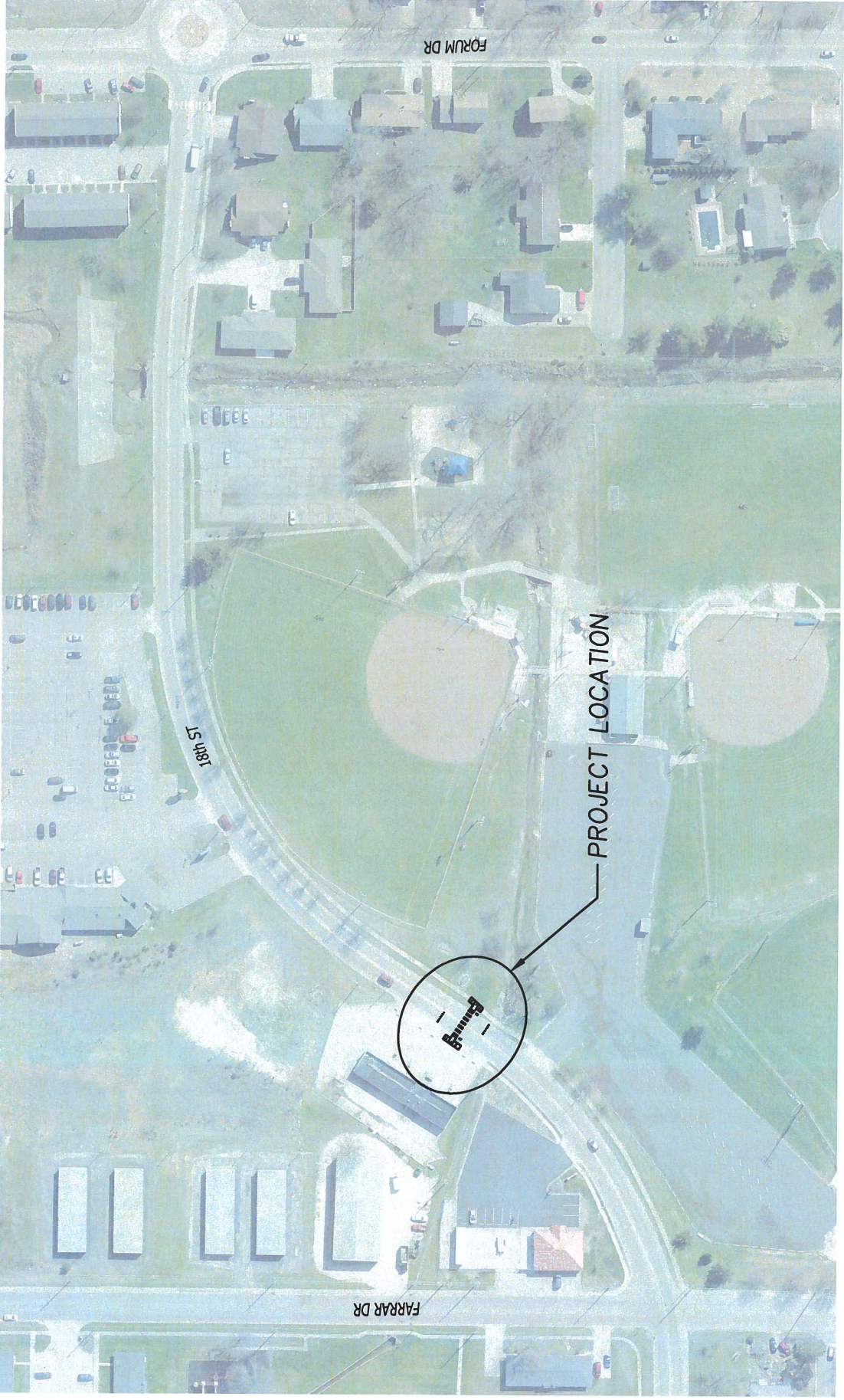
Steve Hargis, P.E., Public Works Director

Date

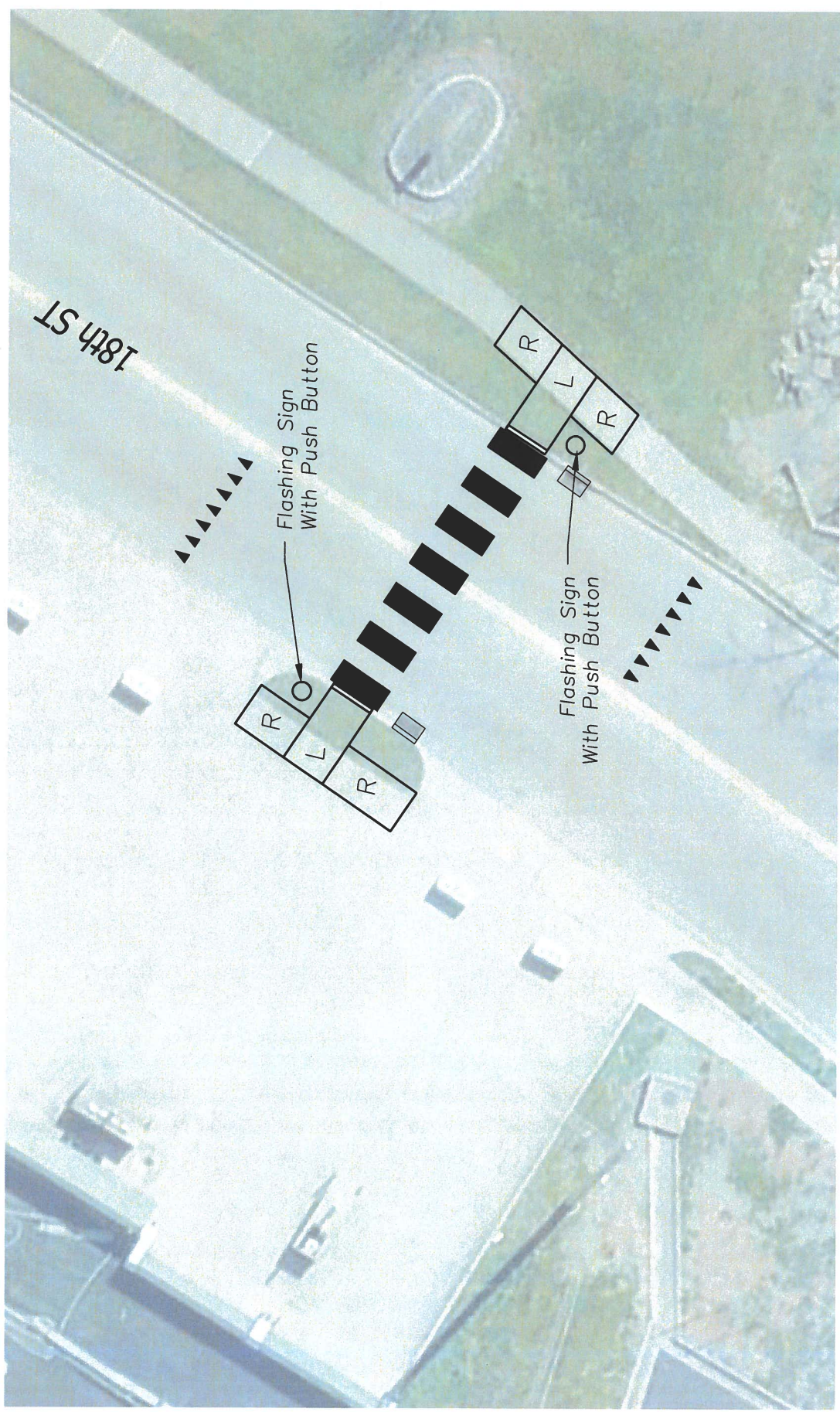
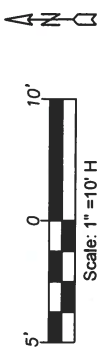
Citizen

