Open Citizen Comment Procedure

1) Public Hearings – Any citizen is allowed to ask questions and/or make comments during any public hearing scheduled for a particular issue.

2) “Citizen Communication” – Public comment can be provided on any item on the agenda or on issues affecting the City not on the agenda. Public comments should generally be limited to 3-5 minutes. Citizens are encouraged (but not required) to contact City Administration one week prior to the meeting, preferably in writing, to be placed on the agenda. Doing so provides Council an opportunity to give consideration to the issue/comment.

Rolla City Council Meeting
Monday, May 18, 2015
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Matt Miller

I. PUBLIC HEARINGS
A) Ordinance Amending Certain Provisions of Chapter 42, of the Rolla City Code Pertaining to Zoning – (Community Development Director John Petersen) – First Reading

II. SPECIAL PRESENTATIONS
A) Rolla Municipal Utilities (RMU) FY 2015 Second Quarter Report –
   (RMU General Manager Rodney Bourne)

III. OLD BUSINESS
A) Ordinance Authorizing an Agreement Between the City of Rolla and the Rolla Housing Authority – (Interim Police Chief Rick Williams) - Final Reading
B) Ordinance Enabling the One-Quarter Cent Sales Tax for Local Parks –
   (Parks and Recreation Director Scott Caron) – Final Reading

IV. NEW BUSINESS
A) Ordinance Amending Sections 27-101 & 27-107 of the Rolla City Code Pertaining to Parking – (Public Works Director Steve Hargis) – First Reading
B) Motion Authorizing the Extension of Sanitary Sewer Service to Riback Holdings -
   (Public Works Director Steve Hargis) – Motion
C) Discussion on “Event Center” Zoning Classification/Business License –
   (City Administrator John Butz) – Discussion

V. CLAIMS and/or FISCAL TRANSACTIONS
None.

VI. MAYOR/CITY COUNCIL COMMENTS
A) Motion Appointing Councilmen Walt Bowe, Monty Jordan, & John Meusch to the Audit Committee—Motion

B) Fireworks Regulation – (Councilman Kelly Long)
VII. CITIZEN COMMUNICATION  
A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION  
Pursuant to RSMo. 610.021, the Rolla City Council will discuss the following in Closed Session:  
A) Personnel

X. ADJOURNMENT
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: First Reading

SUBJECT: An Ordinance to amend certain provisions of Chapter 42 of the Rolla City Code, Article III, known as the Planning and Zoning Code, by amending Division 1, Section 42-141, Definitions, pertaining to the definition for Attached Single Family Units and Family or Townhouse along with Divisions 4 and 5 pertaining to Area Requirements for the maximum number of bedrooms permitted in R-2 to R-3 zoned projects and to Division 17, Section 42-240, Required Parking Spaces for Residential and Lodging Use parking.

5-18-2015

COMMENTARY: Three changes are proposed for Division 1, Section 42-141, Definitions. The first proposed change refers to the definition of an Attached Single Family or Townhouse. This type of housing has become very popular with developers wishing to capitalize on the rapid growth of student population around MS&T. The second proposed definition change would add provisions for Building Design Standards for Attached Single Family units. The third change would address some changes to the definition of Family. This ordinance change would impact the number of legal residents permitted per unit.

The next revisions to Division 5 “R-2” two-family and Division 4 “R-3” and “R-3b” address Area Requirements for the maximum number of bedrooms that may be permitted in two-family and multi-family units. For example, the maximum number of bedrooms permitted in R-3 districts would be 8 bedrooms.

The availability of parking in and around downtown Rolla and MS&T is an on-going issue and concern for residents, visitors, the University, and private property owners. Rolla’s regulations pertaining to off street parking can be found in the Planning and Zoning Code, Article III, Division 17, Off-Street Parking. A significant part of this ordinance, particularly Section 42-240 Required Parking Spaces, covers how parking requirements are calculated.

Sec. 42-240, Subsection (a) addresses Residential and Lodging Uses. Current Rolla parking standards provide that for each single-family, attached single-family, duplex, multi-family and manufactured home unit there must be at least 2 paved, off-street parking spaces per unit. Measuring residential parking requirements by the number of units can result in a lack of adequate off-street parking spaces.

The Planning and Zoning Commission met on April 14, 2015 to discuss parking standards for residential development. The proposed parking space change would recalculate parking standards by linking parking spaces to the number of bedrooms per unit. Staff had recommended a revised off-street parking standard of .66 spaces per bedroom. That recommendation came from a focus group of developers and the University. For example, a single family unit with four bedrooms would have been required to provide three off-street spaces (4 x .66 = 2.64).

The proposed changes to the parking ordinance were reviewed by the Planning and Zoning Commission on May 12, 2015. The Commission voted to use a one (1) parking space per bedroom standard instead of the .66 multiplier originally proposed. This standard would apply to new residential projects. The proposed changes are intended to increase the supply of off-street parking resulting in less dense developments.

I A L
# Area Requirement Comparisons for Townhouses Rolla Missouri

<table>
<thead>
<tr>
<th>Address</th>
<th>Total Area</th>
<th>No. of units</th>
<th>No. of Bedrooms</th>
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<th>Green Space</th>
<th>Area Left</th>
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<td>14,880</td>
<td>6</td>
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<td></td>
<td>5,952</td>
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<td>3,790</td>
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<td>Would need 9,600 Sq. feet min. for parking</td>
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<td></td>
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<tr>
<td><strong>102-130 East 16th</strong></td>
<td>26,244</td>
<td>14</td>
<td>28</td>
<td>40%</td>
<td>25%</td>
<td>9,185</td>
<td>Adequate by 36%</td>
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<td>10,498</td>
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<td><strong>1352-1374 North Oak</strong></td>
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<td>12</td>
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<td>7,510</td>
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<td>8,583</td>
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<tr>
<td><strong>120-505 E.16th/N. Oak</strong></td>
<td>15,039</td>
<td>6</td>
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<td>25%</td>
<td>5,263</td>
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<td>6,010</td>
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<td>3,760</td>
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<tr>
<td>Would need 9,600 Sq. feet min. for parking</td>
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<tr>
<td><strong>2051-2149 Vichy Road</strong></td>
<td>110,732</td>
<td>51</td>
<td>100</td>
<td>40%</td>
<td>25%</td>
<td>38,756</td>
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<td>44,293</td>
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ORDINANCE NO. __________

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 42, OF THE ROLLA CITY CODE, KNOWN AS THE PLANNING AND ZONING CODE, ARTICLE III, ZONING.

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

Section 1: That Chapter 42 of the Rolla City Code, known as the Planning and Zoning Code, Article III, Zoning, Division 1, Section 42-141, Definitions, is hereby amended by adding and amending the following definitions:

Sec. 42-141. Definitions.

Attached Single Family or Townhouse: An attached single family dwelling unit or townhouse with at least one private exterior entrance, constructed in a group of two or more attached single family units or townhouse in which each unit extends from the foundation to roof with open space on at least two sides. Attached single family or townhouse shall be limited to 35 (thirty-five) feet in height (2 stories).

Building Design Standards. Buildings designed for Attached Single Family or Townhouse

1. Buildings shall not exceed (150) one hundred fifty linear feet in total frontage;
2. The building fronts of attached townhomes that exceed groups of four (4) units that have unbroken wall and roof planes surfaces of (60) sixty feet or more are prohibited. At least every 60 linear feet, wall or roof planes shall contain offsets or setbacks of at least two (2) feet.
3. A change in texture, material or the use of architectural features to differentiate individual units to ensure that buildings have a multi-faceted exterior in which building fronts are combined with window and door placements as well as other architectural details, such as the use of dormers, gabled roof front stoops, flower boxes, and or shutters may be used in-lieu of 2 above.

