

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/UCffrfbYSQqtuhOAVkCCyieA>

COUNCIL PRAYER

Ministerial Alliance

AGENDA OF THE ROLLA CITY COUNCIL

Tuesday, July 5th; 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, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIED HALL, ROBERT KESSINGER, CAROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH

PLEDGE OF ALLEGIANCE

Councilwoman Victoria Steen

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – June 6th, 2022
2. Closed Session Minutes – June 6th, 2022
3. City Council Meeting – June 20th, 2022
4. City Council Workshop Minutes – June 27th, 2022

II. PUBLIC HEARINGS –

- A. **Public Hearing (Continued)** Proposed text amendment in Chapter 42 of City Code pertaining to homeless shelters and related issues. (City Planner Tom Coots)
- B. **Public Hearing and Ordinance** to allow the rezoning of 1306 Hwy 72 East from the C-1, Neighborhood Commercial district to the C-2, General Retail district ZON22-02 (City Planner Tom Coots) **Final Reading**

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 – May 2022
- b. Building Codes monthly report – May 2022
- c. Police Department Monthly Report – May 2022
- d. Animal Control Division Report – May 2022
- e. RMU monthly reports – May 2022
- f. Rolla Board of Public Works minutes for May 24th, 2022
- g. Rolla Board of Public Works Workshop minutes for June 13th, 2022
- h. The Centre Income Statement – May 2022
- i. Municipal Court Division Summary – May 2022
- j. Development Review Committee Minutes for June 7th, 2022
- k. Parks & Rec Director's Update

July 5th, 2022

V. **OLD BUSINESS** –

- A. **Ordinance** authorizing the agreement with Archer-Elgin Engineering for Professional Services and authorizing Task Order Number 1. (Public Works Director Steve Hargis) **Final Reading**
- B. **Ordinance** approving Enhanced Enterprise Zone Property Tax Abatement – Fairfield Inn by Marriott. (City Administrator John Butz) **Final Reading**
- C. **Ordinance** to authorize the vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and bishop Ave and 13th Street and University Dr. (City Planner Tom Coots) **Final Reading**
- D. **Ordinance** to authorize the vacation of the remainder of State Street north of 11th Street. (City Planner Tom Coots) **Final Reading**
- E. **Ordinance** authorizing a Minor Subdivision Final Plat to reorganize two residential lots into one lot. Wolfe’s Corner: SUB22-05 (City Planner Tom Coots) **Final Reading**
- F. **Ordinance** authorizing a Minor Subdivision Final Plat to combine six lots into one lot and vacate utility easements. University Fraternity Subdivision NO. 3: SUB22-06 (City Planner Tom Coots) **Final Reading**

VI. **NEW BUSINESS** - NONE

VII. **CLAIMS and/or FISCAL TRANSACTIONS** - NONE

VIII. **CITIZEN COMMUNICATION**

IX. **MAYOR/CITY COUNCIL COMMENTS**

- A. Appointment of John Meusch to the Board of Adjustment (term expires July 2027)
- B. Re-appointment of Linda Goff to the Health and Recreation Centre Board (term expires April 2024)

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

XI. **CLOSED SESSION** – Closed Session per RSMo 610.021 (1) for a legal matter

XII. **ADJOURNMENT** -

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY JUNE 6th, 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: Victoria Steen and Terry Higgins

Council Members in Physical Attendance: Moriah Renaud, Megan Johnson, Nathan Chirban, Lister Florence, Jaired Hall, Rob Kessinger, Carrolyn Bolin, Stanley Mayberry, and Tina Balch.

Council Members Absent: Matt Fridley

Department Directors in Attendance via Zoom Videoconferencing: - Steffanie Rogers

Department Directors and Other City Officials in Physical Attendance: City Administrator John Butz, Community Development Director Steve Flowers, Public Works Director Steve Hargis, City Planner Tom Coats, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Parks Director Floyd Jernigan, RMU GM Rodney Bourne, and City Counselor Carolyn Buschjost.

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

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – May 2nd, 2022
2. City Council Meeting – May 16th, 2022
3. City Council Closed Session – May 16th, 2022

A motion was made by Johnson and seconded by Renaud to accept the minutes. A voice vote showed 11 Ayes, zero Nays, and 1 Absent.

II. PUBLIC HEARINGS – None

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. RMU 2nd Quarter report for Fiscal Year 2022. General Manager Rodney Bourne advised that 2nd quarter revenues increased \$358,266 from last year. Council was updated on current projects including street lighting on Lions Club Drive, new business projects such as QT and the University area and the replacement of ageing water mains. Mr. Bourne went over the latest Cost of Service Study and informed Council of the change of website domain to rmurolla.org for easier online public access. A plaque will be

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attached to the current RMU building to acknowledge the historical importance of its' original constructed use by the federal government as a Colored USO to house African American Soldiers in the 1940's. Summer peak alerts were discussed and the importance of citizen participation to help save on long term power supply costs.

- B. Final Draft of SMTS Plan - review of survey and proposed routes as a result of the SMTS Deviated-Fixed Route study. Anne Freand, Planning Manager with MRPC reviewed the results of the survey sent out for a deviated fixed route. Participation by the public was disappointingly low but with the results they received, they hope to have the first route active by next spring. She cautioned that the routes that she presented could change multiple times as information regarding public needs and wants was received. Ginny Smith with SMTS explained to Council that everyone was allowed to currently use the transportation system currently in place. Their age and disability or lack of would determine the cost. This is a separate door to door service than the proposed deviated-fixed route which is similar to a bus route where the public is responsible for getting themselves to a fixed bus stop and on and off the bus on their own.

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

- a. Environmental Services Department Monthly Report – April 2022
- b. Building Codes monthly report – April 2022
- c. Police Department Monthly Report – April 2022
- d. Animal Control Division Report – April 2022
- e. RMU monthly reports – April 2022
- f. Rolla Board of Public Works minutes for April 26th, 2022
- g. The Centre Income Statement – April 2022
- h. Municipal Court Division Summary – April 2022
- i. City of Rolla Financial Reports – April 2022 and Semi-Annual Revenue/Expenditure Rpt
- j. Planning and Zoning Commission Minutes – May 10th, 2022
- k. Development Review Committee Minutes for May 17th, 2022

V. OLD BUSINESS –

*Mayor Magdits stated that Council would be going into closed session before taking this item up on the agenda. He stated this item of old business would be addressed after closed session at the end of the meeting.

- A. **Ordinance** allowing the rezoning of 1898 Old Saint James Rd from C-3, Highway Commercial district to the M-1, Light Manufacturing district. City Planner Tom Coots) At 9:41 after returning from closed session, Councilwoman Renaud made a motion and Johnson seconded to defer final consideration for this ordinance to the next meeting, currently scheduled for June 20th and for staff to look at implications of “landscaping buffer” requirements. A voice vote showed 11 ayes, zero nays, and 1 absent.

VI. NEW BUSINESS

- A. **Resolution** authorizing the application of grant funds to the Missouri Department of Natural Resources for projects pertaining to improving drinking water, wastewater, and/or storm water systems. Public Works Director Steve Hargis requested approval of the proposed Resolution that would allow the city to pursue/apply for certain ARPA grants through the Missouri Dept. of Natural Resources for infrastructure projects pertaining to drinking water, wastewater, storm water, and lead service line

inventories. City Counselor Carolyn Buschjost read the resolution for one reading by title; RESOLUTION 2006: A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, FINANCIAL ASSISTANCE CENTER'S STATE ARPA GRANT PROGRAMS FOR SUBAWARD OF FEDERAL FINANCIAL ASSISTANCE PROVIDED TO THE STATE OF MISSOURI BY THE U.S. DEPARTMENT OF THE TREASURY ("TREASURY") PURSUANT TO SECTION 602(B) OF THE SOCIAL SECURITY ACT, AS ADDED BY SECTION 9901 OF THE AMERICAN RESCUE PLAN ACT, (PUB. L. NO. 117-2 (MARCH 11, 2021); 135 STAT. 4, 223-26. A motion was made by Hall and seconded by Kessinger to pass the resolution. A voice votes showed 11 ayes, zero nays, and 1 absent.

VII. CLAIMS and/or FISCAL TRANSACTIONS

- A. **Award of Bid** to Heritage Tractor for a 2022 zero turn radius diesel mower. Parks Director Floyd Jernigan stated that bids were received for a 2022 zero turning radius diesel mower to replace their 2015 mower. A motion was made by Johnson and seconded by Renaud to award the bid to Heritage Tractor of Rolla for \$15,642.10. A voice vote showed 11 ayes, zero nays, and 1 absent.

VIII. CITIZEN COMMUNICATION

- A. David Black – Police Concerns – Mr. Black was unable to attend and will reschedule for a later date.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. **Appointment** of David Schott to the Bicycle Pedestrian Advisory Committee replacing Dick Elgin. (term to expire 04/2023) A motion was made by Hall and seconded by Kessinger to allow the appointment. A roll call votes showed the following; Ayes: Chirban, Balch, Mayberry, Bolin, Renaud, Steen, Kessinger, Higgins, Hall, Florence, and Johnson. Nays: none. Absent: Fridley.
- B. **Reconsider appointment** of Jody Eberly for Board of Adjustment (1st term ends July 2024) Mayor Magdits announced to citizens that at the last meeting on May 16th, he voted to break a 5 to 5 vote regarding the appointment to BOA for previous Councilwoman Jody Eberly. The next day he was informed by Legal Counsel that doing was not appropriate as approval requires a majority of the full city council (7 yes votes). Mayor Magdits asked to bring the vote back to correct and resolve the issue. A motion was made by Bolin and seconded by Higgins to allow the appointment. A roll call votes showed the following; Ayes: Bolin, Higgins, Mayberry, and Florence. Nays: Steen, Chirban, Balch, Johnson, Kessinger, Hall, and Renaud. Absent: Fridley. The appointment failed.
- C. **Reappointment** of Francine Merenghi to the Health & Recreation Centre Board. (3 year term ending April 2025) A motion was made by Johnson and seconded by Hall to allow the appointment. A roll call vote showed the following; Ayes: Balch, Mayberry, Chirban, Bolin, Renaud, Florence, Kessinger, Higgins, Hall, Johnson, and Steen. Nays: zero Absent: Fridley.
- D. **Reappointment** of William Moorkamp to the Health & Recreation Centre Board. (3 year term ending April 2024) A motion was made by Kessinger and seconded by Renaud to allow the appointment. A roll call vote showed the following; Ayes: Kessinger, Steen, Renaud, Mayberry, Chirban, Balch, Johnson, Florence, Higgins, Hall, and Bolin. Nays: none. Absent: Fridley.

X. COMMENTS FOR THE GOOD OF THE ORDER

- A. Councilwoman Renaud asked for a constituent the difference between the responsibilities of the public and the city in the cemetery. Parks Director Floyd Jernigan stated the City mows, weed eats, maintains the ground (levels and reseeds). The families are responsible for the stones. Four times a year (quarterly) the city clears the cemetery of old worn-out, unsightly, or broken items.
- B. Councilwoman Johnson asked if the P&Z meeting on June 14th could be moved to the Administration Building. P&Z certainly can make that call subject to Council direction but it will have to be reposted with the new location if that what they choose to do.
- C. Councilman Rob Kessinger commented on the success of Summerfest and shared the top 5 things he learned from getting his vehicle stolen last week.
- D. Councilwoman Tina Balch complimented Skylar Johnson when assisting/explaining procedures to her on an issue.

XI. CLOSED SESSION – Closed Session per RSMo 610.021 (1) for two Legal Matters for discussion.

At 8:20 PM a motion was made by Johnson and seconded by Chirban to go into closed session. A roll call vote showed the following; Ayes: Steen, Chirban, Higgins, Renaud, Mayberry, Bolin, Balch, Johnson, Kessinger, Florence, and Hall. Nay: none. Absent: Fridley.

At 9:40 PM Council returned from closed session. City Counselor Carolyn Buschjost stated that Council went into closed session to discuss 2 legal matter. No final action was taken. Item of Old Business was then taken up. See top of Agenda for minutes on that item

XII. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 9:43 PM
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY JUNE 20th, 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: Lister Florence

Council Members in Physical Attendance: Moriah Renaud, Megan Johnson, Nathan Chirban, Matt Fridley, Jaired Hall, Rob Kessinger, Carolyn Bolin, Stanley Mayberry, Victoria Steen, Terry Higgins and Tina Balch.

Council Members Absent: none

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 Planner Tom Coots, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Centre Recreation Director Marci Fairbanks, and City Counselor Carolyn Buschjost.

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

I. PUBLIC HEARINGS –

- A. **Public Hearing and 1st Reading** Enhanced Enterprise Zone Property Tax Abatement – Fairfield Inn by Marriott. City Administrator John Butz explained to Council that the EEZ program provides real property tax abatement to selected industry. The minimum tax abatement is 50% for 10 years with enhanced benefits based on employment, wages, and investment. Fairfield Inn by Marriott actually qualifies for a 65% tax credit for 10 years, expiring in 2032. At 6:30 Mayor Magdits opened the Public Hearing. Mark Rene had culture and symbolism questions. With no other comments, the Public Hearing closed at 6:49. City Counselor Lance Thurman read the proposed ordinance for its first reading; by title: AN ORDINANCE APPROVING AN ENHANCED ENTERPRISE ZONE PROJECT AND AUTHORIZING THE CITY OF ROLLA, MISSOURI TO ENTER INTO AN ENHANCED ENTERPRISE ZONE AGREEMENT WITH KRIS HOTEL LLC.
- B. **Public Hearing and 1st Reading** to authorize the vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and bishop Ave and 13th Street and University Dr. City Planner Tom Coots explained that the applicant was seeking to vacate the subject streets and alley to

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allow for the construction of a parking lot. At 6:52 Mayor Magdits opened the Public Hearing for citizen comment. There were none that spoke for or against the cause and the Public Hearing was then closed at 6:52. City Counselor Lance Thurman read the ordinance for its final reading; by title: AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF SPRING STREET, NORTH OF 13TH STREET' A PORTION OF THE 13TH STREET, BETWEEN SPRING STREET AND BISHOP AVENUE; AND THE REMAINDER OF AN ALLEY BETWEEN SPRING STREET AND BISHOP AVE AND 13TH STREET AND UNIVERSITY DR.

- C. **Public Hearing and 1st Reading** to authorize the vacation of the remainder of State Street north of 11th Street. City Planner Tom Coots stated the applicant was seeing to vacate the remainder of State Street north of 11th street to allow for construction of a parking garage and main entryway from Tim Bradley Way. At 6:54 Mayor Magdits opened the Public Hearing for citizen comment. There were none spoke for or against the issue and the Public Hearing was closed at 6:54. City Counselor Lance Thurman read the ordinance for its first reading; by title: AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF STATE STREET NORTH OF 11TH STREET.
- D. **Public Hearing and 1st Reading** to allow the rezoning of 1306 Hwy 72 East from the C-1, Neighborhood Commercial district to the C-2, General Retail district ZON22-02 (City Planner Tom Coots) The applicant intends to lease a portion of the subject property and construct a paved display for their used car dealership which is adjacent to the subject property. At 7:02 Mayor Magdits opened the Public Hearing for citizen comment. There were none that spoke for or against the issue and the hearing was closed at 7:02 pm. City Counselor Lance Thurman read the ordinance for its first reading; by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF 1306 HWY 72 EAST FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-2, GENERAL RETAIL DISTRICT. (ZON22-02)
- E. **Public Hearing** to solicit input on the proposed text amendment in Chapter 42 of City Code pertaining to homeless shelters and related issues. (City Planner Tom Coots) The proposed text was voted down by P&Z without much input. A discussion was had over the definitions, zoning allowance, and requirements of various shelters. The options presented were to withdraw the ordinance altogether, prepare an ordinance, amend proposed text, or postpone action until additional public input is received. At 7:39 Mayor Magdits opened the Public Hearing for citizen comment. Dale Wands of 606 Penny Lane asked why we were talking about a shelter when the Mission seemed to be the issue. Mr. Wands felt the statistics being shared by the Mission were not accurate and encouraged Council to each have a meeting in their wards to gather info from their constituents. Mr. Wands stated he didn't feel homeless shelters should be in any commercial areas or in residential areas which leaves manufacturing zones. Mark Rene spoke on serving the homeless. Dustin Lyndsey (County resident) offered support to Council stating it was a hard topic to deal with. At 8:00 the Public Hearing was closed. After further discussion it was decided to provide a "white paper" at the next meeting (July 5th) describing the current classification of the Mission and to discuss in closed session the legal ramifications of adopting zoning regulations. It was decided to not discard the proposed text all together but to back up and focus the city's statutory authority on the location and definitions of the different emergency shelters and later discuss operational issues. There was a motion made by Renaud and seconded by Higgins to continue the Public Hearing until July 5th. A voice vote showed 12 Ayes and zero Nays.

II. **ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS** – None

III. **OLD BUSINESS** –

- A. **Ordinance** allowing the rezoning of 1898 Old Saint James Rd from C-3, Highway Commercial district to

the M-1, Light Manufacturing district. (City Planner Tom Coots) After some discussion that included input from the land owner, Barry Dunnigan, it was decided to remove the section of the proposed ordinance pertaining to a buffer zone. City Counselor Lance Thurman read the ordinance for its final reading as amended; by title: ORDINANCE 4682 AN ORDINANCE TO APPROVE THE RE-ZONING OF 1898 OLD SAINT JAMES RD FROM THE C-3, HIGHWAY COMMERCIAL DISTRICT TO THE M-1, LIGHT MANUFACTURING DISTRICT. A motion was made by Fridley and seconded by Mayberry to accept the amended ordinance. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Bolin, Renaud, Steen, Mayberry, Chirban, Balch, and Florence. Nays: Johnson and Hall.

IV. NEW BUSINESS

- A. **Ordinance** authorizing the agreement with Archer-Elgin Engineering for Professional Services and authorizing Task Order Number 1. (Public Works Director Steve Hargis)
RFQ's were recently solicited for consultant services to prepare an engineering report to evaluate alternatives or replacement of a pressurized system that provides wastewater treatment from Hy Point to the Southeast treatment plant. The attached Ordinance would authorized the Mayor to enter into an agreement for Professional Services and authorized Task Order Number 1 for the Hy Point Lift Station report. City Counselor Lance Thurman read the ordinance for its first reading; by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT FOR PROFESSIONAL SERVICES AND TASK ORDER NUMBER 1 BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C.
- B. **Ordinance** authorizing a Minor Subdivision Final Plat to reorganize two residential lots into one lot. Wolfe's Corner: SUB22-05 (City Planner Tom Coots) The applicant owns two residential lots in the Woodcrest Estates Resubdivision and seeks to construct a pool on the property. Zoning doesn't allow an accessory structure to be constructed by itself without a primary structure so the lots need to be combined to allow for the proposed pool. City Counselor Lance Thurman read the proposed ordinance for its first reading; by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF WOLFE'S CORNER.
- C. **Ordinance** authorizing a Minor Subdivision Final Plat to combine six lots into one lot and vacate utility easements. University Fraternity Subdivision NO. 3: SUB22-06 (City Planner Tom Coots)
The lots the university is planning for the relocation of the General Services building are encumbered by easements. The proposed easements to be vacated have never been used for utilities. The university is choosing to combine the lots by platting as well as vacating the easements. City Counselor Lance Thurman read the ordinance for its first reading; by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF UNIVERSITY FRATERNITY SUBDIVISION NO. 3 AND VACATING CERTAIN EASEMENTS.

V. CLAIMS and/or FISCAL TRANSACTIONS - None

VI. CITIZEN COMMUNICATION

- A. Tara Peters – Introduced herself as a candidate for Missouri State Representative District 122.

VII. MAYOR/CITY COUNCIL COMMENTS

- A. 20 Year Anniversary Celebration of The Centre June 20-26th : Mayor Magdits told a short history the Centre . Centre Recreation Director Marci Fairbanks shared special offers for this weekend to celebrate the Centre's 20th Anniversary.
- B. Councilwoman Johnson had questions for Chief Fagan about recent vehicle thefts.

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- C. Councilwoman Johnson reminded everyone that the Rolla Town Band would be playing at 7:15 pm on June 21st at the band shell for Make Music Night.
- D. Councilwoman Johnson encouraged citizens to attend the open house from 4-6:00 pm at the Eugene Norther Hall on June 23rd. Directors from different divisions of city government would be available to discuss future projects and idea.
- E. Councilwoman Renaud had questions for Chief Fagan regarding panhandling at Hwy 63 and Hwy 72.
- F. Mayor Magdits and City Administrator John Butz shared the many compliments and comments received regarding the Big BAM event where Rolla hosted 150 bike riders plus their families as they biked from Joplin to Eureka.
- G. Councilwoman Balch shared that a documentary on voter fraud from the last election called “2000 Mules” would be shown at the Phelps County Courthouse on Thursday, June 23rd at 7:00 pm. Doors will open at 5:30 pm.

VIII. COMMENTS FOR THE GOOD OF THE ORDER - None

IX. CLOSED SESSION – None

X. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 8:50 PM
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR

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I. A 8

ROLLA CITY COUNCIL WORKSHOP MINUTES

Monday, June 27th, 2022; 5:30 P.M.

City Hall Council Chambers

901 North Elm Street

Presiding: Mayor Louis J. Magdits, IV

Council Present: Moriah Renaud, Terry Higgins, Megan Johnson, Nathan Chirban, Lister B. Florence, Jr., Matthew Fridley, Jaired Hall, Robert Kessinger, and Tina Balch

Council Absent: Carrolyn Bolin, Stanley Mayberry, and Victoria Steen

Directors Present: City Administrator John Butz, Environmental Services Director Brady Wilson, Fire Chief Ron Smith, Police Chief Sean Fagan, Parks Director Floyd Jernigan, Public Works Director Steve Hargis, City Engineer Darin Pryor, and Finance Director Steffanie Rogers

Mayor Magdits called the meeting to order at 5:42 P.M.

Early in 2022 it was mentioned that there were at least three critical issues/workshops that Council needed to address:

1. The fiscal sustainability of the General Fund, and in particular what that means for public safety.
2. The current and future structure of the City's employee compensation package and the changing labor market (Tonight 06-27-2022) and;
3. The Current and future status of the Centre. (tentatively scheduled for Monday, July 25th)

Most things related to labor availability and costs are a challenge to both the private and public sectors. The Mayor referenced many factors impacting employment including a nationwide exodus of workers due to the retirement of the Baby Boomer generation. COVID has also provided many new opportunities to work remotely. Millennials place a much higher value on life work balance and what they desire in terms of job satisfaction. Millennials are also much more mobile than previous generations when it comes to where they work and for whom they work. Lastly a robust economy and rising inflation costs add to the pressure for the improvement of compensation packages and the retention of employees. The City of Rolla is being impacted by all of these issues and must re-examine the employee compensation package of today. Restructuring the Employee compensation package means that benefits cannot be increased to surpass the expected sustainable increase in revenues. The purpose of tonight's meeting is to educate Council on the key components of City employment/compensation.

I. CITY OF ROLLA EMPLOYEE COMPENSATION PACKAGE STRUCTURE
(City Administrator John Butz)

The City of Rolla has 170 full time employees and 100+ part-time employees (seasonal). 88 employees are paid for from the general fund.

The City's operating budget is about \$30 million dollars and employees and compensation make up almost \$15,000,000.

Mayor Magdits stated that pay competitiveness with private market vs public markets is always a challenge. Gathering complete, accurate and relevant information from private entities and comparable public entities is a challenge.

The 1 cent sales tax sets the tone of the City's General Fund – the City's largest fund that covers administration and public safety. What had been steady sales tax growth since 1992 stagnated significantly in the Great Recession of 2008. There were 7-8 years that the reserves were used along with basic cuts to meet the demands of the General Fund. In 2016, sales tax revenues began growing again and today sales tax revenues have returned to pre-recession trends. During the 8 years of stagnation/slow growth the General Fund experienced a revenue shortfall of approximately \$5,500,000. During those years of stagnation services to the citizens of Rolla continued as able but put the City behind the curve with compensation. The 1 cent sales tax for the Street and Capital Improvement Fund also felt the same lag. The City has been, legally and with the approval of Council, reallocating expenses where legally justified to relieve the General Fund (i.e. street lighting, airport operations, engineering division). The public approval of Prop P provided significant relief to the General Fund as the General Fund was subsidizing the Parks fund. Prop P is a ¼ cent sales tax. 3/16 continues in perpetuity and 1/16 expires in 2023 unless renewed by voters.

The Missouri constitutional amendment was passed to raise the Missouri minimum wage to \$12/hour over a 4 year period by 2023 (annual increases of 9-10% per year). Most organizations including the City of Rolla have not been able to adjust to such an inflation in wages.

Future trends Council needs to be aware of:

- **Compensation needs to be sustainable!** The private sector deals with the lags and raises in the economy with bonuses instead of raises. The Constitution states you cannot issue bonuses to the public sector. When salaries are increased in the public sector it is a permanent change and has to be sustainable even through times of recession.
- **Succession planning is becoming critical!**
- **Retention of employees: employee satisfaction with competitive pay**

Lagers Retirement is a “defined benefit pension” meaning employees can calculate with certainty what their retirement benefit will be regardless of investment return. Rolla currently has an LT-14(65) plan and is “non-contributory” (employees do not contribute) with a “Rule of 80” (full retirement eligibility when age + years of service = 80). Moving to an L-6 (the highest plan) means the City would have to contribute more money to LAGERS (approximately 3.5% of F-T payroll) which means less funds available for employee pay. The City could elect to increase the benefit to L-6 and moving to a “contributory” plan where employees contribute 2 or 4% of their pay for the increased retirement benefit.