Date

V.I.A. 2



V1.A.3



VI.A.4

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: City Administrator John Butz ACTION REQUESTED: Motion

ITEM/SUBJECT: Motion to Rescind Resolution No 1998 to reconsider the CUP for Collective Solutions (cell tower)

BUDGET APPROPRIATION: NA

DATE: April 4th, 2022

COMMENTARY:

After months of deliberation the City Council voted 8-3 to deny a Conditional Use Permit (CUP) for Collective Solutions, LLC to erect a 95' monolithic cell tower on Old St. James Rd. (near 18th Street). The initial denial was primarily based on a lack of information on the application demonstrating why the City's rules on a free-standing tower could not be met. Since that denial in December, 2021 Collective Solutions have filed an appeal of the City's denial to the board of Adjustment prior to filing suit in federal court (an administrative remedy provided in City Code) and more recently the applicant has filed for a zoning amendment for c-3 to M-1 to address the height restriction. A motion to rescind Resolution No. 1998 allows the City Council to reconsider the denial of the CUP with an ordinance to approve the CUP with conditions.

Recommendation: Consider Motion to Rescind Resolution No. 1998

V1.B.1

RESOLUTION NO. 1998

A RESOLUTION TO APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW TO DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A 95' MONOLITHIC CELL TOWER LOCATED AT 1900 N. OLD SAINT JAMES ROAD AS REQUESTED BY COLLECTIVE SOLUTIONS LLC IN ACCORDANCE WITH ROLLA CITY CODE CHAPTER 42, DIVISION 22, SUBDIVISION IIA WIRELESS COMMUNICATIONS FACILITIES CODE.

WHEREAS, the City of Rolla, Missouri received a request from Collective Solutions LLC on August 10, 2021 for a Conditional Use Permit for a wireless telecommunications tower ("CUP") located at 1900 N. Old St. James Road; and;

WHEREAS, the appropriate city staff sent the request for the CUP to the Planning Commission for a public hearing which occurred on September 14, 2021 and October 12, 2021; and

WHEREAS, the Planning and Zoning Commission recommended approval to the City Council for the CUP as submitted by Collective Solutions LLC based on the findings required to be made by the Planning and Zoning Commission pursuant to Section 42-402; and

WHEREAS, in accordance with Section 42-402(3) specifically states "Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others," the City Council held a hearing on October 18, 2021 and continued on to November 1, 2021 where sworn witnesses provided testimony. The City also received some communications from citizens. This information was not considered as evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: The Findings of Fact and Conclusions of Law on an application for a conditional use permit as requested by Collective Solutions LLC to be located at 1900 N. Old St. James Road, attached hereto as "Attachment A", be, and hereby is approved and adopted.

Section 2: Following the public hearing and consideration of the evidence and sworn testimony presented the City Council finds that the Findings as established by Section 42-402(4) are not satisfied and therefore the CUP is denied.

Section 3: That the City Clerk is hereby directed to certify a copy of this Resolution and "Attachment A" and send regular US Mail to Collective Solutions LLC.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 20 DAY OF DECEMBER, 2021.

ATTEST:

APPROVED:


Mayor

V1.B.2

City Council of City of Rolla, Missouri

Request: Conditional Use Permit for new 95' Monopole Towers Installation with antenna

Applicant: Russel Been/Cellective Solutions, LLC

Owners: Barry Dunnigan of B Dunnigan Tours, LLC

Location: 1900 Old Saint James Road

Findings of Fact with Conclusions of Law

The City of Rolla has heard testimony, under oath, as prescribed by City Code, and provided a full opportunity for Cellective Solutions, LLC c/o AT&T (The "Applicant") and the public to present facts and argument, and has fully considered the issues of fact and law presented to it, and based thereon adopts the following Findings of Fact and Conclusions of Law herein:

1. The Applicant filed an application on August 10, 2021, with the application fee received on November 2, 2021, requesting a Conditional Use Permit ("CUP") to construct a telecommunications tower and associated ground facilities located at 1900 Old Saint James Road and is zoned as C-3 Highway (Heavy) Commercial District, generally surrounded by industrial zoning (M-2 Heavy Manufacturing) within the City of Rolla to provide wireless communication services. The City's Comprehensive Plan considers the future use of that area as "industrial." The Application specifically sought approval for a 95' monopole structure with exposed crow's nest antennas and a 5 foot lightning rod, with attendant equipment (hereafter referred to as "Tower"). August 10, 2021 Application File.
2. Pursuant to Section 42-400 to 42-401 of the Code of Ordinances of the City of Rolla, Missouri (the "Code"), on September 14, 2021 the Rolla Planning and Zoning Commission conducted a public hearing and voted to continue deliberations to October 12, 2021. On October 12, 2021, the Planning and Zoning Commission voted 4-0 to recommend approval of the Application to the City Council with the following conditions:
 - a) The Conditional Use Permit is granted only to allow the proposed tower and fenced area.
 - b) The gravel access area is permitted, however, the driveway must be paved within the right-of-way to prevent gravel from leaving the property.
 - c) The reduction in the tower setbacks are permitted, however, the tower must be designed and constructed to meet the minimum building codes.
 - d) A copy of all required FAA and FCC permits must be submitted for the file
 - e) Security fencing and systems must be maintained for the duration of the use.

3. The City provided notice of a public hearing before the City Council on this matter more than satisfying all requirements of the City Code and applicable law, including notice by publication at least 15 days prior to the meeting, notice by posting at City Hall and other direct notice to the Applicant and other potentially interested parties.
4. Per the City Code, regarding CUPs for telecommunications installations, Section 42-402.1(2) provides that: "Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others." Therefore, the City Council has only relied on sworn testimony or otherwise sworn documentation in making these Findings of Fact and Conclusions of Law.
5. As the public comment offered before Planning and Zoning Commission was not sworn, the City Council cannot, and is not, relying on the information presented before the Planning and Zoning Commission in making these Findings of Fact and Conclusions of Law, including as to whether Applicant has met the requirements for approval of a CUP under Division 16 of Chapter 42 of the City Code, entitled "Wireless Communications Facilities Code."
6. At the public hearing on October 18, and continued on November 1, 2021, the Applicant provided sworn testimony regarding the requested Tower, process for choosing the proposed location, appearance of the tower, being a 95 foot monopole with Antenna steel structure with exposed antennas, description of the premises to be leased and proposed access to the Tower, and a description of anticipated safety expectations.
7. The public offered comments under oath as to the appropriateness of the Tower in the proposed location, whether the request to make exceptions for the setback was a safety issue, whether there would be a lapse in service if not approved and in favor of approval in presumption that service in area would be faster and improved.
8. Certain federal and state laws limit the ability of the City to evaluate certain evidence if presented in reviewing an Application. Specifically, Section 67.5094 RSMo., which provides that a City shall not "evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities", or "require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site:, or "establish or enforce regulations or procedures for RF signal strength or the adequacy of service quality", among other prohibitions.
9. Therefore, City Council did not "evaluate" the Applicant based on any testimony or evidence in the record regarding the business decisions of the Applicant, the availability of other locations for this Tower, the public's comments regarding radio frequency emissions, or other prohibited considerations of Section 67.5094 RSMo., in making these Findings of Fact and Conclusions of Law.

