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, March 21, 2016
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Brian Woolley

I. PUBLIC HEARINGS
   A) Ordinance Rezoning an 11.9 Acre Tract Located North of Wild Horse Run Plat No. 1 from R-1 (Single Family District) to RR (Rural Residential District) Zoning (Joyner) – (Community Development Director John Petersen) – First Reading
   B) Ordinance Rezoning a Fractional Part of the Forum Plaza Shopping Center from C-1 (Neighborhood Business District) to C-2 (General Retail District) Zoning (Super Market Developers) - (Community Development Director John Petersen) – First Reading
   C) Ordinance Rezoning Tract A of Lost Acres Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Goldberg) – (Community Development Director John Petersen) – First Reading

II. SPECIAL PRESENTATIONS
   A) Limited Deer Hunts in Rolla - Missouri Conservation Agent Mr. Darrin Wood

III. OLD BUSINESS
   A) Ordinance Authorizing the Mayor to Execute a Missouri Highways & Transportation Commission STP-Urban Program Agreement for Salem Avenue Improvements – Public Works Director Steve Hargis) – Final Reading

IV. NEW BUSINESS
   A) Ordinance Approving the Final Plat of HyPoint West Plat No. 1 (HyPoint West) – (Comm. Development Director John Petersen) – First Reading (Final Reading requested)
   B) Ordinance Approving the Final Plat of HyPoint East Plat No. 1 (HyPoint East) – (Community Development Director John Petersen) – First Reading
   C) Ordinance Approving the Final Plat of Rolla Property, LLC No. 1 (Rolla Property) – (Comm. Development Director John Petersen) – First Reading (Final Reading requested)
   D) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Refuse Containers – (Environmental Services Director Brady Wilson) – First Reading
V. CLAIMS and/or FISCAL TRANSACTIONS
   A) Motion Awarding Bid for a Half-Ton Pickup Truck for Environmental Services Dept. –
       (Environmental Services Director Brady Wilson) – Motion

VI. MAYOR/CITY COUNCIL COMMENTS

VII. CITIZEN COMMUNICATION
   A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION
    Pursuant to RSMo. 610.021(12), the Rolla City Council will discuss the following in Closed
    Session: Contract Negotiations

X. ADJOURNMENT
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development    ACTION REQUESTED: First Reading Public Hearing

ITEM/SUBJECT: Request to rezone an 11.9 acre tract of land located in a Fractional Part of the SW1/4 of the NW 1/4, Section 24, T37N, R8W from R-1 (Single Family District) zoning to RR (Rural Residential District) zoning (Joyner)

DATE: 3-21-2016

GENERAL INFORMATION:

CASE #: 1-3-16

Applicant(s): Ginger K. and Paul A. Joyner, 1411 Ramsey Road, Rolla Missouri, 65401 – 4445, 573-714-4218, 573-429-2272. Email address ginger@wjv-law.com. The real estate proposed for rezoning is subject to a real property tax sales contract signed by the applicants, a signed Application for Rezoning of Real Estate form and a Warranty Deed dated January 16, 2005.

Status of Applicant: The applicant has a contract to purchase the property.

Current Zoning/Use: The subject property is zoned for R-1 (Single Family District) zoning. The property is currently undeveloped.

Proposed Zoning /Use: The applicant is proposing to rezone the subject property from R-1 to RR. Rural Residential zoning consists of properties whose principal uses are large lot development with limited agricultural activities. The applicants propose to build one, single family home on the 11.9 acre property. Access to the interior parts of the property will rely on a private – unpaved driveway. Under Rolla city Code, private driveways in property zoned R-1 must be paved with a hard surface like concrete or asphalt. Properties located in RR zoned districts are not required to be paved due to the size of the driveways normally associated with large lot development in rural areas.

To be considered “legal”, RR zoned properties are required to have a minimum lot size of 40,000 Sq. Ft. with no more than one dwelling unit per lot. The proposed zoning will, given the size of the total tract, have no difficulty satisfying all lot coverage requirements, setbacks or open space standards.

Location: The 11.9 acre property is located north of the Wild horse Run Plat No.1 having access to Rolla Street, creating an intersection with Dana Renee Drive.

FINDINGS: The Rolla City Council may consider the following factors in their recommendation to approve, approve with conditions or deny the rezoning request.
1. **Neighborhood character/impact:** The proposed Joyner project will not have a negative impact on the adjoining property. The single family project will be located on over 11 acres of currently vacant land proposed for the development of one single family dwelling. Rezoning the subject property from R-I to RR will stabilize the adjacent land use by withholding from development a significant portion of the entire 11.9 acre tract.

Property access and traffic flow is another consideration when examining potential neighborhood impact. The proposed development will not increase traffic flow through the existing Wild Horse Run neighborhood. No other points of ingress or egress will be provided.

2. **Consistency with the Rolla 2020 Comprehensive Plan Update:** The Future Land Use plan map found in the Rolla 2020 Comprehensive Plan Update adopted by City Council in 2006 shows the subject property as being suitable for low density residential land use.

3. **Adequacy of utilities & public service:** All public utilities and services are available to support the project, mostly along Lions Club Drive corridor. The developer will be responsible for carrying the cost of extending all utilities in to the project area.

4. **Impact on Streets and Parking:** The proposed development will not adversely impact vehicular traffic moving into or out of the area.

5. **Physical Characteristics:** The subject property drains storm water to the north, northwest. The site is heavily wooded, which adds to the overall image of the project having a rural, low density population base. No part of the property proposed for rezoning is located within the 100 year flood plain.

6. **Suitability for Rezoning:** The subject property as described in this report is entirely suited for the zoning proposed.

**PUBLIC COMMENT / ISSUES:** No significant issues were raised by Development Review Committee Members or the Planning and Zoning Commission at the Commission’s March 8 public hearing and meeting.

**REVIEW AND RECOMMENDATION:** It is the recommendation of the Planning and Zoning Commission that the City Council should approve the proposed rezoning.

**ACTION REQUIRED:** Motion to recommend (approval/denial) or approval with conditions, of the request to rezone the subject property.

**ATTACHMENTS:**
Zoning area map
List of property owners
Affidavit of publication

I. A. 2.
Request to Rezone a 11.9 acre Tract of land located in the Fractional part of the SW1/4 of the NW1/4 Sec. 24, T37N, R8W from R-1 (Single Family District) Zoning to R-R (Rural Residential District) Zoning (Joyner)

Zoning Classification

NZ - No Zone
C-O - Office District
C-1 - Neighborhood Business District
C-2 - General Retail District
C-3 - Highway Commercial District
M-1 - Light Manufacturing
M-2 - Heavy Manufacturing
GI - Government and Institutional
CC - Center City
R-1 - Single Family District
R-2 - Two Family District
R-3 - Multi-Family District
R-R - Rural Residential District
PUD - Planned Unit Development
APPLICATION FOR REZONING OF REAL ESTATE

Submit to:
Community Development Department
PO Box 979 901 North Elm St
Rolla, MO 65402  Rolla, MO 65401
Phone: 573-364-5333  Fax: 573-426-6978

Applicant’s Name:  Paul and Ginger Joyner
Address:  1711 Ramsey Place Road, Rolla, MO
Phone Number:  573-744-4218, 573-429-2272
E-mail address:  ginger@wjv-law.com
Address of subject property:  

The undersigned hereby state they are the legal owner(s) or have a financial or contractual interest in the real estate described herein (legal description must be printed below or attached as an exhibit):  

Current zoning is:  R1  Current land use is:  Vacant
Proposed zoning is:  RR  Proposed land use is:  Residential

A check for $62.50, payable to the Rolla Daily News for advertising, will be provided when this application is filed.