Family: The following living arrangements shall constitute a “Family”.

1. Eight (8) or fewer unrelated persons or four or fewer unrelated persons, plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, living as a single housekeeping unit in areas zoned R-3 (Multi-Family District) with single kitchen facilities and no more than (8) eight bedrooms per unit; or 

I. A. 3.
2. Four (4) or fewer unrelated persons, plus their biological, adopted or foster
children or other minors, for whom they have legally established custodial
responsibility, living as a single housekeeping unit in areas zoned RR (Rural
Residential District), R-1 (Single Family District), and R-2 (Two Family District)
with single kitchen facilities; or

3. One (1) or more persons related by blood, marriage, adoption or custodial
relationship living as a single housekeeping unit; or

4. Domestic servants, employed on the premises, may be housed on premises
without being counted as part of a family. The term family shall not be construed
to mean fraternity, sorority, club, or institutional group.

Section 2: That Chapter 42 of the Rolla City Code, known as the Planning and Zoning
Code, ARTICLE, III, ZONING, DIVISION 5. “R-2” TWO FAMILY DISTRICT is
hereby amended by adding the following:

Sec. 42-174.3. Area Requirements.

Maximum Number of Bedrooms Permitted:
4 Bedrooms per unit

Section 3: That Chapter 42 of the Rolla City Code, known as the Planning and Zoning
Code, ARTICLE, III, ZONING, DIVISION 4. “R-3 or R-3b” MULTI-FAMILY
DISTRICT is hereby amended by adding the following:

Sec. 42-177.2. Area Requirements.

Maximum Number of Bedrooms Permitted
8 Bedrooms per unit

Section 4: That Chapter 42 of the Rolla City Code, known as the Planning and Zoning
Code, Article III, Zoning, Division 17, Section 42-240 Required Parking Spaces, is hereby
amended to read as follows:

Sec. 42-240. Required Parking Spaces

(a) Residential and Lodging Uses:

Single-family attached and detached, two family, manufactured homes where
permitted: 1 (one) parking space for each bedroom.

Multi-family dwellings: 1 (one) space for each bedroom.
• **Boarding, rooming and lodging houses:** One (1) for each lodging room.

• **Dormitories fraternities, single student housing, and sororities:** Two (2) for each three (3) occupants based on the capacity of the building plus any additional parking required for public assembly requirements of this Section.

• **Hotels and motels:** One (1) for each sleeping room, plus any spaces required for accessory uses such as restaurants, cocktail lounges, meeting rooms, etc.

**Section 5:** That 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 1ST DAY OF JUNE 2015.

APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor
2015
Fiscal Year 2nd Quarter Report

Rolla Municipal Utilities
Provided to Rolla City Council
May 18, 2015
# TABLE OF CONTENTS

- **1945 Rolla Board of Public Works Statement** 3
- **Second Quarter Financial Recap** 4
- **Status of Pending Projects** 5-7
- **Miscellaneous** 7
- **2015 Comparative Rate Information** 8-10
A STATEMENT BY THE
BOARD OF PUBLIC WORKS

The Electric Power and Water System of the City of Rolla will be known as the ROLLA MUNICIPAL UTILITIES. Mr. J. B. Bronson will continue as general manager.

It will be the policy of the Board to operate the Rolla Municipal Utilities strictly on a business basis. There will be no change in the general policies of the management. All rates will be the same for the present.

The Board has three primary obligations:

1. To give the best possible service to the Citizens of Rolla.

2. To accumulate funds for the payment of the indebtedness. (Bond Issue and Revenue Certificates).

3. To build up reserve funds for any emergency and for replacement of machinery and equipment.

Regarding Service Interruptions:

This trouble is not in the local system, but in the source of supply. We hope eventually to have other sources of supply available and improve the electric service in Rolla.

Beginning immediately, $1000.00 per month from the profits will be paid to the General Fund of the City of Rolla, which is to replace the Franchise Tax formerly paid by the Missouri General Utilities.

No merchandise will be sold in competition with local merchants.

No repair service will be maintained in competition with local Electric Service men.

Next Monday, November 12th, our offices will open in our new building, formerly the Negro U. S. O Building, 102 W. 8th Street. All business will be transacted from this location after that date. The Rolla Free Public Library will occupy the second floor, and the State Board of Health and the County Agent the basement of this building. These quarters are furnished to the above organizations without cost as a public service of the Rolla Municipal Utilities.

Rolla Board of Public Works

H. E. CASTLEMAN, President
F. H. FRAME, Vice-President
R. E. SCHUMAN, Secretary
F. A. CAMERON, Member
SECOND QUARTER FINANCIAL RECAP (Unaudited)

OPERATING INCOME and EXPENSES

<table>
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<tr>
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<th>2nd Quarter FY 2014</th>
<th>2nd Quarter FY 2015</th>
<th>CHANGE</th>
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<td>OPERATING REVENUES</td>
<td>$16,446,294</td>
<td>$16,314,749</td>
<td>($131,545)</td>
</tr>
<tr>
<td>OPERATING EXPENSES</td>
<td>$16,322,373</td>
<td>$16,041,574</td>
<td>($280,799)</td>
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<tr>
<td>OPERATING INCOME</td>
<td>$123,922</td>
<td>$273,175</td>
<td>$149,253</td>
</tr>
<tr>
<td>OTHER INCOME &amp; EXP.</td>
<td>$262,223</td>
<td>$316,016</td>
<td>$53,793</td>
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<tr>
<td>NET INCOME</td>
<td>$386,145</td>
<td>$589,190</td>
<td>$203,045</td>
</tr>
</tbody>
</table>

Upon completion of the second quarter of FY 2015, Operating Revenues are down $131,545 as compared to last year. Operating Expenses are down $280,799 for the same period resulting in an Operating Income of $273,175, which is up $149,253. When combined with miscellaneous income and expenses, RMU experienced a Net income of $589,190, which is up $203,045 as compared to the second quarter of FY2014.
STATUS OF PENDING PROJECTS

ELECTRIC DEPARTMENT

- ELECTRICAL EXTENSIONS/UPGRADES
  - Dewing Industrial Substation - New three-phase 12kV overhead distribution system tie-line installation and 12kV conversion. 29 poles - project length of 8,250'. Started, November 5, 2013. Completed, January 29, 2015.
- **POWER PRODUCTION**

- **WATER DEPARTMENT**
  - **WATER MAIN INSTALLATION**
    - 2nd Street from Walnut to Poe Street - Replace existing 4" cast iron with 8" PVC. Started, December 2, 2014. Completed, March 17, 2015.
    - Wellington Place - Replace existing 6" ductile iron with 8" PVC. Started, March 31, 2015.

- **Fourteen (14) WATER TAPS**

- **One (1) FIRE HYDRANT**
MISCELLANEOUS

- Witnessed automatic transfer programming and factory acceptance test of 34kV reclosers for HyPoint Industrial Park project in Boingbrook, Ill. on February 17-19, 2015. Attended by two RMU employees.
- Public Water Supply Compliance and Operational Inspection - Inspection by Michelle Oglesby, Environmental Specialist from MoDNR Southeast Regional Office. No significant deficiencies were found. Completed, March 24-25, 2015.

- PERSONNEL
    Randy Frazee, Night Serviceman. Started, April 6, 2015
    Michael Bell, Laborer 1. Started, April 20, 2015.

- APPA LEGISLATIVE RALLY
  - Bourne attended the annual rally March 9-11, 2015.
2015 COMPARATIVE RATE INFORMATION

- Requests for residential rate information were sent to several utilities within a 60 mile radius of Rolla. The following is a summary of the results received.
- Rate comparisons do not indicate the level of service provided with the actual commodity.