10. However, the City's lack of comment or evaluation of the above items listed in 8 and 9 including, specifically, the need for the Tower, service to be provided by the Tower, or other alternate locations for the Tower to be presented by the public and the Applicant, is not and shall not be deemed an admission of the City on any of these considerations, but rather only compliance with applicable law.

11. The City Council, after (1) considering all the evidence and sworn testimony presented upon which the City Council can appropriately evaluate, (2) evaluating the credibility of each person presenting such evidence or sworn testimony, (3) determining the relative weight to be given to the evidence or sworn testimony, and (4) drawing reasonable inferences from such evidence and sworn testimony, concludes as follows:

12. As a minimum requirement, the City Code only authorizes approval of a CUP if the Applicant is unable to proceed under the use allowed by Administrative Approval or Permitted Use pursuant to City Code Section 42-400 and 42-401. City Code Section 42-402.1(3) states that no Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communication Facilities pursuant to Sections 42-400 or 42-401 is not technologically or economically feasible, and the City may consider current or emerging industry standards and practices, among other information, in determining feasibility.

13. The Applicant is not proposing a Tower that meets the definitions and requirements for a permitted use under City Code Sections 42-400 because the Tower is not utilizing an existing building or support structure but is a wholly new, free-standing monopole with exposed antennas.

14. The City Code authorized administrative approval for a disguised support structure and fast track small wireless facilities in Section 42-401.

15. City Code Section 42-397.8 defines a Fast-track' small wireless facility" as:

Fast-Track Small Wireless Facility or Fast-Track: A Small Wireless Facility that meets the following requirements for an Antenna and associated equipment:

- a. No more than seven cubic feet in volume (comprised of no more than 27 square feet of exterior surface area, excluding the surface width equal to the width of the Existing Structure or Utility Pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or cable conduit of four inches or less). Volume shall be the measure of the exterior displacement of the Antenna and associated equipment;
- b. Located with the consent of the owner on an Existing Structure or Utility Pole, or concealed within or on a replacement Utility Pole if appearance is not materially altered and the replacement Existing Structure or Utility Pole is no more than five feet taller;

- c. Not exceeding six feet above the top of an Existing Structure or Utility Pole for a total height not exceeding 50 feet nor taller than more than six feet above the average of similar poles within 300 feet.

16. The Applicant is not proposing, and the Application does not meet the definition and requirements of a "Fast-track' small wireless facility" as defined under City Code Section 42-397.8. The build plans present by the Applicant in the Application indicated that the equipment sizes are much larger than the definitional requirements, and the structure of the Tower is much higher than the limited height permitted under at "Fast-track' small wireless facility."

17. City Code Section 42-397. 7 defines a "disguised support structure" as:

Disguised Support Structure: Any freestanding, artificial structure designed for the support of Antenna, the presence of which is camouflaged or concealed as an appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flagpoles, and artificial trees. For purposes of this definition, a structure "camouflaged or concealed as an appropriately-placed and designed architectural or natural feature" shall mean:

- (a) It is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located;
- (b) It does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate;
- (c) It cannot be identified as a Support Structure by persons with reasonable sensibilities and knowledge;
- (d) Its equipment, accessory buildings, or other aspects or attachments relating to the Disguised Support Structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated; and
- (e) It is of a height, design, and type that would ordinarily occur at the location and neighborhood selected.

18. The Tower does not meet the definition and requirements of a "disguised support structure" under City Code Section 42-397.7 because it is not "camouflaged or concealed as an appropriately placed and designed architectural or natural feature," as the sworn testimony of the Applicant demonstrated that the Tower itself was not designed in any attempt to camouflage the Tower as anything other than a monopole tower. Further sworn testimony from the Applicant indicated there was no consideration for a disguised design for this site and the Tower would not be understood to be anything other than a Tower to a person with reasonable sensibilities.

19. In presenting any application for a Conditional Use Permit as required by City Code Section 42-234.2, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

- (a) The proposed conditional use complies with all applicable provisions of the applicable District regulations.
- (b) The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion or other hazards.
- (c) The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations or the policies of the Rolla Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1. The location, nature and height of buildings, structures, walls, and fences on the site,
 - 2. The nature and extent of proposed landscaping and screening on the site,
 - 3. The noise characteristics of the use compared to the typical use in the District and any reduction solutions;
 - 4. The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;
 - 5. Sign location, type, size, and lighting, and
 - 6. The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and storm water management systems. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Article.
- (d) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (e) The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential,

convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Rolla.

20. The Applicant gave no sworn testimony regarding the CUP requirements as required by City Code Section 42-234.2, although Exhibit A, submitted by Applicant addresses the points required with summation that (a) the proposed conditional use does comply (b) due to limited visits required to the site, the Tower will not affect traffic or pedestrian traffic, (c) the Tower will not dominate the area versus the industrial uses already in the area; the site will have proof slats added to the fencing; the Tower will create almost no noise and less than existing surrounding uses; the site is unmanned and unlit unless emergency; and site will have no impact on easements, roadways, etc.; (d) utilities, drainage and other facilities is accounted for in design; (e) that the addition of coverage and capacity to existing wireless service is good like adding infrastructure, which is good planning, allows for enhance 911 capacity and other safety measures, enhances response time, and triangulation location, which promotes the health and safety of Rolla citizens.

21. Additionally for CUP approval of a telecommunications tower, no Conditional Use Permit shall be approved by the City Council unless an Applicant also presents evidence for the City Council to make findings in the affirmative that the following conditions exist find pursuant to Section 42-402.4 (a – d).

- (a) That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division;
- (b) That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;
- (c) That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located; and
- (d) That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

22. The City Council finds as to each specific condition set forth in City Code Section 42-402.1(4) as follows:

- (a) That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division.** The evidence offered regarding whether the Application design or ground layout reduces visual degradation was in Applicant's Exhibit A, stating "the proposed site is adjoined on three sides by Heavy Industrial and on the 4th by a service garage for Missouri S&T. This use is very much compatible with the commercial and industrial area in which it is proposed." (Exhibit A, Page 5). Further, in sworn testimony, the Applicant discussed the recommendations and conditions of the Planning and Zoning

Commission and offered that the Applicant was further prepared to pave the driveway, not only the right-of-way with the driveway of gravel as was previously recommended by the Planning and Zoning Commission.