Signatures of the owner(s) or those parties with financial or contractual interest in the above described real estates.  (All signatures must be notarized.)

Ginger Koller Joyner

Paul Joyner

Subscribed and sworn before me this 26th day of January, in the year 2016.

Notary Public

An Equal Opportunity Employer
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<td>JOHN K MEUSCH</td>
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TO: Rolla Daily News

FROM: John Petersen, Community Development Department
DATE: February 17, 2016
FOR PUBLICATION: February 20/21, 2016

Please publish the attached public hearing notice in your February 20/21, 2016 edition of the Rolla Daily News. The proof of publication and invoice should be sent to my attention at the City of Rolla, P.O. Box 979, Rolla, Missouri 65402 in the amount of $62.50 to cover publication costs. If you have questions, please contact me at 426-6970. Thank you.

Notice of Public Hearing: A public hearing will be held by the Rolla Planning and Zoning Commission on Tuesday, March 8, 2016 at 5:30pm in the Rolla City Council Chambers/City Hall, 901 N. Elm Street. The Rolla City Council will hold a public hearing on Monday, March 21, 2016, at 6:30 pm in the Council Chambers at the Rolla City Hall, to consider the approval of the rezoning of an 11.9 acre tract located in the Fractional Part of the SW1/4 of the NW1/4, Section 24, T37N, R8W from R-1 (Single Family District) zoning to RR (Rural Residential District) zoning; Joyner. At this public hearing any interested persons may present evidence regarding the proposed rezoning. Any objections to the request should be filed with the Community Development Department of the City of Rolla. For more information, please call 573-426-6970.
ORDINANCE NO. ____________

AN ORDINANCE APPROVING THE REZONING OF AN 11.9 ACRE TRACT LOCATED IN A FRACTIONAL PART OF THE SW ¼ OF THE NW 1/4, OF SECTION 24, T37N, R8W FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO RR (RURAL RESIDENTIAL DISTRICT) ZONING. (JOYNER).

WHEREAS, an application was duly filed with the Community Development Department on January 26, 2016, requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri; and

WHEREAS, a public notice was duly published on February 20, 2016 in the Rolla Daily News for this rezoning according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, in the City of Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on March 8, 2016 at 5:30 p.m. The Planning and Zoning Commission unanimously recommended that City Council approve the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the City Council, during its March 21, 2016, meeting, conducted a public hearing concerning the proposed rezoning and heard the first reading of the subject ordinance;

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring said change of zoning and by those citizens opposing said change in zoning, the City Council found that 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 said zoning ordinance 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 described property situated within the City of Rolla, Missouri, from R-1 (Single Family District) zoning to RR (Rural Residential District) zoning:

LEGAL DESCRIPTION
(For Rezoning)

An 11.9 acre tract located in a fractional part of the SW ¼ of the NW 1/4, of Section 24, T37N, R8W from R-1(Single Family District) Zoning to RR (Rural Residential District) zoning.

SECTION 2: The owners of the subject tract of land herein platted do hereby agree to the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a cash bond equal to the reasonable costs of completing such public improvements has been
received and approved by the City of Rolla, Missouri. The above-mentioned public improvements shall be completed pursuant to the agreement between applicant and the City of Rolla for the completion of such improvements as required by the Rolla City Code.

SECTION 3: 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 revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: First Reading
Public Hearing

ITEM/SUBJECT: Request to rezone a fractional part of the Forum Plaza Shopping Center,
Tracts 2 & 3, THE FORUM Subdivision, Rolla, Phelps County, Missouri from C-1
(Neighborhood Business District) zoning and C-2 (General Retail District)
zoning to C-3 (Highway Commercial District) zoning.

(Super Market Developers)

DATE: 3-21-2016

GENERAL INFORMATION:

Case #: 1-2-16

Applicant(s): Super Market Developers, Inc. 500 Kansas Avenue, Kansas City, Mo 66106
Phone Number: 913-288-1004. E-mail joel.riggs@awginc.com.

Status of Applicant: The applicant owns the property.

Current Zoning/Use: The subject property is zoned C-1 and C-2 and consists of 4.56 acres.
The applicant is requesting that the entire property be rezoned to C-3 to permit the outside
storage and display of merchandise for sale to the public. The property is currently developed,
although the majority of the buildings space within the subject property is vacant. There is a total
of 49,975 sq. ft. in building space. At present, 46,938 sq. ft. remains as vacant building space.

Proposed Use: Commercial/retail use with 198,633 sq. ft. including space used as an exterior
display area. The applicant is proposing to renovate some of the existing building space and
would rent space for new commercial activities.

Location: The property is located at the northeast corner of East 10th Street and Forum
Drive. The address is 1040 Forum Drive. The Assessor’s Account Number 6834 is another
means to identify the location of this space.

Parking: The site currently has 191 parking spaces available for use. Under present
regulations, the owners would be required to provide a total of 160 parking spaces. Based on the
analysis of proposed retail space allocation, there would be sufficient parking space to
accommodate the redevelopment of the Forum Plaza Shopping Center.

PUBLIC COMMENT / ISSUES: No significant issues were raised by the Development
Review Committee Members at their February 23rd meeting and at the Commission’s March 8

J. B. I.
2016 public hearing. The status of the project development issues were discussed along with parking issues and the need/status for development plans were reviewed.

**REVIEW AND RECOMMENDATION:** It is the Commission’s recommendation that the City Council should approve the proposed rezoning for C-1 and C-2 to C-3 for areas to be used as an outside commercial storage and display area.

**ACTION REQUIRED:** Motion to recommend (approval/denial) or approval with conditions, of the request to rezone parts of THE FORUM Shopping Center subdivision.

**ATTACHMENTS:** Zoning Map, list of property owner within 185’ feet, affidavit of publication
APPLICATION FOR REZONING OF REAL ESTATE

Submit to:
Community Development Department
PO Box 979
Rolla, MO 65402
Phone: 573-364-5333
Fax: 573-426-6978

Applicant's Name: Super Market Developers, Inc
Address: 500 Kansas Avenue, Kansas City MO 66106
Phone Number: 913-288-1004
E-mail address: joel.riggs@awginc.com
Address of subject property: 1040 Forum Drive, Rolla MO

The undersigned hereby state they are the legal owner(s) or have a financial or contractual interest in the real estate described herein (legal description must be printed below or attached as an exhibit): SEE ATTACHED EXHIBIT

Current zoning is: C-2
Proposed zoning is: C-1
Current land use is: Retail
Proposed land use is: Retail

A check for $62.50, payable to the Rolla Daily News for advertising, will be provided when this application is filed.

Signatures of the owner(s) or those parties with financial or contractual interest in the above described real estates. (All signatures must be notarized.)

[Signatures]

Subscribed and sworn before me this 14th day of January in the year 2016.