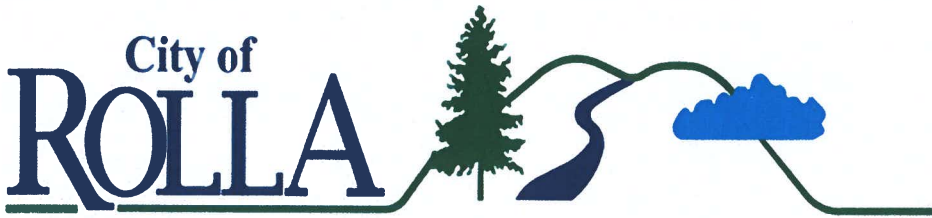
Other areas of consideration for restructuring are the current allowances for max accruals and paid time off. Currently an employee may buy-back up to 25% of their accrued vacation balance once a year. The City provides vacation of 2 – 4 weeks based on years of service with a cap of 240 hours (6 weeks). However, once an employee's sick leave balance reaches 720 hours (1,008 hours for firefighters), a portion is converted to vacation which can then exceed the maximum accrual of vacation hours prompting more time off. Upon separation in good standing employees are paid 100% of accrued vacation and approximately 30% of accrued sick leave. Final checks can easily be \$8,000 – 12,000 (more for higher compensated employees) for unused sick and vacation. The City spent \$28,581 in sick leave buyout upon separation in 2021 but that number will be drastically higher as more employees retire in the next few years.

By encouraging employees not to excessively use sick leave and allowing a maximum accrual of 720 hours (1,008 for firefighters) the City is effectively having each employee accumulate their own short-term disability plan (incurring substantial accrued liability). The City also provides a long-term disability insurance program that kicks in after 90 days illness/injury that pays out 60% of salary for a 2 year period. The City has had one claim for LTD over the last 5 years. The premium for LTD paid by the City is approximately \$18,000.

II. ADJOURNMENT – With nothing further, the meeting was adjourned at 7:24 P.M.

Mayor Louis J. Magdits IV

City Clerk Lorri M. Thurman



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Discussion/Direction

SUBJECT: Text Amendment: Sections 42.141, Definition; 42.177, R-3 Multi-family district; 42.189, General Retail districts; 42.192, Highway Commercial districts; 42.194, Center-City districts; 42.196, Light Manufacturing districts; 42.223, Reserved; 42.224, Residential Group Homes; 42.225 and 42.226, Reserved pertaining to Homeless Shelters and related uses.

(TXT22-01)

MEETING DATE: July 5, 2022

Application and Notice:

Applicant - City of Rolla
Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>

Background:

The current zoning ordinance does not contemplate homeless shelters or related uses. Rolla does currently have a few organizations what may be considered to be a homeless shelter or a related use. Lacking clear direction on how to regulate the use, staff had difficulty with how to approach the uses. Consequently City Council authorized the drafting of a text amendment to bring some definition and structure to the issue of homeless shelters.

The proposed text amendment should bring some clarity as to how to regulate these uses. The text amendment defines the uses, permits the uses in certain zoning district by-right or with approval of a conditional use permit, and imposes some requirements for how the uses operate.

The desire for clearer regulations is related to the general increase in homelessness and related issues in Rolla. While the changes have been brought on by the recent desire for the Rolla Mission to relocate and/or increase their services, review should consider that other organizations may seek to provide such services.

The City Council conducted a public hearing to receive input at the June 20, 2022 meeting. The Council tabled further discussions to allow for time to consider the proposal.

II.A.1

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend that the proposed text amendment as is currently written not be approved by the City Council. No proposed amendments were offered.

Action

City Council can withdraw their application for a text amendment; can direct Staff to prepare an ordinance for final consideration; can amend the proposed text; or can postpone action for further community conversation.

Prepared by:

Tom Coots, City Planner

Attachments:

Proposed Text Amendment

Proposed Homeless Shelter Zoning Code Amendments

(Note: underlined text is proposed new language; struck text is to be removed)

Sec. 42-141. Definitions.

Words found in the text or tables of this Article shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. The following terms are hereby defined:

Emergency Shelter: A facility, building, or property where temporary housing services are provided to person impacted by an emergency or a natural disaster or for victims of domestic violence and unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location.

Overnight Shelter: A facility, building, or property where year-round overnight housing services are provided temporarily (not to exceed 180 consecutive days) to persons impacted by temporary or chronic homelessness and unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location. Such use shall not include any of the following:

- (a) Residential group homes;
- (b) Temporary lodging for families of patients, or patients themselves, of state-licensed health facilities within Phelps County;
- (c) University or educational institution residence halls;
- (d) Fraternity or sorority houses;
- (e) State and city licensed nursing homes and day care centers;
- (f) Foster homes licensed under Chapter 210, RSMo;
- (g) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (h) Emergency shelters related to relocation and are available during or after a fire or natural disaster for a limited duration;
- (i) Facilities for victims of domestic violence
- (j) Food pantries and distribution

Transitional housing: A multi-family residential use intended to provide transitional temporary housing for persons who have been impacted by homelessness, incarceration, or rehabilitation, generally for longer than 30 days and up to six months at any one time for individual residents, intended to enable individuals to transition into permanent housing, and is not classified as a group home.

Soup kitchen: An establishment where meals are provided to a person or persons unrelated by family to the provider at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals is the principal service of the establishment, whether or not additional services are provided. A soup kitchen use may also include temporary overnight housing services are provided to persons impacted by temporary or chronic homelessness and unrelated by family to the provider during times of extreme weather conditions (i.e. overnight freezing conditions, extreme heat, thunderstorm or tornado warnings or watches).

	Proposed Zoning District							
	R-3, Multi- family	C-O, Commercial Office	C-1, Neighborhood Commercial	C-2 General Retail	C-3, Highway Commercial	C-C Center City	M-1, Light Mfg	M-2, Heavy Mfg
Emergency Shelter	P	P	P	P	P	P	P	P
Overnight Shelter	X	X	X	C	P	C	P	P
Transitional Housing	C	X	X	X	X	C	X	X
Soup Kitchen	X	X	X	C	P	P	X	X
<i>P - Permitted by-right</i>		<i>C - Conditional Use</i>		<i>X - Not Permitted</i>				

DIVISION 5. "R-3" MULTI-FAMILY DISTRICT

Sec. 42-177. Purpose of the Multi-family District.

The R-3 Multi Family District is intended to support apartment type development at a maximum density of twenty six (26) dwelling units per acre. Developments of this intensity should be established adjacent to and with vehicular access from collector or higher classified streets. Traffic circulation should be designed to minimize the impact on adjoining residential neighborhoods.

Sec. 42-177.1. Uses Permitted.

1. Uses and conditional uses permitted in any of the foregoing R-1 or R-2 Districts.
2. Boarding, rooming, and lodging houses.
3. Child care centers.
4. Multi-Family dwellings and apartment houses, including efficiency apartments.
5. Private parking areas.
6. Private clubs, lodges, fraternities, sororities, and dormitories.
7. Private schools and academies.
8. Trailers and mobile homes located in the R-3 Multi-Family District at the date this Article is enacted shall not be considered as non-conforming uses.
9. Emergency Shelters

Sec. 42-177.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the R-3 zoning district.

1. Transitional Housing

Sec. ~~42-177.3~~ 42-177.2 Area Requirements.

Minimum size of lot:

- Area: 7,500 square feet plus 1,500 square feet for each dwelling unit in excess of two (2) dwelling units.

Maximum Number of Bedrooms Permitted: 8 Bedrooms per unit.

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and emergency shelters.

Lot frontage: 75 feet at front lot line.

Width: 75 feet at building line.

Maximum percentage of lot that may be occupied by buildings:

- All buildings: 40 percent.

Minimum open space per lot:

- Not less than twenty five (25) percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, parking areas, driveways, side walk, patio, accessory structures and internal streets. Open space shall contain living ground cover such as grass, plants, shrubs or trees. Decorative landscaping materials, such as rock, bark, and mulch are also permitted.
- No open space shall be required on a lot if existing buildings and structures are replaced with new buildings and structures using the same floor area, provided a building permit for replacement is applied for within one (1) year after the existing buildings are removed. In addition, no open space is required if an existing use expands operations or is established in existing floor area that previously was unfinished or not otherwise available for occupancy.

Maximum height of buildings:

- Four stories and sixty-four feet.

Minimum setback dimensions:

- Front yard: 25 feet from the front lot line.
- Each side yard: 5 feet measured from side lot line.
- Rear yard: 10 feet from the rear property line.

Sec. ~~42-177.5~~ ~~42-177.4~~ Separation and Access to Buildings.

All new development on parcels zoned R-3 Multi-Family District shall provide a minimum distance between all residential buildings of twelve (12) feet. All required driveways and parking areas shall be provided with a permanent dust-free paved surface and shall be constructed with curbs and gutters. Driveways shall be a minimum of sixteen (16) feet in width and no parking shall be allowed in the driveways. Driveways and buildings shall be located on the parcel in such a manner as to provide safe and convenient access for solid waste pick-up and emergency vehicles.

Sec. ~~42-177.5~~ ~~42-177.4~~ Buffer-Yard Requirements.

Whenever any development in an R-3 Multi-Family District is located adjacent to an R-1 Single Family District, a buffer-yard shall be provided in accordance with Section 42-230.6 and meeting the width and landscaping standards for a "Buffer-Yard A".

Sec. ~~42-177.6~~ ~~42-177.5~~ Site Plan Required.

All rezoning requests for R-3 Multi-Family District zoning for parcels one (1) acre in size or greater shall be accompanied by a site plan prepared in accordance with Sec. 42-234.1 (b) of the Planning and Zoning Code.

DIVISION 9. "C-2" GENERAL RETAIL DISTRICT

Sec. 42-189. Purpose of the General Retail District.

This District is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops which depend upon high visibility, generate high traffic volumes or cater to the traveling public. The District is also intended for on-site production of hand crafted items in conjunction with retail sales. No un-screened outside display of merchandise is permitted, except where indicated. Commercial uses permitted in this District are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets.

Sec. 42-189.1. Uses Permitted.

- (1) Any use or conditional uses permitted in the foregoing C-I District, including existing single-family and two-family residential uses.
- (2) Any conditional use permitted in the R-R District.
- (3) Athletic clubs.
- (4) Auto repair, body and paint shops, radiator repair.
- (5) Auto laundries or car/truck wash establishments.
- (6) Automobile sales and service, including tire sales, and rental of new or used vehicles (outside display permitted).
- (7) Automobile service stations or garages, including sales of petroleum products.
- (8) Automobile parts and accessory stores, including installation and repair.
- (9) Boat and marine sales and service.
- (10) Bowling alleys.
- (11) Cold storage and self or mini-storage facilities.
- (12) Drive-in, pick-up, and drive-through restaurants.
- (13) Funeral homes, excluding crematoriums.
- (14) Furniture and/or appliance stores (new and used), sales and service, including rentals.
- (15) Heating and air-conditioning sales and service, including customized sheet metal fabrication as an accessory activity.
- (16) Hotels and motels, and hotel apartments.
- (17) Medical equipment and supplies sales and rental.
- (18) Medical Marijuana Dispensary Facility.
- (19) Miniature golf courses and driving ranges.
- (20) Monument sales, retail dealers (outside display permitted).
- (21) Parking garages, commercial.
- (22) Pest control services.
- (23) Pet shops, animal hospitals, clinics and kennels.
- (24) Plumbing shops.
- (25) Printing, publishing, book binding, and photo-processing, including drive-through facilities.
- (26) Produce market, retail (outside display permitted).
- (27) Radio-TV. repair shops.
- (28) Recreation vehicle or mobile home sales or service (outside storage permitted).
- (29) Restaurant, on-site sales and consumption of alcoholic beverages permitted.

- (30) Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.
- (31) Retail establishments which provide supplies and/or services primarily to commercial and industrial customers, such as janitorial services, packaging and shipping service, locksmith services, lithographing and engraving, and blueprinting businesses.
- (32) Recording studios.
- (33) Second hand goods store and pawn shops.
- (34) Second hand or used car sales yard, not including wrecking and repairing (outside display permitted).
- (35) Skating rinks, swimming pools, gymnasiums, commercial.
- (36) Sporting goods sales.
- (37) Store and restaurant fixture sales.
- (38) Taxi and limousine transportation services.
- (39) Reserved. (Ord. 4470, §2)
- (40) Theaters, motion picture and performing arts.
- (41) Tobacco product sales.
- (42) Water, bottled, sales.
- (43) Video game arcades.
- (44) Seasonal businesses; such as fireworks stands, Christmas tree lots, snow cone vendors, and similar outlets that are temporary uses.

Sec. 42-189.2. Conditional uses that may be permitted by the Planning and Zoning Commission and the City Council in accordance with Section 42-234.

- (1) Bars, cocktail lounges, and night clubs (including dance halls).
- (2) Billiard or pool halls.
- (3) Convenience stores, with or without gas pumps.
- (4) Package liquor stores.
- (5) Cabinet or carpentry shop.
- (6) Advertising services (sign shop).
- (7) Laboratories, offices and other facilities.
- (8) Medical Marijuana Testing Facility.
- (9) Overnight Shelters.
- (10) Soup Kitchens.

DIVISION 10. "C-3" HIGHWAY COMMERCIAL DISTRICT

Sec. 42-192. Purpose of the Highway Commercial District.

This District is intended for business uses which provide essential commercial services and support activities of community and regional significance that require high visibility and may have higher environmental impacts in terms of noise, dust, glare, etc. which may make them incompatible with office or some retail uses. This District is also intended for businesses that combine wholesale, retail, and light manufacturing (assembly) functions on site. Merchandise may be displayed outside without screening. This District is also intended to function as a transition between industrial development and strictly commercial development.

Sec. 42-192.1. Uses Permitted.

1. Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts.
2. Agriculture implements sales and service, agri businesses.
3. Sexually oriented businesses, as defined in Chapter 29 of the Rolla City Code, provided such uses are prohibited within the area circumscribed by a circle which has a radius of seven hundred fifty (750) feet, as measured by a straight line drawn from the lot line of any proposed sexually oriented business, to any residential zoning district, school, park, or church.
4. Auction sales, flea markets and swap meets, permanent location; livestock sales not permitted
5. Archery and firearms ranges, commercial.
6. Battery shops, sales and service.
7. Builder's supply and lumber yards.
8. Bus stations.
9. Bottling plants.
10. Carpet cleaning.
11. Contractor's equipment, sales and service
12. Commercial laundry, dry cleaning, linen and towel or diaper supply service
13. Crematoriums
14. Dairy supply dealers
15. Dry ice storage.
16. Engine and transmission repair and rebuilding.
17. Electrical equipment repairs, sales and parts distribution.
18. Feed stores, no manufacturing or grinding or mixing of feed.
19. Frozen food lockers.
20. Glass and mirror sales.
21. Landscape company, sales and service.
22. Magazine and newspaper, printing and distribution agency.
23. Road machinery, heavy equipment and tools, sales and rental service.
24. Storage warehouses and baggage transfers.
25. Tire repair and recapping
26. Tattoo and/or body piercing parlors, palm reading, and fortune telling establishments.
27. Wholesale operations, sales office/warehouse combination.

Sec. 42-192.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-3 zoning district.

1. Advertising services
2. Bus terminals, maintenance shops
3. Cabinet or carpentry shops
4. Canvas goods shops, tents and awnings, manufacture, sales and rental
5. Concrete batching or transit mix plant (temporary use only)
6. Irrigation sales and services
7. Laboratories, offices and other facilities for research, basic and applied
8. Private utilities
9. Produce markets, wholesale.
10. Medical Marijuana-Infused Products Facility

DIVISION 11. "CC" CENTER CITY DISTRICT

Sec. 42-194. Purpose of the Center City District.

The CC District is intended to be a mixed-use district that accommodates a variety of residential and commercial uses. It is intended to address the unique character of Rolla's traditional Central Business District, an area that developed early in the City's history, generally encompassing both sides of Rolla and Pine Streets between 6th and 12th Streets, and does not display the features of modern suburban development. This district is designed to support the transition that must occur if the CBD is to experience revitalization.

Sec. 42-194.1. Uses Permitted.

- (1) Any use or conditional uses permitted in the foregoing GI and C-3 Districts, except trailers or mobile homes and overnight shelters.
- (2) Accessory structures and uses, in accordance with Section 42-204.
- (3) Accessory residential uses, either to the rear or above the first floor of a building used for permitted business activities.
- (4) Medical Marijuana Dispensary Facility.

Sec. 42-192.2. Conditional Uses.

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-C zoning district.

1. Overnight Shelters
2. Transitional Housing

Sec. ~~42.194.3~~ 42-194.2. Area Requirements.

Minimum size of lot: No minimum

Maximum number of occupants per dwelling unit: Eight (8), except for incorporated fraternities, sororities, and clubs, and overnight shelters.

Lot frontage: No minimum

Width: No minimum.

Maximum percentage of lot that may be occupied by building footprint: 100 percent.

Maximum height of buildings: No maximum

Minimum setback dimensions:

- (a) Front yard: None
- (b) Each side yard: None
- (d) Rear yard: None

Minimum parking requirements: None, except for new construction where sufficient land area exists to allow the provision of adequate parking consistent with the requirements of this Article.

DIVISION 12. "M-1" LIGHT MANUFACTURING DISTRICT

Sec. 42-196. Purpose of the Light Manufacturing District

This District is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. Industrial operations and activities are permitted as long as they do not have an adverse impact on neighboring properties resulting from dust, fumes, noxious odors, glare, vibration, or other atmospheric influence. M-1 light manufacturing activities are generally conducted inside a building, although related outdoor storage and display is permitted.

Sec. 42-196.1 Uses Permitted.

- (1) All of the uses listed under Section 42-192.1, except for item "1" ("item 1". Any use or conditional uses permitted in any of the foregoing C 1 or C 2 Districts.)
- (2) Advertising services (sign shop)
- (3) Agri-businesses.
- (4) Asphalt storage.
- (5) Blacksmithing.
- (6) Broom manufacturing.
- (7) Builders supply, hardware and lumberyards.
- (8) Bus terminals, maintenance shops.
- (9) Cabinet or carpentry shops.
- (10) Candle manufacturing.
- (11) Canvas goods shops, tents and awnings, manufacture, sales and rental.
- (12) Carpet cleaning.
- (13) Child care centers.
- (14) Clothing, footwear, and leather goods manufacturing.
- (15) Cold storage plants.
- (16) Concrete batching or transit mix plant (temporary use only).
- (17) Construction materials manufacturing and storage.
- (18) Heavy machinery, including diesel engine, repairs.
- (19) Egg storage, candling or processing plants.
- (20) Electronic component manufacture and assembly.
- (21) Food products processing, storage, and distribution (except uses listed under the M-2 District).
- (22) Freight terminals.
- (23) Furniture packing and crating.
- (24) Hatchery, fish or fowl.
- (25) Ice manufacturing.
- (26) Insulation applicator.
- (27) Irrigation sales and service.
- (28) Laboratories, offices and other facilities for research, basic and applied.
- (29) Live stock sales.
- (30) Lumber mills and storage.
- (31) Machine shops.
- (32) Mattress and bedding manufacturer and renovator.
- (33) Magazine and newspaper printing.

- (34) Monument manufacture.
- (35) Motor freight terminals and depots.
- (36) Oil well equipment service, supply and storage.
- (37) Pharmaceutical manufacture.
- (38) Paper products manufacturing.
- (39) Plastic processing and converting.
- (40) Prefabricated house manufacture.
- (41) Printing, publishing, book binding.
- (42) Private utilities.
- (43) Produce markets, wholesale.
- (44) Sash and door manufacturing.
- (45) Seed storage and warehousing.
- (46) Sheet metal workshops.
- (47) Spray painting.
- (48) Store and restaurant fixture manufacturing.
- (49) Storage of baling or rags.
- (50) Textile manufacturing.
- (51) Welding shops, industrial equipment and supply sales.
- (52) Wholesale operations, sales office/warehouse combination.
- (53) Accessory structures and uses, in accordance with Section 42- 204.
- (54) Medical Marijuana Cultivation Facility; Medical Marijuana-Infused Products Facility.
- (55) Overnight Shelters.

~~Sec. 42-223. Reserved.~~

Sec. 42-223 ~~42-224~~. Residential Group Homes - Purpose.

Residential group homes for eight (8) or fewer unrelated mentally or physically handicapped persons that may include up to two (2) house parents or guardians when:

1. The structure, building, landscaping, fencing, etc. for the residential group home suits the character of the immediate neighborhood.
2. There are no other residential group homes within fifteen hundred (1,500) feet.
3. No sign identifying the residential group home exceeds four (4) square feet in area.
4. Signs may not be illuminated and must be attached to the residential group home.
5. There are no more than two (2) residents per bedroom.

Sec. 42-224 Overnight Shelter Uses.

These Overnight Shelter requirements are intended to help mitigate the impacts of an overnight shelter use. Overnight shelters, in addition to other individuals, may serve individuals who have substance or alcohol use disorders, are in active use of illegal substances, have mental health conditions, or may have been previously incarcerated. Therefore, overnight shelters may have severe impacts to surrounding properties. Such facilities should generally be located such that clients will have access to jobs, counseling, and other resources for assistance. No individual or family shall reside in an overnight shelter for more than 180 consecutive days. A minimum 60 days shall be required between maximum consecutive days. Any Overnight Shelter use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures and tracking outcomes, and an outreach plan for surrounding property owners and residents.
2. A log of each person receiving temporary housing must be kept, including the person's name, last place of residence, and a photo of the person and/or their government issued identification. Such logs are to be submitted to the Rolla Police Department upon request.
3. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property for more than three (3) days.
4. Any facility providing overnight shelter services must be located a minimum of 1,000 feet from any other property operating an overnight shelter facility.
5. Unless specifically permitted as a family or youth shelter, overnight shelters must be located a minimum of 500 feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare.
6. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
7. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement if a crime is alleged or committed.
8. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
9. The operator of such facility must allow City Representatives, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide 15 days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit. The operator may appeal the termination to the City Council.
10. An annual inspection fee of \$500 must be submitted prior to commencing operations and annually thereafter.

Sec 42-225 Soup Kitchen Uses to 42-226. Reserved.

These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup kitchen use. If not properly managed, the use can have severe impacts to surrounding properties. Such facilities should generally be located such that clients will have easy access by transit or walking. Any Soup Kitchen Use use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, and outreach plan for surrounding property owners and residents.
2. If an outdoor congregation area is provided and such area must be screened from view from adjacent properties and streets if within 25 feet of such property or street.
3. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
4. Security cameras are required at a minimum to film any persons using the building entrances.
5. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
6. The operator of such facility must allow the Development Services Director, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit. The operator may appeal the termination to the City Council.
7. An annual inspection fee of \$300 must be submitted prior to commencing operations and annually thereafter.

Sec. 42-226. Transitional Housing Uses.

Such facilities must be located a minimum of 500 feet from another transitional housing facility located on a separate property.

DIVISION 16. CONDITIONAL USE PERMITS (for reference; no proposed text amendments)

Sec. 42-234. Purpose of Conditional Use Permits

The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish uses or construct structures which may not be specifically allowed in a given zoning district, but may be deemed desirable or in the public interest to locate in that zoning district. The purpose of the review is to determine whether the proposed location of the use or structure is consistent with the overall intent of the zoning district regulations and to permit the imposition of conditions designed to minimize or mitigate potential adverse effects. Conditional Use Permits do not constitute a zoning change and only allow for a designated use, on a specific lot or tract, within the established zoning district. Conditional Use Permits shall not be required within the Planned Unit Development "PUD" District.

Sec. 42-234.1. Procedures.

In order for an applicant, who may be the property owner(s) or any person having a contractual interest in the subject property, to initiate the review process for the approval of a Conditional Use Permit, the applicant or an agent of the applicant must submit a Conditional Use Permit application, a site plan, and the Conditional Use Permit application fee found in the Fee Schedule in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code. The application and site plan shall contain the information described below.

1. The Conditional Use Permit application shall contain the following information:
 1. The names, addresses, signatures, and contact information for both the applicant and, if applicable, the agent of the applicant.
 2. The legal description of the property;
 3. The zoning classification and present use of the property;
 4. A description of the proposed conditional use;
 5. A Site Plan in accordance with this Section;
 6. A statement describing how the proposed conditional use will comply with the applicable standards of this Section; and
 7. A statement describing how the proposed conditional use is to be designed, arranged, and operated will be submitted in order to ensure that future development, which is consistent with District regulations, will not be prevented or made unlikely and that the value, use, and reasonable enjoyment of such property will not be impaired or adversely affected.
2. Site Plan content.
 1. Approximate location of proposed and existing designated uses or buildings and other structures, including adjoining property, as well as parking and open areas shall be indicated for the proposed conditional use and adjacent property;
 2. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated;
 3. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping/screening plan;

4. An elevation view of the site showing preliminary building form (new construction only);
5. Proposed ingress and egress to the site, including right-of-way and pavement width for proposed and existing streets;
6. A plan for the provision of sanitation and drainage facilities;
7. The location, lighting and type of signs and the relationship of signs to traffic control;
8. The location and number of required off-street parking areas; and
9. The location of existing utilities.