- (b) ***That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values.*** The Applicant submitted Exhibit A, which states "The design is very consistent with the surrounding uses. Efforts were made to conceal the ground equipment from view by slatting the fence." (Exhibit A, page 5). Exhibit A further states that in a commercial/industrial area such as being proposed, increased coverage, and capacity of a wireless facility is considered necessary infrastructure. Exhibit A continues that by allowing the Tower, coverage and capacity are increased, making the property more desirable and therefore, not only not adversely affecting property values, but increasing the values of those surrounding properties. (Exhibit A, page 5). Applicant did not testify as to visual compatibility with the area, but emphasized that the area was industrial, therefore making it an appropriate spot for a monopole cell tower. There was no testimony indicating any attempt to conceal or otherwise build a tower that blended in with the environment, nor any mention of effect on property values. The plans submitted that the Tower itself would have a crow's nest design, in violation of the City's Code Section 42-399(8)(3) and Exhibit A, page 11. No evidence was offered as to why there should be any exception to the crow's nest prohibition.
- (c) ***That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located.*** The Applicant did not testify as to visual compatibility with the area, but emphasized that the area was industrial, therefore making it an appropriate spot for a monopole cell tower. Applicant stated the location was a dream location because it is not something sitting on top of a subdivision. Applicant stated that it is an industrial area across the street from a concrete plant, to the north is equipment storage, to the south Missouri S&T has a garage, there is another part of the concrete plant and the there is the monument manufacturer.
- (d) ***That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.***
- (1) At the onset, the Tower violates the City Code Section 42-399.8(3), which prohibits exposed antennas on crow's nest designs and requires the antennas to be "disguised and maximally concealed on or within" the Tower. The Applicant's proposed design places the burden on the Applicant to demonstrate that the City's General Requirements are not feasible or unreasonable under the specific circumstances. Review of the sworn testimony and the record before the City Council indicates that not only did the Applicant not demonstrate that the General Requirements were not feasible or unreasonable, the Applicant's sworn testimony and Exhibit A materials indicated it did not consider disguising the structure based on the location proposed

being in an industrial area. There was no evidence offered why the exposed crow's nest could not be otherwise disguised or replaced with different technology.

- (2) The General Requirements in the City Code Section 42-399.8(4) states that Support Structures and Antenna shall not exceed the height limitation of any airport overlay zone as may be adopted by the City or other regulatory agency. Support Structures and Utility Poles may exceed the underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable and feasible alternative exists. The underlying zoning district height restriction for building and structures is determined to be 64 feet by City Code Section 42-192.3 for C-3 Zoned locations. The sworn testimony and accompanying packet in Exhibit A (which is not sworn testimony) only state why they request the height of 95 feet as it what is in existence at the present at another location and that current technology requires the antennas at the top of the pole instead of the ground for best cell coverage. Applicant offered evidence that the average height of the other existing towers in Rolla is 179 feet. Applicant did acknowledge that said Towers had been installed prior to enactment of present City Code. On November 1, 2021, the sworn testimony of Applicant expounded that the search for a location was a targeted 400 foot area that had to be in the north each part of town due to existing services or towers elsewhere and to avoid interference with existing towers. There was no evidence offered whether any alternative options exist or do not exist and whether feasible or not.
- (3) The General Requirements in the City Code Section 42-399.8(7) state that all Support Structures, including any portions of any Wireless Communications Facilities thereon and associated structures, fences and walls (except for parking associated with the Wireless Communications Facility) shall be separated from any rights-of-way, sidewalk or street, alley, parking area, playground, or other building, and from the property line of any adjacent property at least a horizontal distance equal to the height of the Support Structure, including any portions of the any Wireless Communications Facilities thereon. The sworn testimony of Applicant was that the setback requirements could not be met at the proposed location, but that it was a perfect location and that to require a setback equal to the size of the Support Structure and Antenna (95 feet) was unreasonable. Applicant stated that to meet the required setback would put the Tower in the center of the landowners parking lot either blocking flow of traffic or impeding business. Applicant offered that if required to meet the setback on the proposed location, that the monopole no longer becomes an accessory structure, but becomes the primary structure that would decrease the value of the property and decrease the usability of the property. It was presented by Tom Coats, City Planner with little contrary evidence offered, that if placed where proposed, the Tower would be approximately 64 feet from the nearest building, about 25 feet from the closest property line and about 87 feet from the Old St. James Road right-of-way. As proposed, the location of the Tower would not meet the required setback for at least three of the seven points of contact identified in the City Code requiring such setback. Unlike City Code Section 42-399.8(4) that indicates when the height restriction could be exceeded when no reasonable or feasible alternative

exists, the setback requirement has no exception other than the CUP requirement and burden identified in the City Code Section 42-402.1(3) that states no Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communication Facilities pursuant to Sections 42-400 or 42-401 is not technologically or economically feasible, and the City may consider current or emerging industry standards and practices, among other information, in determining feasibility. Applicant further testified that the fall zone (as would be determined at 95-100 feet, with the required setback per City Code) was unreasonable because "we're not at risk for a tower collapse." On November 1, 2021, Applicant stated the tower would be located 93.4 feet from the right of way, which is less than 2 feet as required, but the Applicant offered they could adjust placement to meet the setback required for the right-of-way. Applicant offered that when the Joplin tornado went through their City, the old towers that were built in the 80s and 90s crumbled on top of each other. However, every monopole that was there were the only things standing and that is what the emergency responders were using to communicate with others to handle the situation. Applicant also offered Exhibit C, which was a series of pictures he testified were an example of a tower built in 2011 in Bridgeton, Missouri, that withstood an E4 tornado and suggested the building codes and towers built now would be more advanced technology and expected to be able to withstand stronger winds. On November 1, 2021, Applicant went further to state that there is no property within their search (which he indicated was expanded in attempt to comply with General Requirements as much as possible and keep it in industrial zoning) that could meet the coverage objective and the set-back requirement, which could be considered a prohibition of wireless services. Further he stated that he believes that denying the Application for failing to meet the setbacks, with the number of towers inside Rolla that also fail to meet the setbacks, even though put up prior to the ordinance now in place, could be seen as discrimination against the Applicant.

End of Findings of Fact and Conclusions of Law

VI.B.12

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: City Administrator John Butz ACTION REQUESTED: First Reading

ITEM/SUBJECT: Ordinance to reconsider approval of the CUP for Collective Solutions (Cell Tower)

BUDGET APPROPRIATION: NA

DATE: April 4th, 2022

COMMENTARY:

If the motion to rescind Resolution No. 1998 is approved:

The attached ordinance would authorize Collective Solutions to proceed with a Conditional Use Permit (CUP) for the construction of a 95' monolithic pole as an undisguised tower with crow's nest subject to certain conditions including a rezoning from C-3 heavy commercial to M-1 light manufacturing (located at 1898 Old St. James Rd.).

V.I.C.1

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A 95' MONOLITHIC CELL TOWER LOCATED AT 1900 N. OLD SAINT JAMES ROAD AS REQUESTED BY COLLECTIVE SOLUTIONS LLC IN ACCORDANCE WITH CITY CODE SECTION 42-402 AND APPROVE APPLICATION FOR CONDITIONAL USE PERMIT WITH CONDITIONS.