[Signature]
Notary Public
Request to Rezone a Fractional Part of the Forum Plaza Shopping Center, Tracts 2 & 3, THE FORUM, Rolla, Phelps County, Mo from C-2 (General Retail District) Zoning and C-1 (Neighborhood Business District) Zoning to C-3 Highway Commercial District Zoning (Super Market Developers)
TO: Rolla Daily News

FROM: John Petersen, Community Development Department
DATE: February 17, 2016
FOR PUBLICATION: February 20/21, 2016

Please publish the attached public hearing notice in your February 20/21, 2016 edition of the Rolla Daily News. The proof of publication and invoice should be sent to my attention at the City of Rolla, P.O. Box 979, Rolla, Missouri 65402 in the amount of $62.50 to cover publication costs. If you have questions, please contact me at 426-6970. Thank you.

Notice of Public Hearing: A public hearing will be held by the Rolla Planning and Zoning Commission on Tuesday, March 8, 2016 at 5:30pm in the Rolla City Council Chambers/City Hall, 901 N. Elm Street. The Rolla City Council will hold a public hearing on Monday, March 21, 2016, at 6:30 pm in the Council Chambers at the Rolla City Hall, to consider the approval of the rezoning of a tract located in a Fractional Part of the Forum Plaza Shopping Center, Tracts 2&3, THE FORUM, Rolla, Phelps County, Mo from C-1 (Neighborhood Business District) zoning and C-2 (General Retail District) zoning, to C-3 (Highway Commercial District) zoning; Super Market Developers. At this public hearing any interested persons may present evidence regarding the proposed rezoning. Any objections to the request should be filed with the Community Development Department of the City of Rolla. For more information, please call 573-426-6970.

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ORDINANCE NO. __________

AN ORDINANCE APPROVING THE REZONING OF A 4.56 ACRE TRACT DESCRIBED AS A FRACTIONAL PART OF THE FORUM SHOPPING CENTER, TRACTS 2 & 3 FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING AND C-2 (GENERAL RETAIL DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (SUPER MARKET DEVELOPERS).

WHEREAS, an application was duly filed with the Community Development Department on January 26, 2016, requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri; and

WHEREAS, a public notice was duly published on February 20, 2016 in the Rolla Daily News for this rezoning according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, in the City of Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on March 8, 2016 at 5:30 p.m. The Planning and Zoning Commission unanimously recommended that City Council approve the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the City Council, during its March 21, 2016, meeting, conducted a public hearing concerning the proposed rezoning and heard 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 said change of zoning and by those citizens opposing said change in zoning, the City Council found that 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 said zoning ordinance 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 described property situated within the City of Rolla, Missouri, from C-1 (Neighborhood Business District) zoning and C-2 (General Retail District) zoning to C-3 (Highway Commercial District) zoning described as follows:

LEGAL DESCRIPTION

A fractional part of Tracts 2 and 3 of the Forum, Rolla, Missouri more particularly described as follows: Beginning at the Northeast Corner of Lot 1 of Rolla Federal Credit Union Subdivision, Rolla, Missouri; thence South 87°58'47" East, 191.39 feet; thence East, 182.46 feet to the West line of a parcel described in Phelps County Deed Records at Book 351, Page 13; thence South 0°12'04" East, 109.86 feet along said West line to the southwest corner of said Book 351, Page 13 parcel; thence North 89°47'56" East, 110.00 feet along the South line of said Book 351, Page 13 parcel to the northwest corner of a parcel described in Phelps County Deed Records at Book 299, Page 298; thence South 0°12'04" East, 304.53 feet along the West line of said Book 299, Page 298 parcel to the North right of way of Tenth Street; thence South 89°18'28" West, 486.02 feet along said North right of way to the southeast corner of a parcel described in Phelps County Deed Records at Book 393, Page 107; thence North 0°06'28" East, 150.10 feet along the east
line of said Book 393, Page 107 parcel to its northeast corner; thence South 89°37'28" West, 135.21 feet along the North line of said Book 393, Page 107 parcel to the East right of way of Forum Drive; thence northerly, 57.95 feet along the arc of a curve, concave westerly with a radius of 848.51 feet, the chord of which is North 5°48'10" East, 57.94 feet along said East right of way to the southwest corner of the aforesaid Lot 1 of Rolla Federal Credit Union Subdivision; thence North 88°59'28" East, 129.48 feet along the South line of Lot 1 to its southeast corner; thence North 0°06'28" East, 217.48 feet along the East line of Lot 1 to the point of beginning. Above described tract contains 4.56 acres, more or less, description derived from survey order number 204585, dated December 18, 2014, by James Surveying Company.

Less all parts deeded to the State Highway Commission of Missouri except all legally established roads and highways.

 SECTION 2: The owners of the subject tract of land herein platted do hereby agree to the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a cash bond equal to the reasonable costs of completing such public improvements has been received and approved by the City of Rolla, Missouri. The above-mentioned public improvements shall be completed pursuant to the agreement between applicant and the City of Rolla for the completion of such improvements as required by the Rolla City Code.

 SECTION 3: 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 revised 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 21ST DAY OF MARCH, 2016

APPROVED:

ATTEST: Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

I.B.q.
DEPARTMENT: Community Development

ACTIONS REQUESTED: First Reading
Public Hearing

ITEM/SUBJECT: Request to rezone Tract A of the Lost Acres Subdivision from C-3 Highway Commercial District) zoning to R-3 (Multi-Family District) zoning.

(Goldberg)

DATE: 3-21-2015

GENERAL INFORMATION:

CASE #: 1-4-16

Applicant(s): The Goldberg Family Trust, 2180 to 2184 Old St. James Road, Rolla, Mo 65401. Phone 573-355-2981. Goldberg@yahoo.com. The subject property is owned by the Goldberg Family Trust based on real property tax sales contract and the signed Application for Rezoning of Real Estate form.

Current Zoning/Use: The current zoning for the subject property is C-3 (Highway Commercial District) zoning. The Site layout shows that there are four main structures, three of them appear to be residential uses and one as a commercial/storage building on the subject property.

Proposed Use: The applicant has requested the rezoning to R-3 from C-3 to allow multiple buildings on a lot which will permit a legal non-conforming uses to continue. To be considered “legal”, R-3 zoned properties are required to have a minimum lot size or “building footprint” of 7,500 square feet for the first 2 units plus 1,500 square feet for each additional dwelling unit. The proposed rezoning will, given the size of tract A, should have no difficulty satisfying all lot coverage requirements, setbacks, or open space standards.

Location: The subject property consists of a single .95 acre tract located at the southeast intersection of Farrar Drive and Old St. James Road, with access to and adjoining Farrar Drive. The Assessor’s Account number for this property (# 6158.01) is another means to identify the location of the subject property.

Surrounding Zoning/Land Use:

North--- NZ/ Commercial – Twitty Industrial Park.
South--- R-3/ multi-family units
East--- C-3 / vacant
West--- M-1/RMU

I.C.1.
PUBLIC COMMENT/ISSUES:  No significant issues were raised by the Development Review Committee members at their February 23, 2016, meeting and with the Planning and Zoning Commission at their March 8, 2016 meeting. The proposed rezoning was advertised in the RDN on February 20/21, 2016.

STAFF REVIEW AND RECOMMENDATION:  It is staff’s and the Planning and Zoning Commission’s recommendation that the City Council approve the rezoning request.

ACTION REQUIRED:  Motion to recommend approval, denial, or approval with conditions of the request to rezone the subject property by City Council.