Water Residential: Based on a Thirty (30) day month (5/8" meter)
Consider:
- Type of source water
- Type of treatment
- Level of Service supplied
- Condition of system
- ISO Rating & water system
- Capital project budget
- Available response equipment
- Response to customers/leaks

<table>
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<tr>
<th>5000 Gallons</th>
<th>2014</th>
<th>2015</th>
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<tbody>
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<td>St. James</td>
<td>$13.00</td>
<td>$13.00</td>
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<tr>
<td>St. Robert</td>
<td>$11.00</td>
<td>$13.75</td>
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<tr>
<td>Cuba</td>
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<tr>
<td>Hermann</td>
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<td><strong>Rolla</strong></td>
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<tr>
<td>Public Water #2 of Phelps County</td>
<td>$40.70</td>
<td>$40.70</td>
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NOTE: Rate change from previous year.
2015 COMPARATIVE RATE INFORMATION (con’t)

Electric Residential: Based on a Thirty (30) day month
Consider:
- Condition of System
- Level of Service Provided
- Outage response
- Outage prevention/tree trimming
- Safety and Training
- Capital project budget
- Available response equipment
- Long term planning

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<th>Co-Op's</th>
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<td>*AmerenUE</td>
<td>**$93.96</td>
<td>**$167.61</td>
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*Former Sho-Mo Cities

*MoPEP Cities

*Fuel Adjustment Charge:
2015 - Cuba - .0119 monthly
** Ameren charges .00485/kWh-3 time yearly
Richland - monthly adjustment based on kWh purchased
Three Rivers Electric - 4% increase effective April 2, 2015

**Summer rates shown

Winter rates

Note: Rate change from previous year
2015 COMPARATIVE RATE INFORMATION (con't)

NOTES:

- City of Richland FAC is adjusted monthly based how many kWh's are purchased.
- City of Cuba has a monthly FAC adjustment of .0119.
- Three Rivers Electric increased by 4% April 1, 2015.
- City of Lebanon in discussions for an adjustment.
- Ameren charges $.00465/kWh 3 times a year based on fuel costs. They have filed for a 10% increase but expect to receive something less. Rates include energy efficiency charge of $.0012/kWh/winter; $.0007/kWh/summer. (Rates DO NOT include FAC).
Commentary:

The Rolla Police Department (RPD) has been working with the Rolla Housing Authority (RHA) to improve the quality of life for the residents of Section 8/HUD housing, by working to eradicate the criminal element that live in or frequent this type of housing. We have come to conclude that in order to be able to have the impact that is needed to improve these neighborhoods, we need to have a full-time housing officer to conduct investigations, assist in background checks, and work on quality of life issues. While this is important support for the mission of the RHA, the contract also provides substantial benefit to the larger Community by providing early and direct interdiction in potential problems in low income areas. The RPD and the RHA have been working together now for 4½ years and have proven that this program is working. We are asking that this relationship continue.

In exchange for the assignment of an officer to work these housing areas, the RHA is willing to pay $24,000.00 which is half of the officer’s salary and benefits. The RPD would be responsible for the same amount of approximately $24,000.00. It is our belief that with this relationship we can continue to make great strides in reducing criminal and drug activity in these types of housing areas.

This would be a three-year contract, with the option to renew each additional year.

Recommendation:

Motion to consider final reading of ordinance.
JOINT CITY/HOUSING SERVICE CONTRACT

Whereas, the City of Rolla, Missouri and the Housing Authority of the City of Rolla (RHA) mutually desire to enter into an Agreement whereby the Rolla Police Department (RPD) will provide and manage a Housing Officer (HO) Program in the Rolla Housing Authority; and

Whereas, the parties further desire to set forth the specific terms and conditions of the services to be performed and provided;

Now, Therefore, the parties hereto agree as follows:

I. Term of Agreement

The term of this agreement is one year commencing on June 1, 2015 and ending on May 31, 2016. The Agreement shall be renewed and extended annually for additional and successive one-year terms until full term of May 31, 2018, unless notice of non-renewal is given by either party, in writing, within sixty (60) days prior to the succeeding term. If the Agreement requires a modification at the time of renewal, such modification shall be outlined in a written Amendment and signed by the authorized officials. Upon full term of May 31, 2018, a new Agreement shall be entered into, if so desired.

II. Employment and Assignment of Housing Officer

A. The City of Rolla agrees to employ one Housing Officer (HO) during the term of this agreement. The HO shall be an employee of the City of Rolla and shall be subject to the administration, supervision and control of the City of Rolla and the Rolla Police Department, except as such administration, supervision and control are subject to the terms and conditions of this Agreement.

B. The City of Rolla agrees to provide and to pay a HO’s salary and employment benefits in accordance with the applicable salary schedules and employment practices of the City of Rolla, including but not necessarily limited to: sick leave, annual leave, retirement compensation, disability salary continuation, workers compensation, unemployment compensation, life insurance, dental insurance, and medical/hospitalization insurance. The HO shall be subject to all other personnel policies and practices of the City of Rolla and the Rolla Police Department except as such policies or practices may have to be modified to comply with the terms and conditions of this Agreement.

C. The Rolla Police Department, in its sole discretion, shall have the power and authority to hire, discharge and discipline the HO.
D. One HO shall be primarily assigned to the Rolla Housing Authority by the Rolla Police Department and at the discretion of the Executive Director of RHA.

E. In the event the HO is absent from work, the HO shall notify both his/her supervisor in the Rolla Police Department and the Executive Director or the housing authority office of the building to which the HO is assigned.

F. RPD will provide to the RHA the telephone number to call to obtain HO related absence, when the requested service cannot wait for the HO’s return to duty. When the HO is expected to be absent for three or more consecutive days, RPD will assign another officer to serve as the temporary HO, providing as many of the duties listed in Paragraph A within Section VIII.

III. Supplies and Equipment

A. The RPD agrees to provide a HO with the following:

1. standard uniform and uniform accessories;

2. a standard patrol vehicle for which the RPD agrees to:
   a. provide all necessary maintenance;
   b. pay for gasoline, oil, replacement tires and other expenses associated with its operation; and
   c. purchase and maintain comprehensive general auto liability insurance in an amount not less than the coverage recommended by the Risk Manager for the City; and

3. a standard issue pistol and rounds of ammunition.

B. The RHA agrees to provide a HO with the usual and customary office supplies and forms required in the performance of duties.

IV. Financial Consideration

A. The RHA agrees to compensate the City of Rolla one-half (1/2) of the total cost of an officer’s salary. In return, the City of Rolla Police Department will ensure that the officer devote, on average, 20 hours a week performing the duties of a HO. Total cost is calculated by adding the current officer’s guaranteed base salary plus benefits. The annual cost may be adjusted as necessary to account for increases in
the HO’s salary and benefits, but will increase no more than three percent (3.0%) during any year of this agreement. When such an increase occurs, RPD will notify the RHA who will be given 60 days within which to terminate the contract.

B. Said compensation shall be paid by the RHA to the City of Rolla in twelve equal, monthly installments. RPD will send invoices each month to RHA for payment, which will be due and payable 15 days after the invoice is sent to the RHA.

V. Insurance and Indemnification

A. The City of Rolla agrees to hold the RHA, its agent and employees free, harmless, and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the following:

1. the performance of the duties of the HO or the HO program; or

2. allegations of unfair or unlawful employment practices brought by the HO.

B. Neither the City of Rolla nor the Rolla Housing Authority waives any protections or defenses of sovereign immunity or statutory caps of damages authorized by law.