WHEREAS, the City of Rolla, Missouri received a request from Collective Solutions LLC on August 10, 2021 for a Conditional Use Permit for a wireless telecommunications tower ("CUP") located at 1900 N. Old St. James Road; and;

WHEREAS, the appropriate city staff sent the request for the CUP to the Planning Commission for a public hearing which occurred on September 14, 2021 and October 12, 2021; and

WHEREAS, the Planning and Zoning Commission recommended approval to the City Council for the CUP as submitted by Collective Solutions LLC based on the findings required to be made by the Planning and Zoning Commission pursuant to Section 42-402; and

WHEREAS, in accordance with Section 42-402(3) specifically states "Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others," the City Council held a hearing on October 18, 2021 and continued on to November 1, 2021 where sworn witnesses provided testimony. The City also received some communications from citizens. This information was not considered as evidence; and

WHEREAS, a public hearing was held at the time and place provided by said notice; and

WHEREAS, on December 20, 2021 after due consideration the City Council voted in an 8 to 3 majority to approve Resolution No. 1998 to not approve the Collective Solutions LLC based on the Findings of Fact; and

WHEREAS, after re-consideration of all the facts, opinions, and evidence offered to the City Council at said hearings and following a thorough review of State and federal laws pertaining to the placement of cellular towers and pending appeals filed by Collective Solutions LLC the Council finds that the proposed Conditional Use Permit would promote public health, safety, morals, and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City subject to conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: The Findings of Fact and Conclusions of Law on an application for a conditional use permit as requested by Collective Solutions LLC to be located at 1900 N. Old St. James Road, attached hereto as Attachment A, be, and hereby are approved and adopted.

Section 2: Following the public hearing and consideration of the evidence and sworn testimony the City Council finds that the Findings as established by Section 42-402(4) are met and therefore the CUP is approved with the following conditions.

- a. The applicant must apply for and be granted a variance from the Board of Adjustment allowing the deviation from the setbacks. The crow's nest appurtenance and appearance of the support structure is granted.

V.I.C. 2

- b. The applicant must apply for and be granted a change in zoning for the property to the M1 zoning classification to comply with tower height restrictions or be granted a variance by the Board of Adjustment to allow a structure in excess of the maximum height in the current C-3 district.
- c. The access driveway including one parking space shall be paved.
- d. A six-foot-high fence slatted screening must be erected around the structure with landscape plan developed (and installed) that must be approved by the Community Development Department. Such screening and landscaping must be maintained for the duration of the use.
- e. A copy of all required FAA and FCC permits must be submitted for the file.

Section 3: The City Council determines that the allowance of a crow's nest appurtenance and lack of a disguised tower structure is reasonable in this application and in this particular location (zoned heavy commercial or manufacturing).

Section 4: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 18th DAY OF APRIL, 2022.

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

V1.C.3

City Council of City of Rolla, Missouri

Request: Conditional Use Permit for new 95' Monopole Towers Installation with antenna

Applicant: Russel Been/Collective Solutions, LLC

Owners: Barry Dunnigan of B Dunnigan Tours, LLC

Location: 1900 Old Saint James Road

Findings of Fact with Conclusions of Law

The City of Rolla has heard testimony, under oath, as prescribed by City Code, and provided a full opportunity for Collective Solutions, LLC c/o AT&T (The "Applicant") and the public to present facts and argument, and has fully considered the issues of fact and law presented to it, and based thereon adopts the following Findings of Fact and Conclusions of Law herein:

1. The Applicant filed an application on August 10, 2021, with the application fee received on November 2, 2021, requesting a Conditional Use Permit ("CUP") to construct a telecommunications tower and associated ground facilities located at 1900 Old Saint James Road and is zoned as C-3 Highway (Heavy) Commercial District, generally surrounded by industrial zoning (M-2 Heavy Manufacturing) within the City of Rolla to provide wireless communication services. The City's Comprehensive Plan considers the future use of that area as "industrial." The Application specifically sought approval for a 95' monopole structure with exposed crow's nest antennas and a 5 foot lightning rod, with attendant equipment (hereafter referred to as "Tower"). August 10, 2021 Application File.
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 - b) The gravel access area is permitted, however, the driveway must be paved within the right-of-way to prevent gravel from leaving the property.
 - c) The reduction in the tower setbacks are permitted, however, the tower must be designed and constructed to meet the minimum building codes.
 - d) A copy of all required FAA and FCC permits must be submitted for the file
 - e) Security fencing and systems must be maintained for the duration of the use.

3. The City provided notice of a public hearing before the City Council on this matter more than satisfying all requirements of the City Code and applicable law, including notice by publication at least 15 days prior to the meeting, notice by posting at City Hall and other direct notice to the Applicant and other potentially interested parties.
4. Per the City Code, regarding CUPs for telecommunications installations, Section 42-402.1(2) provides that: "Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others." Therefore, the City Council has only relied on sworn testimony or otherwise sworn documentation in making these Findings of Fact and Conclusions of Law.
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7. The public offered comments under oath as to the appropriateness of the Tower in the proposed location, whether the request to make exceptions for the setback was a safety issue, whether there would be a lapse in service if not approved and in favor of approval in presumption that service in area would be faster and improved.
8. Certain federal and state laws limit the ability of the City to evaluate certain evidence if presented in reviewing an Application. Specifically, Section 67.5094 RSMo., which provides that a City shall not "evaluate an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities", or "require an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site.; or "establish or enforce regulations or procedures for RF signal strength or the adequacy of service quality", among other prohibitions.
9. Therefore, City Council did not "evaluate" the Applicant based on any testimony or evidence in the record regarding the business decisions of the Applicant, the availability of other locations for this Tower, the public's comments regarding radio frequency emissions, or other prohibited considerations of Section 67.5094 RSMo., in making these Findings of Fact and Conclusions of Law.

10. However, the City's lack of comment or evaluation of the above items listed in 8 and 9 including, specifically, the need for the Tower, service to be provided by the Tower, or other alternate locations for the Tower to be presented by the public and the Applicant, is not and shall not be deemed an admission of the City on any of these considerations, but rather only compliance with applicable law.

11. The City Council, after (1) considering all the evidence and sworn testimony presented upon which the City Council can appropriately evaluate, (2) evaluating the credibility of each person presenting such evidence or sworn testimony, (3) determining the relative weight to be given to the evidence or sworn testimony, and (4) drawing reasonable inferences from such evidence and sworn testimony, concludes as follows:

12. As a minimum requirement, the City Code only authorizes approval of a CUP if the Applicant is unable to proceed under the use allowed by Administrative Approval or Permitted Use pursuant to City Code Section 42-400 and 42-401. City Code Section 42-402.1(3) states that no Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communication Facilities pursuant to Sections 42-400 or 42-401 is not technologically or economically feasible, and the City may consider current or emerging industry standards and practices, among other information, in determining feasibility.

13. The Applicant is not proposing a Tower that meets the definitions and requirements for a permitted use under City Code Sections 42-400 because the Tower is not utilizing an existing building or support structure but is a wholly new, free-standing monopole with exposed antennas.

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15. City Code Section 42-397.8 defines a Fast-track' small wireless facility" as:

Fast-Track Small Wireless Facility or Fast-Track: A Small Wireless Facility that meets the following requirements for an Antenna and associated equipment:

- a. No more than seven cubic feet in volume (comprised of no more than 27 square feet of exterior surface area, excluding the surface width equal to the width of the Existing Structure or Utility Pole to which it is mounted, on an imaginary enclosure around the perimeter thereof, excluding cable or cable conduit of four inches or less). Volume shall be the measure of the exterior displacement of the Antenna and associated equipment;
- b. Located with the consent of the owner on an Existing Structure or Utility Pole, or concealed within or on a replacement Utility Pole if appearance is not materially altered and the replacement Existing Structure or Utility Pole is no more than five feet taller;

- c. Not exceeding six feet above the top of an Existing Structure or Utility Pole for a total height not exceeding 50 feet nor taller than more than six feet above the average of similar poles within 300 feet.