ATTACHMENTS:
Zonings Request from applicant
Zoning area map
Affidavit of publication

CC: Goldberg.
Request to Rezone Tract A of Lost Acres Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Goldberg)

Zoning Classification

NZ - No Zone
C-O - Office District
C-1 - Neighborhood Business District
C-2 - General Retail District
C-3 - Highway Commercial District
M-1 - Light Manufacturing
M-2 - Heavy Manufacturing
GI - Government and Institutional
CC - Center City
R-1 - Single Family District
R-2 - Two Family District
R-3 - Multi-Family District
R-R - Rural Residential District
PUD - Planned Unit Development
APPLICATION FOR REZONING OF REAL ESTATE

Submit to:
Community Development Department
PO Box 979  901 North Elm St
Rolla, MO  65402  Rolla, MO  65401
Phone: 573-364-5333  Fax: 573-426-6978

Applicant's Name: The Goldberg Family Trust
Address: 2184 Farrar Dr  AKA 2100 Old St James Rd
(573) 355-2981
Phone Number: 636 499-1641  claudia.goldberg@yahoocom
E-mail address: 2184 Farrar Dr  AKA 2100 Old St James Rd
Address of subject property:

The undersigned hereby state they are the legal owner(s) or have a financial or contractual interest in the real estate described herein (legal description must be printed below or attached as an exhibit):

Current zoning is: Commercial  Current land use is: Residential
Proposed zoning is: R-3 Multi-Family  Proposed land use is: Residential

A check for $62.50, payable to the Rolla Daily News for advertising, will be provided when this application is filed.

Signatures of the owner(s) or those parties with financial or contractual interest in the above described real estates. (All signatures must be notarized.)

Claudia J. Goldberg
Type or print name

Claudia J. Goldberg
Signature

Type or print name

Type or print name

Subscribed and sworn before me this 4th day of January in the year 2016.

HEATHER R. DUVEL
Notary Public-Notary Seal
State of Missouri, Phelps County
Commission # 12398429
My Commission Expires Nov 20, 2016

An Equal Opportunity Employer
TO: Rolla Daily News

FROM: John Petersen, Community Development Department
DATE: February 17, 2016
FOR PUBLICATION: February 20/21, 2016

Please publish the attached public hearing notice in your February 20/21, 2016 edition of the Rolla Daily News. The proof of publication and invoice should be sent to my attention at the City of Rolla, P.O. Box 979, Rolla, Missouri 65402 in the amount of $62.50 to cover publication costs. If you have questions, please contact me at 426-6970. Thank you.

Notice of Public Hearing: A public hearing will be held by the Rolla Planning and Zoning Commission on Tuesday, March 8, 2016 at 5:30pm in the Rolla City Council Chambers/City Hall, 901 N. Elm Street. The Rolla City Council will hold a public hearing on Monday, March 21, 2016, at 6:30 pm in the Council Chambers at the Rolla City Hall, to consider approving the rezoning of Tract A of the Lost Acres Subdivision, a .95 acre parcel from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning; Goldberg. At this public hearing any interested persons may present evidence regarding the proposed rezoning. Any objections to the request should be filed with the Community Development Department of the City of Rolla. For more information, please call 573-426-6970.
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ORDINANCE NO. __________

AN ORDINANCE APPROVING THE REZONING OF A .95 ACRE PARCEL LOCATED IN THE LOST ACRES SUBDIVISION, LOT "A", TO BE REZONED FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (GOLDBERG)

WHEREAS, an application was duly filed with the Community Development Department on January 26, 2016, requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri; and

WHEREAS, a public notice was duly published on February 20, 2016 in the Rolla Daily News for this rezoning according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, in the City of Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on March 8, 2016 at 5:30 p.m. The Planning and Zoning Commission unanimously recommended that City Council approve the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the City Council, during its March 21, 2016, meeting, conducted a public hearing concerning the proposed rezoning and heard the first reading of the subject ordinance;

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring said change of zoning and by those citizens opposing said change in zoning, the City Council found that 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 said zoning ordinance 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 described property situated within the City of Rolla, Missouri, from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning described as follows:

LEGAL DESCRIPTION

All of Lot A of the Lost Acres Subdivision.

SECTION 2: The owners of the subject tract of land herein platted do hereby agree to the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a
cash bond equal to the reasonable costs of completing such public improvements has been received and approved by the City of Rolla, Missouri. The above-mentioned public improvements shall be completed pursuant to the agreement between applicant and the City of Rolla for the completion of such improvements as required by the Rolla City Code.

**SECTION 3:** 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 revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis ACTION REQUESTED: Ordinance
Final Reading

ITEM/SUBJECT: Salem Avenue Overlay
Federal Project No. STP-5200(917)

BUDGET APPROPRIATION (IF APPLICABLE) $145,000.00 DATE: 03/21/16

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

COMMENTARY:

Attached is an ordinance authorizing the Mayor to execute a MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION STP-URBAN PROGRAM AGREEMENT for
improvements to Salem Avenue. These improvements consist of an overlay and handicap
ramp improvements along the entire length of Salem Avenue. The amount of federal funds
for this project will be $96,000.00

The proposal is from the Missouri Department of Transportation for a total of $145,000.00

Staff recommends approval.
ORDINANCE NO. ___________

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI DEPARTMENT OF TRANSPORTATION.

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

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


APPROVED:

________________________________
MAYOR

ATTEST:

________________________________
CITY CLERK

APPROVED AS TO FORM:

________________________________
CITY COUNSELOR
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STP-URBAN PROGRAM AGREEMENT

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Rolla, Phelps County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

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

1. PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5200(917) involves:

   Overlay and curb ramp improvements on Salem Avenue in the City of Rolla

The City shall be responsible for all aspects of the construction of the improvement.
(2) **LOCATION:** The contemplated improvement designated as Project STP-5200(617) by the Commission is within the city limits of Rolla, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Salem Avenue between 5th Street and Highway 72

(3) **REASONABLE PROGRESS POLICY:** The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) **LIMITS OF SYSTEM:** The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) **ROUTES TO BE INCLUDED:** The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) **INVENTORY AND INSPECTION:** The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) **CITY TO MAINTAIN:** Upon completion of construction of this improvement, the City shall accept maintenance of the improvements made by this project at no cost and expense whatsoever to the Commission. Any traffic signals
installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for operational maintenance. Any aesthetic improvements installed on highways maintained by the Commission upon completion of the project will be the sole responsibility of the City for maintenance. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

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

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

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

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

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

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.
(10) **FEDERAL-AID PROVISIONS**: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) **ACQUISITION OF RIGHT OF WAY**: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act.