VI. Goals and Objectives

A. It is understood and agreed that the RHA and RPD officials share the following goals and objectives with regard to the HO in the housing buildings:

1. To reduce overall crime in the housing buildings;

2. To have the HO to serve all legal notices or help serve the notices as a liaison between the housing authority and other law enforcement agencies;

3. To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at the building and grounds, such as: disorderly conduct by trespassers, the possession and use of weapons on building grounds, the illegal sale and/or distribution of controlled substances, and riots;

4. To report serious crimes that occur on housing property and to cooperate with the law enforcement officials in their investigations of crimes that occur at housing property;

5. To cooperate with law enforcement officials in their investigations of criminal offenses which occur off housing properties.
VII. Duty Hours

A. The HO shall be on duty at the RHA an average of twenty (20) hours per week. The specific HO duty hours at a particular building shall be set by mutual agreement between the RHA, at the discretion of the executive director of housing authority to which the officer is assigned, and the RPD, by the officer in charge of the HO Program.

B. It is understood and agreed that time spent by a HO attending court and/or criminal cases arising from and/or out of his/her employment as an HO shall be considered as hours worked under this Agreement.

VIII. Duties of a Housing Officer (HO)

A. The duties of the HO shall include the following:

1. To protect lives and property for the citizens and tenants of the Housing Authority of the City of Rolla;

2. To enforce Federal, State and Local criminal laws and ordinances, and to assist RHA officials with the enforcement of Board of Commissioners Policies and Administrative Regulations regarding tenants conduct;

3. To investigate criminal activity committed on or adjacent to housing property;

4. To counsel tenants in special situations, such as tenants suspected of engaging in criminal misconduct, when requested by the RHA;

5. To answer questions and conduct classroom presentations for tenants in the law-related education field;

6. To assist other law enforcement officers with outside investigations concerning tenants attending the building(s) to which the HO is assigned;


8. The HO shall coordinate and communicate with the administration of the housing to which he/she is assigned.

IX. Transporting Tenants

The HO shall not transport any tenant in a police vehicle except when the tenant is a victim of a crime, under arrest, or some other emergency circumstances exist.
X. Investigation of Crimes Committed on Housing Grounds or at a Housing Function

A. Interview and Interrogation Procedures

1. In the event a serious crime is committed at a housing building or at a housing activity, the administration, with the assistance of the HO, should question any witnesses to determine that a crime was committed and who committed the crime.

2. The HO shall have the general authority to question or interrogate any tenant at the housing building who may have information about criminal misconduct or the violation of the conduct policies of the RHA.

3. As a general rule, the interrogation should be conducted in cooperation with and in the presence of a housing official; but when immediate action is necessary, or in an emergency situation, the HO may interrogate a tenant without the presence of a housing official.

B. Search Procedures

When requested by housing officials, the HO shall assist with any search in order to protect the safety of all persons involved in the search. If the search uncovers evidence of criminal misconduct, the evidence may be held for or turned over to the HO.

C. Reporting of Serious Crimes

If an investigation uncovers evidence of a serious crime as defined in Missouri Criminal Statutes and the RHA administrative regulations, the RHA official shall notify the HO, the tenants and the appropriate housing personnel.

XI. Bomb Threats

Housing officials, the HO and fire safety officials shall cooperate in the implementation of procedures in the event of a bomb threat (see RHA Emergency Procedures Manual and the RPD Policy regarding Bomb Threats). In the absence of physical evidence, it is the administrator’s decision to evacuate the property.

XII. Controlled Substances

A. Housing officials shall notify the HO in all cases involving ALL possessions, sales or distribution of controlled substances at housing building or housing activities.
B. Any controlled substances or suspected controlled substances confiscated by housing officials shall be turned over to the HO for proper identification and eventual destruction.

C. The HO will work with the narcotics division to reduce drugs within the housing units, which will be a main focus.

XIII. Riots and Civil Disorders

A. In the event a riot or civil disorder occurs in housing, the Executive Director and the HO shall discuss and agree upon a response to the situation.

B. If, in the opinion of the Executive Director and/or HO, additional law enforcement personnel are needed to restore and/or maintain order, the HO will contact the appropriate law enforcement agency and request that assistance. The Executive Director or his designee also shall notify additional RHA personnel as needed.

XIV. Access to Tenant Records

A. Housing officials shall allow the HO to inspect and copy any public records maintained by the RHA. However, law enforcement officials may not inspect and/or copy confidential tenant records except in emergency situations.

B. If some information in a tenant's cumulative record is needed in an emergency to protect the health or safety of the tenant or other individuals, housing officials may disclose to the HO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety. A full explanation as to the need of the information to meet the emergency situation and the extent to which time is of the essence shall be articulated in the HO's official police report.

C. If confidential tenant record information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

XV. Evaluation

It is mutually agreed that the RHA shall evaluate annually the HO Program and the performance of the HO on forms developed by the RPD. It is further understood that the RHA's evaluation of each officer is advisory only and that the RPD retains the final authority to evaluate the performance of the HO.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year indicated below:

Executed this ____ day of ______________, 2015, on behalf of the Housing Authority of Rolla, Missouri.

Approved:

_______________________________
Joshua Meyer
Executive Director

Attest:

_______________________________
John F. Morrissey
Executive Director

Approved as to Form:

_______________________________
Ed Hoertel
Attorney to the Housing Authority

Executed this ____ day of ______________, 2015, on behalf of the City of Rolla, Missouri.

Approved:

_______________________________
Louis J. Magdits, IV
Mayor, City of Rolla

Attest:

_______________________________
Carol L. Daniels
City Clerk

Approved as to Form:

_______________________________
Lance Thurman
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Scott Caron, ACTION REQUESTED: Final Reading
Parks and Recreation Director

ITEM/SUBJECT: Park Sales Tax Ordinance

BUDGET APPROPRIATION (IF APPLICABLE) $0 DATE: May 18, 2015

COMMENTARY:

On January 5, 2015 City Council authorized a ¼ cent sales tax for local parks (Proposition P) to
be submitted to Rolla voters on April 6, 2015. The ballot language read:

Shall the municipality of Rolla, Missouri impose a sales tax of one-quarter of
one percent, for eight years, then reduced to three-sixteenths of one percent
beginning October 1, 2023 for the purpose of providing funding for local
parks?

The City will use this sales tax solely for local parks, in order to maintain,
 improve and manage parks, trails, playgrounds, parking lots, bathrooms,
cemetery and natural lands for recreational purposes. These funds are
prohibited for support of the Centre.

The measure was approved by voters with 68% in favor of Proposition P. Due to its passage, the
Parks and Recreation Department will be able to mow, maintain and improve the current park
system. In addition, the Parks and Recreation Department will no longer receive a transfer from
the General Fund.

The main emphasis of this measure is to provide a sustained revenue stream, capital maintenance
projects will take place over the next 8 years. Attached is a list of projects/parks identified for
improvements. Due to the lag time in receiving the sales tax revenue, the vast majority of the
projects will not begin until 2017. This will allow the staff and community to prioritize the
projects and develop a detailed plan.

Also attached is a drawing of the project to be completed this fiscal year. The trailhead parking
lot of the Acorn Trail at Hwy. O would be paved. Signs would be added at the entrance, and
another along the trail with the trail and etiquette. A bike repair station would be added for those
beginning or ending rides from this highly utilized area.

Staff recommends having a final reading and approving the ordinance enacting the ¼ cent sales
tax.

ITEM NO. 111. 8. 9.
### 2016 - 2024 Maintenance Improvements

(Preliminary Only)

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Other projects not included:

Veteran's Park, Holloway House or Schuman Train Engine

III. 6.2
ORDINANCE NO. __________

AN ORDINANCE REPEALING SECTION 37-23 OF THE ROLLA CITY CODE AND ENACTING A NEW SECTION IN LIEU THEREOF ENACTING A ONE QUARTER CENT SALES TAX (REDUCED TO THREE-SIXTEENTHS CENT IN 2023) FOR LOCAL PARKS TO MAINTAIN, IMPROVE AND MANAGE PARKS, TRAILS, PLAYGROUNDS, PARKING LOTS, BATHROOMS, CEMETERY AND NATURAL LANDS FOR RECREATIONAL PURPOSES. THESE FUNDS ARE PROHIBITED FOR SUPPORT OF THE CENTRE.