Sec. 42-234.2. Burden of Proof/Standards.

In presenting any application for a Conditional Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

1. The proposed conditional use complies with all applicable provisions of the applicable District regulations.
2. 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.
3. 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.
4. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
5. 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.

Sec. 42-234.3. Public Hearing.

1. The Planning and Zoning Commission in accordance with the provisions of this Article shall hold a public hearing on the application for a Conditional Use Permit.
2. Subsequent to the public hearing, the Community Development Director shall certify that the application is complete and shall prepare a report to the Planning and Zoning Commission. Upon receipt of said report and after the holding of a Public Hearing, the Commission shall recommend to the City Council approval or denial of the Permit.

Sec. 42-234.4. Approval or Denial of a Permit by the Planning and Zoning Commission.

1. In recommending approval of conditional uses, the planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:
 1. Permitted uses, including maximum floor area;
 2. Performance standards;
 3. Height limitations,
 4. Minimum yard requirements;
 5. Off-street parking and loading requirements;
 6. Sign regulations;
 7. Minimum requirements for Site Plans; and
 8. Time limitations for commencement of construction.
2. Upon denial by the Planning and Zoning Commission of an application for a Conditional Use Permit, the Community Development Director shall notify the applicant of such recommendation. If no appeal is filed, the application shall be deemed denied. No subsequent application for a Conditional Use Permit with reference to the same proposed use shall be filed by any applicant until the expiration of twelve (12) months after the denial.

Sec. 42-234.5. Appeal of Denial Recommendation.

Upon the recommendation of denial by the Planning and Zoning Commission of an application, the applicant may file an appeal with the City Council requesting a determination by that body. A Notice of Appeal shall be filed within ten (10) days after the Commission's hearing is concluded. An appeal shall be in writing and shall be filed in duplicate with the City Clerk. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in these regulations.

Sec. 42-234.6. Protest of the Commission's Decision.

A protest against a proposed Conditional Use Permit may be filed in accordance with the provisions of this Article that address protest petitions for zoning cases.

Sec. 42-234.7. City Council Review.

In any case, subsequent to proper notification as described above, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission.

Sec. 42-234.8. Permit Effective-When.

The Conditional Use Permit shall become effective upon approval by the City Council. In the event that some additional approval is required by some other governmental authority or agency, the permit request shall not be acted upon until that approval is received.

Sec. 42-234.9. Final Site Plans.

Subsequent to the effective date of the Conditional Use Permit, a Final Site Plan shall be submitted for review by the Community Development Director to determine compliance with the specified conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit shall be issued prior to the effective date of the Final Site Plan. The Final Site Plan shall be retained on file in the office of the Community Development Director.

Sec. 42-234.10. Procedure to Amend a Conditional Use Permit or Site Plan.

In order to amend an existing Conditional Use Permit or to amend the Site Plan approved for a Conditional Use Permit, the following procedures shall be executed:

1. To amend a Conditional Use Permit
 1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application to request amendments to such a permit's conditions. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing. A report shall be formulated that outlines the findings of such an analysis.
 2. The Community Development Director shall then forward the request and his/her report to the Planning and Zoning Commission. The Commission shall review the proposed amendments and file a report with the City Council in which the Commission shall recommend to grant, deny, or modify the requested condition amendments. If the Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require that a new public hearing on the matter be held. If a new public hearing is ordered for the amendment, the amendment becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.
2. To amend the Site Plan:
 1. The property owner or his/her/their agent shall submit a Conditional Use Permit Amendment application and an amended Site Plan in order for such an amended Site Plan to be considered for approval. The Community Development Director shall evaluate the request for consistency in purpose and content with the nature of the

proposal as originally approved by the City Council.

2. If the Community Development Director determines that the proposed amendment to the Site Plan is not in conflict with the Final Site Plan and meets all conditions of the Conditional Use Permit, the Community Development Director may approve said amended Plan. The approved Site Plan shall be retained on file in the office of the Community Development Director.
3. If the Community Development Director determines that the amended Site Plan is not consistent in purpose and content with the Final Site Plan, the Community Development Director shall report this conclusion to the applicant and the Planning and Zoning Commission. In which case, the entire review process for the submittal of Conditional Use Permits shall be conducted for the amendment's approval. If the entire Conditional Use Permit approval process is required for the amendment, the amendment to the site plan becomes a major amendment and the applicant must pay the major amendment fee listed in Section 42.143.1 of the Rolla Planning and Zoning Code. A public hearing shall be held for such proposals and the Community Development Department shall notify the public of the hearing and proposal according to the prescribed procedures and standards described in Section 42-143 of the Rolla Planning and Zoning Code.

Sec. 42-234.11. Time Limit of Conditional Use Permits.

Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the City Council, which may extend it for an unlimited period or for a specified additional period of years.

Sec. 42-234.12. Failure to Commence Construction.

Unless otherwise stated in the Conditional Use Permit, substantial work or construction shall commence within one (1) year of the effective date of the permit, unless such time period is extended through appeal to the City Council. If no extension of time is granted the permit shall terminate.



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Public Hearing/Final Reading

SUBJECT: Map Amendment (rezoning): 1306 Hwy 72 East from the C-1, Neighborhood Commercial district to the C-2, General Retail district.

(ZON22-02)

MEETING DATE: July 5, 2022

Application and Notice:

Applicant- Cary Mendenhall of Carmart
Owner - Jose Lopez of Los Arcos Mexican Food and Tequila Bar, LLC
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

Background: The applicant intends to lease a portion of the subject property and construct a paved display area for their used car dealership, which is adjacent to the subject property. The car dealership is on property which is zoned C-2, General Retail. The C-2 district allows for a car dealership, however, the area to be leased is on a property which is zoned C-1, Neighborhood Commercial. The C-1 district does not allow for the car dealership use.

Property Details:

Current zoning - C-1, Neighborhood Commercial to the C-2, General Retail
Current use - Vacant
Proposed use - Car dealership display area
Land area - About 3.2 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on Hwy 72 East, a Major Arterial road.
Sidewalks - Sidewalks are located adjacent to the property.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for Neighborhood and Community Commercial uses.

Discussion: The property is adjacent to C-2 zoned property. The vicinity has a mixture of C-1, C-2 and C-3 zones along Hwy 72. Screening and buffering is required for the development adjacent to the residential areas, however, an existing mature tree hedge row should accomplish most of the buffering and screening.

II.B.1

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend the City Council approve the request.

New Information:

After the June 20 City Council meeting, staff became aware that the notice letters were not sent to all the property owners within 300 feet of the subject property. The letters have been sent to the impacted property owners. To allow for them to have an opportunity to comment, staff is recommending that the public hearing be re-opened prior to conducting the final reading of the ordinance.

Prepared by:

Tom Coots, City Planner

Attachments:

Public Notice Letter; Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE RE-ZONING OF 1306 HWY 72 EAST FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-2, GENERAL RETAIL DISTRICT

(ZON22-02)

WHEREAS, an application for a rezoning was duly filed with the Community Development Department requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published in the Phelps County Focus for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on June 14, 2022 and recommended the City Council approve the rezoning of the subject property; and

WHEREAS, the Rolla City Council, during its June 20, 2022 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring the said change of zoning and by those citizens opposing said change, the City Council found the proposed rezoning 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;

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

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from C-1 (Neighborhood Commercial) to C-2 (General Retail) Zoning described as follows:

All of Lot 3 of The Steak Company Subdivision, Rolla, Missouri, AND, a fractional part of the Southeast Quarter of the Southeast Quarter of Section 12, and, a fractional part of the Northeast Quarter of the Northeast Quarter of Section 13, all in Township 37 North, Range 8 West of the 5th P.M. described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 13, also being the northwest corner of the aforesaid Lot 3 of The Steak Company Subdivision; thence North 88°58'20" East, 56.02 feet along the North line of

II . B . 3

said Northeast Quarter of the Northeast Quarter to the southeast corner of a parcel described in Phelps County Deed Records at Document No. 9304604; thence North 31°45' East, 177.50 feet along the easterly line of said Document No. 9304604 parcel to the southwesterly right of way of Missouri Highway 72; thence South 51°48'50" East, 134.08 feet, and, southeasterly, 164.83 feet along the arc of a curve, concave southwesterly with a radius of 2819.93 feet, the chord of which is South 50°08'20" East, 164.80 feet, all along said southwesterly right of way to the northeast corner of the aforesaid Lot 3 of The Steak Company Subdivision; thence South 41°28' West, 258.00 feet, and, South 47°26' East, 157.00 feet, and, South 0°18'40" West, 71.95 feet, all along the easterly line of said Lot 3 to its southeast corner; thence North 89°48'40" West, 326.18 feet along the South line of said Lot 3 to its southwest corner, also being a point on the West line of the aforesaid Northeast Quarter of the Northeast Quarter of Section 13; thence North 0°04' East, 406.98 feet along the West line of said Lot 3 and along said West line of the Northeast Quarter of the Northeast Quarter to the point of beginning.

Above described tract contains 3.31 acres, more or less.

SECTION 2: 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 5TH DAY OF JULY, 2022.

APPROVED:

ATTEST:

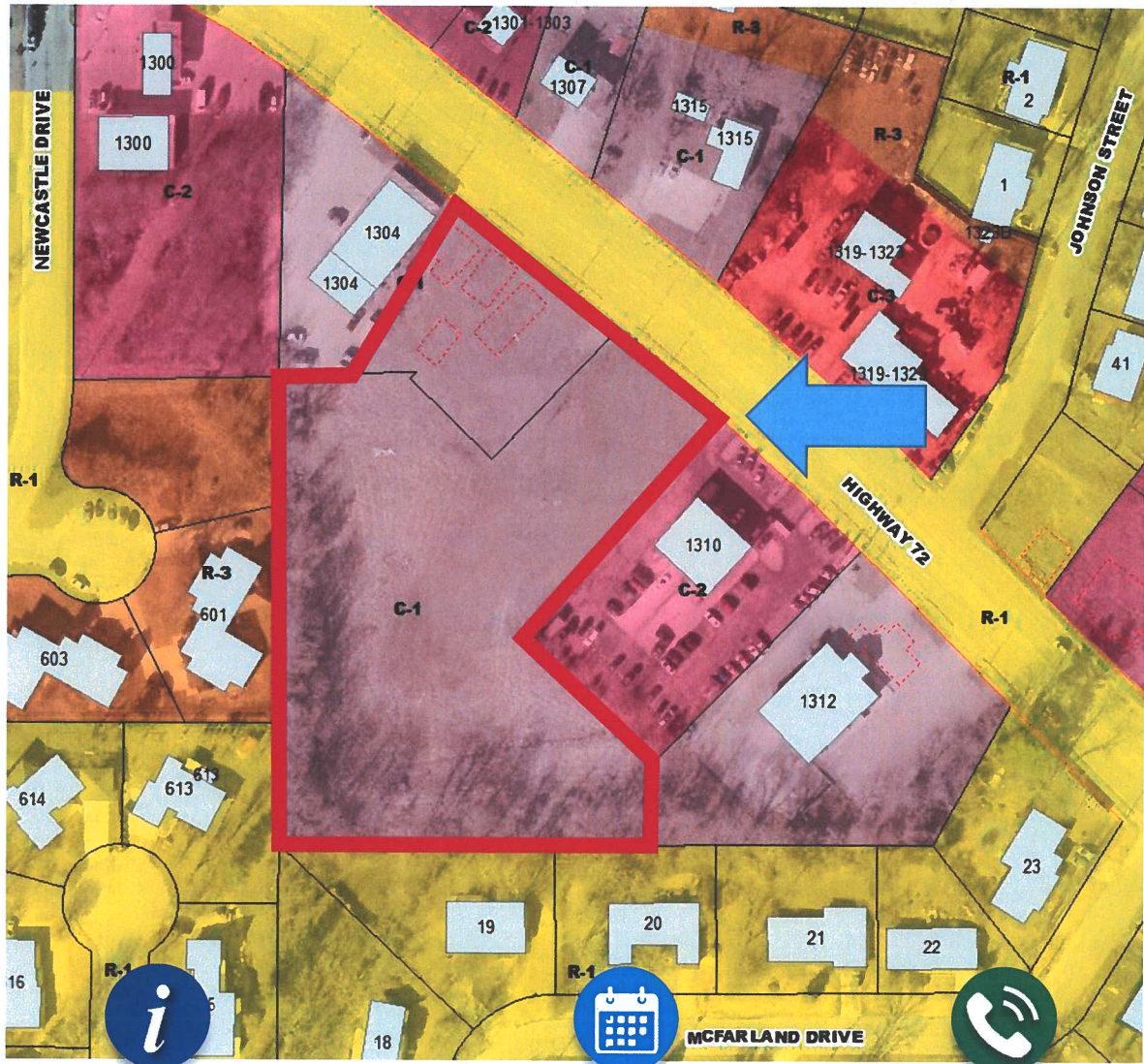
Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

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Project Information:

Case No: ZON22-02
 Location: 1306 Hwy 72 East
 Applicant: Car Mart
 Request:
 Rezoning from C-1 to the C-2, General Commercial district.

Public Hearings:

Planning and Zoning Commission
June 14, 2022
5:30 PM
 City Hall: 1st Floor

 City Council
June 20, 2022
6:30 PM
 City Hall: 1st Floor

For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

All of Lot 3 of The Steak Company Subdivision, Rolla, Missouri, AND, a fractional part of the Southeast Quarter of the Southeast Quarter of Section 12, and, a fractional part of the Northeast Quarter of the Northeast Quarter of Section 13, all in Township 37 North, Range 8 West of the 5th P.M. described as follows: Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 13, also being the northwest corner of the aforesaid Lot 3 of The Steak Company Subdivision; thence North 88°58'20" East, 56.02 feet along the North line of said Northeast Quarter of the Northeast Quarter to the southeast corner of a parcel described in Phelps County Deed Records at Document No. 9304604; thence North 31°45' East, 177.50 feet along the easterly line of said Document No. 9304604 parcel to the southwesterly right of way of Missouri Highway 72; thence South 51°48'50" East, 134.08 feet, and, southeasterly, 164.83 feet along the arc of a curve, concave southwesterly with a radius of 2819.93 feet, the chord of which is South 50°08'20" East, 164.80 feet, all along said southwesterly right of way to the northeast corner of the aforesaid Lot 3 of The Steak Company Subdivision; thence South 41°28' West, 258.00 feet, and, South 47°26' East, 157.00 feet, and, South 0°18'40" West, 71.95 feet, all along the easterly line of said Lot 3 to its southeast corner; thence North 89°48'40" West, 326.18 feet along the South line of said Lot 3 to its southwest corner, also being a point on the West line of the aforesaid Northeast Quarter of the Northeast Quarter of Section 13; thence North 0°04' East, 406.98 feet along the West line of said Lot 3 and along said West line of the Northeast Quarter of the Northeast Quarter to the point of beginning. Above described tract contains 3.31 acres, more or less.



**MAY MATERIALS COLLECTED & SHIPPED
FROM RECYCLING CENTER**

(Based on Calendar Year)

Material	May 2022	Apr 2022	May 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Cardboard	123.9 ton	127.0 ton	168.0 ton	678.9 ton	720.0 ton	1,649.0 ton
Newspaper	69.7 ton	36.0 ton	38.0 ton	210.7 ton	255.5 ton	527.1 ton
High Grade Paper	0.0 ton	0.0 ton	21.5 ton	20.0 ton	43.5 ton	65.5 ton
Aluminum	2.0 ton	2.1 ton	0.0 ton	8.9 ton	8.0 ton	19.7 ton
Steel Cans/Scrap Metal	5.4 ton	3.2 ton	4.8 ton	28.8 ton	30.6 ton	63.7 ton
Plastic	20.5 ton	0.0 ton	10.5 ton	51.9 ton	51.3 ton	122.6 ton
Glass	0.0 ton	48.0 ton	49.0 ton	90.5 ton	122.0 ton	260.2 ton
Batteries	0.0 ton	0.0 ton	0.0 ton	0.8 ton	0.3 ton	0.3 ton
Electronic Waste	0.0 ton	2.3 ton	3.5 ton	14.4 ton	22.4 ton	47.8 ton
Household HW	0.0 ton	0.0 ton	0.0 ton	0.0 ton	0.3 ton	0.3 ton
TOTAL	221.4 ton	218.6 ton	295.3 ton	1,104.9 ton	1,253.8 ton	2,756.0 ton

SERVICES PROVIDED

Type of Service	May 2022	Apr 2022	May 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Special Pick-ups	70	42	50	248	286	732
Paper Shredding	5.8 hours	4.0 hours	3.5 hours	29.3 hours	31.0 hours	64.3 hours
Reported Trash Nuisances	0	0	0	0	0	0
Households Dropping Off Hazardous Waste	73	108	60	388	347	762

DISPOSAL TONNAGE

(Sanitation Division)

Material	May 2022	Apr 2022	May 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Refuse	1,555.8 ton	1,586.9 ton	1,466.6 ton	7,104.4 ton	7,193.0 ton	18,681.1 ton

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Management Report
FISCAL YEAR 2022

May 2022

BUILDING PERMITS ISSUED	MAY FY 2022		MAY FY 2021		YTD FY 2022		YTD FY 2021		Δ CHANGE FY 21 - FY 22	
	#	Value	#	Value	#	Value	#	Value	# ISSUED	\$ VALUE
PERMITS ISSUED	28	\$ 2,413,364	26		263		240		9.6%	
Electric, Plumbing, etc. Only	16		8	\$	101	\$ 100,000	87	\$ 54,000	16.1%	85.2%
Single Famil Detached	3	\$ 844,548	-	\$	11	\$ 3,152,895	7	\$ 1,576,303	57.1%	100.0%
Single Family Attached	-	\$	-	\$	8	\$ 1,437,000	-	\$		
Duplexes	-	\$	-	\$	1	\$ 291,800	-	\$		
3-or-4 family	-	\$	-	\$	9	\$ 3,818,490	4	\$ 1,434,700	125.0%	166.2%
5-or-more family	-	\$	-	\$	1	\$ 2,057,200	-	\$	#DIV/0!	#DIV/0!
Hotels, Motels	-	\$	-	\$	-	\$	-	\$		
Other nonhousekeeping shelter	-	\$	-	\$	-	\$	-	\$		
Amusement, social, recreational	-	\$	-	\$	2	\$ 291,500	-	\$		
Churches, other religious	-	\$	-	\$	-	\$	-	\$		
Industrial	-	\$	-	\$	-	\$	-	\$		
Parking garages	-	\$	-	\$	3	\$ 86,500	1	\$ 10,000	200.0%	765.0%
Service stations, repair garages	-	\$	-	\$	1	\$ 1,204,750	-	\$		
Hospitals, institutional	-	\$	-	\$	-	\$	-	\$		
Offices, banks, professional	1	\$ 995,000	-	\$	1	\$ 995,000	1	\$ 614,100	0.0%	62.0%
Public Works, utilities	-	\$	-	\$	1	\$ 500,000	-	\$		
Schools, other educational	-	\$	-	\$	-	\$	-	\$		
Stores, customer	-	\$	-	\$	1	\$ 1,850,000	-	\$		
Towers, antennas	-	\$	-	\$	-	\$	-	\$		
Signs, attached and detached	2	\$ 275,700	3	\$ 5,750	34	\$ 469,450	27	\$ 162,162	25.9%	189.5%
Residential addition, remodel	2	\$ 14,500	5	\$ 184,500	43	\$ 1,237,750	39	\$ 857,650	10.3%	44.3%
Commercial addition, remodel	3	\$ 283,616	6	\$ 184,300	22	\$ 3,224,216	32	\$ 2,762,500	-31.3%	16.7%
Residential garage, carport	-	\$	-	\$	-	\$	-	\$		
Demolition, single family	-	\$	1	\$	17	\$	31	\$	-45.2%	#DIV/0!
Demolition, 2-family	-	\$	1	\$	-	\$	1	\$	-100.0%	
Demolition, 3-or-4 family	-	\$	-	\$	-	\$	-	\$		
Demolition, 5-or-more family	-	\$	1	\$	-	\$	1	\$	-100.0%	
Demolition, all other	1	\$	1	\$	6	\$	9	\$	-33.3%	
Total Residential Units	3	\$ 844,548.00	-	\$	70	\$ 10,757,385	22	\$ 2,737,584	218.2%	293.0%
EST. CONSTRUCTION COSTS		\$ 2,413,364		\$ 374,500		\$ 20,716,551		\$ 7,471,365	#DIV/0!	177.3%
Building Permit Fees		\$ 8,734		\$ 3,430		\$ 73,905		\$ 41,241	#DIV/0!	79.2%
FEEES		\$ 19,134		\$ 8,680		\$ 163,055		\$ 98,541	#DIV/0!	65.5%

INSPECTIONS PERFORMED	MAY FY 2022		MAY FY 2021		YTD FY 2022		YTD FY 2021		FY 21 - FY 22	
	#	Value	#	Value	#	Value	#	Value	#	%
Building Inspections	162		155		1298		1,019		27%	
Electrical Inspections	71		82		560		544		3%	
Excavation Inspections	0		0		0		0		#DIV/0!	
Plumbing Inspections	49		50		373		386		-3%	
Mechanical Inspections	13		26		160		248		-35%	
Code Inspections	245		230		1952		1,501		30%	
Nuisance Inspections	365		75		1076		385		179%	
Business License Inspections	6		14		100		80		25%	
TOTAL INSPECTIONS	911		632		5519		4,163		33%	

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	Building	Elec.	Plumb	Mech.	Gen Com	Nuis.	BL	Daily #	N/R	30 Day P	30 Day F	Grass P	Grass F	Trash P	Trash F	Abate Grass	Abate Trash	Summons	# of Inspect.
5/2	11	1	0	0	12	25	0	49	0	0	0	24	14	0	0	2	0	0	3
5/3	9	2	0	0	11	23	0	45	0	0	0	17	6	2	0	0	0	0	3
5/4	11	4	1	1	16	17	2	52	0	0	0	16	8	1	0	2	0	0	3
5/5	6	2	4	1	9	12	0	34	0	0	2	9	0	0	0	0	0	0	3
5/6	3	6	1	1	9	4	0	24	0	0	2	0	0	0	0	0	0	0	3
5/9	3	2	2	0	10	24	4	45	0	0	0	22	16	0	0	3	0	0	3
5/10	9	8	3	0	16	23	0	59	1	1	2	14	12	0	0	2	0	0	3
5/11	3	3	4	0	10	23	0	43	0	0	0	18	12	2	0	3	0	0	3
5/12	3	3	0	0	6	21	0	33	0	1	0	19	8	0	0	1	0	0	2
5/13	7	11	10	3	17	9	0	57	0	0	1	8	3	1	0	0	0	0	3
5/16	11	2	3	0	15	41	0	72	0	0	0	35	17	1	0	2	0	0	3
5/17	7	1	3	1	10	26	0	48	0	2	1	21	15	0	1	0	0	0	3
5/18	8	4	5	1	14	0	0	32	0	0	0	0	0	0	0	0	0	0	2
5/19	8	5	3	1	12	0	0	29	0	0	0	0	0	0	0	0	0	0	2
5/20	13	1	0	0	14	0	0	28	0	0	0	0	0	0	0	0	0	0	2
5/23	8	5	0	0	11	37	0	61	0	2	5	22	43	0	0	5	0	0	3
5/24	9	1	1	0	12	19	0	42	0	4	0	10	13	1	0	0	0	0	3
5/25	9	3	2	0	12	11	0	37	0	1	1	3	0	0	0	0	0	0	3
5/26	6	3	2	1	8	15	0	35	0	0	0	13	0	0	0	0	0	0	3
5/27	6	2	3	2	7	9	0	29	0	0	0	5	0	0	0	0	0	0	2
5/31	12	2	2	1	14	26	0	57	0	0	1	25	15	0	0	4	0	0	3
								0											
								0											
	162	71	49	13	245	365	6	911	1	11	15	281	182	8	1	24	0	0	0

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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" (these totals are somewhat fluid as investigations and report processing are not limited to monthly time frames):

	<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>
May	0	1	0	9	7	49	1	0	67	
YTD 2022	0	7	1	26	37	200	9	0	280	
2021	1	13	9	68	119	563	36	1	810	-21.66%
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	11.31%

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 change 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>
May	13	7	2
YTD 2022	59	19	6
2021	140	58	13