16. The Applicant is not proposing, and the Application does not meet the definition and requirements of a "Fast-track' small wireless facility" as defined under City Code Section 42-397.8. The build plans present by the Applicant in the Application indicated that the equipment sizes are much larger than the definitional requirements, and the structure of the Tower is much higher than the limited height permitted under at "Fast-track' small wireless facility."

17. City Code Section 42-397. 7 defines a "disguised support structure" as:

Disguised Support Structure: Any freestanding, artificial structure designed for the support of Antenna, the presence of which is camouflaged or concealed as an appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flagpoles, and artificial trees. For purposes of this definition, a structure "camouflaged or concealed as an appropriately-placed and designed architectural or natural feature" shall mean:

- (a) It is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located;
- (b) It does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate;
- (c) It cannot be identified as a Support Structure by persons with reasonable sensibilities and knowledge;
- (d) Its equipment, accessory buildings, or other aspects or attachments relating to the Disguised Support Structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated; and
- (e) It is of a height, design, and type that would ordinarily occur at the location and neighborhood selected.

18. The Tower does not meet the definition and requirements of a "disguised support structure" under City Code Section 42-397.7 because it is not "camouflaged or concealed as an appropriately placed and designed architectural or natural feature," as the sworn testimony of the Applicant demonstrated that the Tower itself was not designed in any attempt to camouflage the Tower as anything other than a monopole tower. Further sworn testimony from the Applicant indicated there was no consideration for a disguised design for this site and the Tower would not be understood to be anything other than a Tower to a person with reasonable sensibilities.

19. In presenting any application for a Conditional Use Permit as required by City Code Section 42-234.2, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

- (a) The proposed conditional use complies with all applicable provisions of the applicable District regulations.
- (b) The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion or other hazards.
- (c) The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations or the policies of the Rolla Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1. The location, nature and height of buildings, structures, walls, and fences on the site,
 - 2. The nature and extent of proposed landscaping and screening on the site,
 - 3. The noise characteristics of the use compared to the typical use in the District and any reduction solutions;
 - 4. The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;
 - 5. Sign location, type, size, and lighting, and
 - 6. The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and storm water management systems. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Article.
- (d) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (e) The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential,

convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Rolla.

20. The Applicant gave no sworn testimony regarding the CUP requirements as required by City Code Section 42-234.2, although Exhibit A, submitted by Applicant addresses the points required with summation that (a) the proposed conditional use does comply (b) due to limited visits required to the site, the Tower will not affect traffic or pedestrian traffic, (c) the Tower will not dominate the area versus the industrial uses already in the area; the site will have proof slats added to the fencing; the Tower will create almost no noise and less than existing surrounding uses; the site is unmanned and unlit unless emergency; and site will have no impact on easements, roadways, etc.; (d) utilities, drainage and other facilities is accounted for in design; (e) that the addition of coverage and capacity to existing wireless service is good like adding infrastructure, which is good planning, allows for enhance 911 capacity and other safety measures, enhances response time, and triangulation location, which promotes the health and safety of Rolla citizens.

21. Additionally for CUP approval of a telecommunications tower, no Conditional Use Permit shall be approved by the City Council unless an Applicant also presents evidence for the City Council to make findings in the affirmative that the following conditions exist find pursuant to Section 42-402.4 (a – d).

- (a) That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division;
- (b) That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;
- (c) That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located; and
- (d) That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

22. The City Council finds as to each specific condition set forth in City Code Section 42-402.1(4) as follows:

- (a) That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Division.** The evidence offered regarding whether the Application design or ground layout reduces visual degradation was in Applicant's Exhibit A, stating "the proposed site is adjoined on three sides by Heavy Industrial and on the 4th by a service garage for Missouri S&T. This use is very much compatible with the commercial and industrial area in which it is proposed." (Exhibit A, Page 5). Further, in sworn testimony, the Applicant discussed the recommendations and conditions of the Planning and Zoning

Commission and offered that the Applicant was further prepared to pave the driveway, not only the right-of-way with the driveway of gravel as was previously recommended by the Planning and Zoning Commission.

- (b) ***That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values.*** The Applicant submitted Exhibit A, which states "The design is very consistent with the surrounding uses. Efforts were made to conceal the ground equipment from view by slatting the fence." (Exhibit A, page 5). Exhibit A further states that in a commercial/industrial area such as being proposed, increased coverage, and capacity of a wireless facility is considered necessary infrastructure. Exhibit A continues that by allowing the Tower, coverage and capacity are increased, making the property more desirable and therefore, not only not adversely affecting property values, but increasing the values of those surrounding properties. (Exhibit A, page 5). Applicant did not testify as to visual compatibility with the area, but emphasized that the area was industrial, therefore making it an appropriate spot for a monopole cell tower. There was no testimony indicating any attempt to conceal or otherwise build a tower that blended in with the environment, nor any mention of effect on property values. The plans submitted that the Tower itself would have a crow's nest design, in violation of the City's Code Section 42-399(8)(3) and Exhibit A, page 11. No evidence was offered as to why there should be any exception to the crow's nest prohibition.
- (c) ***That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located.*** The Applicant did not testify as to visual compatibility with the area, but emphasized that the area was industrial, therefore making it an appropriate spot for a monopole cell tower. Applicant stated the location was a dream location because it is not something sitting on top of a subdivision. Applicant stated that it is an industrial area across the street from a concrete plant, to the north is equipment storage, to the south Missouri S&T has a garage, there is another part of the concrete plant and there is the monument manufacturer.
- (d) ***That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.***
- (1) At the onset, the Tower violates the City Code Section 42-399.8(3), which prohibits exposed antennas on crow's nest designs and requires the antennas to be "disguised and maximally concealed on or within" the Tower. The Applicant's proposed design places the burden on the Applicant to demonstrate that the City's General Requirements are not feasible or unreasonable under the specific circumstances. Review of the sworn testimony and the record before the City Council indicates that not only did the Applicant not demonstrate that the General Requirements were not feasible or unreasonable, the Applicant's sworn testimony and Exhibit A materials indicated it did not consider disguising the structure based on the location proposed

being in an industrial area. There was no evidence offered why the exposed crow's nest could not be otherwise disguised or replaced with different technology.