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

Section 1: That Section 37-23. 1/2 Cent Local Parks Sales Tax, of the Rolla City Code is hereby repealed and a new Section 37-23 is hereby enacted to read as follows:

Sec. 37-23. One-Quarter (1/4) Cent Local Parks Sales Tax

(a) That effective October 1, 2015, there shall be a one quarter of one cent local Park sales tax for eight years, then reduced to three-sixteenths of one percent beginning October 1, 2023, hereby imposing upon all persons in the City of Rolla, Missouri, who are engaged in the business of selling tangible personal property and taxable services subject to sales tax under the provisions of Sections 644.032, 144.010 to 144.525 RSMo (revised statutes of Missouri) and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto.

(b) That the city clerk is hereby directed to forward a certified copy of this ordinance to the Director of Revenue of the State of Missouri within ten (10) days of the effective date of this ordinance together with a map of the City of Rolla that clearly shows the boundaries thereof.

Section 2: That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 18TH DAY OF MAY 2015.

APPROVED:

LOUIS J. MAGDITS, IV, MAYOR

ATTEST:

CAROL L. DANIELS, CITY CLERK

APPROVED AS TO FORM:

LANCE THURMAN, CITY COUNSELOR
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance 1st and 2nd Reading

ITEM/SUBJECT: ONE HOUR/TEN HOUR PARKING ORDINANCE

BUDGET APPROPRIATION (IF APPLICABLE) DATE: 05/18/15

************************************************

COMMENTARY:

The attached ordinance reflects any recent changes in one hour and ten hour parking restrictions. In addition staff completed a field survey of all existing one hour and ten hour parking zones throughout the city. This ordinance reflects the results of the survey. In addition, these one hour and ten hour parking zones have been added to our GIS mapping.

Staff requests 1st and 2nd readings and recommends approval.
ORDINANCE NO. __________


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

Section 1: That Sections 27-101 and 27-107 of the Code of the City of Rolla, Missouri, are hereby repealed and new Sections 27-101 and 27-107 are hereby enacted in lieu thereof as follows:

Sec. 27-101. One-hour parking - From 8:00 A.M. to 5:00 P.M.

Between the hours of 8:00 a.m. and 5:00 p.m., except on Sundays and legal holidays, no motor vehicle shall be parked for a period of time longer than one hour along the following streets:

.01- Seventh Street, on the south side, from a point one hundred and forty-six feet east of the intersection of Seventh Street and Pine Street to a point one hundred and eighty-six feet east of the intersection of Seventh Street and Pine Street. (Ord. 3983)

.02- Main Street, on the west side, from a point sixty feet south of the intersection of Main Street and Seventh Street to a point two hundred and fifteen feet south of the intersection of Main Street and Seventh Street. (Ord. 3983)

.03- Ninth Street, on the south, from a point eighteen feet west of the intersection of Ninth Street and Rolla Street to a point forty feet west of the intersection of Ninth Street and Rolla Street. (Ord. 3983)

.04- Sixth Street, on the north side, from a point forty-five feet west of the intersection of Olive Street and Sixth Street to a point two hundred and thirty-five feet west of the intersection of Olive Street and Oak Street. (Ord. 3983)

.05- Cedar Street, on the east side, from a point forty feet south of the intersection of Cedar Street and Seventh Street to a point ninety feet south of the intersection of Cedar Street and Seventh Street.

It shall be unlawful for any person to cause or permit any motor vehicle registered in his/her name to be unlawfully parked as set out in this section.

Sec. 27-107. Ten-hour parking on certain municipal lots.

No motor vehicle shall be parked for a period of time longer than ten consecutive hours, excluding weekends, unless otherwise posted on the following municipal lots:

.01- Parking lot between Eighth Street and Ninth Street, east of Oak Street. (Ord. 3983)
.02- Parking lot between Ninth Street and Tenth Street, Elm Street and Oak Street, except for the four designated "Visitor Parking Spaces" at the southwest corner of the parking lot. (Ord. 3983)

.03- Parking lot between Fifth Street, Sixth Street, Elm Street and the Burlington Northern Railroad tracks, except for the numbered lots. No parking between the hours of 1 a.m. and 5 a.m.

.04- Parking lot between Seventh Street and Eighth Street, along the west side of Elm Street. No parking between the hours of 7:00 a.m. and 5:00 p.m., excluding weekends, unless otherwise posted. (Ord. 3983)

.05- Parking lot on the north side of Eighth Street and the west side of Rolla Street. No parking between the hours of 1 a.m. and 5 a.m. (Ord. 3983)

.06- Parking lot on the east side of Park Street and the south side of Eighth Street and the west side of Main Street. No parking between the hours of 1 a.m. and 5 a.m. (Ord. 3983)

.07- Parking lot being that portion of Cedar Street between Fourth Street and Fifth Street and also being lots 141, 142, 143 and 144, Block 5 of the James Addition to Rolla. (Ord. 3983)

It shall be unlawful for any person to cause or permit any motor vehicle registered in his/her name to be unlawfully parked as set out in this Section.

Section 2: That 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 1st DAY OF JUNE 2015.

APPROVED:

ATTEST: ________________________________

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Motion

ITEM/SUBJECT: Sanitary Sewer Service Outside City Limits Riback Holdings

BUDGET APPROPRIATION (IF APPLICABLE) N/A DATE: 5/18/15

*******************************************************************************

COMMENTARY:

Riback plans to move their existing construction/plumbing supply store from its existing location on Bardsley Road to the Twitty Industrial Park. The Twitty Industrial Park is outside the city limits.

Riback has submitted a draft sewer use agreement that would allow them to connect to the city sewer. They are requesting annexation but with the stipulation that they not be annexed until the balance of the Twitty Industrial Park is annexed.

The balance of the Twitty Industrial Park receives sewer service from the county water district. A few have septic systems. The former Mead Chemical property, located in the Twitty Industrial Park, was connected to the city sewer at the time the sewer was extended to the former Cantex property.

If approved all costs to connect to the city sewer would be borne by Riback Holdings.

The attached map depicts the Twitty Industrial Park bordered by Old Saint James Road on the south, I-44 on the west and north and the Tenbrink Apartments on the east. The area is completely surrounded by the City of Rolla. The Riback tract is Parcel 4031.00. The existing sanitary sewer is shown in green and generally runs along the east boundary of the Twitty Industrial Park.

On May 12th Planning and Zoning reviewed the request and took no action.

Staff is seeking guidance on proceeding. If approved, staff will prepare the necessary documents for the agreement and annexation petition.

ITEM NO. IV. B.1.
Draft 1

SEWER USE AGREEMENT

This agreement is entered into the ___ of __________, 2015 by Riback Holdings and Investment (hereinafter “Owner”), Grantee, with the City of Rolla, Missouri, a municipal corporation hereinafter (“City”), Grantor.

Whereas, Owner has made a request for sewer service for its property located on Twitty Drive, Rolla, MO 65401 (?); and

Whereas, this property is located outside the city limits; and

Whereas, Owner is willing to annex to the City under certain conditions; and

Whereas, by voluntarily entering into this agreement, Owner and City in accordance with Rolla City Code Section 35-133, intend to further define their duties and responsibilities to ensure that their respective actions are coordinated in order to meet the requirements of said section 35-133; and

Now therefore, in consideration of the foregoing recitals and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof:

   ADD LEGAL DESCRIPTION

2. The parties agree that the following stipulations outlines in this agreement are necessary and are reasonable as outlined below.