IV.C.1

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	17	19	24								89	89	0.00%
Abandoned Vehicle	13	16	20	28	15								92	81	13.58%
Accident - Fatality	0	0	0	0	0								0	0	#DIV/0!
Accident - Injury	19	13	22	20	22								96	96	0.00%
Accident - Leave The Scene	13	14	10	18	17								72	75	-4.00%
Accident - No Injury	45	48	46	51	37								227	193	17.62%
Accident - Private Property	23	22	28	24	24								121	104	16.35%
Accident - Road Blocked	5	5	3	9	7								29	39	-25.64%
Adult Abuse	0	0	0	0	0								0	0	#DIV/0!
Alarm LE	75	80	61	66	61								343	323	6.19%
Animal Bite/Attack	2	3	8	2	3								18	15	20.00%
Animal Control	88	91	101	98	142								520	565	-7.96%
Arson	0	0	0	0	0								0	0	#DIV/0!
Assault	13	13	13	17	20								76	42	80.95%
Assist Agency Non-LEA	85	69	73	58	83								368	378	-2.65%
Assist Citizen	4	10	8	3	13								38	44	-13.64%
Assist LEA	16	9	19	19	10								73	109	-33.03%
Assist Motorist	24	40	22	28	18								132	164	-19.51%
Bomb Threat	0	0	2	0	0								2	0	#DIV/0!
Building Lockout	0	0	0	0	1								1	1	0.00%
Burglary	14	12	14	17	16								73	89	-17.98%
Business/Building Check	410	191	157	224	150								1,132	965	17.31%
Call for Police	73	60	82	71	86								372	457	-18.60%
Check Well Being	96	102	102	118	128								546	467	16.92%
Child Abuse	2	1	1	1	3								8	18	-55.56%
Child Exploitation/Pornography	0	0	0	0	0								0	1	-100.00%
Confidential Investigation	0	2	0	0	0								2	0	#DIV/0!
Conservation Violation	0	1	0	0	0								1	0	#DIV/0!
Court	8	8	7	15	11								49	63	-22.22%
Crossing Guard (Officer coverage)	5	7	8	7	20								47	22	113.64%
CWB 911 Hangup	251	209	229	174	215								1,078	1,294	-16.69%
Death	1	3	2	2	2								10	7	42.86%
Destruction of Property	13	20	11	23	17								84	84	0.00%
Disturbance-Fireworks	1	1	1	0	1								4	1	300.00%
Disturbance-Liquor	0	0	1	0	1								2	6	-66.67%
Disturbance-Other	73	53	63	67	85								341	376	-9.31%
Domestic Violence	39	45	46	42	49								221	201	9.95%
Driving While Intoxicated	13	10	9	14	5								51	33	54.55%
Drown/Water Rescue	0	0	0	1	0								1	0	#DIV/0!
Drug Paraphernalia	5	2	17	7	12								43	42	2.38%
Escort - Bank	0	1	0	0	0								1	1	0.00%
Escort - Courtesy	7	11	4	5	1								28	58	-51.72%
Escort - Funeral	7	7	6	6	6								32	37	-13.51%
Exparte Violation	2	6	8	6	10								32	32	0.00%
Field Interview	38	28	24	46	68								204	234	-12.82%
Fight	4	4	7	3	5								23	31	-25.81%
Fingerprints	6	11	8	10	5								40	38	5.26%
Follow-up	141	87	110	111	145								594	666	-10.81%
Foot Patrol	0	0	1	0	2								3	6	-50.00%
Forgery-Counterfeiting	1	1	1	0	1								4	2	100.00%
Found Body	0	0	1	0	0								1	0	#DIV/0!
Fraud - Checks/Credit Card	13	16	32	18	13								92	93	-1.08%
Harassment	16	20	18	24	25								103	85	21.18%
Hotel/Motel Check	0	0	0	0	0								0	0	#DIV/0!
Identity Theft	0	2	2	2	2								8	4	100.00%
Information Request	202	205	257	268	292								1,224	1,061	15.36%
Intoxicated Person	11	7	20	9	16								63	49	28.57%
Juvenile Complaint	12	15	13	10	23								73	31	135.48%
Keep the Peace/Standby	22	13	14	11	9								69	37	86.49%

<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>
Kidnapping	1	0	0	0	0								1	0	#DIV/0!
Leave without Pay	0	1	0	0	1								2	4	-50.00%
Liquor Violation	0	0	2	0	0								2	2	0.00%
Littering/Dumping	2	2	3	0	9								16	10	60.00%
Loitering	9	7	8	4	8								36	36	0.00%
Lost or Stolen Property	7	6	7	4	5								29	19	52.63%
Loud Noise Complaint	19	28	42	25	36								150	125	20.00%
Malicious Mischief	3	1	2	2	0								8	4	100.00%
Other	0	0	0	0	0								0	4	-100.00%
Mental Health	35	25	31	20	30								141	136	3.68%
Missing Person	3	15	8	9	7								42	37	13.51%
Narcotics Violation	14	18	29	29	39								129	147	-12.24%
No Business License	1	0	0	0	0								1	0	#DIV/0!
Open Door	6	10	4	14	5								39	33	18.18%
Overdose	5	11	9	12	11								48	58	-17.24%
Paper Service	30	27	43	27	23								150	116	29.31%
Prisoner Transport	1	3	2	2	2								10	12	-16.67%
Property Damage-Non Criminal	0	1	1	2	1								5	6	-16.67%
Prostitution	0	0	0	0	1								1	0	#DIV/0!
Prowler	1	3	2	4	5								15	14	7.14%
Public Indecency	0	0	0	0	0								0	4	-100.00%
Public Relations	4	1	9	6	13								33	36	-8.33%
Pursuit	1	0	0	0	1								2	3	-33.33%
Rape/Sexual Assault	0	1	1	2	1								5	3	66.67%
Robbery	0	1	0	0	0								1	3	-66.67%
Runaway	7	7	9	4	12								39	15	160.00%
Search Warrant	0	0	0	1	1								2	1	100.00%
Vacation/Security Check	32	17	23	19	23								114	28	307.14%
Selective Enforcement	0	0	0	1	0								1	2	-50.00%
Sewer Alarm	0	0	0	2	0								2	0	#DIV/0!
Sex Offenses	11	3	5	9	4								32	19	68.42%
Shots Fired	2	2	2	3	0								9	16	-43.75%
Smoking Violation	0	0	0	0	0								0	2	-100.00%
Soliciting	1	1	1	1	3								7	0	#DIV/0!
Stabbing	0	0	0	0	0								0	3	-100.00%
Stabbing or Shooting with Injury	0	0	0	0	1								1	1	0.00%
Stalking	0	0	0	0	0								0	0	#DIV/0!
Stealing	54	38	75	73	98								338	401	-15.71%
Stolen Vehicle	10	5	7	5	6								33	48	-31.25%
Suicide	1	0	0	0	0								1	0	#DIV/0!
Suspicious Activity	80	78	63	102	123								446	419	6.44%
Suspicious Package/Item	0	0	1	1	0								2	3	-33.33%
SWAT Callout	0	0	1	0	1								2	1	100.00%
Tampering	3	8	3	4	9								27	32	-15.63%
Telephone Harassment	8	4	6	9	13								40	44	-9.09%
Tow Sticker Expired	11	7	16	28	17								79	41	92.68%
Traffic Complaint	122	160	150	168	163								763	604	26.32%
Traffic Stop	291	379	465	272	385								1,792	1,562	14.72%
Trespassing	36	38	32	42	81								229	111	106.31%
Try to Contact	14	12	16	16	14								72	49	46.94%
Vehicle Identification	60	55	42	61	41								259	306	-15.36%
Vehicle Lockout	1	1	1	1	3								7	20	-65.00%
Vehicle Repossession	6	5	2	8	4								25	18	38.89%
Veterinary Call	7	3	5	5	4								24	20	20.00%
Weapons Violation	4	2	6	4	10								26	14	85.71%
Totals	2,832	2,591	2,863	2,773	3,135	0	0	0	0	0	0	0	14,194	13,501	5.13%

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ANIMAL CONTROL MONTHLY TOTALS

May 2022

ANIMALS IMPOUNDED

	Canine	Feline	Other Domestic	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
City of Rolla	24	11	0	7	42	174	151
Rolla Area	0	0	0	0	0	5	20
City of Newburg	0	0	0	0	0	0	2
Newburg Area	0	0	0	0	0	0	0
Edgar Springs Area	0	0	0	0	0	1	0
Other Agencies	0	0	0	0	0	0	0
St. James Area	0	0	0	0	0	7	1
Ft. Leonard Wood	0	0	0	0	0	0	0
Monthly Total	24	11	0	7	42		
2022 YTD Total	113	29	0	45		187	
2021 YTD Total	98	33	0	43			174
Total Phelps County	0	0	0	0	0	10	19

ANIMAL DISPOSITION

	Canine	Feline	Other Domestic	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
Animals Adopted ①	8	3	0	0	11	57	30
Animals Claimed	5	0	0	0	5	49	58
Euthanized(III/Injured)	1	0	0	0	1	3	5
Euthanized(Dangerous)	0	6	0	0	6	18	21
Euthanized(Un-Placed)②	0	0	0	0	0	0	0
Deceased on Arrival	1	1	0	6	8	37	31
Transferred to Rescue ③	4	0	0	0	4	7	13
Wildlife Relocated	0	0	0	1	1	8	8
Other Died under care)	0	0	0	0	0	1	1
Monthly Total	19	10	0	7	36		
2022 YTD Total	112	30	0	38		180	
2021 YTD Total	97	33	0	37			167

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	1	5	5
Calls for Service	150	478	580
Written Warnings	0	0	0
Citations	2	11	13
Total Incinerator Hours	51	327	336

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STATISTICS

May 2022

PRODUCTION

Date of Demand	05/11/2022
Time of Demand	05:30 PM
Scada Demand	53,490.00
kWh Purchased	23,604,100
Total Cost	\$1,493,485.70 *
Cost per kWh	0.063272 *
Load Factor	58.2%

Pumped #2 Well	0
Pumped #3 Well	0
Pumped #4 Well	2,950,000
Pumped #5 Well	1,983,000
Pumped #6 Well	2,970,000
Pumped #7 Well	1,597,000
Pumped #8 Well	871,000
Pumped #9 Well	4,638,000
Pumped #10 Well	1,008,000
Pumped #11 Well	2,901,000
Pumped #12 Well	2,730,000
Pumped #13 Well	5,019,000
Pumped #14 Well	7,369,000
Pumped #15 Well	2,471,000
Pumped #16 Well	4,156,000
Pumped #17 Well	4,070,000
Pumped # 1 Ind Park Well	3,912,000
Pumped # 2 Ind Park Well	3,113,000
Total Gallons	51,758,000

METERS IN SERVICE	Electric	Water
Residential - Single Phase	7,987	6,357
Residential - Three Phase	22	20
Commercial - Single Phase	929	511
Commercial - Three Phase	493	309
Power Service	100	90
Industrial	6	2
Area Lighting	15	7
Street Lighting	28	1
Missouri S&T	0	5
PWSD #2	0	550
Net Metering	1	0
Total	9,581	7,852

ELECTRIC SALES

Residential - Single Phase kWh	6,175,073
Residential - Three Phase kWh	108,978
Commercial - Single Phase kWh	1,049,620
Commercial - Three Phase kWh	2,671,032
Power Service kWh	5,348,610
Industrial kWh	6,020,110
Area Lighting kWh	15,332
Street Lighting kWh	25,262
Rental Lights kWh	78,141
Total kWh Sold	21,492,158
Demand kW	27,107
Revenue	\$1,939,514.45
Monthly Loss	8.95%
Fiscal Year to Date Loss	2.88%

WATER SALES

Residential - Single Phase Gallons	22,087,000
Residential - Three Phase Gallons	305,000
Commercial - Single Phase Gallons	4,893,000
Commercial - Three Phase Gallons	4,126,000
Power Service Gallons	8,984,000
Industrial Gallons	1,501,000
Missouri S&T Gallons	2,754,000
PWSD #2 Gallons	1,670,000
Total Gallons Sold	46,320,000
Revenue	\$251,892.19
Pumping Cost, Electric	\$30,018.72
Monthly Unidentified Loss	5.57% **
Fiscal Year to Date Unidentified Loss	8.75% ***

Sewer Service Charge	\$333,775.15
Refuse Service Charge	\$205,061.92

Gross Payroll	\$292,156.42
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* Energy losses are not included in this statistic and are estimated at an additional 12%.
 ** Loss includes 2,555,500 gallons per water main flushing records.
 *** FY loss includes 19,369,500 gallons per water main flushing records.



**FINANCIAL STATEMENT
MAY 2022**

RECEIPTS:	
Electric, Water, Tax, Sewer and Refuse Charge	\$3,355,871.31
Accounts Receivable - Miscellaneous	\$59,269.34
Customer's Deposits - Refundable	\$61,256.41
Misc Non-Operating Revenue	\$5,496.30
Total Receipts	<u>\$3,481,893.36</u>
FSCB Super-Now Account Interest (April 30, 2022)	\$2,443.53
FSCB Money Market Account Interest (April 30, 2022)	\$0.00
FSCB Electronic Payment Account Interest (April 30, 2022)	\$575.89
FSCB ISC Sweep Account Interest (April 30, 2022)	\$17,191.95
PCB Super-Now Account Interest (April 30, 2022)	\$0.24
Public Utility Cash In Bank (April 30, 2022)	<u>\$32,224,673.69</u>
Total Receipts and Cash In Bank	<u><u>\$35,726,778.66</u></u>
DISBURSEMENTS:	
Power Purchased	\$1,870,554.84
Operating Expenses	\$132,670.85
Administrative and General Expenses	\$492,890.02
Payroll	\$206,095.71
Capital Expenditures	\$9,384.78
Construction in Progress	\$48,112.11
Stock Purchases (Inventory)	\$24,049.62
Balance of Customer's Deposits after Finals	\$21,088.91
Medical, Dental, Vision and Life Insurance Paid by Employees	\$13,478.06
Support Payments	\$1,513.46
457 Plan Employee Contributions	\$9,012.17
Flexible Spending Account Contributions	\$1,340.78
U.S. Withholding Tax	\$27,512.14
Missouri Dept. of Revenue (Sales Tax)	\$49,998.02
Missouri Dept. of Revenue (Income Tax)	\$11,680.00
First State Community Bank (Social Security)	\$41,794.36
Sewer Service Charge	\$393,198.04
Refuse Service Charge	\$205,958.04
PILOT to City of Rolla	\$132,696.57
Purchase U.S. Treasury Bill / Certificates of Deposit	\$0.00
Standpipes Lease/Purchase	\$91,054.74
Utility Incentives	\$0.00
Unclaimed Deposits to State	\$0.00
Primacy Fees	\$0.00
MR Refund	<u>\$1,080.00</u>
Total Disbursements	<u>\$3,785,163.22</u>
Cash in Bank (May 31, 2022)	<u>\$31,941,615.44</u>
Total Disbursements and Cash In Bank	<u><u>\$35,726,778.66</u></u>
BALANCE OF OTHER FUNDS:	
PUBLIC UTILITY ACCOUNTS:	
Citizens Bank of Newburg, Ck#1277 for \$172.21	\$2,151.30
First State Community Bank-Electronic Payment Account, Ck#1066 for \$1,753,379.76	\$322,057.04
First State Community Bank-Money Market	\$0.00
First State Community Bank-ICS Sweep Account	\$355,780.32
First State Community Bank-General Fund, Checks #35887 thru #36023 for \$4,235,163.22	\$3,262,565.55
PCB-Super Now, Check #26357 for \$34,132.26	\$3,269.23
Town & Country Bank, Check #1270 for \$159.07	<u>\$2,000.00</u>
Total Public Utility Accounts	<u>\$3,947,823.44</u>
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	<u>\$10,195,583.00</u>
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	<u>\$14,250,000.00</u>
WATER RESERVES:	
Certificates of Deposit	\$0.00
Money Market Account	\$3,548,209.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Water Reserves	<u>\$3,548,209.00</u>
TOTAL RESERVES:	<u><u>\$27,993,792.00</u></u>
TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:	<u><u>\$31,941,615.44</u></u>

May 24, 2022

Rolla Board of Public Works Board Meeting

REGULAR SESSION – May 24, 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

RMU Staff:

- General Manager, Rodney P. Bourne, P.E.
- Operations Manager, Chad Davis, P.E.
- Business Manager, Jason Grunloh
- Finance Manager, Gwen Cresswell
- Electric Superintendent, Eric Lonning
- Water Superintendent, Jason Bell

Minutes submitted, according to Agenda, by RMU's Utility Administrative Clerk, Veronica Messenger.

* * * * *

I. APPROVAL OF MINUTES

Showalter made a motion, seconded by Read, the minutes of the April 26, 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 April 2022 (FY22). Cresswell reviewed April reports (FY22), with the following April comparisons: For April we are showing operating income of \$2,807,759. This is an increase of over \$570,000 from April 2021. Year to date operating income is \$18,384,570 which is an increase of over \$436,000 from this time last year. Purchase power expenses were \$1,896,568 which is an increase of over \$95,000 from last April. Our year to date purchased power is \$12,686,256 which is a decrease of over \$4.5M from this time last year, a large portion of this is due to winter storm Uri last February. Total operating expenses were \$2,637,817 for April and \$18,064,922 year to date. This puts our year-to-date operating expenses down over \$3.9 million from last year at this time. Our net income was \$206,874 for April, and we are showing net income for the year of \$855,326. Last year at this time if you exclude the large asset sale, we are showing a net loss of over \$3.5 million. Notes to Financial Statement: We currently have a little over \$4 million in our General Fund. Based on the finalized audit numbers from 2021, we are planning to move \$450,000 out of the General Fund and into Water Reserves. This will bring our Water Reserves up to \$3,548,209.

2. Cresswell presented RMU's Financial Statement, Statistics report, and the Disbursement Summary for April 2022 which included the following public utility account checks and transfers:

Public utility checks	Phelps Co Bank - Super Now	Checks #26356
	First State Community Bank - General Fund	Checks#35740-#35886
Transfer of funds	First State Community Bank - Electronic Pmt Acct	Check #1065

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

B. BUSINESS MANAGER'S REPORT (Grunloh absent, presented by Bourne)

1. Summer Peak Alert notice will be distributed with June billing statements. Typically a peak alert will be issued near the end of prolonged heat waves. Current plans are to request customers to conserve energy in the 3-6pm window on requested days.
2. Occasionally, RMU is mentioned on social media pages, both positively and negatively. We are constantly working on social media campaigns to educate and clarify how RMU operates, governance, etc..

C. OPERATIONS MANAGER'S REPORT (Davis)

1. Updates on:

a. Development Review Committee (DRC)

Davis reported that the Development Review Committee (DRC) meeting was held on May 17, 2022, with five (5) agenda items. Davis reported that the complete details are included in the DRC memo in the Board packet.

1. Missouri S&T Vacations: Pre-application discussion regarding proposed vacations of portions of Spring Street, 13th Street, and an alley; State Street north of 11th Street; and easements on Fraternity Circle.
2. ZV22-04: Appeal to the BOA regarding the staff interpretation of Section 42-244.9, conforming signage to allow a sign cabinet to be replaced.
3. ZV22-05 Collective Solutions: Variance to allow a reduction of the telecommunications tower setbacks in Section 42-399 (h) for a proposed telecommunications tower.
4. ZON22-02, Car Mart: Rezoning from C-1, Neighborhood Commercial to the C-2, General Commercial district at 1306 Hwy 72 E.
5. SUB22-05, Wolfe's Corner: Minor Subdivision to combine two residential lots into one lot.

b. Current RMU Projects

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

ELECTRIC DEPARTMENT -

(E1) 1600 Old Wire Road (EJ Holdings)

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

(E2) 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)

(E3) Country Trace Subdivision (Sunny Drive between Christy Drive and Victoria Lane on S Rolla St)

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

(E4) Lions Club Drive: Installation of street lighting

- a. Hwy 72 to 1000 E Lions Club Dr. Completed
- b. 1000 E Lions Club Dr to Sycamore. Completed
- c. Sycamore to Rolla Street. Started January 13, 2022
- d. Rolla Street to Hwy 63. Started March 29, 2022

(E5) Rolla High School

Reconfiguration of metering and service connection for Rolla High School facility to accommodate additional transformer needed for expansion project. Started March 15, 2022. (ongoing)

FIBER

(F1) 11th and Cedar Streets to 10th Street and Forum Drive (Salem Avenue and Summit Avenue to Salem Avenue and Hwy 72) Communications Building to 11th Street and Cedar to Downtown Substation

Installation of overhead fiber optic cable. Started November 22, 2021. Completed May 10, 2022

WATER

(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)

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- (W3) Main Street: 9th Street to 10th Street
Replacement of 4" water main with new 8" PVC main. Started April 18, 2022 (ongoing)
- (W4) Cedar Street: 7th Street to 10th Street
Replacement of 4", 6", and 8" water mains with new 8" PVC main in conjunction with Rolla High School improvements. Started May 20, 2022 (ongoing)
- (W5) HyPoint Well #3
Installation of well house equipment. Restarted May 17, 2022 (ongoing)

D. GENERAL MANAGER'S REPORT (*Bourne*)

1. FY 2023 Budget & Rates-Preliminary Discussion

Bourne provided highlights:

- a. For FY 2022, we will still expect a projected positive net income for the year.
- b. Last year we discussed lower forward wholesale cost projections. Going forward, power supply is inching up mainly due to instability in the grid, margins for firm generation being down, and an increase in natural gas.
- c. Expenses for salary and benefits reflect our current increases.
- d. RMU will again review our health insurance program. We are scheduling discussions with MIRMA Health and GBS to continue discussing long term options to stabilize the program costs.
- e. Capital Expenses are separated into two buckets to better track how we spend the AXTI proceeds.
- f. Restricted Electric Reserves to show projected fund balance.
- g. FY 23 does show a loss of cash, however this is based heavily on RMU completing all the scheduled capital improvements. Bourne stated he does not expect this to be the case at the end of next fiscal year.
- h. RMU continues discussing possible ways RMU could finance select City short term capital projects to better utilize our Restricted Electric funds.
- i. The budget does not reflect any rate adjustments. Awaiting results from the Cost of Service study from Toth & Associates. We will update the budget based on any Board comments and bring back for Public Hearing at the June meeting with final approval in July.

2. State Budget Funds

- a. Included in the State Budget was a \$2M line item for water and wastewater improvements in Rolla.
- b. This requires a 1-to-1 match, i.e. \$2M matching required between City and RMU to receive the \$2M from the state.
- c. We are developing a joint plan to support our current industrial park and some expansion with water and wastewater improvements.
- d. In addition, we are exploring options to beef up water supply around the planned Protoplex to support MO S&T expansion.
- e. Our goal is to acquire the full appropriation.
- f. This will impact our water reserves.

3. American Rescue Plan (ARPA)

- a. In addition, Mo DNR has ARPA funds available (\$411M) for additional water, wastewater, and storm water improvements.
- b. The City/RMU can apply for up to \$5M in each category.
- c. These ARPA applications will be competitively scored and require a match. The higher the matching funds, the higher the score received in this category.
- d. With approval, Bourne would propose applying for the \$5M with a 20% match.
- e. We would use these funds to replace/upgrade water mains that will not be a part of our normal street projects. This could include:
 - i. North Bishop Avenue (North of I-44)
 - ii. South Bishop Avenue (Generally South of Hwy 72)
 - iii. Highway 72 (Rolla Street to Pinetree Road)
 - iv. 10th Street (Holloway to Forum Dr)
 - v. Hypoint 1 & @ Well house Replacement
- f. All of these projects are essential and this funding source is a great opportunity to make these upgrades, even with RMU providing a 20% match.

4. Legislative Update

- a. The current session is over
- b. An eminent domain reform bill passed, but left existing projects (Grainbelt Express) untouched. The bill provides additional landowner protections but could make construction of future transmission more difficult.
- c. An omnibus utility bill passed with protections for customer data from the Sunshine Law, creation of a task force to study net-metering and another to study issues related to solar energy policies.

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5. Cost of Service Study Update
 - a. Toth continues to work on the study, which is not going as quickly as we hoped.
 - b. We have a meeting to discuss current progress planned for next week.
 - c. Would like to schedule a Board Work Session in early June to review results, and make recommendations.
6. MIRMA Coverage
 - a. RMU just received the renewal from MIRMA
 - b. Cost is up about 6%
 - c. As discussed at the last MIRMA Board meeting, property insurance placement is becoming a tighter market with higher costs due to more frequent and intense storms.
 - d. MIRMA has dropped cyber coverage in lieu of additional training due to the extreme cost increases, limited coverage and carrier wanting to exclude some of the MIRMA membership.
7. Summer Power Outlook
 - a. North American Electric Reliability Corporation (NARC), a regulatory body that oversees grid stability is reporting risk of blackouts this summer as heat, drought, shuttered power plants and supply-chain woes strain the electric grid.
 - b. Power supplies in much of the US and part of Canada will be stretched, with demand growing again after two years of pandemic disruptions, according to NARC's annual report.
 - c. Electricity supplies will be particularly tight in the Midwest. Across the region, enough older plants have shut down to cut generation capacity 2.3 per cent since last summer. Demand, however, is expected to grow. Even when temperatures are normal, grid managers may need power from neighboring regions to keep air conditioners humming, and a heat wave or low wind speeds could trigger blackouts. RMU will continue to monitor these developments and report as necessary.
 - d. Midcontinent Independent System Operator (MISO) is projecting a 5GW shortfall in firm generation to meet projected load this summer.
 - e. Heading into this Summer, "emergency resources and non-firm energy imports will be needed to maintain system reliability." according to MISO's presentation.
 - f. This is backed up by our staff at MPUA:
 - a. We'll be relying on "less-firm" supplies which are more expensive options.
 - b. This could result in higher costs, grid instability.
 - c. Higher natural gas pricing, heat, drought, higher demands, shuttered power plants, and supply chain issues are all factors which could lead to brownouts or blackouts.
 - d. In addition, MISO moved a scheduled outage at Plum Point from Spring 2022 to June which doesn't help the situation.
 - e. It's important to note that all our plants can be running great, but we are still at some risk when the bulk electric grid can not meet the power needs and becomes unstable.
8. Board Workshop
 - a. As indicated earlier, Bourne would like to schedule a Board Workshop in June to discuss:
 - (1) Cost of Service Study
 - (2) Downtown Under Grounding Plans
 - (3) Residential Under Grounding Plans
 - (4) City's Right-of-Way Management Ordinances
 - b. With the under grounding areas, we need to discuss how far do we go and cost shares between RMU and our customers.