(12) **REIMBURSEMENT**: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs that have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. A pro-rata share shall be established for each phase of a project, i.e. Preliminary Engineering, Right of Way, Utilities and Construction. All costs incurred by City will be reimbursed at the pro-rata share established for each project phase. The pro-rata share for federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to that project phase by the total participating costs for that phase. The pro-rata share for the Construction Phase shall be established at concurrence in award and cannot be increased. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law,
judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5200(917) will involve work on the state’s right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the (City’s/County’s/Grantee’s) proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the
vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) **OUTDOOR ADVERTISING:** The City further agrees that the right of way provided for any STP improvement will be held and maintained in violation for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(21) **FINAL AUDIT:** The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(22) **AUDIT REQUIREMENT:** If the City expend(s) seven hundred fifty thousand dollars ($750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor’s report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars ($750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(23) **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006:** The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

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

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

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

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

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

(A) To the City:
    Mr. Steve Hargis, Director of Public Works
    PO Box 979
    Rolla, MO 65402
    Facsimile No.: (573) 364-8602

(B) To the Commission:
    Mr. David Silvester, Central District Engineer
    PO Box 718
    Jefferson City, MO 65102
    Facsimile No.: (573) 751-8267

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

(29) **NONDISCRIMINATION ASSURANCE:** With regard to work under this
Agreement, the City agrees as follows:

(A) **Civil Rights Statutes:** The City shall comply with all state and
federal statutes relating to nondiscrimination, including but not limited to Title VI and
seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C.
§12101, et seq.). In addition, if the City is providing services or operating programs on
behalf of the Department or the Commission, it shall comply with all applicable
provisions of Title II of the "Americans with Disabilities Act".

(B) **Administrative Rules:** The City shall comply with
the administrative rules of the United States Department of Transportation relative to
nondiscrimination in federally-assisted programs of the United States Department of
Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and
made part of this Agreement.

(C) **Nondiscrimination:** The City shall not discriminate on grounds of
the race, color, religion, sex, disability, national origin, age or ancestry of any individual

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III. A. 9.
in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or

2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (29) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.
(30) **ACCESS TO RECORDS:** The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(31) **CONFlict OF INTEREST:** The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(32) **MANDATORY DISCLOSURES:** The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

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

Executed by the City this ___ day of ________________, 20__.

Executed by the Commission this ___ day of ________________, 20__.

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**

By __________________________

Title __________________________

**CITY OF ROLLA**

By __________________________

Title __________________________

**ATTEST:**

Secretary to the Commission

By __________________________

Title __________________________

Approved as to Form:

By __________________________

Title __________________________

Commission Counsel
[If needed to authorize a city official to execute the agreement.]

Ordinance No: ________________
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: First Reading

ITEM/SUBJECT: A request to recommend the approval of the Final Plat of the HY POINT WEST PLAT NO.1, a Major Subdivision, Being a Fractional Part of the South Half of the Northeast Quarter & the South Half of Lot 1 Northwest Quarter all in Section 30, T38N, R7W, Rolla, Phelps County, Missouri. (HyPoint West)

DATE: 3-21-2016

GENERAL INFORMATION:

Case #: 1-1-16

Applicant(s): Rolla Community Development Corporation, 900 Innovation Drive, Suite 208, P.O. Box 1884, Rolla MO 65402. Phone number is 573-201-3772. Rollaecondev@gmail.com.

Status of Applicant: The applicant owns the property and is working to offer the property for development.

Engineer of Record: Archer-Elgin Engineering, Surveying & Architecture LLC. 310 East 6th Street Rolla, Missouri. Phone 573-364-6362.

Current Zoning/Use: The subject property is zoned M-2 (Heavy Manufacturing District) zoning. The property is currently undeveloped, with the exception of a small parcel consisting of 2.89 acres owned by the City of Rolla and zoned GI (Government Institutional) zoning which permits governmental activities and actions. The applicant has started to prepare the site with the provision of sanitary sewer service, vehicular access and other improvements to accommodate the construction of 140,000 Sq. Ft. (+ or -) warehouse.

Proposed Use: The applicant is proposing to subdivide the property to provide up to 6 lots. Lot 1 is the proposed location of the proposed warehouse facility consisting of 23.73 acres. Lots 2 through 6 will be available for future commercial expansion.

Location: The property is located at the northeast corner of State Route V and the proposed Durwood and Perrot Boulevards. The location may be easier to determine using the County Assessor Account Number (3409) or by using the street address - 4025 Highway V. Rolla, MO 65402.

Tract Size: The subject property is approximately 110.24 acres divided into six lots.

Development History: Ordinance No. 3960 was adopted July 7, 2010, which brought about the annexation and zoning of the subject property pursuant to the provisions of Section 71.012 RSMo. of approximately 116 acres.
PUBLIC COMMENT / ISSUES: During the review process for the Hy Point West Subdivision, it was noted that the streets in the proposed subdivision layout exceeded the maximum distance allowed for streets in excess of 600 feet in length before a cul-de-sac or turnaround would be required. The applicants submitted a request to approve a variance for this subdivision requirement in accordance with Chapter 42-62.2(5) of the Rolla City Code. The Planning and Zoning Commission is charged with the duty to approve or disapprove subdivision variances. The Commission unanimously approved the variance as proposed at their March 8, 2016 meeting. All necessary changes mentioned by Commission were satisfied.

REVIEW AND RECOMMENDATION: It is the recommendation of the Planning and Zoning Commission that the City Council should approve the development of the proposed HyPoint West, Plat No 1.Subdivision.

ACTION REQUIRED: Motion to approve/deny or approve with conditions of the Hy Point West Subdivision.

ATTACHMENTS:
Area map/Plat
February 24, 2016

John Petersen, Director
Community Development Department
City of Rolla
PO Box 979
Rolla, Missouri 65401

Greetings:

For your review and consideration, we are requesting a variance from Section 42-62.2(5) of Article II, Subdivisions. This portion of the Subdivision regulations reads as follows:

*Dead-end streets or cul-de-sacs shall require a turnaround at intervals not to exceed six hundred (600) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty-four (84) feet and a minimum property line diameter of one hundred (100) feet.*

We are requesting that the requirement for turnarounds at 600 foot intervals be waived for both Dunwood Boulevard and Perrot Boulevard as shown on the Final Plat of HY POINT WEST NO. 1 submitted for your review. We feel this requirement is more suited to residential developments, not the industrial development planned for the lots along Dunwood and Perrot. As well, when these lots are developed, there will be large parking lots and entrances along Dunwood and Perrot to allow vehicles to safely turn around. In addition, if turnarounds were placed at some interval along Dunwood and Perrot, these turnarounds may become hindrances to some future development of the impacted lots. The current plan for Dunwood and Perrot is to have a turnaround at the end of each street.

This request is being made on behalf of the the current owner and developer, Rolla Community Development Corporation (RCDC).

Sincerely,

[Signature]

Sylvester Furse IV, PLS
Final Plat of
Hy Point West No. 1
A Major Subdivision, Being a Fractional Part of the South Half of
the Northeast Quarter & the South Half of Lot 1 Northwest Quarter
all in Section 30, T38N, R7W, Rolla, Phelps County, Missouri

RECEIVED FEB 26 2016

Lot 1
2.52 Acres

Lot 2
6.35 Acres

Lot 3
7.51 Acres

Lot 4
6.34 Acres

Lot 5
12.24 Acres

Lot 6
3.76 Acres
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March 15, 2016

John Petersen, Director
Community Development Department
City of Rolla
PO Box 979
Rolla, Missouri 65401

Greetings:

For your review and consideration, RCDC is requesting a first and final reading of the ordinance to approve the Final Plat of HY POINT WEST NO. 1. The conveyance of Lot 1 as shown on said plat is upcoming and plans for development are already underway. The granting of a first and final reading would allow this development process to proceed all the more sooner, providing adequate time for title work related to the conveyance of the land to be completed as well as aiding in keeping the proposed development and construction planned for Lot 1 to stay on schedule.

Should you have questions and need anything further, please do not hesitate to contact our office. We await your instructions.