- (2) The General Requirements in the City Code Section 42-399.8(4) states that Support Structures and Antenna shall not exceed the height limitation of any airport overlay zone as may be adopted by the City or other regulatory agency. Support Structures and Utility Poles may exceed the underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable and feasible alternative exists. The underlying zoning district height restriction for building and structures is determined to be 64 feet by City Code Section 42-192.3 for C-3 Zoned locations. The sworn testimony and accompanying packet in Exhibit A (which is not sworn testimony) only state why they request the height of 95 feet as it what is in existence at the present at another location and that current technology requires the antennas at the top of the pole instead of the ground for best cell coverage. Applicant offered evidence that the average height of the other existing towers in Rolla is 179 feet. Applicant did acknowledge that said Towers had been installed prior to enactment of present City Code. On November 1, 2021, the sworn testimony of Applicant expounded that the search for a location was a targeted 400 foot area that had to be in the north each part of town due to existing services or towers elsewhere and to avoid interference with existing towers. There was no evidence offered whether any alternative options exist or do not exist and whether feasible or not.
- (3) The General Requirements in the City Code Section 42-399.8(7) state that all Support Structures, including any portions of any Wireless Communications Facilities thereon and associated structures, fences and walls (except for parking associated with the Wireless Communications Facility) shall be separated from any rights-of-way, sidewalk or street, alley, parking area, playground, or other building, and from the property line of any adjacent property at least a horizontal distance equal to the height of the Support Structure, including any portions of the any Wireless Communications Facilities thereon. The sworn testimony of Applicant was that the setback requirements could not be met at the proposed location, but that it was a perfect location and that to require a setback equal to the size of the Support Structure and Antenna (95 feet) was unreasonable. Applicant stated that to meet the required setback would put the Tower in the center of the landowners parking lot either blocking flow of traffic or impeding business. Applicant offered that if required to meet the setback on the proposed location, that the monopole no longer becomes an accessory structure, but becomes the primary structure that would decrease the value of the property and decrease the usability of the property. It was presented by Tom Coats, City Planner with little contrary evidence offered, that if placed where proposed, the Tower would be approximately 64 feet from the nearest building, about 25 feet from the closest property line and about 87 feet from the Old St. James Road right-of-way. As proposed, the location of the Tower would not meet the required setback for at least three of the seven points of contact identified in the City Code requiring such setback. Unlike City Code Section 42-399.8(4) that indicates when the height restriction could be exceeded when no reasonable or feasible alternative

exists, the setback requirement has no exception other than the CUP requirement and burden identified in the City Code Section 42-402.1(3) that states no Conditional Use Permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communication Facilities pursuant to Sections 42-400 or 42-401 is not technologically or economically feasible, and the City may consider current or emerging industry standards and practices, among other information, in determining feasibility. Applicant further testified that the fall zone (as would be determined at 95-100 feet, with the required setback per City Code) was unreasonable because "we're not at risk for a tower collapse." On November 1, 2021, Applicant stated the tower would be located 93.4 feet from the right of way, which is less than 2 feet as required, but the Applicant offered they could adjust placement to meet the setback required for the right-of-way. Applicant offered that when the Joplin tornado went through their City, the old towers that were built in the 80s and 90s crumbled on top of each other. However, every monopole that was there were the only things standing and that is what the emergency responders were using to communicate with others to handle the situation. Applicant also offered Exhibit C, which was a series of pictures he testified were an example of a tower built in 2011 in Bridgeton, Missouri, that withstood an E4 tornado and suggested the building codes and towers built now would be more advanced technology and expected to be able to withstand stronger winds. On November 1, 2021, Applicant went further to state that there is no property within their search (which he indicated was expanded in attempt to comply with General Requirements as much as possible and keep it in industrial zoning) that could meet the coverage objective and the set-back requirement, which could be considered a prohibition of wireless services. Further he stated that he believes that denying the Application for failing to meet the setbacks, with the number of towers inside Rolla that also fail to meet the setbacks, even though put up prior to the ordinance now in place, could be seen as discrimination against the Applicant.

End of Findings of Fact and Conclusions of Law

Vl.c.13

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Floyd Jernigan, ACTION REQUESTED: Bid Award
Parks and Recreation Director

ITEM/SUBJECT: Bank Mower

BUDGET APPROPRIATION (IF APPLICABLE) \$28,000 DATE: April 4, 2022
Split Equally Between Street and Parks Departments

COMMENTARY:

The following proposals were received for a 72-inch cut, liquid-cooled bank mower. Public Works does not currently have a bank mower. Public Works crews will use this on the Bardsley Road slope, near the railroad tracks, and other steep banks along road corridors. Parks will use this mower on banks such as those at Ber Juan above the skate park and below the new inclusive playground. This will replace a 2005 Harper Dewese mower currently being used. Our current mower lacks power on hills and overheats on hot days. This particular mower's use schedule is 12 years. There are no local vendors for this type of eight-wheeled mower. The used mower will be sold on Gov Deals when surplus. These bids are through Sourcewell, a government cooperative purchasing option of which the city is a member.

Company	Model	Price
TurfWerks St. Louis, Mo.	2022 Steiner 450 32hp Kubota Gas with 72 inch cut	\$27,613.59
Ventrac Lenexa, Kan.	2022 Vanguard 31 hp gas mower with 72 inch cut	\$33,223.52
Professional Turf Products LP Lenexa, Kan.	2022 kubota 32 yhp, gas liquid cooled with 72 inch cut	\$36,718.71



Staff recommends approving the low bid of TurfWerks.

ITEM NO. VII.A.1

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Floyd Jernigan, ACTION REQUESTED: Bid Award
Parks and Recreation Director

ITEM/SUBJECT: Backhoe loader

BUDGET APPROPRIATION (IF APPLICABLE) \$106,000

DATE: April 4, 2022

Lease Purchase, Financed Over 5 years

COMMENTARY:

The following proposals were received for a backhoe loader. This is used for irrigation, water line repairs, snow removal, dirt work in the parks and cemetery, parking lot repairs, and burials. This will replace our 2006 Caterpillar, which has had frequent repairs over the past several years (with more expected) and has been out of service multiple times. This equipment's use schedule is 12-15 years. The used backhoe will be sold on Gov Deals with an anticipated value of \$25,000-45,000. These bids are through Sourcewell, a government cooperative purchasing option of which the city is a member. At present, they have this equipment on hand.

Company	Model	Price
McCoy Construction & Forestry Cuba, Mo.	John Deere 410L Backhoe Loader with 60 month warranty	\$124,081.57
Fabick Cat Columbia, Mo.	Cat 420-07HT Backhoe Loader with 12 month warranty	\$129,365.99



Staff recommends approving the purchase of a John Deere 410L Backhoe Loader from McCoy.

ITEM NO. VII.B.1

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI INC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri an agreement between the City of Rolla and Donald Maggi, Inc., a copy of said agreement being attached hereto and marked Exhibit "A".

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 4TH DAY OF APRIL 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

VII.C.2

EXHIBIT A

CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this _____ Day of _____ by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and _____ **Donald Maggi, Inc.** _____ Party of the second Part and hereinafter called the Contractor.

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertised for and in connection with the construction of: **Elm Street Improvements, PROJECT 515**, in complete accord with the Contract Documents and the said plans and specifications; and

WHEREAS, the said Contractor, in response to such advertisement, has submitted to the Owner, in the manner and at the time specified, a sealed proposal in accordance with the terms of said advertisement; and

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted in response to the published invitation therefore, and as a result of such canvass has determined and declared the aforesaid Contractor to be lowest and best bidder for the said work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor's proposal, a copy thereof being attached to and made a part of this contract.

NOW THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreement herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself and its successors, and the Contractor for itself, himself, or themselves, or its, his or their successors and assigns, or its, his, or their executors and administrators, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner's official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor's proposal, for the construction of **Elm Street Improvements, PROJECT 515**.

Vll.C.3

It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

ARTICLE II. Contractor acknowledges that Section 285.530, R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that it is not knowingly in violation of Subsection 1 of Section 285.530, R.S.Mo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully eligible to work in the United States.

ARTICLE III. Occupational Safety and Health Administration (OSHA)

Safety Training:

- a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.
- b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.
- c. Contractor acknowledges and agrees that any of Contractor's employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.
- d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

Notice of Penalties for Failure to Provide Safety Training

- a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars (\$2,500.00), plus one hundred dollars (\$100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.
- b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.
- c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract Documents hereto attached, all of which documents from the Contract and are as fully a part hereto as if repeated verbatim herein.