V. UNFINISHED BUSINESS (Bourne)

A. MO S&T DUCT BANK

1. Bourne reported RMU received MST engineer's estimate to include conduit in the planned MO S&T 11th Street duct bank of \$250k or higher.
2. This is much higher than what we estimated or planned for. In addition, all MST bids are substantially higher, so Bourne would expect the trend to continue with this duct bank.
3. Bourne informed MO S&T of our intent to decline to proceed with the ducts and will instead revise RMU's plan.

VI. NEW BUSINESS (Bourne)

A. RFB#22-119: PICKUPS

1. Staff was planning to cancel the order with Hutcheson Ford because they have indicated they can not order the trucks previously ordered. However, RMU received no bids for the four (4) trucks
2. Current market conditions are changing the way we are purchasing vehicles, where we may have to agree to purchase fleet vehicles and find out after the fact what the cost is.
3. Putnam Chevrolet does the fleet purchasing for MoDOT. The window to purchase trucks starts on May 26th and may only be open for 24 hours. Purchases can be cancelled.

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Showalter made motion, seconded by Crump to authorize the General Manager to place an order for four (4) trucks and a cargo van with fleet sales during ordering windows, and report the bids at the June Board Meeting. Motion passed unanimously.

B. RFB#22-120: Cargo Van

- 1. No bids

C. RFB#22-121: Truck 29

- 1. Staff internally discussed getting another SUV in our fleet.
- 2. This would not be a replacement for our 2012 Ford Explorer which is assigned to the General Manager.
- 3. This would be an addition and RMU would keep the current Explorer which only has about 56,000 miles and is in very good condition. Most likely, the General Manager would drive the new vehicle and Davis would take the 2012. This will free up a pickup to be used in RMU's fleet.

Read made motion, seconded by Showalter to purchase Truck 29 from Hutcheson Ford in the amount of \$38,645. Motion passed unanimously.

D. Depository Bids

- 1. RMU currently banks with FSCB under an agreement which is expiring after 4 years.
- 2. Cresswell sought bids for interest rates for the next two year term, with option to extend another two years. Southern Bank was the highest bid at 1.6% interest rate.

Crump made motion, seconded by Showalter to authorize application of an account with Southern Bank. Motion passed unanimously.

E. RFB#22-116: Vehicle Storage Building

- 1. RMU opened bids for a vehicle storage building with pricing starting in the mid-\$800k range, which is over our budget.
- 2. Staff recommends rejecting the bids and re-tooling the project.

Showalter made motion, seconded by Crump to reject bids for the vehicle storage building. Motion passed unanimously.

F. Archimages Contract Approval

- 1. Cresswell presented a contract to complete the initial assessment and design of the Service Department expansion.
- 2. Staff recommends approval of contract with cost of \$72,220 with money to be paid out of restricted reserves.

Read made motion, seconded by Crump to authorize the General Manager to execute the contract with Archimages. Motion passed unanimously.

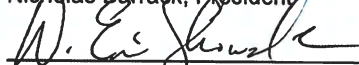
VII. CLOSED SESSION (None)

VIII. ADJOURNMENT

With no further business appearing, Read made motion, Showalter seconded motion to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 5:23 p.m.



Nicholas Barrack, President



Dr. Wm. Eric Showalter, Secretary

The Boards next meeting is scheduled for Tuesday, June 28, 2022 at 4:30 p.m.

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June 13, 2022

Rolla Board of Public Works

Board Workshop

WORKSHOP SESSION – June 13, 2022

~ Meeting was held in the Board Room at RMU's Rosalee Spencer Conference Room 3:00 p.m. ~

The Board Workshop was called to order at 3:30 p.m. by Rolla Board of Public Works ("RBPW" or "Board") President Nick Barrack presiding. The following were present:

Board Members:
President, Nick Barrack
Vice President, Albert Crump, Jr.
(No quorum present)

RMU Staff:
General Manager, Rodney P. Bourne, P.E.
Operations Manager, Chad Davis, P.E.
Electric Superintendent, Eric Lonning
Business Manager, Jason Grunloh
Finance Manager, Gwen Cresswell

Guests:
Craig Woycheese, CPA - Toth & Associates

Minutes submitted according to Agenda by RMU's Administrative Assistant, Megan Saylor.

* * * * *

I. REVIEW ELECTRIC COST OF SERVICE STUDY

A. Craig Woycheese – Toth & Associates

Bourne introduced Craig Woycheese, CPA who is the Senior Rate Analyst and Consultant with Toth & Associates. Mr. Woycheese presented the results from the electric cost of service study in a power point presentation. Woycheese reviewed the elements that are considered in the study and the process of calculating their recommendations. Discussion ensued concerning the recommendations from Toth & Associates and the options the Board can take to proceed.

II. REVIEW CITY OF ROLLA RIGHTS-OF WAY MANAGEMENT ORDINANCES

Rodney Bourne reviewed some of the issues concerning managing Right-of Ways showing examples of problem areas in a power point presentation. There was discussion concerning mitigating over crowding of poles, RMU's involvement, and the efforts RMU should take moving forward to improve managing clutter and city options to help enforce Right-of-Way ordinances. Mr. Barrack suggested developing a plan to implement with suggestions including hiring an individual to take care of mitigating Right of Ways, city involvement, and cooperative efforts.

III. ELECTRIC DISTRIBUTION SYSTEM PROJECTS


A. Discussion of Potential Projects.

Bourne discussed benefits and drawbacks of undergrounding utility lines versus overhead lines and future projects.


1. Commercial Areas - Projects for planned street redevelopment and undergrounding commercial areas include North Pine Street from 12th Street to North Bishop Avenue, Downtown from 9th Street and Elm to Main Street. Design, existing services and cost for these projects was discussed.
2. Residential Areas – Bourne presented specific locations being considered for converting overhead lines to underground. There was discussion concerning accessibility, reliability, and design associated with the projects, as well as the estimated costs involved. Additional discussion ensued concerning front yard and back yard access, the benefits and drawbacks to front yard utilities, and then discussed current developments that utilize front yard utilities. Considerations for cost, timelines for receiving supplies, and purchasing policies were discussed for projects associated with the switchover to underground utilities.

IV. ADJOURNMENT

With no further business appearing, the meeting was adjourned at 6:30 p.m.



 Nicholas Barrack, President



 Dr. Wm. Eric Showalter, Secretary

The Board's next regularly scheduled meeting is Tuesday, June 28, 2022, at 4:30 p.m.

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The Centre Rolla's Health & Recreation Complex
Income Statement
For the 8 Months Ending
May 31, 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	174	154	13%	187	1,193	1,067	12%	938
Net New & Reactivated Bridge/Freezes	(22)			12	(89)			(28)
Cancelled	119	71	-68%	65	655	597	-10%	788
Net	33	83	-60%	134	449	470	-4%	122
Total Members	1,993	2,095	-5%	1,740	1,993	2,095	-5%	1,740
Revenues								
Rental & Other:								
Conference Room & Other Rental	\$610	\$0	\$610	\$0	\$2,035	\$0	\$2,035	\$0
Miscellaneous Income	0	0	0	0	0	0	0	2,706
	610	0	610	0	2,035	0	2,035	2,706
Member Services:								
Membership Dues	51,177	54,470	(3,293)	25,167	361,281	388,353	(27,072)	178,968
Guest Fees	12,118	6,000	6,118	7,407	61,298	48,000	13,298	37,938
Special Programs	0	0	0	0	1,990	0	1,990	0
Locker Rent	6	0	6	200	632	0	632	300
	63,300	60,470	2,830	32,774	425,201	436,353	(11,152)	217,206
Fitness:								
Enrollment Fees/Health Assessments	909	3,850	(2,941)	300	5,255	26,675	(21,420)	2,555
Special Programs	730	100	630	430	3,276	800	2,476	2,027
	1,639	3,950	(2,311)	730	8,531	27,475	(18,944)	4,582
Ancillary:								
Swim Programs	13,685	11,000	2,685	10,812	82,474	88,000	(5,526)	47,614
General Medical Integration	348	1,975	(1,627)	0	1,241	10,109	(8,868)	0
Recreation	4,688	3,000	1,688	4,432	59,539	24,000	35,539	11,754
Café	326	650	(325)	357	2,757	5,200	(2,443)	1,604
Pro Shop	131	494	(363)	38	664	2,960	(2,296)	494
Personal Training/Pilates	4,788	6,914	(2,126)	2,072	31,105	50,458	(19,354)	(1,096)
Children's Area	1,682	500	1,182	490	11,877	4,000	7,877	1,611
	25,647	24,533	1,114	18,201	189,657	184,727	4,930	61,981
Total Revenue	91,197	88,953	2,244	51,705	625,423	648,555	(23,132)	286,474
Expenses								
Salaries & Burden	89,189	87,943	(1,246)	76,953	688,240	696,122	7,882	544,949
Other Employee Expenses	1,990	2,000	10	3,074	19,165	16,000	(3,165)	22,972
General Supplies & Services	382	375	(7)	2,160	2,792	3,000	208	9,159
Program Supplies	0	150	150	0	1,491	1,200	(291)	1,041
Environmental Supplies	1,702	2,250	548	1,420	10,600	18,000	7,400	11,874
Cost of Goods Sold	74	769	695	16	420	5,455	5,035	229
Minor Equipment	3,368	817	(2,551)	102	7,525	6,536	(989)	2,654
Repairs & Maintenance/Service Contracts	7,083	7,572	489	8,120	57,474	60,576	3,102	49,065
Marketing & Collateral	3,768	5,200	1,432	6,100	38,888	41,600	2,712	15,364
Utilities	13,988	15,125	1,137	12,909	125,301	121,000	(4,301)	111,333
Bank Fees & Miscellaneous	1,892	1,387	(505)	1,363	15,615	11,096	(4,519)	5,263
CAM, Taxes & Fees	1,678	2,136	458	2,619	17,121	17,088	(33)	15,437
Total Expenses	125,115	125,724	609	114,834	984,632	997,673	13,041	789,339
Net Operating Income	(33,918)	(36,771)	2,853	(63,130)	(359,209)	(349,118)	(10,091)	(502,865)
Management Fees	8,000	10,000	2,000	8,000	69,000	80,000	11,000	54,896
Net Income (Loss)	(\$41,918)	(\$46,771)	\$4,853	(\$71,130)	(\$428,209)	(\$429,118)	\$909	(\$557,761)
Ancillary Services Net Income (Loss)								
Swim Programs (Net)	\$7,274	\$6,600	\$674	\$859	\$49,098	\$52,800	(\$3,702)	(\$23,173)
Recreation (Net)	\$3,408	\$900	\$2,508	\$2,751	\$38,310	\$7,200	\$31,110	\$192
Café (Net)	\$326	\$227	\$99	\$357	\$2,757	\$1,816	\$941	\$1,604
Pro Shop (Net)	\$57	\$148	(\$91)	\$22	\$244	\$889	(\$645)	\$265
Personal Training/Pilates (Net)	\$1,153	\$2,420	(\$1,267)	(\$761)	\$8,318	\$17,662	(\$9,344)	(\$6,212)
Children's Area (Net)	(\$152)	(\$995)	\$843	(\$1,524)	\$642	(\$7,960)	\$8,602	(\$2,314)
Total Ancillary Services Net Income (Loss)	\$12,066	\$9,300	\$2,766	\$1,705	\$99,369	\$72,407	\$26,962	(\$29,638)

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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.

I. COURT INFORMATION		Municipality: Rolla Municipal	Reporting Period: May 1, 2022 - May 31, 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				
II. MONTHLY CASELOAD INFORMATION		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations/informations) pending at start of month		11	1,064	197
B. Cases (citations/informations) filed		2	244	15
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		1	32	11
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	227	2
6. dismissed by court		0	0	0
7. <i>nolle prosequi</i>		0	47	3
8. certified for jury trial (not heard in Municipal Division)		0	0	0
9. TOTAL CASE DISPOSITIONS		1	306	16
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		12	1,002	196
E. Trial de Novo and/or appeal applications filed		0	0	0
III. WARRANT INFORMATION (pre- & post-disposition)		IV. PARKING TICKETS		
1. # Issued during reporting period	57	1. # Issued during period		146
2. # Served/withdrawn during reporting period	53	<input type="checkbox"/> Court staff does not process parking tickets		
3. # Outstanding at end of reporting period	1,131			

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MUNICIPAL DIVISION SUMMARY REPORTING FORM

COURT INFORMATION	Municipality: Rolla Municipal	Reporting Period: May 1, 2022 - May 31, 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	\$3,731.00	Court Automation	\$653.93
Clerk Fee - Excess Revenue	\$459.93	DO NOT USE (Brd Bill-Dft)	\$104.50
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$14.18	Overpayment	\$4.50
		Overpayment-E/R	\$19.00
Bond forfeitures (paid to city) - Excess Revenue	\$200.00	Overpayments Detail Code	\$20.00
Total Excess Revenue	\$4,405.11	Total Other Disbursements	\$801.93
Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)		Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited	\$17,689.41
Fines - Other	\$10,563.41	Bond Refunds	\$785.50
Clerk Fee - Other	\$661.09	Total Disbursements	\$18,474.91
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	\$93.42		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$666.07		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$20.38		
Law Enforcement Training (LET) Fund surcharge	\$188.00		
Domestic Violence Shelter surcharge	\$190.00		
Inmate Prisoner Detainee Security Fund surcharge	\$0.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$100.00		
Total Other Revenue	\$12,482.37		

10.1.2

DEVELOPMENT REVIEW COMMITTEE MINUTES
TUESDAY, JUNE 7TH @ 1:30 P.M.
MEMBERS AND OTHERS IN ATTENDANCE

Tom Coots, Com. Dev.
Sarah West, Com. Dev.
Steve Flowers, Com. Dev.
David Forshee, Public Works
Ron Smith, Fire
Paul Frisbee, Frisbee Engineering
Jann Wilson-Bell, Scooter's Applicant

Jim Larson, Developer
Will Loughridge, Police
Chad Davis, RMU
Steve Hargis, Public Works
Lisa White, Scooter's Corporate
Brady Wilson, Environmental Service

NEW BUSINESS:

1. **Christian Campus Fellowship Women's House:** Pre-application discussion proposed development at 1000 N Oak Street and 204-208 E 11th Street.

Tom Coots states the lot has an M-1, C-1, and R-3 zoning, but will need to be rezoned for the proposed use. R-3 zoning may work, but there could be some issues with setbacks. C-C could work, but the district does not seem to allow that use. The lot does not meet the parking requirements but a variance request or a PUD could fix that issue.

2. **Scooter's Coffee:** Pre-application meeting to discuss latest site plan with their project engineer.

Coots explains that the plans have been revised, so the applicant wanted to be sure this would not cause any issues.

Paul Frisbee states the south side of the property will be for entrance only and the north side will be for exit only to keep the flow of traffic simpler.

Chad Davis states to determine the location of the transformer, a more detailed site plan is needed. The water service is currently coming out on the north side of Fort Wyman, and if the existing water meter is large enough to reuse, then there will be no issues.

Steve Flowers asks if the electrical service will be underground. **Jim Larson** says they are leaning toward having an underground service because of the height limit if it was above ground.

Coots asks if the proposed retaining wall will just be along Fort Wyman Road. **Frisbee** yes. **Coots** asks how much elevation transition there is between the parking lot and the drive thru area. **Frisbee** states they haven't worked that far into the site plan yet.

Flowers asks if a walking surface next to the retaining wall will be elevated over 30 inches. **Larson** said a fence will be built.

W.J. 1

Committee had discussion about the location of a transformer.

Flowers asks if the applicant spoke with Darin Pryor about a grease trap. **Larson** yes, Pryor stated one floor mount grease trap would work.

Brady Wilson asks if the ingress and egress for dumpster area is off Fort Wyman road. **Frisbee** yes. **Wilson** stated measurements for the dumpster enclosure would be needed in the future.

Steve Hargis states that access to Scooter's is off a state ROW, so the applicant will need a MoDOT permit.

Larson asks where the signage would be.

Coots asks about a lane marked on the site plan that comes around the building. **Frisbee** states that may turn into blocked off area. **Larson** suggested it could also be an area for a sign. **Flowers** asks if there were parking lot lights proposed. **Frisbee** yes.

Committee had discussion about the location of signage, and the use of pole and monument signs.

Flowers states a monument sign needs engineered plans if it is over 10 feet. **Coots** states the maximum height limit for a pole sign in that area is 40 feet tall.

Jann Wilson-Bell asks if there was a preference to a pole or monument sign. **Lisa White** whatever sign gives the most visibility. Many businesses are using pole signs due to a sloped elevation. **Coots** recommends rendering the signs with this elevation in mind. He mentions that other existing pole signs could hinder visibility to any future ones.

Committee had discussion about the proposed retaining wall. **Frisbee** mentions the water meter will need to be relocated.

Coots states the plans are missing property lines along Fort Wyman road. A letter of approval from the property owner or a lease agreement is needed to show Scooter's has rights to work on that area.

Flowers asks if the retaining wall will be in the City's ROW. **Frisbee** states there is a sidewalk easement for it. **Flowers** states he didn't think the retaining wall will need special permissions since it is part of the sidewalk easement. **Hargis** agrees.

Wilson-Bell asks what the typical size of the water line coming into the Scooter's building. **White** states they have a 1" meter, and a 1 1/2" line after the meter. **Davis** states the static pressure is 70 psi.

Larson asks where the overhead pole was located. He asks if it was possible to set another pole.

Flowers asks if there was interior or exterior seating. **Wilson-Bell** none, just a drive-thru. **Flowers** asks if the parking lot will just be used for employees. **Wilson-Bell** yes. **Frisbee**

asks about the parking requirements. **Coots** states it is six spots minimum. He states the parking spot closest to the building needs to meet ADA standards.

Committee had discussion about the parking lot and ADA standards.

Wilson asks if the ADA spot counts toward the minimum requirements. **Flowers** yes.

Wilson-Bell asks how large the dumpster needed to be. **Wilson** estimates a one cubic yard dumpster taken once or twice a week would be enough. **Wilson-Bell** asks about the cardboard recycler. **Wilson** states this is typically a 4x4 cage. He states new projects are being designed to be compatible with front loading trucks, but this would not work with this location. A one cubic yard dumpster would have to be on casters and be rolled out to the truck by the employees. This could cause issues due to the slope of the area.

White states a typical site would have a four to six cubic yard dumpster taken twice a week. She asks if an 8 cubic yard dumpster could be shared between all the units. **Wilson** says Environmental Services has no issues with this.

Committee had discussion about size and location of dumpster and frequency of pickups.

3. **Budget Deluxe Motel Sign:** Discussion about how to handle an existing sign on city property.

Coots explains the new owner of the Budget Motel wants to redo the existing sign, but it is on City property. The City can deed the lot to the motel owner, or retain the property and have a license agreement. The property is not zoned, so the City will need to find an appropriate zoning for it. **Flowers** states no matter who owns the property, the sign is considered an off premise billboard and would need to meet the requirements. It will need a variance for the separation distance.

Hargis a license agreement would best resolve the issue to allow for the sign to remain, but still allow the city to retain ownership if the area is ever needed for a road project in the future.

Flowers states that perhaps it would make sense to just remove this sign and place a new one on their property. **Davis** mentions this gets rid of visibility from the interstate.

Minutes Prepared By: Sarah West

NEXT MEETING:

Tuesday, June 21 @ 1:30 P.M.

10.5.3

IV.j.4 blank

Trees/Plants & Ecology

- RMU completed electric work near the caboose and the bandshell parking area, reducing the number of poles and replacing lines where needed.
- The Downtown planter program finished with 43 planters. The parks department physically places the planters and pays for the plantings unless the business opts to plant their own. Seven do that now. Signed MOUs are collected with the help of RDBA outlining the business' agreement to maintain the planters.
- Missouri Department of Agriculture staffers are doing an Oak defoliator survey in Ber Juan, Buehler, Coventry, Green Acres and Industrial parks from mid-May through September. The survey is looking for invasive forest pests, particularly for moths and beetles. Up to six traps will be spaced throughout each park. Traps will be inspected every two weeks.
- MDC put 30 grass carp in Ber Juan Lake and 20 in Schuman June 27.

Facilities/Capital Improvements

- New stairs were built for tours of the Frisco Train in Schuman.
- Staff installed a new Rotary book exchange location at Coventry Park. Rotary provides the containers for both adult and children's books and we place on a concrete pad with a bench.
- Begun repairing/replacing pavilion concrete flooring at Buehler, Green Acres, Ber Juan, and Schuman. Green Acres and Buehler complete. Upper Schuman underway.

Splash Zone

- Attendance this first month has reached over 300 several days and we've already booked a dozen rentals.
- Night swim returns on Mondays and Wednesdays in July and early August after last year's record numbers. First date is July 6.

Programming/events

- A Pickleball Tournament League is every Monday night at Green Acres. Staff hosted a pickleball clinic for beginners in late April with the Central Ozark Pickleball Club, an introductory class for adults interested in learning how to play. The class covered safety, equipment, scoring, rules, serve/return, point play, and game play. By the end of the clinic participants took part in pickleball games along with other beginners under the observation and support of experienced players.

- Softball league play wrapping up final two weeks. Some 30 teams are taking part.
- Summer Camp sold out as did Little Sluggers T-Ball.
- Parks and Recreation and Public Works hosted another open house at Eugene Northern Thursday, June 23. Updated Prop P expenditures to date as well as proposed future projects were featured.
- Farmers Market is Saturdays downtown. They won't offer a weekday market. Several new vendors have been added, with the roster of participants over 60. All vendors have provided, through the market manager, proof of completion of the county's food safety preparation course as well as liability waivers.

Homeless, vandalism and illegal activity Impact

- Growing numbers of homeless staying overnight in city parks and facilities, primarily in Buehler, Schuman, and Ber Juan but also in Green Acres and Veterans Memorial.
- We've dealt with knife fights, stick fights, verbal altercations, drunken and erratic behavior, drug deals, drugs and needles, sexual activity, human excrement smeared on bathroom walls and floors, and damage to electric outlets and wiring.
- Employees no longer feel safe working at facilities after dark.
- Increased cleaning and locking bathrooms at night and opening each morning has increased costs from \$19,200 in 2019 to \$35,840 in 2021.
- Loss of rentals due to homeless "invasions" as patrons in some areas no longer feel safe. We haven't had a rental of Buehler pavilion in two years. Ber Juan and Schuman have been affected as well. We estimate loss of rentals to be several thousand a year and growing.
- Ballfield concession area was targeted in an attempt to get money. Coke machine was kicked several times and other damage noted by the company. \$3500 replacement. An attempt was made to pry open the electrical room doors as well as attempting entry in the concession area through the sliding concession window by use of an old base and anchor that was taken from the Bayless storage. Estimated \$300 damage.

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance Final Reading

ITEM/SUBJECT: Professional Service Agreement with CM Archer Group P.C. dba Archer-Elgin Engineering

BUDGET APPROPRIATION (IF APPLICABLE)

DATE: 07/05/2022

COMMENTARY: We recently made a Request for Qualifications for consultant services for our Wastewater Division. The anticipated project consist of:

Prepare an engineering report that evaluates alternatives for the replacement of and/or the construction of a redundant force main that serves the Hy Point lift station. This report will be used to secure ARPA funds to construct the improvements.

Staff was authorized to negotiate a contract with Archer-Elgin Engineering for these services. The attached Ordinance would authorize the Mayor to enter into this Agreement for Professional Services and authorizes Task Order Number 1 for the Hy Point Lift Station Engineering Report. The fee for this report is \$34,000.

ITEM NO. VAI

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT FOR PROFESSIONAL SERVICES AND TASK ORDER NUMBER 1 BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C.

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 is hereby authorized and directed to execute in behalf of the City of Rolla, Missouri a certain Professional Services Agreement and Task Order Number 1 between the City of Rolla, Missouri and CM Archer Group, P.C 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 5th DAY OF JULY, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

VAJ

EXHIBIT A

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made as of this _____ day of _____, 2022, between City of Rolla, Missouri, hereinafter referred to as "OWNER", and CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture, hereinafter referred to as "ENGINEER," for engineering services as described in this Agreement.

WHEREAS, OWNER desires to retain ENGINEER, a professional engineering firm, to provide professional engineering, consulting and related services ("Services") on one or more projects in which the OWNER is involved; and

WHEREAS, ENGINEER desires to provide such services on such projects as may be agreed, from time to time, by the parties;

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

SECTION I. PROJECT TASK ORDER

- 1.1 This Agreement shall apply to as many projects as OWNER and ENGINEER agree will be performed under the terms and conditions of this Agreement. Each project ENGINEER performs for OWNER hereunder shall be designated by a "Task Order." A sample Task Order is attached to this Agreement and marked as Exhibit "A". No Task Order shall be binding or enforceable unless and until it has been properly executed by both OWNER and ENGINEER. Each properly executed Task Order shall become a separate supplemental agreement to this Agreement.
- 1.2 In resolving potential conflicts between this Agreement and the Task Order pertaining to a specific project, the terms of the Task Order shall control.
- 1.3 ENGINEER will provide the Scope of Services as set forth in Part 2 of each Task Order.