Sincerely,

Matthew Z. Williams
President
ORDINANCE NO. __________

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE HYPOINT WEST PLAT NO. 1, A MAJOR SUBDIVISION, BEING A FRACTIONAL PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTH HALF OF LOT 1, NORTHWEST QUARTER, ALL IN SECTION 30, T38N, R7W, ROLLA, PHELPS COUNTY, MISSOURI. (HYPOINT WEST)

WHEREAS, a preliminary plat was duly filed with the Community Development Department on January 20, 2016, requesting that the 110.24 acre parcel located at 4025 Highway V, Rolla, Missouri, be subdivided according to the procedures set forth in the Rolla Planning and Zoning Code of the City of Rolla, Missouri; and,

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on February 9, 2016, to review the subdivision plat of the subject property as proposed by the applicant; and

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

SECTION 1: That Chapter 42 of the Code of the City of Rolla, Missouri Rolla, Missouri, which ordinance adopts subdivision and zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan, is hereby amended by approving the HyPoint West subdivision situated within the City of Rolla Missouri, and located at 4025 Highway V, Rolla, Missouri, more particularly described as follows:

A fractional part of the South Half of Lot 1 of the Northwest Quarter, and, a fractional part of the South Half of the Northeast Quarter of Section 30, Township 38 North, Range 7 West of the 5th P.M. described as follows: Beginning at the Southeast Corner of the South Half of Lot 1 of the Northwest Quarter of said Section 30; thence South 89°18'30" West, 1324.03 feet along the South line of said South Half of Lot 1 of the Northwest Quarter to its southwest corner; thence North 0°25' West, 1324.59 feet along the West line of said South Half of Lot 1 of the Northwest Quarter to its northwest corner; thence North 89°29' East, 1026.62 feet along the North line of said South Half of Lot 1 of the Northwest Quarter to the northwest corner of a parcel described in Phelps County Deed Records at Document No. 2009-3229; thence South 0°18'40" East, 420.09 feet along the West line of said Document No. 2009-3229 parcel to its southwest corner; thence North 89°31' East, 299.88 feet along the South line of said Document No. 2009-3229 parcel to the West line of the Southwest Quarter of the Northeast Quarter; thence North 0°16'30" West, 420.02 feet along said West line to the northwest corner of said Southwest Quarter of the Northeast Quarter; thence North 89°25' East, 1326.18 feet along the North line of said Southwest Quarter of the Northeast Quarter to the northwest corner of the Southeast Quarter of the Northeast Quarter; thence North 89°24'10" East, 1295.98 feet along the North line of said Southeast Quarter of the Northeast Quarter to the westerly right of way of State Route V; thence South 0°34'10" East, 597.40 feet, and, southwesterly, 473.80 feet along the arc of a curve, concave

IV. A. 8.
northwesterly with a radius of 543.69 feet, the chord of which is South 24°23'50" West, 458.95 feet, and, South 49°21'40" West, 179.93 feet, and, South 49°21' West, 303.16 feet, all along said westerly right of way to the South line of the aforesaid Southeast Quarter of the Northeast Quarter; thence South 89°31' West, 740.71 feet along said South line to the southeast corner of the aforesaid Southwest Quarter of the Northeast Quarter; thence South 89°31'10" West, 1324.34 feet along the South line of said Southwest Quarter of the Northeast Quarter to the true point of beginning. Above described tract contains 113.80 acres, more or less, per plat of survey J-1689, dated February 2016, by Archer-Elgin Surveying and Engineering, LLC.

SECTION 2: SPECIAL PLAT RESTRICTION AND RESTRICTIVE COVENANT AS TO THE ISSUANCE OF BUILDING OR CONSTRUCTION PERMITS: The undersigned owners of the tract of land herein platted do hereby impose upon said property and do hereby make the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood by the undersigned that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a cash bond equal to the reasonable costs of completing such public improvements has been received and approved by the City of Rolla, Missouri. The above-mentioned public improvements shall be completed pursuant to the agreement between the undersigned and the City of Rolla, Missouri for the completion of such improvements as required by this article of the City Code of Rolla, Missouri.

SECTION 3: 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 revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

___________________________
Mayor

ATTEST:

___________________________
City Clerk

APPROVED AS TO FORM:

___________________________
City Counselor

\[ IV \cdot A \cdot G. \]
DEPARTMENT: Community Development  

ACTION REQUESTED: First Reading

ITEM/SUBJECT: Final Plat of HY POINT EAST No. 1 being a Minor Subdivision in a Fractional Part of the S 1/2 NW 1/4 & NE 1/4 SW 1/4 all in Section 29, T38N, R7W, Rolla, Phelps County, Missouri

(Hy Point East)

DATE: 3-21-2016

GENERAL INFORMATION:

Case #: 2-6-16

Applicant(s): Rolla Community Development Corporation, 900 Innovation Drive, Suite 208, P.O. Box 1884, Rolla MO 65402. Phone number is 573-201-3772. Rollaecondev@gmail.com.

Status of Applicant: The applicant owns the property and is working to offer the property for development.

Engineer of Record: Archer-Elgin Engineering, Surveying & Architecture LLC. 310 East 6th Street Rolla, Missouri. Phone 573-364-6362.

Current Zoning/Use: The subject property is zoned M-1 (Light Manufacturing District) zoning. The property is currently undeveloped. The applicant has started to prepare the site for the development of a solar farm. M-1 zoning is intended to allow industrial operations and activities that do not create applicable nuisances or hazards on neighboring properties resulting from dust, fumes, noxious odors, noise, vibration, and other atmospheric influences.

Proposed Use: The applicant is proposing to subdivide the property to provide in to 3 lots. Lot 1 will be owned by MO SCI and will have 23.5 acres. Lot 2 will be owned by Brewer Science and have 11.01 acres. Lot 3 is the location of the solar farm owned by MC Power consisting of 18.16 acres.

Location: The property is located at the juncture of Commerce Drive and Brewer Drive northeast of State Route V.

Tract Size: The subject property is approximately 52.67 acres divided into three lots.

PUBLIC COMMENT / ISSUES: No significant issues were raised by Development Review Committee Members at their February 23 meeting or by the Planning and Zoning Commission at their March 8, 2016 regular meeting. All required changes were made as specified for the Hy Point East Subdivision.

IV. B. I.
REVIEW AND RECOMMENDATION: It is Commission's recommendation that the City Council should approve the proposed Hy Point East Plat No 1. Subdivision.
Final Plat of
HY POINT EAST NO. 1
Being a Minor Subdivision in a Fractional Part of the
S1/2 NW1/4 & NE1/4 SW1/4 all in Section 29, T38N, R7W
Rolla, Phelps County, Missouri
ORDINANCE NO. ____________

AN ORDINANCE APPROVING THE FINAL PLAT OF HYPOINT EAST NO. 1 BEING A MINOR SUBDIVISION IN A FRACTIONAL PART OF THE S ½ NW ¼, NE ¼, AND SW 1/4 ALL IN SECTION 29, T38N, R7W, ROLLA, PHELPS COUNTY, MISSOURI. (HYPOINT EAST).

Section 1: That the final plat of HyPoint East, No. 1 being a Minor Subdivision including Lot 1 consisting of 23.5 acres, Lot 2 consisting of 11.01 acres and Lot 3, with 18.16 acres, an addition to Rolla, Phelps, County, Missouri having been reviewed on March 9, 2016 by the Planning and Zoning Commission and recommended for approval by the Rolla City Council.