   A. The owner of the above described property hereby grants the Rolla City Counselor the power of attorney to submit a petition for annexation of the above land into the City of Rolla subject to all property west of Burgher Branch and east of US 1 44 and north of Old St. James Road and south of the Rolla City Limits also annexing into the City of Rolla.

   B. The parcel of property shall be developed in accordance with Rolla City Code Chapter 42, M1 Light Manufacturing District;

   C. The parcel of property shall be developed in accordance with City Specifications and standards as though the property were in the City Limits;

   D. The sewer connection fees, as set forth in section 35-131 of the Rolla City Code, shall be paid in advance;

   E. The owner of the premises to be served is subject to a monthly sewer use as set forth in Section 35-127 of the Rolla City Code;
F. The owner shall be responsible for obtaining easements and construction of all sewer mains, together with all necessary sewer lines;

G. The owner shall authorize right of entry by the City’s representative or agent, at any time, for the purpose of inspecting and testing the owner’s sewer system or to perform work to correct or improve such sewer system;

H. The owner shall correct, repair, or alter within a specified time period, any portion of the sewer line found to be defective by the City’s representative or agent upon written notice by the Public Works Director or his representative. In the event the owner fails to meet the specified time schedule to correct such sewer system the City may performs such corrective work and the owner shall compensate the City for such work in an amount equal to the actual cost to the city or city’s contractor;

I. All sanitary sewer lines permitted by this agreement shall comply with all City ordinances governing the installation of sanitary sewers with the corporate limits of the City;

J. The city reserves the right to cut off or disconnect any connection made under the provisions of the agreement in the event the charges or fees required by the chapter become delinquent or in the event of a violation of the provisions of the Chapter.

3. Applicable Standards and Approvals. All improvements outlined herein shall be made in accordance with all applicable city ordinance requirements, except those outlined in this agreement. The owner shall be responsible for obtaining approval for any portion of the improvements that require approval from another jurisdiction.

4. Recording of Agreement. City agrees to record this agreement with the Phelps County Recorder’s Office and agrees to pay the costs of said recording. The Covenant herein shall run with the land as described above and shall be binding and inure to the benefits of the parties hereto and their successors and assigns and on any future and subsequent purchasers.

5. Complete Agreement. This agreement shall constitute the complete agreement between the parties and any modification shall be in writing and signed by both parties.

6. Severability. Any provision of this agreement which is not enforceable according to law will be severed here from, and the remaining provisions shall be enforced to the fullest extent permitted by law.

7. Authority. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement. This agreement shall not be valid until executed by the parties and approved by motion of the City Council of the City of Rolla, Missouri.

Signature Block
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator ACTION REQUESTED: Discussion/Direction

ITEM/SUBJECT: Follow-up Discussion on “Event Center” Zoning Classification

BUDGET APPROPRIATION (IF APPLICABLE) N/A DATE: May 18, 2015

COMMENTARY:

On March 16, the City Council, Staff, and Nick Barrack, owner of CSE and the Highway 72 Event Center discussed the application of a business license for the new event center and the appropriate zoning. The former Fat Cats facility is zoned C-2 (General Retail District). The City does not have a specific zoning classification for a private event center and as such is subject to interpretation. While there are several individual by-right uses of businesses that might take place in an event center, it is Staff’s position that the mere diversity of a variety of recreational venues (i.e., private wedding receptions, private fraternity parties or dances, rummage sales, gun sales or sporting sales, and sports venues) disqualifies the C-2 (General Retail District) by-right use. In addition, P&Z and City Council adopted a C-2 (General Retail District) conditional use classification for Family Entertainment and Recreation Complex (FERC) for precisely this type of flexible use.

The matter was referred to P&Z at their May 12 meeting to consider whether a new zoning classification was needed or warranted if the FERC was adopted for this type of activity. P&Z did not make a formal recommendation but by consensus did not feel an ordinance clarification was needed and that a FERC was a reasonable classification.

Council has allowed the Event Center to operate temporarily without a business license but compliance should be forthcoming. It is Staff’s recommendation that a FERC application should be submitted in the next 30 days (will take 30-60 days to process through P&Z and Council.) Failure to do so would be deemed operating an event center business without a business license.

Discussion needed.

ITEM NO. 101
Nick Barrack – Zoning/Business License

Mr. Nick Barrack has filed for a business license for an “Event Center” on his building behind the Family Center on Hwy 72 (currently zoned C-2). The City does not have an obvious zoning classification for an event center though several (permanent) like-uses can be found as a permitted use in C-2 zoning. However, the very nature of the intermittent use of the property for a wide variety of uses such as gun shows, rummage sales, wedding receptions, wrestling/boxing/UFC, that could include alcohol and/or food and concessions makes it more in line with a “conditional use” or FERC (family entertainment and recreational complex). The other option would be for P&Z and Council to modify the ordinance to place a “private event center” as a by-right use in C-2 (not recommended), a by-right use in C-3 (not recommended) or as a conditional use in C-2 (either explicitly or through the FERC). Per City Code an appeal of a denial of a business license is appealed to City Council.

Sec. 25-5. Appeal.

Any person aggrieved by the action of the City in the denial of an application for license as provided in this Chapter shall have the right of appeal to the City Council of the City of Rolla, Missouri. Such appeal shall be taken by filing with the City Administration, within seven days after notice of the action complained of has been mailed to such person's first known address, a written statement setting forth fully the ground for the appeal. The City Administration shall set a time and place for a hearing on such appeal and notice of such hearing shall be made postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for hearing. The decision and order of the City Council on such appeal shall be final and conclusive.

C-2 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 travelling 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. (Ord. 3414)
C-2 (General Retail) Sec. 42-189.1. Uses Permitted.

1. Any use or conditional uses permitted in the foregoing C-1 District, including existing single-family and two-family residential uses.
2. Any conditional use permitted in the R-R District.
3. [Barred text]
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.
10. [Barred text]
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. Miniature golf courses and driving ranges.
19. Monument sales, retail dealers (outside display permitted).
20. Parking garages, commercial.
21. Pest control services.
22. Pet shops, animal hospitals, clinics and kennels.
23. Plumbing shops.
24. Printing, publishing, book binding, and photo-processing, including drive-through facilities.
25. Produce market, retail (outside display permitted).
27. Recreation vehicle or mobile home sales or service (outside storage permitted).
28. Restaurant, on-site sales and consumption of alcoholic beverages permitted.
29. Retail stores and other shops for custom work or making of articles to be sold at retail on the premises.

IV. C.3.
30. 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.
31. Recording studios.
32. Second hand goods store and pawn shop.
33. Second hand or used car sales yard, not including wrecking and repairing (outside display permitted).
34. Skating rinks, swimming pools, gymnasia and commercial, commercial.
35. Antiques, goods sales.
36. Store and restaurant fixture sales.
37. Taxi and limousine transportation services.
38. Telecommunication facilities and towers exceeding one hundred (100) feet in height.
39. Theaters, motion picture and performing arts.
40. Tobacco product sales.
41. Water, bottled, sales.
42. Video game arcades.
43. Recreational stands: such as fire works stands, Christmas tree lots, snow cone vendors, and similar outlets that are temporary uses.

C-2 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.

Family Entertainment and Recreation Complex (FERC): A for profit business primarily engaged in the provision of multiple and diversified recreation and entertainment venues designed to support a range of entertainment and recreational needs of varied age groupings. Specific services or activities in a FERC may include a variety of complementary, mixed uses, such as movie theatres or other theatre, billiard or pool rooms, arcade games, laser tag, ball pit, snack bar/restaurant (with or without liquor sales, establishments offering mechanical or
electronic amusement devices, bowling alley, ice or roller rink, miniature golf, concerts, dancing, and all other similar places of entertainment or recreation.