SECTION II. RESPONSIBILITIES OF OWNER

In addition to the responsibilities described in the attached Exhibit B, "CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture Terms and Conditions for Professional Services," paragraph 6, OWNER shall have the responsibilities described in Part 3 of each Task Order.

SECTION III. COMPENSATION

Compensation for ENGINEER’s Services shall be in accordance with Part 5 of each Task Order, and in accordance with paragraph 11 of the attached “CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture Terms and Conditions for Professional Services.”

SECTION IV. PERIODS OF SERVICE

This agreement will be in force for a period of five years from the date executed and renewable annually thereafter. If not action is taken at the end of each one year period, the agreement is automatically extended for another one year period.

SECTION V. TERMS AND CONDITIONS OF ENGINEERING SERVICES

The “CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture Terms and Conditions for Professional Services,” which are attached hereto, are incorporated into this Agreement by this reference.

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

City of Rolla, Missouri
“OWNER”

SIGNED: _____

BY: Lou Magdits

TITLE: Mayor

ADDRESS: 901 North Elm Street
Rolla, MO 65401

CM ARCHER GROUP, P.C. dba ARCHER-
ELGIN ENGINEERING, SURVEYING AND
ARCHITECTURE
“ENGINEER”

SIGNED: _____

BY: Jeff Medows

TITLE: President

ADDRESS: 310 E. 6th Street
Rolla, MO 65401

EXHIBIT A
TASK ORDER

This Task Order pertains to an Agreement by and between City of Rolla, Missouri (“OWNER”), and CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture (“ENGINEER”), dated _____, 20____, (“the Agreement”). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER:
PROJECT NAME:

- PART 1.0 PROJECT DESCRIPTION:
- PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:
- PART 3.0 OWNER’S RESPONSIBILITIES:
- PART 4.0 PERIODS OF SERVICE:
- PART 5.0 PAYMENTS TO ENGINEER:
- PART 6.0 OTHER:

This Task Order is executed this _____ day of _____, 20_____.

City of Rolla, Missouri

CM ARCHER GROUP, P.C. dba ARCHER-
ELGIN ENGINEERING, SURVEYING AND
ARCHITECTURE

“OWNER”

“ENGINEER”

SIGNED _

SIGNED _____

BY _

BY Jeff Medows

TITLE Mayor

TITLE President

Exhibit B
CM Archer Group, P.C.
Terms and Conditions for Professional Services

1. STANDARD OF PERFORMANCE

The standard of care for all professional engineering, consulting and related services performed or furnished by ENGINEER and its employees under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under the same or similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

2. INSURANCE

ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation insurance as required by statute; Employer's Liability of \$250,000; Automobile Liability insurance of \$1,000,000 combined single limit for bodily injury and property damage covering all vehicles, including hired vehicles, owned and non-owned vehicles; Commercial General Liability insurance of \$1,000,000 combined single limit for personal injury and property damage; and Professional Liability insurance of \$1,000,000 per claim for protection against claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable. Upon request, OWNER shall be made an additional insured on Commercial General and Automobile Liability insurance policies and certificates of insurance will be furnished to the OWNER. ENGINEER agrees to indemnify OWNER for the claims covered by ENGINEER's insurance.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)

Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES

ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. OWNER agrees to include ENGINEER as an indemnified party in OWNER's construction contracts for the work, which shall protect ENGINEER to the same degree as OWNER. Further, OWNER agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

5. CONTROLLING LAW

This Agreement is to be governed by the law of the state where ENGINEER's services are performed.

6. SERVICES AND INFORMATION

OWNER will provide all criteria and information pertaining to OWNER's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations. OWNER will also provide copies of any OWNER-furnished Standard Details, Standard Specifications, or Standard Bidding Documents which are to be incorporated into the project.

OWNER will furnish the services of soils/geotechnical engineers or other consultants that include reports and appropriate professional recommendations when such services are deemed necessary by ENGINEER. The OWNER agrees to bear full responsibility for the technical accuracy and content of OWNER-furnished documents and services.

In performing professional engineering and related services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counselor or accountant to protect the OWNER's legal and financial interests. To that end, the OWNER agrees that OWNER or the OWNER's representative will examine all studies, reports, sketches, drawings, specifications, proposals and other documents, opinions or advice prepared or provided by ENGINEER, and will obtain the advice of an attorney, insurance counselor or other consultant as the OWNER deems necessary to protect the OWNER's interests before OWNER takes action or forebears to take action based upon or relying upon the services provided by ENGINEER.

7. SUCCESSORS AND ASSIGNS

OWNER and ENGINEER, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the covenants of this Agreement. Neither OWNER nor ENGINEER will assign, sublet, or transfer any interest in this Agreement or claims arising therefrom without the written consent of the other.

8. RE-USE OF DOCUMENTS

All documents, including all reports, drawings, specifications, computer software or other items prepared or furnished by ENGINEER pursuant to this Agreement, are instruments of service with respect to the project. ENGINEER retains ownership of all such documents. OWNER may retain copies of the documents for its information and reference in connection with the project; however, none of the documents are intended or represented to be suitable for reuse by OWNER or others on extensions of the project or on any

other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER, and OWNER will defend, indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees, arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

9. TERMINATION OF AGREEMENT

OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving seven (7) days written notice, if the other party substantially fails to fulfill its obligations under the Agreement through no fault of the terminating party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination, and for a reasonable profit for services performed.

10. SEVERABILITY

If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES

ENGINEER will submit monthly invoices for services rendered and OWNER will make prompt payments in response to ENGINEER's invoices.

ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER's auditors upon request.

If OWNER disputes any items in ENGINEER's invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER. ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date of the invoice. In the event undisputed portions of ENGINEER's invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of or time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT

These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION

In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin, or disabled veteran, recently separated veteran, other protected veteran and armed forces service medal veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

15. HAZARDOUS MATERIALS

OWNER represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, OWNER represents that to the best of its knowledge it has disclosed to ENGINEER the existence of all such hazardous materials, including but not limited to asbestos, PCB's, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER's scope of services do not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify OWNER and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to OWNER, suspend performance of services on that portion of the project affected by hazardous materials until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. OWNER

acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER's services under this Agreement. If ENGINEER's services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate OWNER to indemnify any individual or entity from and against the consequences of that individual's or entity's sole negligence or willful misconduct.

16. EXECUTION

This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, supersedes and controls over all prior written or oral understandings. This Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.

17. LIMITATION OF LIABILITY

ENGINEER's and its employees' total liability to OWNER for any loss or damage, including but not limited to special and consequential damages arising out of or in connection with the performance of services or any other cause, including ENGINEER's and its employees' professional negligent acts, errors, or omissions, shall not exceed the greater of \$50,000 or the total compensation received by ENGINEER hereunder, except as otherwise provided under this Agreement, and OWNER hereby releases and holds harmless ENGINEER and its employees from any liability above such amount.

18. LITIGATION SUPPORT

In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then standard rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

19. UTILITY LOCATION

If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, OWNER shall notify ENGINEER of the presence and location of any underground utilities located on the OWNER's property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked. The OWNER agrees to waive any claim against ENGINEER and will indemnify and hold ENGINEER harmless from any claim of liability, injury or loss caused by or allegedly caused by ENGINEER's damaging of underground utilities that are not properly marked or are not called to ENGINEER's attention prior to beginning the underground sampling/testing.

TASK ORDER NO. 1

This Task Order pertains to an Agreement by and between City of Rolla, Missouri, (“OWNER”), and CM Archer Group, P.C. dba Archer-Elgin Engineering, Surveying and Architecture (“ENGINEER”), dated _____, 2022 (“the Agreement”). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below:

TASK ORDER NUMBER: No. 1

PROJECT NAME: Hy Point Force Main Engineering Report

PART 1.0 PROJECT DESCRIPTION:

Prepare Engineering Report that evaluates alternatives for the replacement of and/or the construction of a redundant force main that serves the Hy Point Lift Station.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

1. Data Acquisition, Evaluation and Design Criteria Development
 - a. Evaluate available water demand data
 - b. Evaluate available sewer flow metering data
 - c. Review existing pump equipment design
 - d. Model existing force main, confirm pump design
 - e. Develop design criteria for new force main alternatives
2. Develop Improvement Alternatives
 - a. Identify possible alignments for new force main and/or redundant I-44/railroad crossing
 - b. Model new alignments and evaluate existing pump performance
 - c. Develop opinions of probable project costs for each alternative
3. Engineering Report
 - a. Prepare draft Engineering Report for City review
 - b. Finalize Engineering Report which addresses any City comments

PART 3.0 OWNER’S RESPONSIBILITIES:

Owner shall furnish the following:

1. Available Utility System Mapping
2. Historic water demand in the Hy Point service area
3. Historic Pump run time data
4. Any historic sewer flow metering data

5. Future growth projections

PART 4.0 PERIODS OF SERVICE:

The above Scope of Services shall be completed within 90 calendar days from date of Task Order execution.

PART 5.0 PAYMENTS TO ENGINEER:

Lump sum fee of \$34,000.00, to be invoiced monthly based upon the percent complete as determined by the engineer. No changes shall be made to this scope of work unless by written amendment signed by both parties.

PART 6.0 ADDITIONAL SERVICES:

1. Additional Services will include additional planning/financing support, environmental assessment, clearances, design services, and any other services not specifically outlined above.

IN WITNESS WHEREOF, the Parties here to have executed, by their dually-authorized officials, this Task Order, on the respective dates indicated above.

City of Rolla, Missouri

CM Archer Group, P.C. dba Archer-Elgin
Engineering, Surveying and Architecture

"OWNER"

"ENGINEER"

BY: _____

BY: _____

NAME: Lou Magdits

NAME: Jeff Medows

TITLE: Mayor

TITLE: President

ADDRESS: 901 North Elm Street
Rolla, MO 65401

ADDRESS: 310 East 6th Street
Rolla, MO 65401

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: John Butz, City Administrator

ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Enhanced Enterprise Zone Property Tax Abatement – Fairfield Inn by Marriott

BUDGET APPROPRIATION: NA

DATE: July 5th, 2022

COMMENTARY:

In 2009 the City of Rolla became the 79th out of now 135 cities and counties to adopt an Enhanced Enterprise Zone (EEZ) through the MO Dept. of Economic Development. The EEZ program provides real property tax abatement to selected industry (business clusters by NAICS code). The minimum tax abatement is 50% for 10 years with enhanced benefits based on employment, wages and investment. (minimum 2 FTE+\$100,000 capital investment)

Resolution NO. 1705 was adopted in December 2009 (runs through December of 2024) and lays out the conditions of EEZ benefits. EEZ, once adopted, is not discretionary meaning a qualifying industry should get the abatement as long as the program is active. The Fairfield Inn by Marriott is the first applicant under NAICS Code 72 (“Accommodation except food and drinking places”). EEZ is primarily used in manufacturing, wholesale, warehousing and professional services (i.e. Hartmann).

While there is no clear regulation by MO DED that a public hearing and formal action is required for each participating project they do encourage same as well as adoption of an Agreement that lays out the benefits and conditions of same including the “jobs requirement” (15 FTE).

Notices of the public hearing have been posted and mailed to the affected taxing jurisdictions. The City received one call on the pending project but received no voiced opposition/objection.

Recommendation: Final Reading. The EEZ Board will meeting in late August and can review our qualifying industrial Code. Consulting DED on ability to amend.

vbl

[City of Rolla Letterhead]
[Notice to be sent at least 20 days, but not more than 30 days before the public hearing]

May 27, 2022

VIA CERTIFIED MAIL

To: Taxing Districts Listed
on the Attached Sheet

Re: Notice of Public Hearing for Enhanced Enterprise Zone Tax Abatement (1670 Old Wire Outer Road)

Ladies and Gentlemen:

The City Council of the City of Rolla, Missouri, will hold a public hearing at 6:30 p.m., Monday, June 20, 2022 at City Hall, 901 N. Elm Street, Rolla, Missouri 65401. The public hearing will concern proposed tax abatement under Sections 135.950 *et seq.* of the Revised Statutes of Missouri (the "EEZ Law") for property located at 1670 Old Wire Outer Road in the City. The owner of this property has completed a project that qualifies for tax abatement under the EEZ Law and City Resolution No. 1705. The purpose of the hearing will be to confirm the qualification of the property and review the proposed grant of tax abatement.

Pursuant to the EEZ Law, the City must notify the affected taxing districts of the public hearing regarding the proposed Project and real property tax abatement.

All interested parties are invited to submit comments to the City Council prior to the date of the public hearing concerning the project, including the proposed tax abatement, and to appear at the public hearing and provide comments. All interested parties and all political subdivisions shall have the opportunity to be heard on all matters concerning the project and the proposed tax abatement.

In addition, you are welcome to contact John Butz, City Administrator, City of Rolla at (573) 426-6948 regarding any questions.

Very truly yours,

CITY OF ROLLA, MISSOURI

VB2

TAXING DISTRICTS

State of Missouri

Attn: Gerald Robinson
Department of Revenue – Excise Tax Unit
Harry S. Truman State Office Building
301 West High Street, Room 320
Jefferson City, Missouri 65101

Rolla Public School District

Attn: Mr. Craig Hounsom
Superintendent of Schools
500 Forum Drive
Rolla, Missouri 65401

Phelps County

Attn: Presiding Commissioner
200 N. Main Street
Rolla, Missouri 65401

Phelps County Board for the Developmentally Disabled

Attn: Brenda Rocaberto, Executive Director
1501 E. 10th Street, Suite C
Rolla, Missouri 65401

Rolla Public Library

Attn: Rebecca Buckley, Library Director
900 Pine Street
Rolla, Missouri 65401

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN ENHANCED ENTERPRISE ZONE PROJECT AND AUTHORIZING THE CITY OF ROLLA, MISSOURI TO ENTER INTO AN ENHANCED ENTERPRISE ZONE AGREEMENT WITH KRIS HOTEL LLC

WHEREAS, Kris Hotel LLC (the “Property Owner”) has completed the construction of a hotel (the “Project”) at 1670 Old Wire Outer Road in the City (the “Project Site”); and

WHEREAS, the Project Site is located in the Rolla Enhanced Enterprise Zone and, in accordance with Sections 135.950 et seq. of the Revised Statutes of Missouri (the “EEZ Law”) and Resolution No. 1705 of the City (the “Rolla Enhanced Enterprise Zone Abatement Policy”), the Project is eligible for partial real property tax abatement; and

WHEREAS, on June 20th, 2022, the City Council held a duly-noticed public hearing to confirm the qualification of the Project under the Rolla Enhanced Enterprise Zone Abatement Policy and to garner public input regarding the proposed partial real property tax abatement, as required by the EEZ Law; and

WHEREAS, the City desires enter into an Enhanced Enterprise Zone Agreement with the Property Owner, in substantially the form of **Exhibit A** attached hereto (the “EEZ Agreement”), setting forth the terms upon which partial real property tax abatement will be provided;

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

Section 1. Approval of the Project. The City hereby approves the Project and hereby finds that, subject to the terms of this Agreement, it is eligible for partial real property tax abatement in accordance with the EEZ Law and the Rolla Enhanced Enterprise Zone Abatement Policy.

Section 2. Approval and Execution of EEZ Agreement. The City is hereby authorized to enter into the EEZ Agreement in substantially the form presented to and approved by the City Council and attached to this Ordinance, with such changes therein as shall be approved by the officials of the City executing the same, such officials’ signatures thereon being conclusive evidence of their approval thereof. The Mayor is hereby authorized to execute the EEZ Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to attest to and affix the seal of the City to the EEZ Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 3. Further Authority. The City shall, and the officials, agents and employees of the City are hereby authorized to, take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the EEZ Agreement.

Section 4. Effective Date. 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 5th DAY OF JULY, 2022.

V B 4

APPROVED:

[SEAL]

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

EXHIBIT A

ENHANCED ENTERPRISE ZONE AGREEMENT

(On file in the office of the City Clerk)

EXHIBIT A

ENHANCED ENTERPRISE ZONE AGREEMENT

(On file in the office of the City Clerk)

ENHANCED ENTERPRISE ZONE AGREEMENT

THIS ENHANCED ENTERPRISE ZONE AGREEMENT (this "*Agreement*") is entered into this ___ day of _____, 2022, by and between the **CITY OF ROLLA, MISSOURI**, an incorporated city and political subdivision of the State of Missouri (the "*City*") and **KRIS HOTEL LLC**, a Minnesota limited liability company (the "*Property Owner*").

RECITALS:

A. The Property Owner owns and seeks to improve the real property located at 1670 Old Wire Outer Road in the City (the "*Project Site*" and including the improvements existing and to be made thereon, the "*Project*").

B. The Project is currently and is expected to continue to be used by the Property Owner for hotel use (NAICS Code 721110).

C. The Project Site is located in the Rolla Enhanced Enterprise Zone and, in accordance with Sections 135.950 *et seq.* of the Revised Statutes of Missouri (the "*EEZ Law*") and Resolution No. 1705 of the City (the "*Rolla Enhanced Enterprise Zone Abatement Policy*"), the Project is eligible for partial real property tax abatement.

D. On _____, 2022, the City Council adopted Ordinance No. _____, authorizing the execution of this Agreement, which sets forth the terms upon which partial real property tax abatement will be available for the Project.

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

Section 1. Incorporation of the Abatement Policy. The terms of the Rolla Enhanced Enterprise Zone Abatement Policy are hereby incorporated into this Agreement.

Section 2. Approval of Project. The City hereby approves the Project and agrees that, subject to the terms of this Agreement, it is eligible for partial real property tax abatement in accordance with the EEZ Law and the Rolla Enhanced Enterprise Zone Abatement Policy. The Property Owner acknowledges that any change in use of the Project from the uses described in the recitals to this Agreement may result in termination of the partial real property tax abatement provided by this Agreement if such uses are not eligible for tax abatement under the EEZ Law or the Rolla Enhanced Enterprise Zone Abatement Policy. The Property Owner will promptly provide the City with written notice of any change in use of the Project.

Section 3. Construction of Project. The City and the Property Owner acknowledge the Project was completed in accordance with all zoning and building permits issued by the City during calendar year 2021 and that tax abatement pursuant to **Section 4** may be initiated. The City and the Property also acknowledge that more than \$5 million was invested in the Project. For purposes of this Agreement, the incremental assessed value of the Project Site and the Project over the calendar year 2021 assessed value of the Project Site (\$113,510) shall be deemed attributable to the "*Abated Improvements*."

VB8

Section 4. Real Property Abatement.

(a) The Project shall receive partial abatement from ad valorem real property taxation beginning with calendar year 2022 and, unless terminated on an earlier date as provided herein, ending with calendar year 2031 (the "Abatement Term"). During the Abatement Term, tax abatement shall apply to the the following abatement terms, subject to qualification under the Rolla Enhanced Enterprise Zone Abatement Policy and certification under **Section 5**, will apply:

Qualification Requirements	Available Abatement
2 new full-time jobs and \$100,000+ investment	50% abatement for 10 years
15+ new full-time jobs	10% additional abatement
\$5 million capital investment	5% additional abatement
TOTAL	65% abatement for 10 years

During the Abatement Term, the applicable percentage of the ad valorem real property taxes that would otherwise be due on the Abated Improvements made to the Project Site will be abated. The Property Owner shall be responsible for providing the Assessor with any information requested by the Assessor to determine which improvements on the Project Site are Abated Improvements.

(b) The tax abatement described in this Section shall not apply to special assessments and shall not serve to reduce or eliminate any other licenses or fees owing to the City or any other taxing jurisdiction with respect to the Project.

Section 5. Jobs Requirement.

(a) The Property Owner hereby represents that it currently does and will continue, throughout the Abatement Term, to employ at least 15 persons on a full-time basis. Each year, no later than July 31 of each year, beginning July 31, 2023 and ending July 31, 2031, the Property Owner shall submit an annual certification in substantially the form of **Exhibit B** to the City of its average number of full-time employees. The City shall immediately notify the Assessor if the certified number of full-time employees is less than 15 and what the applicable abatement percentage under **Section 4** should be for such year. If the Assessor receives no notice from the City by October 1, the Assessor may assume that the Property Owner has qualified for the maximum abatement under **Section 4**.

(b) If the Property Owner fails to provide the aforementioned annual certification, the City Manager may direct the Assessor to suspend the tax abatement until such time as the City receives the required written certification.

Section 6. Compliance with Laws. The Property Owner agrees to obtain (or cause its tenants to obtain) any and all permits, licenses and other governmental approvals required by the applicable rules, regulations, codes and ordinances of the City and to otherwise comply with such rules, regulations, codes and ordinances in connection with the construction and maintenance of the Project. None of the provisions of this Agreement shall be construed as relieving the Property Owner or its tenants of any obligations to comply with any applicable ordinances of the City or laws and regulations of the State of Missouri and the United States of America.

Section 7. Defaults and Remedies. If the Property Owner breaches any covenant or fails to perform any obligation hereunder for a period of 30 days following written notice to the Property Owner of such failure, the City may, in its sole discretion, terminate this Agreement. Upon termination of this Agreement, the Project shall be subject to full taxes as provided by Missouri law.

Section 8. Indemnification. The Property Owner agrees to indemnify and defend the City and its respective governing body members, officials, agents and employees (the "*Indemnified Parties*") and to insure that the Indemnified Parties are held harmless from and against all claims, demands, costs, liabilities, damages or expenses, including reasonable attorneys' fees, by or on behalf of any person, firm or corporation arising from the conduct or management of, or from any work or thing done in, on or about, the Project during the term of this Agreement; provided, however, that these indemnification obligations shall not apply to any claims, demands, costs, liabilities, damages or expenses caused by or resulting from the gross negligence or willful misconduct of any of the Indemnified Parties. This obligation to indemnify the Indemnified Parties shall survive the termination of this Agreement for any reason.

Section 9. Limitations on Liability. No member, official, employee or agent of the City shall be personally liable to the Property Owner. Neither the City nor any other person shall have pecuniary liability to the Property Owner for failure of the Property Owner to receive the abatement contemplated by this Agreement.

Section 10. Federal Work Authorization. Simultaneously with the execution of this Agreement and annually on or before December 31 of each year of the Abatement Term, the Property Owner shall, pursuant to the provisions of Sections 285.525 through 285.555 of the Revised Statutes of Missouri, by sworn affidavit in substantially the form attached hereto as **Exhibit C** and provision of documentation, affirm its or one of its subsidiaries enrollment and participation in a federal work authorization program with respect to its employees and state that it does not knowingly employ any person who is an unauthorized alien.

Section 11. Payment to City Costs. The Property Owner also agrees to pay all costs of the City in connection with the City's enforcement of this Agreement, including reasonable attorneys' fees.

Section 12. Notices. A notice, demand or other communication under this Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by facsimile transmission, or by registered or certified mail, postage prepaid, return receipt requested, or delivered personally,

(a) If to the City:

City of Rolla
901 North Elm Street
Rolla, Missouri 65401
Attn: City Manager

(b) If to the Property Owner:

Kris Hotel LLC
1507 Martin Springs Drive
Rolla, Missouri 65401
Attention: Mehul Patel

or at such other address with respect to either such party as that party may, from time to time, designate in writing and forward to the other as provided in this Section.

Section 13. Assignment. The Property Owner may not assign this Agreement or any portion thereof, either voluntarily or by operation of law, without the City Manager's prior written consent, unless such assignment is to an entity controlled by or under common control with the Property Owner or as part of a collateral assignment in connection with the financing or refinancing of the Project.

Section 14. Anti-Discrimination Against Israel Act. Pursuant to Section 34.600 of the Revised Statutes of Missouri, the Property Owner certifies it is not currently engaged in and shall not, for the duration of this Agreement, engage in a boycott of goods or services from (a) the State of Israel, (b) companies doing business in or with the State of Israel or authorized by, licensed by, or organized under the laws of the State of Israel, or (c) persons or entities doing business in the State of Israel.

Section 15. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Missouri. Any action arising out of, or concerning, this Agreement shall be brought only in the Circuit Court of Phelps County, Missouri. All parties to this Agreement consent to the jurisdiction and venue of that court.

Section 16. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the City and the Property Owner have caused this Agreement to be executed in their respective hands and upon their behalf.

CITY OF ROLLA, MISSOURI

By: _____
Mayor

[SEAL]

ATTEST:

By: _____
City Clerk

KRIS HOTEL LLC

By: _____
Name: _____
Title: _____

EXHIBIT A
LEGAL DESCRIPTION OF PROJECT SITE

V B 13

EXHIBIT B

FORM OF ANNUAL JOBS CERTIFICATION

[Date]

City of Rolla
901 North Elm Street
Rolla, Missouri 65401
Attn: City Manager

Re: 1670 Old Wire Outer Road EEZ Annual Report

Dear City Manager:

Pursuant to Section 5 of the Enhanced Enterprise Zone Agreement, Kris Hotel LLC hereby certifies that it employed an average of ____ full-time employees from January 1, 20__ to June 30, 20__. Documentation of employment will be provided upon request.

Sincerely,

V B 14

EXHIBIT C

AFFIDAVIT OF COMPLIANCE WITH SECTION 285.525 R.S.MO., ET SEQ.