Section 2: That the following legal description applies to this subdivision:

A fractional part of the S ½, NW1/4 NE1/4 & SW1/4 all in Section 29, T38N, R7W, Rolla, Phelps County, Missouri.

Section 3: 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 revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor

IV. B-6.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: First Reading

ITEM/SUBJECT: Final Plat of ROLLA PROPERTY LLC. No.1, being a Minor Subdivision in a Fractional Part of W ½ SW ¼ section 29, a Fractional Part of E ½ SE ¼ Section 30 all in T36N, R7W Rolla, Phelps County, Missouri

(Rolla Property)

DATE: 3-21-2016

GENERAL INFORMATION:

Case #: 2-5-16

Applicant(s): Big Industrial, LLC, 3500 W. 75TH Street, Ste. 200 Prairie Village, Kansas 66208 Phone Number: 913-362-6000. E-mail: Bigindustrial.com.

Status of Applicant: The applicant owns the property and has a sales contract.

Current Zoning/Use: The subject property is zoned M-2 (Heavy Manufacturing District) zoning and consists of 45.05 acres. The property has will be divided into three lots – Lot 1 is the location of a 50,000 sq. ft. warehouse on 5.00 acres. Lot 2 has 8.12 acres and is currently undeveloped. Lot 3 is the primary building with 338,375 sq. ft. on 31.93 acres.

Engineer of Record: Archer-Elgin Engineering, Surveying & Architecture LLC. 310 East 6th Street Rolla, Missouri. Phone 573-364-6362.

Location: The property is located at the northwest corner of Hy Point Boulevard and State Route V. The address is 3701 Hy Point Blvd. The Assessor’s Account Number 3345 is another means to identify the location of this property space.

Parking: The site currently has 540 parking spaces available for use. The subject property has sufficient parking space to accommodate the redevelopment of the former Briggs & Stratton building.

PUBLIC COMMENT / ISSUES: No significant issues were raised by Development Review Committee Members at their meeting held on the 23rd of February, 2016 or by the Planning and Zoning Commission at their March 8, 2016 meeting.

REVIEW AND RECOMMENDATION: It was the Planning and Zoning Commission’s recommendation that the City Council should approve the proposed subdivision.

ACTION REQUIRED: Motion to approve /deny) or approve with conditions the Rolla Property Subdivision.
March 15, 2016

John Petersen, Director
Community Development Department
City of Rolla
PO Box 979
Rolla, Missouri 65401

Greetings:

For your review and consideration, please accept this request for a first and final reading of the ordinance to approve the Final Plat of ROLLA PROPERTY LLC NO 1. The granting of a first and final reading would allow the conveyance of Lot 3 to Hartmann US to move forward, allowing the title work necessary for this conveyance to be completed. In addition, Hartmann US could proceed with their plans to renovate and expand the former Briggs and Stratton plant, making the necessary preparations for the installation of machinery and equipment needed for their operations to begin. This request is being made on behalf of the current owner, Big Industrial LLC.

Should you have questions and need anything further, please do not hesitate to contact our office.

Sincerely,

[Signature]

Sylvester Furse IV, PLS
ORDINANCE NO. 

AN ORDINANCE APPROVING THE FINAL PLAT OF THE ROLLA PROPERTY LLC, NO. 1, BEING A MINOR SUBDIVISION IN A FRACTIONAL PART OF W ½, SW 1/4, SECTION 29, BEING FRACTIONAL PART OF E ½ SE 1/4 OF SECTION 30, ALL IN T38N, R7W ROLLA, PHELPS COUNTY, MISSOURI (ROLLA PROPERTY).

Section 1: That the Final Plat of Rolla Property LLC, No.1 being a Minor Subdivision including Lot 1 consisting of 5 acres, Lot 2 consisting of 8.12 acres, and Lot 3 with 31.93 acres, an addition to Rolla, Phelps, County, Missouri having been reviewed on March 9, 2016 by the Planning and Zoning Commission and recommended for approval by the Rolla City Council.

Section 2: That the following legal description applies to this Subdivision:
A fractional part of W1/2 SW ½, Section 29, being a fractional part E ½ SE ¼ Section 30, all in T38N, R7W Rolla, Phelps County, Missouri.

Section 3: 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 revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor
For many years, Chapter 18 of the Rolla City Code has contained language requiring residents to remove their trash container(s) from the street edge within 24 hours of their collection day. Environmental Services staff has attempted to enforce this rule on a complaint-driven basis. Enforcement procedures can involve multiple steps in attempting to achieve compliance. These enforcement efforts require many man hours and yield temporary and marginal success at best. The difficulty in enforcement in certain neighborhoods is compounded by transient tenants, multiple tenants/containers per structure, lack of dedicated space for storing containers, manpower and time limitations, etc. Generally speaking, the neighborhoods most implicated are areas that are predominantly multi-family dwellings where carts left at the curb is the norm more than the exception.

Challenges with enforcement of the ordinance have prompted a review of current practices and requirements for solid waste containers and storage spaces. The Refuse Service Review Committee recently met to discuss options for improving the current process for addressing containers at the curb. As a result of those discussions, proposed changes to the ordinance have been drafted and are being presented for consideration. The objective of the proposed changes is to relax the burden of enforcement by removing the misdemeanor violation and allowing each neighborhood to dictate the standard. Also included are provisions for better planning of container storage and placement for future developments.
ORDINANCE NO.

AN ORDINANCE REPEALING CHAPTER 18 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI PERTAINING TO GARBAGE, TRASH, AND REFUSE AND ENACTING A NEW CHAPTER 18 IN LIEU THEREOF.

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

Section 1: That Chapter 18 of the General Ordinances of the City of Rolla, Missouri, known as the Code of the City of Rolla, Missouri, pertaining to Garbage, Trash, and Refuse is hereby repealed and a new Chapter 18 is enacted in lieu thereof as follows:

Article I - In General
Sec. 18-1. Definitions.

For the purposes of this Chapter, the following words and terms shall have the meanings respectively ascribed to them by this Section:

Commercial refuse customer - Means any commercial, industrial or institutional establishment or group of establishments together with its/their owner(s) or officer(s), and housing facilities containing more than six two adjoined dwelling units (duplexes) if so designated by the Director.

City - Means the City of Rolla as a governmental entity.

Collection Service - Means to travel from location to location gathering loose or containerized solid waste materials.

Commercial hauler - Means any person who, except as an agent of the City, collects and disposes of solid waste and receives money or other considerations for said service.

Director - Means the Director of the City of Rolla Environmental Services Department (Ord. 3892 §1)

Dwelling unit - Means any room or group of rooms located within a structure, which form(s) a single habitable unit with facilities for living, sleeping, cooking, and hygiene.

Garbage - Means all animal and vegetable wastes subject to decay resulting from the handling, preparation, cooking, and consumption of food.

Hazardous waste - means any waste or combination of wastes, which, because of quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illnesses, or pose a present or potential threat to humans and/or the environment.