VII. C. 4

ARTICLE V. That the Owner shall pay to the Contractor for the performance of the work described as follows: Complete construction of the improvements in accordance with plans and specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of \$402,959.24 for All work covered by and included in the contract award and designated in the foregoing Article I. Payment therefore shall be made in the manner provided in the General Conditions attached hereto.

ARTICLE VI. That the Contractor shall begin assembly of materials and equipment within ten (10) days after receipt from the Owner of executed copies of the Contract and that the Contractor shall complete said work within 120 consecutive calendar days from the thirtieth day after the Effective Date of the Agreement, or if a Notice to Proceed is given, from the date indicated in the Notice to Proceed.

OWNER and Contractor recognize time is of the essence of this agreement and that OWNER will suffer financial loss if the work is not completed within the time specified above, plus any extensions thereof allowed in allowance with Article 12 of the General Conditions. OWNER and Contractor agree that as liquidated damages for delay, but not as a penalty, Contractor shall pay OWNER Five Hundred dollars (\$ 500) each consecutive calendar day of each section that expires following the time specified above for completion of the work.

Liquidated damages will be waived for any one period of time covered by a time extension granted by the OWNER.

In case of joint responsibility for any delay in the final completion of the Work covered by the Agreement; where two or more separate Agreements are in force at the same time and cover work on the same project and at the same site, the total amount of liquidated damages assessed against all contractors under such Agreement for any one day of delay in the final completion of the Work will not be greater than the approximate total of the damages sustained by the OWNER by reason of such delay in completion of the Work, and the amount assessed against any Contractor for such one day of delay will be based upon the individual responsibility of such Contractor for the aforesaid delay as determined by and in the judgment of the OWNER.

The OWNER shall have the right to deduct said liquidated damages from any moneys in its hands, otherwise due or to become due to said Contractor, or sue for and recover compensation for damages for nonperformance of the Agreement at the time stipulated herein and provided for.

ARTICLE VII. Before the final payment can be made to the Contractor on the project, the Contractor must complete and return the Affidavit Compliance with the Prevailing Wage Law form furnished at the end of the Special Conditions section.

ARTICLE VIII. Before the final payment can be made on the project to the Contractor, the Contractor must complete and return the Contractor's Affidavit Regarding Settlement of Claims form furnished at the end of the Special Conditions section.

ARTICLE IX. This Contract will not be binding and effective until confirmed by the Owner.

VII.C.5

IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

CONTRACTOR

BY _____
Mayor, Owner, Party of the First Part

BY _____

Printed Name

Printed Name/Title

STATE OF MISSOURI)
SS)
County of Phelps)

On this _____ day of _____ before me appeared _____ ,
to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City
of Rolla, Missouri, a municipal corporation, and the seal affixed to said instrument is the
corporate seal of said municipal corporation and that said instrument is the corporate seal of said
municipal corporation and that said instrument was signed under authority of the City Council of
of the City of Rolla, Missouri; and the said _____ Acknowledged
said instrument to be the free act and deed of said municipal corporation.

My commission expires: _____

Notary Public

STATE OF MISSOURI)
SS)
County of Phelps)

On this _____ day of _____ before me appeared _____ ,
to me personally known, who, being by me duly sworn, did say that (s)he is the _____
of _____
and that the seal affixed to said instrument is the corporate seal of said corporation by authority
of its board of directors; and the said _____ acknowledged said
instrument to be the free act and deed of said corporation.

My commission expires: _____

Notary Public

Vll.c.6

GENERAL NOTE:

ALL WORK SHALL BE DONE IN ADHERENCE TO THE CITY OF ROLLA STANDARDS AND SPECIFICATIONS. CONTRACTOR SHALL PERFORM ALL WORK ASSOCIATED WITH THE PROJECT UNLESS OTHERWISE NOTED AS "BY OTHERS" BY OTHERS SHALL INCLUDE THE CITY OF ROLLA AND ALL APPROPRIATE UTILITY COMPANIES. ALL CONSTRUCTION STAKING SHALL BE COMPLETED BY CITY PROJECT COORDINATORS UNLESS OTHERWISE SPECIFIED. STAKING SHALL BE PROVIDED TO THE CONTRACTOR WITH SUFFICIENT LEAD TIME TO COMPLETE STAKING AND LESS THAN TWO WEEKS PRIOR TO DATE NEEDED. CONSTRUCTION STAKING SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: ELEVATIONS FOR STORM SEWER STRUCTURES, AND UTILITY ADJUSTMENTS NECESSARY FOR COMPLETION OF PROJECT. UTILITIES ARE SHOWN FOR REFERENCE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION FOR A FIELD LOCATE TO VERIFY THE DEPTH AND POSITION OF THE RESPECTIVE UTILITY. STREET LANE RESTRICTIONS AND/OR CLOSURES SHALL BE COORDINATED WITH THE CITY OF ROLLA STREET DEPARTMENT. ALL EXCAVATIONS MUST BE CLOSED AT THE END OF EACH DAY OR MUST BE FENCED TO PREVENT INJURY TO PERSONS AND/OR PROPERTY. SEEDING AND MULCHING OF ALL DISTURBED AREAS SHALL BE BY OTHERS. ALL TREE REMOVAL SHALL BE BY OTHERS. ALL CLEARING, GRUBBING AND DISPOSAL OF TREES, BRUSH, AND LOGS SHALL BE BY OTHERS. RESTORATION OF EXISTING GRAVEL DRIVES AND DRIVEWAYS TO PRECONSTRUCTION CONDITION AND GRADE SHALL BE BY OTHERS. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PLACING AND MAINTAINING ALL STORAGE AND BARRICADES NECESSARY TO CARRY OUT DETOUR PLAN. TRAFFIC CONTROL/SAFETY SHALL BE STRICTLY ENFORCED. DEMOBILIZATION AND REMOBILIZATION FEES WILL NOT BE REIMBURSED UNDER ANY CIRCUMSTANCES. CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING AND MAINTAINING FINAL GRADE SURFACE UNTIL SUCH TIME AS CONCRETE CAN BE LAID. CONTRACTOR SHALL BE RESPONSIBLE FOR BARRICADEING ALL WATER VALVES AND MANHOLES TO PREVENT PERSONAL INJURY OR PROPERTY DAMAGE BY OTHERS. ALL WORK DONE ON STATE RIGHT OF WAY SHALL BE COORDINATED THROUGH MODOT. LANE CLOSURES SHALL FOLLOW MODOT SPECIFICATIONS FOR TRAFFIC CONTROL.

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EROSION CONTROL NOTE:

EROSION CONTROL SHALL BE BY CITY.

CONTRACTOR SHALL CONTACT PROPERTY OWNER PRIOR TO CONSTRUCTION OF NEW DRIVEWAYS TO AVOID CONTINUING VEHICLES DURING CONSTRUCTION

UNIT PRICE FOR INSTALLATION OF CURB, DRIVEWAY APRONS AND SIDEWALK SHALL INCLUDE ALL CONCRETE, LABOR, FORMS AND EQUIPMENT NECESSARY FOR THE COMPLETE INSTALLATION OF THE ITEM. ROCK SHALL BE FURNISHED BY THE CITY OF ROLLA.

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Key Sheet	City of Rolla Public Works Department
ELM STREET IMPROVEMENTS	
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Ull.C.7