STATE OF MISSOURI)
) SS
COUNTY OF PHELPS)

I, the undersigned, am over the age of 18 years and have personal knowledge of the matters stated herein.

I am a duly authorized officer of Kris Hotels LLC (the "Property Owner"), which is an affiliate of Kris Hotel LLC (the "Property Owner"). I am authorized by the Property Owner to attest to the matters set forth herein.

I hereby affirm the Property Owner's enrollment and participation in a "federal work authorization program" as defined in Section 285.525 of the Revised Statutes of Missouri, as amended.

The Property Owner does not knowingly employ any person who is an "unauthorized alien" as defined in Section 285.525 of the Revised Statutes of Missouri, as amended.

Further Affiant Sayeth Not.

KRIS HOTEL LLC

By: _____
Name: _____
Title: _____

Subscribed and sworn to before me this _____ day of _____, 2022.

Notary Public

My commission expires on: _____

RESOLUTION NO. 1705

A RESOLUTION ESTABLISHING THE ELIGIBLE ENHANCED ENTERPRISE BUSINESSES FOR THE ROLLA ENHANCED ENTERPRISE ZONE AND REDUCING THE AD VALOREM TAX ON ELIGIBLE PROJECTS WITHIN THE DESIGNATED ENHANCED ENTERPRISE ZONE, IN ACCORDANCE WITH CHAPTER 135, RSMo. AND SUBSEQUENT AMENDMENTS.

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

WHEREAS the City Council of the City of Rolla wishes to reduce the ad valorem tax for qualified projects within the Enhanced Enterprise Zone of the City of Rolla; and

WHEREAS the City of Rolla duly held a public hearing to consider the formation of the Enhanced Enterprise Zone, zone boundary, and the ad valorem tax abatement rate for certain projects on October 13, 2009, in Rolla, Missouri;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rolla, Missouri as follows:

That the following industries, when locating or expanding within the Enhanced Enterprise Zone, to be known as the Rolla Enhanced Enterprise Zone, so designated by the State of Missouri, will be considered eligible for a reduction in ad valorem taxes, per criteria stated below and pursuant to Chapter 135, RSMo and subsequent amendments:

Qualifying Industries by NAICS Code:

- 22 Utilities
- 23—Construction
- 31-33—Manufacturing
- 42 Wholesale
- 48-49 Transportation and Warehousing
- 51—Information
- 54—Professional, Scientific and Technical Services
- 55 Management of Companies and Enterprises
- 56—Administrative and Support and Waste Management and Remediation Services
- 71—Arts, Entertainment and Recreation, excluding gaming operations
- 72—Accommodation except Food and Drinking places
- 81 Other services except Religious organizations

25 year term
December 2034

1705

V. B. 16

19705

By Section 348.015(14) of the RSMo:
Value-added agricultural products
By Section 135.950 (9)(b) of the RSMO: (9)

"Enhanced business enterprise", an industry or one of a cluster of industries that is either:
(a) Identified by the department as critical to the state's economic security and growth; or

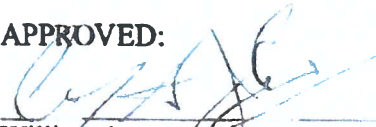
(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

BE IT FURTHER RESOLVED, that any business enterprise within the above itemized NAICS codes, located within the proposed zone and meeting requirements of Chapter 135 RSMo. as amended, will receive a minimum of 50 percent reduction of real ad valorem tax abatement on new improvements, or more based on private investment, job creation and paid wages as attached in Exhibit A for a minimum of 10 years, or longer based on private investment, job creation and paid wages as attached in Exhibit A.

BE IT FURTHER RESOLVED that this reduction applies to all ad valorem taxes by all political subdivisions within the City of Rolla, Missouri.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 21ST DAY OF DECEMBER 2009.

APPROVED:



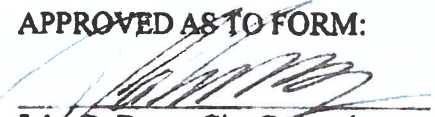
William S. Jenks III, Mayor

ATTEST:



Carol L. Daniels, City Clerk

APPROVED AS TO FORM:



John D. Beger, City Counselor

19705

VB17

1705

EXHIBIT A: ROLA ENHANCED ENTERPRISE ZONE BENEFIT LEVEL OPTIONS

QUALIFICATION REQUIREMENTS	ABATEMENT LEVEL/TERM
Minimum Requirements – As determined by DED 2 new FT employees and \$100K minimum investment	50% abatement for 10 years
ADDITIONAL ABATEMENT INCREMENTAL BENEFITS	
New Jobs	
5 + New FT employees	5 % additional abatement
15 + New FT employees	10 % additional abatement
25 + New FT employees	15 % additional abatement
50 + New FT employees	25% additional abatement
100+ New FT employees	25% additional abatement + 5 years
250+ New FT employees	25% additional abatement + 10 years
Average Payroll	
Average new payroll at 100% of County Average	0% additional abatement
Average new payroll at 110% of County Average	5% additional abatement
Average new payroll at 120% of County Average	10% additional abatement
Average new payroll at 130% of County Average	10% additional abatement + 5 years
Investment	
Capital Investment exceeding \$5 million	5 % additional abatement
Capital Investment exceeding \$10 million	10 % additional abatement
Capital Investment exceeding \$25 million	15 % additional abatement
Capital Investment exceeding \$50 million	15% additional abatement + 5 years
Capital Investment exceeding \$75 million	15% additional abatement + 10 years

NOTE: A project can combine any of the additional abatement benefits not to exceed 80% for 20 years.

1705

v B 18



CITY OF ROLLA ENHANCED ENTERPRISE ZONE

WWW.rollacity.org

Pre-Qualification Application for Local Tax Abatements

Please Type or Print Form:

FEIN: 820909457

MO Tax ID # 25345877

Name of Business/Company: KRIS HOTEL LLC

Address of Proposed Development/Improvements: 1670 OLD WIRE OUTER ROAD. ROLLA, MO 65401

Email & Phone Number: MIKE (MEHUL) chako07@hotmail.com 573-201-3905

County Parcel Number: 71-09-2.0-10-003-001-035.0000 (09618.33) Facility NAICS Code: 721110

Tax Abatement Applying for: XX Enhanced Enterprise Zone, Chapter 100 - Industrial Development; Effective Date: Tax Year Beginning: April 2021, Ending: 2031 OR 2032 ??

Description of project/development:

Marriott Fairfield Inn and Suites Motel Completed and Opened April 2021.

Estimated Completion Date of construction/expansion: April 2021; Total Project Cost: Real Property: 5,102,000, Personal Property: 501,900

Benefits to the City and/or County: (number of jobs created, salaries, benefits, etc.) Approximatley 15 jobs created for the community. A new branding of the hotel for the community. Marriott is a trusted brand name and provides visitors to Rolla and travelers with an alternative for lodging. Additional sales tax revenue for the community will be derived from visitors staying at the Marriott. Will provide additional sales tax for the City of Rolla and Phelps County, as well as the tourism taxes assessed on room charges.

Corporate Contact (Please Print) MIKE (MEHUL) PATEL; Title: MANAGING MEMBER (573-201-3905); Address: 1507 MARTIN SPRINGS DR. ROLLA, MO 65401; Signature: [Handwritten Signature]; Date: 04/21/2022; City, State, Zip Code

Under penalty of perjury, I declare that I have examined this application and to the best of my knowledge and belief, the information contained herein is true, correct, and complete.

Mail or email all applications & related inquiries to: Enhanced Enterprise Zone Board, ATTN: City Administrator John Butz, 901 North Elm Street, Rolla, MO 65401, jbutz@rollacity.org

For Staff Use Only: Approved by: [Handwritten Signature], Title: City Administrator, Date: 4/20/2022, Abatement at 65% for 10 years

Distributed to: County Assessor, County Clerk, List any tax districts that request a copy, etc.

January 3, 2018

VB 19

EXHIBIT A: ROLLA ENHANCED ENTERPRISE ZONE BENEFIT LEVEL OPTIONS

QUALIFICATION REQUIREMENTS	ABATEMENT LEVEL/TERM
Minimum Requirements – As determined by DED 2 new FT employees and \$100K minimum investment	50% abatement for 10 years
ADDITIONAL ABATEMENT INCREMENTAL BENEFITS	
New Jobs	
5 + New FT employees	5 % additional abatement
15 + New FT employees	10 % additional abatement
25 + New FT employees	15 % additional abatement
50 + New FT employees	25% additional abatement
100+ New FT employees	25% additional abatement + 5 years
250+ New FT employees	25% additional abatement + 10 years
Average Payroll	
Average new payroll at 100% of County Average	0% additional abatement
Average new payroll at 110% of County Average	5% additional abatement
Average new payroll at 120% of County Average	10% additional abatement
Average new payroll at 130% of County Average	10% additional abatement + 5 years
Investment	
Capital Investment exceeding \$5 million	5 % additional abatement
Capital Investment exceeding \$10 million	10 % additional abatement
Capital Investment exceeding \$25 million	15 % additional abatement
Capital Investment exceeding \$50 million	15% additional abatement + 5 years
Capital Investment exceeding \$75 million	15% additional abatement + 10 years

NOTE: A project can combine any of the additional abatement benefits not to exceed 80% for 20 years.

Project qualifies for a 65% abatement for 10 years.

[Signature]
4/20/2022



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Final Reading

SUBJECT: Vacation of the remainder of Spring Street, north of 13th Street; a portion of 13th Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13th Street and University Dr.

(VAC22-01)

MEETING DATE: July 5, 2022

Application and Notice:

Applicant/Owner - Curators of the University of Missouri
Public Notice - Letters mailed to impacted property owners; Legal ad in the Phelps County Focus;
<https://www.rollacity.org/agenda.shtml>

Background:

The applicant seeks to vacate the subject streets and alley to allow for the construction of a parking lot. The university has acquired the adjacent properties, except the Dairy Queen. The street adjacent to the Dairy Queen property is not proposed to be vacated at this time, however, the remainder of the street is requested to be vacated.

Property Details:

Land area - Approximately 25,700 sq. ft. to be vacated

Public Facilities/Improvements:

Streets - 13th Street and Spring Street are local streets.
Utilities - Various utilities are located in the area to be vacated. A utility easement will be retained if the request is approved.

Comprehensive Plan: The Comprehensive Plan does not provide guidance on street vacations. The University Drive relocation and subsequent property acquisitions by the university for their Campus Master Plan have made the streets unneeded.

Discussion: The streets are no longer needed for circulation. The utilities are intended to remain at this time within a retained utility easement. If the utilities are relocated or abandoned, the easement could be vacated at a future date. The portion of 13th Street adjacent to the Dairy Queen property will remain at this time, as the street provides access to that property.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner

Attachments: Ordinance; Exhibit; Public Notice Letter

V.C.I

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF SPRING STREET, NORTH OF 13TH STREET; A PORTION OF 13TH STREET, BETWEEN SPRING STREET AND BISHOP AVENUE; AND THE REMAINDER OF AN ALLEY BETWEEN SPRING STREET AND BISHOP AVE AND 13TH STREET AND UNIVERSITY DR.

(VAC22-01)

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

SECTION 1: The location of the rights-of-way to be vacated are shown on the attached exhibit.

SECTION 2: The said area to be vacated is more particularly described as follows:

A fractional part of Spring Avenue, and, a fractional part of 13th Street in TOWNSEND ADDITION, Rolla, Missouri, AND, a fractional part of a 12.0 foot wide alley in Block 2 of TOWNSEND ADDITION, Rolla, Missouri more particularly described as follows:

Beginning at the Southeast Corner of Lot 4, Block 2 of said TOWNSEND ADDITION; thence South 88°24'00" West, 128.64 feet, and, South 88°10'30" West, 127.03 feet, all along the South lines of Lots 4, 5 and, Block 2 of said TOWNSEND ADDITION and along the South line of Vacation Ordinance No. 3609 for part of Spring Avenue to the southeast corner of Lot 1, Block 3 of said TOWNSEND ADDITION; thence South 0°26'20" West, 12.00 feet to the northeast corner of Lot 12, Block 3 of said TOWNSEND ADDITION; thence South 0°00'40" East, 120.31 feet along the East line of said Lot 12 to its southeast corner; thence South 0°20'40" East, 60.26 feet to the northeast corner of Lot 2 of SPRING AVENUE ADDITION, Rolla, Missouri; thence North 88°07'10" East, 60.02 feet to the northwest corner of Lot 6, Block 5 of the aforesaid TOWNSEND ADDITION; thence continuing North 88°07'10" East, 70.77 feet, and, North 88°15'50" East, 124.63 feet, all along the North line of said Block 5 to the northeast corner of Lot 4, Block 5 of said TOWNSEND ADDITION; thence North 0°32'10" West, 59.71 feet to the southeast corner of Lot 9 of the aforesaid Block 2 of TOWNSEND ADDITION; thence South 88°18'00" West, 65.00 feet, and, South 88°23'20" West, 64.79 feet, and, South 87°29'10" West, 65.06 feet, all along the South line of said Block 2 to the southwest corner Lot 7, Block 2 of said TOWNSEND ADDITION; thence North 0°08'20" East, 121.30 feet along the West line of said Lot 7 to its northwest corner; thence North 88°17'40" East, 65.10 feet, and, North 88°20'40" East, 65.24 feet, and, North 88°18'50" East, 64.64 feet, all along the North lines of Lots 7, 8 and 9, Block 2 of said TOWNSEND ADDITION to the northeast corner of said Lot 9; thence North 0°18'40" East, 12.00 feet to the point of beginning.

SECTION 3: The area to be vacated as described in this ordinance shall be retained as a utility easement.

SECTION 4: That this Ordinance shall be in full force and effect after the its passage and approval.

V.C.2

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND
APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.**

APPROVED:

ATTEST:

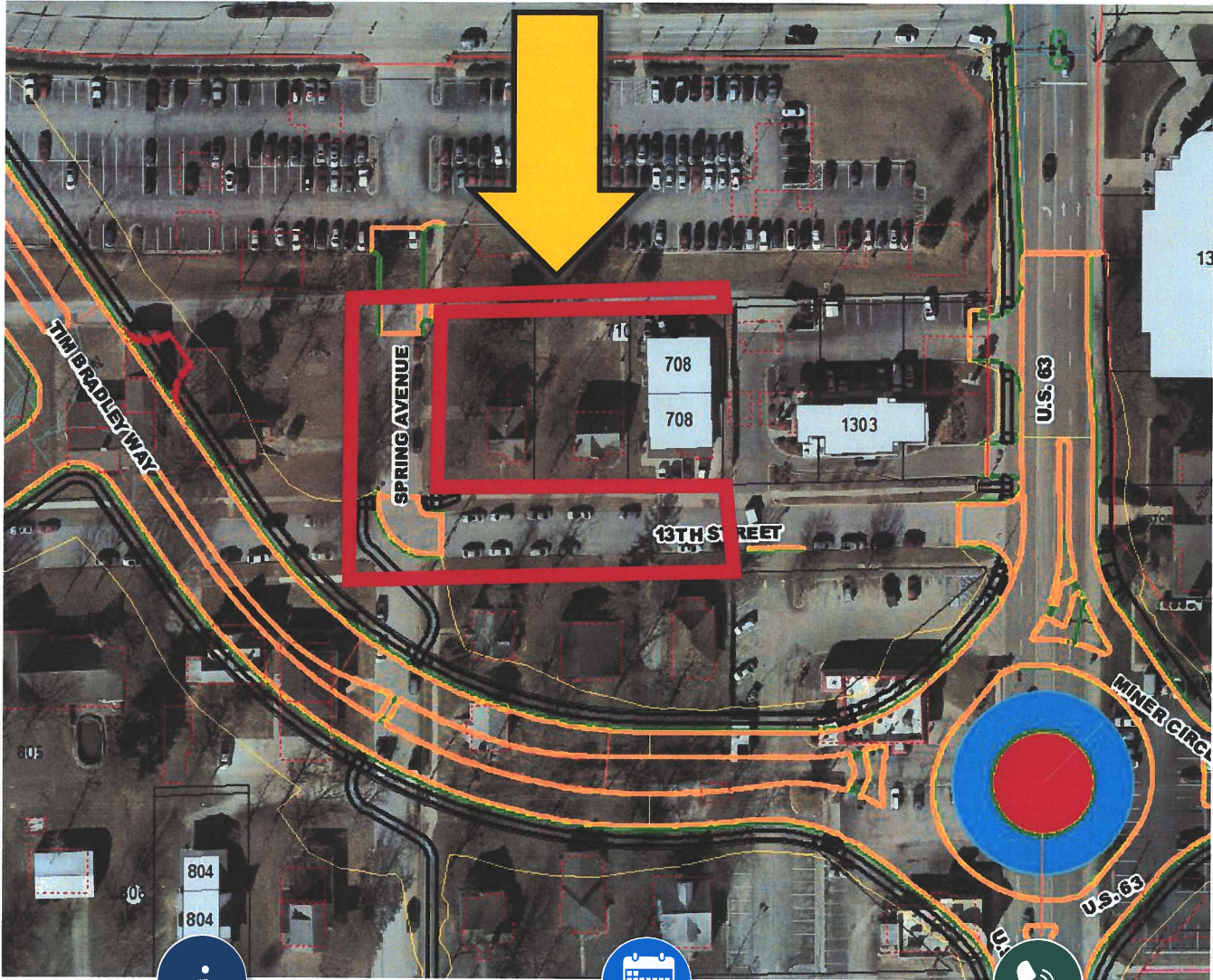
Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

VC3



Project Information:	Public Hearings:	For More Information Contact:
<p>Case No: VAC22-01 Location: Adjacent to 708 E 13th Street Applicant: Curators of University of Missouri</p> <p>Request: Vacation of a portion of the alley between Spring, Bishop, 13th, and University Dr; and the remainder of Spring north of 13th; and a portion of 13th between Spring and Bishop.</p>	<p>Planning Commission June 14, 2022 5:30 PM City Hall: 1st Floor</p> <p>City Council June 20, 2022 6:30 PM City Hall: 1st Floor</p>	<p>Tom Coots, City Planner tcoots@rollacity.org</p> <p>(573) 426-6974 901 North Elm Street City Hall: 2nd Floor 8:00 – 5:00 P.M. Monday - Friday</p>

V04



What is a Vacation?

A vacation is an application to vacate (or remove) all or a portion of a right-of-way adjacent to a property or an easement on a property. The right-of-way or easement must be found to no longer serve any current or future purpose.

What is a Right-of-Way?

In the context of a vacation application, a right-of-way refers to the area which has been dedicated to the City – usually for a public street. An easement is a portion of land that has granted the City the right to use a private property for some public purpose – usually for utilities, drainage, or access.

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting to learn details about the project. You will be given an opportunity to ask questions or make comments regarding the case.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

A fractional part of Spring Avenue, and, a fractional part of 13th Street in TOWNSEND ADDITION, Rolla, Missouri, AND, a fractional part of a 12.0 foot wide alley in Block 2 of TOWNSEND ADDITION, Rolla, Missouri more particularly described as follows:

Beginning at the Southeast Corner of Lot 4, Block 2 of said TOWNSEND ADDITION; thence South 88°24'00" West, 128.64 feet, and, South 88°10'30" West, 127.03 feet, all along the South lines of Lots 4, 5 and, Block 2 of said TOWNSEND ADDITION and along the South line of Vacation Ordinance No. 3609 for part of Spring Avenue to the southeast corner of Lot 1, Block 3 of said TOWNSEND ADDITION; thence South 0°26'20" West, 12.00 feet to the northeast corner of Lot 12, Block 3 of said TOWNSEND ADDITION; thence South 0°00'40" East, 120.31 feet along the East line of said Lot 12 to its southeast corner; thence South 0°20'40" East, 60.26 feet to the northeast corner of Lot 2 of SPRING AVENUE ADDITION, Rolla, Missouri; thence North 88°07'10" East, 60.02 feet to the northwest corner of Lot 6, Block 5 of the aforesaid TOWNSEND ADDITION; thence continuing North 88°07'10" East, 70.77 feet, and, North 88°15'50" East, 124.63 feet, all along the North line of said Block 5 to the northeast corner of Lot 4, Block 5 of said TOWNSEND ADDITION; thence North 0°32'10" West, 59.71 feet to the southeast corner of Lot 9 of the aforesaid Block 2 of TOWNSEND ADDITION; thence South 88°18'00" West, 65.00 feet, and, South 88°23'20" West, 64.79 feet, and, South 87°29'10" West, 65.06 feet, all along the South line of said Block 2 to the southwest corner Lot 7, Block 2 of said TOWNSEND ADDITION; thence North 0°08'20" East, 121.30 feet along the West line of said Lot 7 to its northwest corner; thence North 88°17'40" East, 65.10 feet, and, North 88°20'40" East, 65.24 feet, and, North 88°18'50" East, 64.64 feet, all along the North lines of Lots 7, 8 and 9, Block 2 of said TOWNSEND ADDITION to the northeast corner of said Lot 9; thence North 0°18'40" East, 12.00 feet to the point of beginning.





310 East 6th Street, Rolla, Missouri 65401
 Phone: 573-364-6362 Fax: 573-364-4782
 email: archer-elgin@cmarcher.com
 Corporate Authority: LS 2011025471



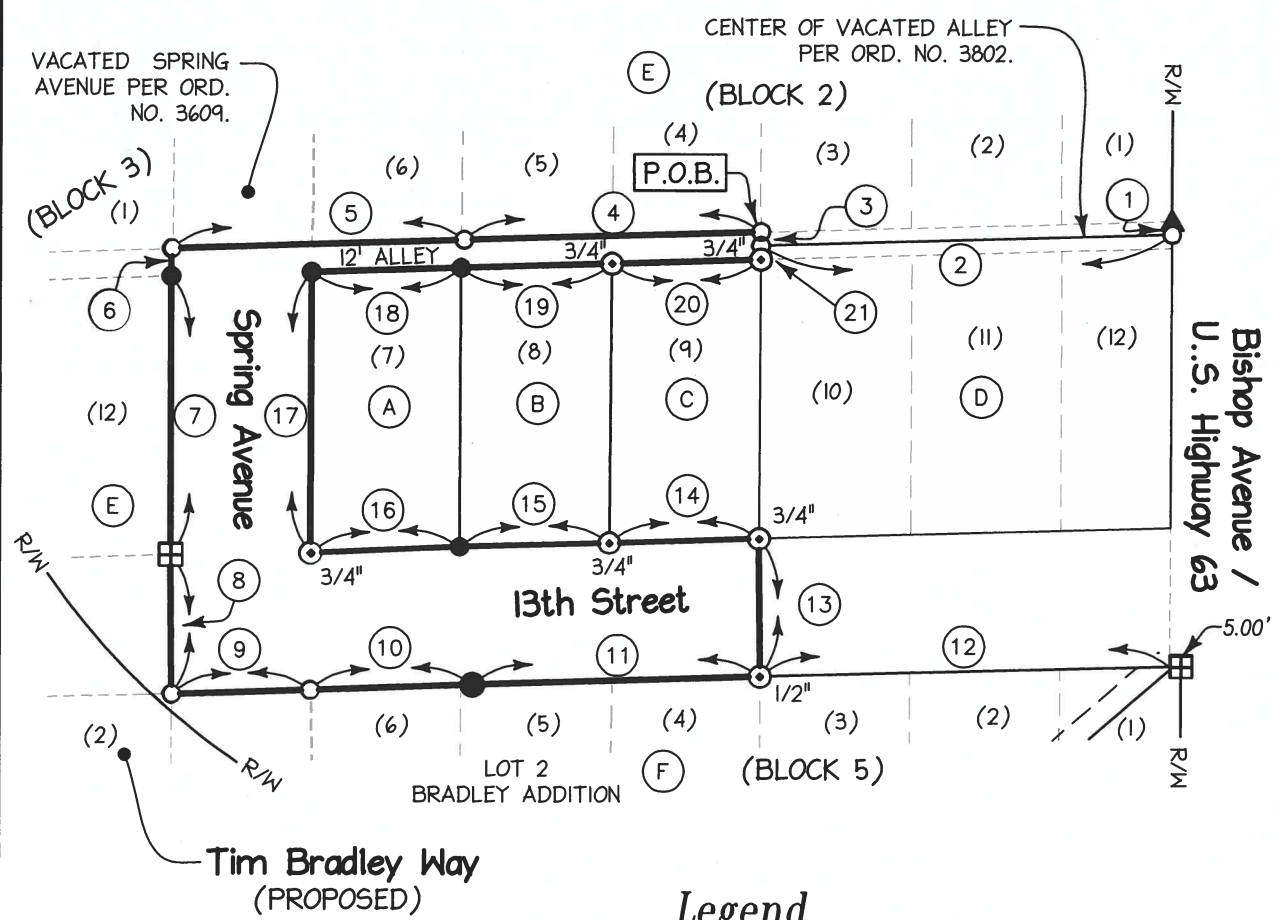
18 MAY 22

VACATION DESCRIPTION

A fractional part of Spring Avenue, and, a fractional part of 13th Street in TOWNSEND ADDITION, Rolla, Missouri, AND, a fractional part of a 12.0 foot wide alley in Block 2 of TOWNSEND ADDITION, Rolla, Missouri more particularly described as follows: Beginning at the Southeast Corner of Lot 4, Block 2 of said TOWNSEND ADDITION; thence South 88°24'00" West, 128.64 feet, and, South 88°10'30" West, 127.03 feet, all along the South lines of Lots 4, 5 and, Block 2 of said TOWNSEND ADDITION and along the South line of Vacation Ordinance No. 3609 for part of Spring Avenue to the southeast corner of Lot 1, Block 3 of said TOWNSEND ADDITION; thence South 0°26'20" West, 12.00 feet to the northeast corner of Lot 12, Block 3 of said TOWNSEND ADDITION; thence South 0°00'40" East, 120.31 feet along the East line of said Lot 12 to its southeast corner; thence South 0°20'40" East, 60.26 feet to the northeast corner of Lot 2 of SPRING AVENUE ADDITION, Rolla, Missouri; thence North 88°07'10" East, 60.02 feet to the northwest corner of Lot 6, Block 5 of the aforesaid TOWNSEND ADDITION; thence continuing North 88°07'10" East, 70.77 feet, and, North 88°15'50" East, 124.63 feet, all along the North line of said Block 5 to the northeast corner of Lot 4, Block 5 of said TOWNSEND ADDITION; thence North 0°32'10" West, 59.71 feet to the southeast corner of Lot 9 of the aforesaid Block 2 of TOWNSEND ADDITION; thence South 88°18'00" West, 65.00 feet, and, South 88°23'20" West, 64.79 feet, and, South 87°29'10" West, 65.06 feet, all along the South line of said Block 2 to the southwest corner Lot 7, Block 2 of said TOWNSEND ADDITION; thence North 0°08'20" East, 121.30 feet along the West line of said Lot 7 to its northwest corner; thence North 88°17'40" East, 65.10 feet, and, North 88°20'40" East, 65.24 feet, and, North 88°18'50" East, 64.64 feet, all along the North lines of Lots 7, 8 and 9, Block 2 of said TOWNSEND ADDITION to the northeast corner of said Lot 9; thence North 0°18'40" East, 12.00 feet to the point of beginning.