Sec. 42-232.3. Operation Requirements for a FERC.

The following rules and regulations shall apply to the operation of a FERC in Rolla:

Nothing in this sub-section shall be construed to permit any person to conduct, sponsor, or operate any FERC, which is not allowed under the Rolla Planning and Zoning Code. A FERC may be located in a C-2 (general retail district) as a conditional use. A FERC shall not be located within one hundred (100) feet of a school or church.

Nothing in this sub-section shall be construed to permit any person to conduct, sponsor, or operate any FERC, which creates a nuisance.
ZONING CODE

ARTICLE III
ZONING

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. (Ord. 3414)

Sec. 42-189.1. Uses Permitted.

(1) Any use or conditional uses permitted in the foregoing C-1 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) Miniature golf courses and driving ranges.
(19) Monument sales, retail dealers (outside display permitted).
(20) Parking garages, commercial.
(21) Pest control services.
(22) Pet shops, animal hospitals, clinics and kennels.
(23) Plumbing shops.
(24) Printing, publishing, book binding, and photo-processing, including drive-through facilities.
(25) Produce market, retail (outside display permitted).
(26) Radio-TV. repair shops.
(27) Recreation vehicle or mobile home sales or service (outside storage permitted).
(28) Restaurant, on-site sales and consumption of alcoholic beverages permitted.
(29) Retail stores and other shops for custom work or making of articles to be sold at retail on
the premises.
(30) 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.
(31) Recording studios.
(32) Second hand goods store and pawn shops.
(33) Second hand or used car sales yard, not including wrecking and repairing (outside
display permitted).
(34) Skating rinks, swimming pools, gymnasiums, commercial.
(35) Sporting goods sales.
(36) Store and restaurant fixture sales.
(37) Taxi and limousine transportation services.
(38) Telecommunication facilities and towers exceeding one hundred (100) feet in height.
(39) Theaters, motion picture and performing arts.
(40) Tobacco product sales.
(41) Water, bottled, sales.
(42) Video game arcades.
(43) Seasonal businesses; such as fire works stands, Christmas tree lots, snow cone vendors,
and similar outlets that are temporary uses.

(Ord. 3414; Ord. 3566, §1)

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.

(Ord. 3414)

Sec. 42-189.3. Area Requirements.

Minimum size of lot:
| Area:     | 6,000 square feet. |
| Lot frontage: | 60 feet at front lot line. |
| Width:    | 60 feet at front lot line. |

Maximum height of buildings:
| Forty five (45) feet or three (3) stories above average finished grade. |

Maximum percentage of lot that may be occupied by buildings:
| All buildings: | 40 percent |

(Revised 10/03)
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. (Ord. 3414)

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.
10. Carpet cleaning.
11. Contractor's equipment, sales and service.
12. Commercial laundry, dry cleaning, linen and towel or diaper supply service.
13. Crematoriums.
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.

(Ord. 3414; Ord. 3493, §3; Ord. 3611, §3)
ROLLA CODE

One (1) attached flush mounted wall sign may be used on each building. The sign shall not exceed twenty five (25) square feet in effective sign area. (Ord. 3946)

Sec. 42-231.8. Litter Control.

Waste cans, dumpster units, or other forms of litter control and refuse disposal devised shall be placed on the site in a location where they are least visible from a public right-of-way. Each litter control device shall be enclosed so that no part of the device shall be visible from public right-of-way or from adjoining properties. (Ord. 3946)

Sec. 42-231.9. Other Zoning Regulations.

All property in the area shall continue to be zoned as shown on the Official Zoning Map until such time as the City Council shall vote to modify the Official Zoning Map pertaining to individual lots. (Ord. 3946)

Sec. 42-232. Family Entertainment and Recreation Complex - Purpose

It is hereby declared to be the policy of the City of Rolla, Missouri to license and regulate Family Entertainment and Recreation Complexes for the purpose of preserving and caring for the safety, health, comfort and general welfare of residents and visitors who may be attracted to and use such a facility, having in mind that many young persons require more care and attention than those of a more mature age. These rules are fashioned to the end that order may be maintained, property protected and the purpose, specified above, preserved. (Ord. 4090, §1)

Sec. 42-232.1. Definitions.

For the purposes of interpretation and enforcement, and unless the context requires otherwise, words and terms used in this section shall have the meanings ascribed to them as follows:

Family Entertainment and Recreation Complex (FERC): A for profit business primarily engaged in the provision of multiple and diversified recreation and entertainment venues designed to support a range of entertainment and recreational needs of varied age groupings. Specific services or activities in a FERC may include a variety of complementary, mixed uses, such as movie theatres or other theatre, billiard or pool rooms, arcade games, laser tag, ball pit, snack bar/restaurant (with or without liquor sales, establishments offering mechanical or electronic amusement devices, bowling alley, ice or roller rink, miniature golf, concerts, dancing, and all other similar places of entertainment or recreation.

Mechanical or Electronic Amusement Devices: Any machine, which, upon the payment of a charge or upon the insertion of a coin, slug, token, disc, etc. may be operated by the public as a game, entertainment, or amusement, whether or not registering a score. This definition includes electronic video games, marble machines, pinball machines, skill ball, mechanical grab machines, electronic bowling machines, electronic driving machines, electronic baseball, football, hockey or basketball machines, any and all air-propelled machines or games, shooting games, billiard/pool tables, snooker table, foosball, and all games, operations or transactions.

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similar thereto under whatever name they may be indicated, whether or not electronically operated. This definition does not include any devise the possession or use of which is prohibited by law. The above enumeration devices shall not be deemed to be exclusive.

Billiard or Pool Hall: Any premise, business, or establishment that maintains six (6) or more regulation billiard or pool tables available for public use.

Operator: Any person, firm, corporation, partnership, or association or club who sets up for operation by another or leases a FERC.

Proprietor: Any person, firm, corporation, partnership, or association or club who as the owner and /or lessee has under his or its control a FERC.

(Ord. 4090, §1.1)

Sec. 42-232.2   License Required; Application and Fee.

(a) No person, corporation, partner, association, trust or firm shall engage in the business of a FERC in Rolla without obtaining a FERC business license (and an alcohol sales license if alcohol is sold and/or consumed on site); if alcohol is sold and/or consumed on site it shall be permitted only if sales do not exceed fifty (50) percent or more of the business’s gross income derived from all business activity on premise;

(b) All applications for a FERC license shall be in writing in a manner required by the Finance Director, signed and sworn to by the applicant and shall set forth:

(1) The name, mailing address, email address, and telephone number (including cell phones), of all applicants;
(2) The physical address of the FERC location;
(3) A description of the number, types, location and age level to be served by each mechanical or electronic amusement devises to be used in the FERC;
(4) Submission of a security and safety plan to the Fire Marshal and Chief of Police for review.
(5) A parking space layout showing the minimum number of spaces and location;
(6) Proposed hours of operation;
(7) The maximum number of persons permitted to occupy the FERC at any time under any situation, as determined by the Codes Administrator and Fire Marshal;
(8) A completed liquor license application, if applicable;
(9) Additional information as may be necessary in order for the Finance Director to make a determination required by this sub-section.

(c) Upon receipt of a completed license application for a FERC and after approval for zoning compliance by the Codes Administrator, the Finance Director shall cause an inspection of the premise to be made by the Fire Marshal/Codes Administrator to determine whether the applicant has complied with the ordinances they are charged with enforcing. The Fire Marshal/Codes Administrator and members of his staff shall have the right to enter upon any premise for which a FERC is sought for the purpose of making such an inspection during normal business hours.

(Revised 09/13)
Further inspections of the premises may be made after a license has been issued if deemed necessary by the Finance Director in coordination with the Codes Administrator and Fire Marshal.

(d) No FERC license shall be issued to any person who has pled guilty to or been convicted of any Class A felony.