V C 6

TOWNSEND ADDITION



Legend

- SET 1/2" IRON ROD
- FOUND 1/2" IRON ROD
- FOUND 5/8" IRON ROD
- ⊙ FOUND IRON PIPE (SIZE NOTED)
- ▲ FOUND R/W MARKER
- ⊞ FOUND CHISELED CROSS
- R/W RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- (1) FORMER LOT NO.



SCALE: 1"=80'

Exhibit "A"

Sheet 2 of 3

CM Archer Group, P.C. dba:

ARCHER-ELGIN

engineering ■ surveying ■ architecture

Corporate Authority:
 CM Archer Group, P.C.: E: 2003023612, LS: 2004017577-D
 Archer-Elgin Surveying & Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618
 310 East 6th Street, Rolla, Missouri 65401 ■ Phone: 573-364-6362 Fax: 573-364-4782 ■ www.cmarcher.com ■ www.elginurvey.com

Vacation Exhibit

Part of 13th Street, Spring Avenue
& Adjoining 12' Alley
Rolla, Missouri

DATE:
May 18, 2022

DESIGNED BY:
SFF

DRAWN BY:
MEP

PROJECT NO.:
J1456D

vcr

COURSES

No.	Bearing	Distance
1	S0°10'30"W	4.76'
2	S88°20'10"W	178.25'
3	N0°18'40"E	6.00'
4	S88°24'00"W	128.64'
5	S88°10'30"W	127.03'
6	S0°26'20"W	12.00'
7	S0°00'40"E	120.31'
8	S0°20'40"E	60.26'
9	N88°07'10"E	60.02'
10	N88°07'10"E	70.77'
11	N88°15'50"E	124.63'
12	N88°26'40"E	177.62'
13	N0°32'10"W	59.71'
14	S88°18'00"W	65.00'
15	S88°23'20"W	64.79'
16	S87°29'10"W	65.06'
17	N0°08'20"E	121.30'
18	N88°17'40"E	65.10'
19	N88°20'40"E	65.24'
20	N88°18'50"E	64.64'
21	N0°18'40"E	6.00'

OWNERS

- | | |
|---|--|
| <p>(A) N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI
2015-0905</p> <p>(B) N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI
2015-0906</p> <p>(C) N/F RYCE TRUST
2017-1520</p> <p>(D) N/F CREMER
363/210
1993-5802</p> | <p>N/F THE CURATORS OF THE UNIVERSITY OF MISSOURI
(E) 2010-2557
2010-2558
2014-2398
2014-5729</p> <p>(F) N/F CITY OF ROLLA
2020-2420
2020-2487
2020-4130
2020-4129
2021-2723</p> |
|---|--|

Exhibit "A"

Sheet 3 of 3



CM Archer Group, P.C. dba:
 Archer-Elgin Surveying & Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618
 310 East 6th Street, Rolla, Missouri 65401 Phone: 573-364-6362 Fax: 573-364-4782 www.elginsurvey.com

Vacation Exhibit

Part of 13th Street, Spring Avenue
& Adjoining 12' Alley
Rolla, Missouri

DATE:	May 18, 2022
DESIGNED BY:	SFF
DRAWN BY:	MEP
PROJECT NO.:	J1456D

JCB



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Final Reading

SUBJECT: Vacation of the remainder of State Street north of 11th Street

(VAC22-02)

MEETING DATE: July 5, 2022

Application and Notice:

Applicant/Owner - Curators of the University of Missouri
Public Notice - Letters mailed to impacted property owners; Legal ad in the Phelps County Focus;
<https://www.rollacity.org/agenda.shtml>

Background: The applicant seeks to vacate the remainder of State Street north of 11th Street. The university owns all of the property adjacent to the street to be vacated. The university has previously vacated the remainder of State Street. The request is needed to allow for construction of a parking garage and main entryway from Tim Bradley Way.

Property Details:

Land area - Approximately 26,600 sq. ft. to be vacated

Public Facilities/Improvements:

Streets - State Street is a local street.
Utilities - Various utilities are located in the right-of-way, however, all are planned to be removed or become private service lines.

Comprehensive Plan: The Comprehensive Plan does not provide guidance on street vacations. The university Campus Master Plan does indicate the need to remove State Street as a public street.

Discussion: State Street will not be needed for access or circulation once the new entry to the university is completed. The entry project and parking garage require that State Street be removed. A sidewalk and fire/emergency access will be provided as a part of the project. The university intends to relocate and assume ownership of some utilities that only serve their property.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a public hearing on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner

Attachments: Ordinance; Exhibit; Public Notice Letter

V 01

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF STATE STREET NORTH OF 11TH STREET

(VAC22-02)

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

SECTION 1: The location of the rights-of-way to be vacated are shown on the attached exhibit.

SECTION 2: The said area to be vacated is more particularly described as follows:

A fractional part of State Street lying east of LADD'S ADDITION, Rolla, Missouri; west of E.W. BISHOP'S SECOND ADDITION, Rolla, Missouri; and, north of 11th Street, being more particularly described as follows:

Beginning at the Southeast Corner of Lot 1 of said LADD'S ADDITION; thence north along the East line of said LADD'S ADDITION to the South line of a vacated portion of State Street as described in City of Rolla Ordinance No. 3585; thence East along said South line of vacated State Street to the West line of Block 76 of the aforesaid E.W. BISHOP'S SECOND ADDITION; thence south along the West line of Block 76 and along the West line of Block 84 of said E.W. BISHOP'S SECOND ADDITION to the southwest corner of Block 84; thence west to the point of beginning.

SECTION 3: The access for fire and emergency services must be maintained for all facilities that were served by State Street.

SECTION 4: That this Ordinance shall be in full force and effect after the its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.

APPROVED:

ATTEST:

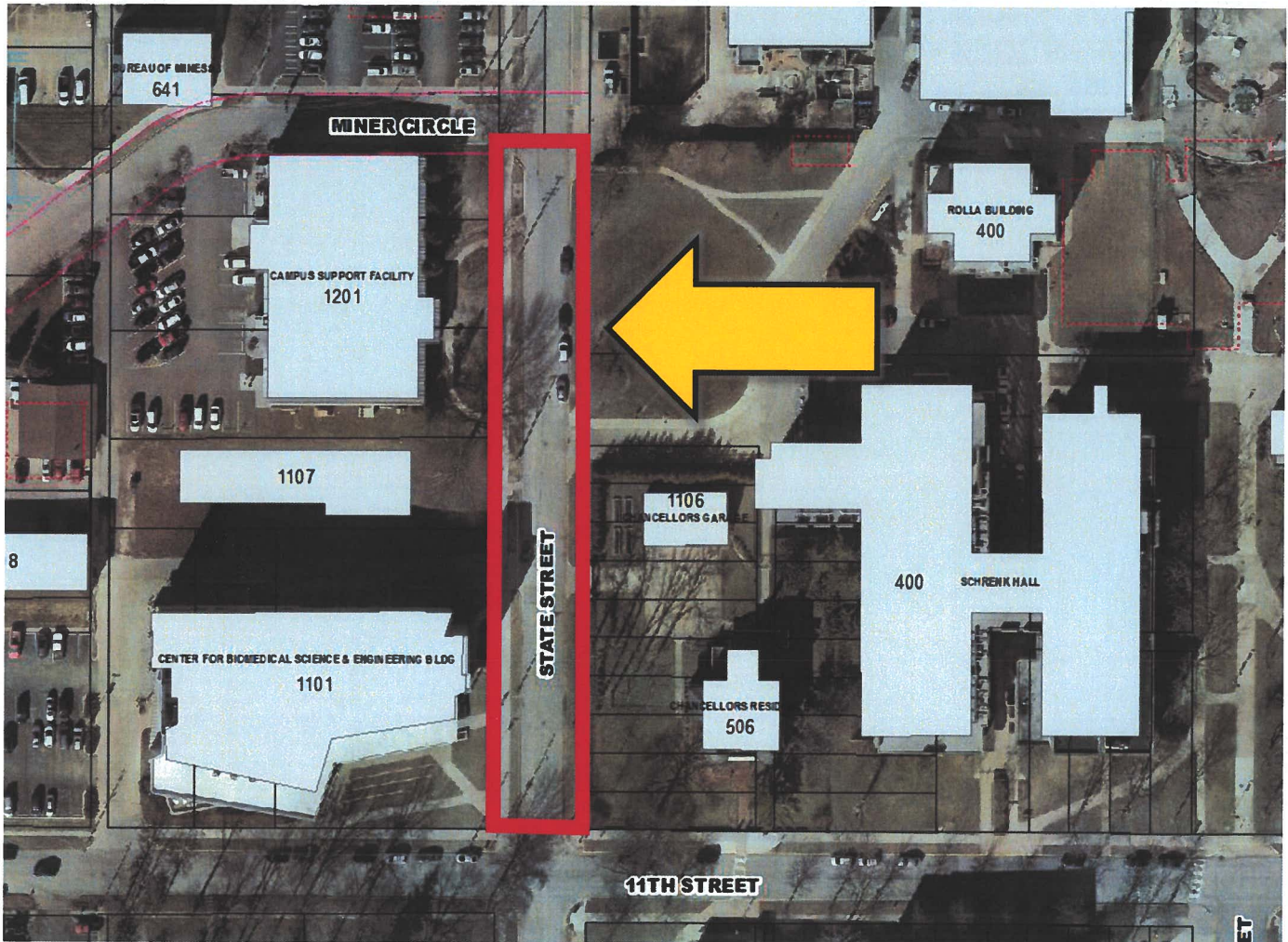
Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

V 02



Project Information:

Case No: VAC22-02
 Location: Adjacent to 1101 – 1201 N State Street
 Applicant: Curators of University of Missouri
 Request:
 Vacation of the remainder of State Street north of 11th Street

Public Hearings:

Planning Commission
June 14, 2022
5:30 PM
 City Hall: 1st Floor

 City Council
June 20, 2022
6:30 PM
 City Hall: 1st Floor

For More Information Contact:

Tom Cools, City Planner
tcools@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

V 03



What is a Vacation?

A vacation is an application to vacate (or remove) all or a portion of a right-of-way adjacent to a property or an easement on a property. The right-of-way or easement must be found to no longer serve any current or future purpose.

What is a Right-of-Way?

In the context of a vacation application, a right-of-way refers to the area which has been dedicated to the City – usually for a public street. An easement is a portion of land that has granted the City the right to use a private property for some public purpose – usually for utilities, drainage, or access.

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting to learn details about the project. You will be given an opportunity to ask questions or make comments regarding the case.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

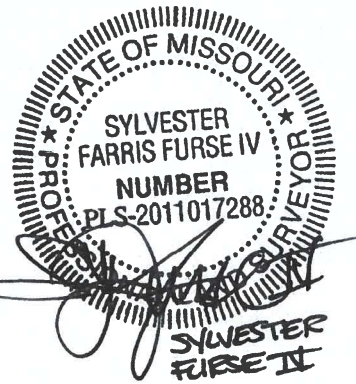
A fractional part of State Street lying east of LADD'S ADDITION, Rolla, Missouri; west of E.W. BISHOP'S SECOND ADDITION, Rolla, Missouri; and, north of 11th Street, being more particularly described as follows: Beginning at the Southeast Corner of Lot 1 of said LADD'S ADDITION; thence north along the East line of said LADD'S ADDITION to the South line of a vacated portion of State Street as described in City of Rolla Ordinance No. 3585; thence East along said South line of vacated State Street to the West line of Block 76 of the aforesaid E.W. BISHOP'S SECOND ADDITION; thence south along the West line of Block 76 and along the West line of Block 84 of said E.W. BISHOP'S SECOND ADDITION to the southwest corner of Block 84; thence west to the point of beginning.

V 04





310 East 6th Street, Rolla, Missouri 65401
Phone: 573-364-6362 Fax: 573-364-4782
email: archer-elgin@cmarcher.com
Corporate Authority: LS 2011025471



VACATION DESCRIPTION

A fractional part of State Street lying east of LADD'S ADDITION, Rolla, Missouri; west of E.W. BISHOP'S SECOND ADDITION, Rolla, Missouri; and, north of 11th Street, being more particularly described as follows: Beginning at the Southeast Corner of Lot 1 of said LADD'S ADDITION; thence north along the East line of said LADD'S ADDITION to the South line of a vacated portion of State Street as described in City of Rolla Ordinance No. 3585; thence East along said South line of vacated State Street to the West line of Block 76 of the aforesaid E.W. BISHOP'S SECOND ADDITION; thence south along the West line of Block 76 and along the West line of Block 84 of said E.W. BISHOP'S SECOND ADDITION to the southwest corner of Block 84; thence west to the point of beginning.

V 05

U.S. Hwy. 63
Bishop Avenue

BLOCK 75
E.W. BISHOP'S
SECOND ADDITION

PREVIOUSLY
VACATED PORTION
OF STATE STREET
PER ORDINANCE
NO. 3585.

ALLEY VACATION PER
ORDINANCE NO. 3534

TOWNSEND
ADDITION

BLOCK 76
E.W. BISHOP'S
SECOND ADDITION

PORTION OF
STATE STREET
TO BE VACATED

LADD'S
ADDITION

BLOCK 84
E.W. BISHOP'S
SECOND ADDITION



SCALE: 1"=150'

11th Street

Exhibit "A"

Sheet 2 of 2

CM Archer Group, P.C. dba:

ARCHER-ELGIN
engineering ■ surveying ■ architecture

Corporate Authority:

CM Archer Group, P.C.: E: 2003023612, LS: 2004017577-D

Archer-Elgin Surveying & Engineering, LLC: E: 2011024038, LS: 2011025471, A-2012014618

310 East 6th Street, Rolla, Missouri 65401

Phone: 573-164-6362

Fax: 573-164-4782

www.cmarcher.com
www.elginsurvey.com

Road Vacation Exhibit

Part of State Street
between LADD'S ADDITION &
E.W. BISHOP'S SECOND ADD'N.

DATE:

May 12, 2022

DESIGNED BY:

SFF

DRAWN BY:

MEP

PROJECT NO.:

J1456D

v o y



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Final Reading

SUBJECT: Wolfe's Corner: a Minor Subdivision Final Plat to reorganize two residential lots into one lot.

(SUB22-05)

MEETING DATE: July 5, 2022

Application and Notice:

Applicant/Owner - Carrie Wolfe

Public Notice - <https://www.rollacity.org/agenda.shtml>

Background:

The applicant owns two residential lots in the Woodcrest Estates Resubdivision and seeks to construct a pool on the property. However, the existing house is entirely on one lot and the desired pool location is on the other lot. The zoning codes do not allow an accessory structure to be constructed by itself on a lot without a primary structure (house). The lots need to be combined to allow for the proposed pool.

Property Details:

Current zoning - R-1, Single-family

Current use - Residential

Land area - Lot 1: 0.64 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on Devonshire Ln and Stratford Ln, both local streets.

Sidewalks - No sidewalks are located adjacent to the property.

Utilities - The subject property should have access to all needed utilities.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for Low Density residential uses.

Discussion: The proposed plat appears to meet all zoning and subdivision requirements.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a meeting on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner

Attachments: Area Map, Plat, Ordinance

V.e.l

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF WOLFE'S CORNER.

(SUB 22-05)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of Wolfe's Corner, a subdivision in City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5th DAY OF JULY, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

J.e.2



Project Information:

Case No: SUB22-05
 Location: 1220 Devonshire Lane
 Applicant: Carrie Wolfe
 Request:
 Minor Subdivision to combine two residential
 lots into one lot



For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

(573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

v.e.3



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Final Reading

SUBJECT: University Fraternity Subdivision No. 3: a Minor Subdivision Final Plat to combine six lots into one lot and vacate utility easements.

(SUB22-06)

MEETING DATE: July 5, 2022

Application and Notice:

Applicant/Owner - Curators of the University of Missouri
Public Notice - <https://www.rollacity.org/agenda.shtml>

Background:

The University of Missouri owns almost all the properties in the University Fraternity Subdivision No. 2 plat. The university is planning to begin construction of the relocated General Services building. Ordinarily, the university is not subject to approvals from the city, such as for permits, subdivision, or zoning. However, in this case the lots to be used for construction are encumbered by utility easements. The applicant has chosen to combine the lots by platting, as well as vacating the easements.

The easements have never been used for utilities, as they were intended for serving individual lots as they developed. Any additional easements needed for the development are planned to be dedicated at a later time.

Property Details:

Current zoning - GI, Government and Institutional
Current use - Recreation and service areas for the university
Land area - Lot 1: 10.22 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on Fraternity Circle and Fraternity Drive, both private streets maintained by the university.
Sidewalks - No sidewalks are located adjacent to the property.
Utilities - The subject property should have access to all needed utilities.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for Public and Institutional uses.

Discussion: The proposed plat appears to meet all zoning and subdivision requirements. Approval of the plat would also vacate certain utility easements.

Planning and Zoning Commission Recommendation:

The Rolla Planning and Zoning Commission conducted a meeting on June 14, 2022 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Area Map, Plat, Ordinance

V.F.1

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF UNIVERSITY FRATERNITY SUBDIVISION NO. 3 AND VACATING CERTAIN EASEMENTS.

(SUB 22-06)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of University Fraternity Subdivision No. 3, a subdivision in City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: The location and legal description of the easements to be vacated are shown on the attached exhibit and described on the plat.

SECTION 3: Said vacation will not take effect until the subject subdivision plat is recorded.

SECTION 4: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

V.S.2



Project Information:

Case No: SUB22-06
 Location: Fraternity Circle
 Applicant: Curators of University of Missouri
 Request:

Minor Subdivision to combine six lots into one lot
 and vacate utility easements

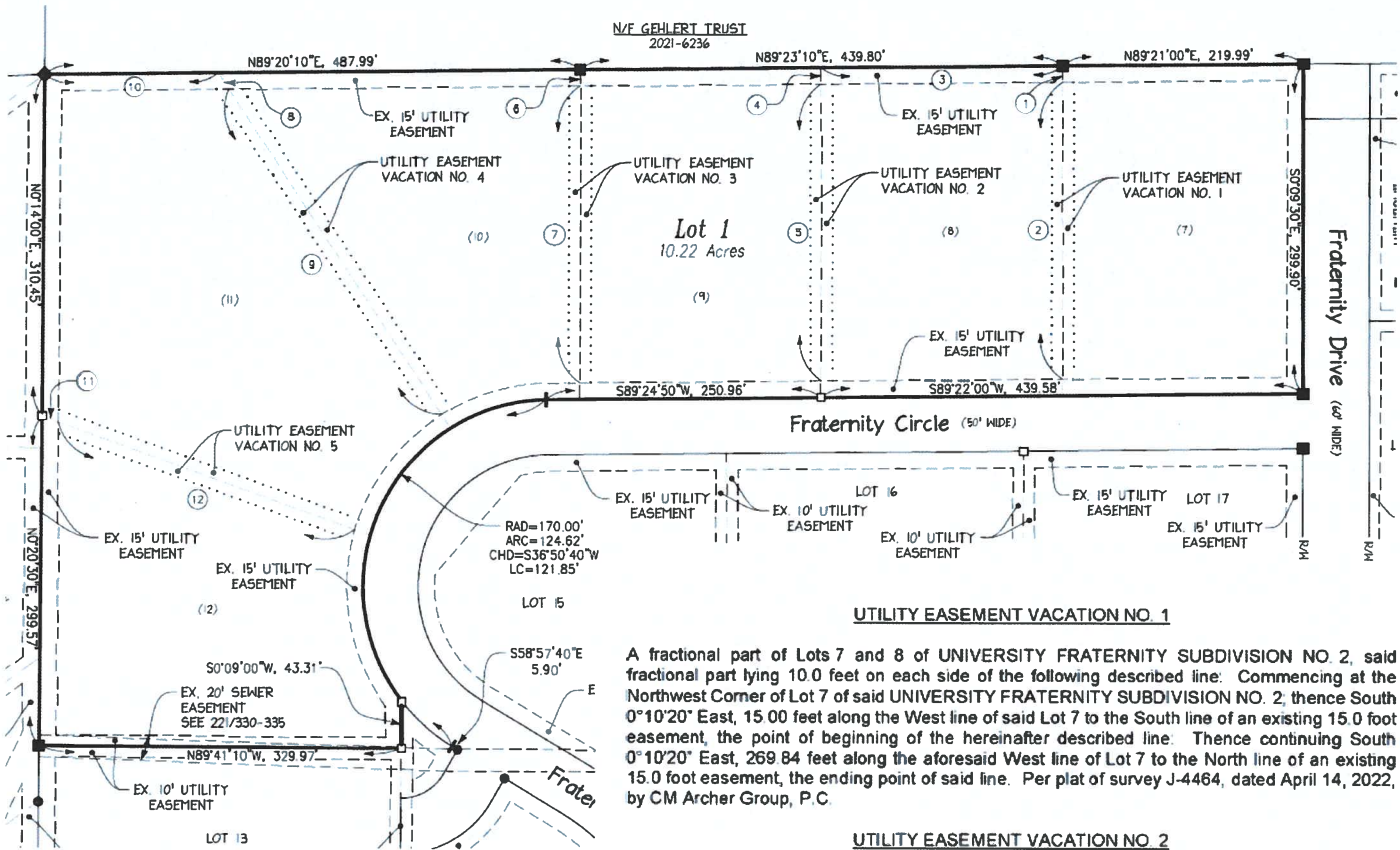


For More Information Contact:

Tom Coots, City Planner
tcoots@rollacity.org

(573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

Vacation Exhibit



UTILITY EASEMENT VACATION NO. 1

A fractional part of Lots 7 and 8 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 7 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 0°10'20" East, 15.00 feet along the West line of said Lot 7 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 0°10'20" East, 269.84 feet along the aforesaid West line of Lot 7 to the North line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

UTILITY EASEMENT VACATION NO. 2

A fractional part of Lots 8 and 9 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 8 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 0°12'50" East, 15.00 feet along the West line of said Lot 8 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 0°12'50" East, 269.92 feet along the aforesaid West line of Lot 8 to the North line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

UTILITY EASEMENT VACATION NO. 3

A fractional part of Lots 9 and 10 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 9 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 0°00'40" East, 15.00 feet along the West line of said Lot 9 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 0°00'40" East, 269.81 feet along the aforesaid West line of Lot 9 to the North line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

UTILITY EASEMENT VACATION NO. 4

A fractional part of Lots 10 and 11 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Northwest Corner of Lot 10 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 33°25'50" East, 17.84 feet along the westerly line of said Lot 10 to the South line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 33°25'50" East, 353.40 feet along the aforesaid westerly line of Lot 10 to the northwesterly line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

UTILITY EASEMENT VACATION NO. 5

A fractional part of Lots 11 and 12 of UNIVERSITY FRATERNITY SUBDIVISION NO. 2, said fractional part lying 10.0 feet on each side of the following described line: Commencing at the Southwest Corner of Lot 11 of said UNIVERSITY FRATERNITY SUBDIVISION NO. 2, thence South 70°13'30" East, 15.90 feet along the southerly line of said Lot 11 to the East line of an existing 15.0 foot easement, the point of beginning of the hereinafter described line: Thence continuing South 70°13'30" East, 286.99 feet along the aforesaid southerly line of Lot 11 to the westerly line of an existing 15.0 foot easement, the ending point of said line. Per plat of survey J-4464, dated April 14, 2022, by CM Archer Group, P.C.

v.s.4

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