(e) Applications for renewal shall be received by the Finance Director at least sixty (60) days before expiration and shall be in the form as required for the original license. If the license is denied, the Finance Director shall notify the holder of the license of the reasons for denial upon which this determination was made in writing not later than thirty (30) days before expiration of the license.

(f) Each license granted hereunder shall be valid for a term of twelve (12) months from the date of issuance, unless revoked or suspended. Fees paid for less than a full year shall be prorated on a quarterly basis. Fees are otherwise non-refundable.

(g) The initial application for a FERC license shall be accompanied by an application fee of two hundred dollars ($200). The annual license renewal fee shall not exceed one hundred dollars ($100) if the mechanical or electronic amusement devices available in the FERC have not been changed over the previous twelve (12) month term.

(Ord. 4090, §1.2)

Sec. 42-232.3. Operation Requirements for a FERC.

The following rules and regulations shall apply to the operation of a FERC in Rolla:

(a) Nothing in this sub-section shall be construed to permit any person to conduct, sponsor, or operate any FERC, which is not allowed under the Rolla Planning and Zoning Code. A FERC may be located in a C-2 (general retail district) as a conditional use. A FERC shall not be located within one hundred (100) feet of a school or church.

(b) Nothing in this sub-section shall be construed to permit any person to conduct, sponsor, or operate any FERC, which creates a nuisance.

(c) No minor under the age of fourteen (14) shall be allowed to operate any mechanical or electronic amusement device in a FERC unless such minor is accompanied by a parent or guardian or during the hours when such person’s school is in session. Such a restriction notice shall be posted in a conspicuous place near the entrance to the FERC.

(d) No cash rewards shall be offered or given in any contest, tournament, league or individual play or on any mechanical or electronic amusement device; and no such device shall be permitted to operate if said device delivers or may readily be converted to deliver to the player any coins, slugs, or tokens, unless such coins, slugs, or tokens can only be used to purchase prizes from an onsite store. They cannot be redeemed for cash.

(e) The licensee of any FERC shall comply with all provisions of federal, state, or local laws and ordinances pertaining to the operation and maintenance of a FERC.

(f) The operator and/or proprietor of a FERC shall comply with all notices, rules, and regulations of the City of Rolla governing the occupation and use of a FERC.

(g) The issued license for a FERC shall be posted in a conspicuous place within the FERC.

(h) The operator or proprietor of a FERC shall not permit at any time a greater number of persons within the FERC than capacity as approved by the Fire Marshal/Codes Administrator and set forth on the FERC license form.

764.4

(Revised 09/13)
(i) The operator and/or proprietor of a FERC shall maintain good order at all times in the FERC including onsite-parking areas. The lack of good order shall include fighting and rowdy behavior, gambling, illegal, or excessive consumption of alcoholic beverages, and any other illegal drug use onsite.
(Ord. 4090, §1.3)

Sec. 42-232.4. Revocation or Suspension of a FERC License.

Every FERC license issued under authority of this ordinance is subject to the right, which is hereby expressly reserved, to be revoked or suspended should the operator or proprietor, directly or indirectly, permit the operation of any FERC, including any mechanical or electronic amusement device contrary to the provisions of this ordinance or the laws of the State of Missouri. Revocation or suspension of a FERC license may also be caused where the applicant for the license has knowingly or negligently made false or misleading statements when applying for this license. Failure to comply with all other statutes, codes, or ordinances, particularly building and fire codes, shall be a justification for revocation or suspension of a FERC license.
(Ord. 4090, §1.4)

Sec.42-232.5. Request for Hearing.

Any person aggrieved by the denial of a license to operate a FERC or denial of the renewal of such license, may request a hearing before City Council, at which hearing such person shall be afforded the opportunity to be heard on all facts or issues involved. The request for a hearing must be made in writing no less than ten (10) days following the denial and sent by certified mail to the City Administrator. The City Administrator shall, upon receiving a request for a hearing shall schedule a hearing not later than fifteen (15) days from the date of actual receipt of the request and shall notify all parties of the time and place thereof. The City Council shall have ten (10) days following the date of the hearing to render a decision in writing. A request for a hearing shall stay any license revocation or suspension until such time as a hearing has been held and a decision rendered therein; provided, however, that if the Chief of Police or the Fire Marshal has found that a public safety imperatively requires emergency action, the license shall continue to be summarily suspended pending a hearing and decision in accordance with this section.
(Ord. 4090, §1.5)

Sec.42-232.6. Penalties for Offenses.

Any person who shall act as a FERC operator without a valid license or who shall violate any of the provisions of this code or who shall continue to act subsequent to the revocation of his license shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than three hundred ($300) dollars per day, for each day of noncompliance.
(Ord. 4090, §1.6)

Sec. 42-232.7. Exemptions.

This ordinance shall not apply to, and no license required for, the operation of a FERC of the kind herein specified:
(a) Wherein the proceeds there from are to be devoted exclusively to charitable, benevolent or religious purposes.

(Revised 09/13)
(b) Where the operation thereof is upon the property and premises of a private membership club and for the benefit of its members or their guests; provided, that said exemption will terminate if said private membership club operates any device for the use or enjoyment of the general public.

(c) Any business that could be classified as a FERC that has been legally conducting business at the same location for a minimum of five (5) years are exempted from FERC licensing requirements. The exemption will be terminated if the business relocates to another location. (Ord. 4090, §1.7)

Sec. 42-233. Reserved
Sec. 13-5. Audit Committee; selection of members, term of office.

The Audit Committee is hereby established consisting of five members. The members of the committee shall include three members from the City Council, representing the widest range of the city possible, having been appointed by the Mayor subject to the consent and ratification of the City Council. The term shall be annual and members shall be eligible to succeed themselves. The City Administrator and Finance Director shall also be members of the committee. (Ord. 3625, §1; Ord. 3767, §1)

Sec. 13-6. Duties generally.

There shall be an Audit Committee, which shall serve as an advisory committee to the Mayor and City Council. The committee may participate in the selection of the auditing firms, participate in the review of the City's investment program and make recommendations on major financial matters to the City Council as needed. The committee shall also participate in the pre-audit as well as the post-audit. The committee shall foster communication between auditors, staff, council members and the mayor to provide a better understanding of the city's financial affairs. (Ord. 3625, §1)

Secs. 13-7 to 13-8. Reserved.
Sec. 14-44. Discharge of Fireworks.

a. Any individual or organization may discharge fireworks as herein defined, without permit, on the 1st, 2nd, 3rd, 4th and 5th days of July. No fireworks may be discharged without the fire department’s special permit between the hours of midnight and 8 a.m.

b. No fireworks shall be discharged within 100 feet of any stand, booth, or other location where fireworks are being sold.

c. Every person who shall sell fireworks in accordance with this Chapter shall post notice at their place of sale warning that no fireworks shall be discharged within 100 feet of such place of sale as per city ordinance and shall post notice that fireworks may be discharged within the city limits on July 1st, 2nd, 3rd, 4th and 5th.

d. Indoor Pyrotechnics displays are prohibited in establishments, which are licensed to serve alcohol within the City of Rolla. A special use permit would be required through the Missouri Division of Fire Safety and the City of Rolla Fire & Rescue for any other Pyrotechnic displays in the City Limits of Rolla.

e. The uses of Sky Lanterns, also known as Kongming Lantern are prohibited in the City of Rolla. They are constructed from oiled rice paper on a bamboo frame, and contain a small candle or fuel cell composed of a waxy flammable material. When lit, the flame heats the air inside the lantern, causing the lantern to rise into the air. The sky lantern is only airborne for as long as the flame stays alight, after which the lantern floats back to the ground.

(Ord. 4104)

Secs. 14-45 to 14-50. Reserved.