Infectious waste - Means waste that is capable of producing an infectious disease because it contains pathogens of sufficient virulence and quantity so that exposure to the waste by a susceptible human host could result in an infectious disease. These wastes include blood and blood products, sharps and other items contaminated with blood, discarded biological products, human and animal bi-products, etc.
Ordinance No. ___________  
Page 2

**Major appliances** - Means clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners, dehumidifiers, refrigerators and freezers, and any other appliances as regulated by the State of Missouri due to their hazardous components (i.e. Freon, mercury switches, PCB/s).

**Municipal waste** - Means household wastes and commercial, agricultural, governmental, industrial, and institutional wastes, which have chemical and physical characteristics similar to household wastes.

**Occupant** - Means any person who singly or jointly or severally with others shall be in actual possession of any dwelling unit either as owner or tenant.

**Recyclable materials** - Means those materials, which can be diverted, removed, or recovered from the waste stream to be used, reused, sold, or recycled whether or not they require subsequent separation and processing. Recyclable materials include but are not limited to paper, paper products, cardboard, plastics, bottles, cans, glass, metals, etc.

**Recycling** - Means the separation and reuse or remanufacture of recyclable materials, which might otherwise be disposed of by landfilling.

**Refuse** - Means both garbage and solid waste as defined in this Section.

**Regulated waste** - Means any waste material requiring special handling and/or disposal as specified by law. Regulated waste includes, but is not limited to lead-acid batteries, yard waste, tires, major appliances, used oil, asbestos, contaminated soil, etc.

**Residential refuse customer** - Means the occupant and/or owner of any detached single-family dwelling unit, up to and including duplexes, unless said occupant is otherwise designated in the manner established in this Chapter.

**Rummage** - To rummage means "to physically exam and/or search through."

**Scavenge** - Scavenging, or to scavenge, means, "to rummage or search through a refuse or recycling container for purposes of removal of items."

**Solid waste** - Means municipal wastes, garbage, refuse, and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from residential, commercial, institutional, industrial, and governmental activities.

**Yard waste** - Means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance. The definition of yard waste shall include Christmas trees that do not contain ornaments, tinsel, or flocculent. (Ord. 3768, §1)
Sec. 18-2. City to have exclusive right to collect and remove refuse.

The City, through its duly authorized agents, shall have an exclusive right to provide collection services for the removal of refuse, solid waste, and unprocessed recyclable materials within the incorporated limits of the City of Rolla, MO and it shall be unlawful for any other person or entity to provide a collection service, for the removal of refuse, solid waste, and unprocessed recyclable materials in the City, except as may otherwise be provided in this section. No person or entity shall duplicate the collection services provided by the City unless authorized to do so. As used in this section, "unprocessed recyclable materials" means loose recyclable materials that have not been compressed, compacted, baled, bundled, crushed, granulated, or otherwise consolidated for transport to an end market. As used in this section "end market," means a manufacturer that will use the processed recyclables as feedstock or raw materials in the production of new goods. However, nothing contained herein shall prevent a person or entity that generates recyclable materials from transporting the recyclable materials they have generated to a business engaged in purchasing and processing recyclable materials.

The storage, collection, processing, and disposal of solid waste will be managed in accordance with local and state laws and rules. All processing facilities and disposal areas utilized shall have appropriate local and state permits. (Ord. 3768, §1)

Sec. 18-3. Recycling of solid waste materials encouraged.

The City shall, as a matter of public welfare, promote recycling as a preferred waste management alternative, make available collection services and drop-off facilities, and, as approved by the City Council, adopt such charges as will encourage refuse customers to recycle appropriate solid waste materials.

In addition to the City’s existing programs and services, persons or entities are encouraged to target recyclable materials or recycling services not being addressed by the City’s collection/drop-off services. Commercial customers with significant quantities are encouraged to recover materials for recycling. Not-for-profit entities are encouraged to utilize recycling opportunities for fund raising efforts.

Upon request by the City, any person, business, or entity providing recycling services within the City of Rolla shall provide to the City, records of types and quantities of materials recycled. (Ord. 3768, §1)

Sec. 18-4. Authorization for commercial solid waste haulers.

A person may be authorized to operate as a commercial solid waste hauler within the city upon obtaining such licenses as may be required by the city and a determination by the City Council that the public convenience and necessity are served by such authorization, and, that the service to be provided by the hauler applying for said authorization, cannot be provided by the City.
All vehicles used to collect and transport solid waste shall be maintained in a safe, clean, and sanitary condition. The vehicles are to be of standard refuse packer body design with watertight and covered bodies. If a roll-off style truck is used, the roll-off container must be tarped when being transported carrying any contents. (Ord. 3768, §1)

Sec. 18-5. Allowance for customers to dispose of their own refuse; allowance not to relieve customers of other provisions and minimum charges; exception.

Any refuse customer may collect his own refuse from his own premises and remove that refuse to a landfill or transfer station approved by the state, provided that in so doing no nuisance is caused or maintained. (Ord. 3768, §1)

Sec. 18-6. Reserved.

Sec. 18-7. Prohibited practices.

It shall be unlawful for any refuse customer to:

a. Deposit refuse in any refuse container other than his/her own or that is assigned for his/her use by the City.

b. Accumulate or dispose of refuse in any manner or at any location, which the City Council deems a nuisance to the public health or safety.

c. Fail to place their refuse container at the nearest street curb or street edge on the date of collection for collection purposes, except refuse customers who have provided the City with a written verification from a physician stating they are physically unable to place the refuse container at the street, in which case all refuse will be placed in securely tied plastic bags.

(d) Place the refuse container at the curb or street edge more than twenty-four (24) hours in advance of the scheduled collection, or failure to remove the refuse container from the curb side or street edge to the front line of the house within twenty-four (24) hours of the day of collection. The first and second violation will result in Environmental Services Department personnel placing a notification “sticker” on the refuse container notifying the resident of the requirement to remove the container from the street edge. The third violation will result in suspension of service and Environmental Services Department personnel repossessing the refuse container. A $20.00 reinstatement fee will be charged for re-delivery of the container and reinstatement of service. (Ord. 3392, §2)
d. Fail to place garbage in tied plastic bags prior to depositing such refuse in containers.

e. It shall be unlawful for any unauthorized person to rummage through or scavenge items from any refuse or recycling container owned serviced, or maintained by the City.

f. Place liquid waste (i.e. paint, waste oil, chemicals) in a refuse container or bags to be collected by the City.

g. Burn, paint, or otherwise deface any refuse or recycling container owned by the City.

h. Place bulk or loose refuse or waste items at the curb or street edge more than seventy-two (72) hours in advance of a pre-arranged collection or a scheduled annual citywide cleanup. (Ord. 4102)

i. Place hazardous, infectious, or regulated waste in a refuse container that is not intended for such wastes and marked as such. Any infectious wastes generated from residential sources must be placed in a rigid leak-proof, puncture resistant container with a tight fitting lid. Infectious wastes generated from commercial sources cannot be discarded into the municipal solid waste stream unless processed and sterilized to specifications required by law. (Ord. 3768, §1)

Sec. 18-8. Enforcement of service charge collection.

The city may enforce collection of such service charge as may be established in this Chapter by bringing legal action against any refuse customer to recover any sums due for services plus the cost of such action. Customers that are sixty or more days behind in paying for service shall have their refuse container(s) repossessed until such time that payment is made and the account is in good standing, and a $20.00 re-delivery fee will be charged before service is reinstated. (Ord. 3768, §1)

Sec. 18-9. Yard waste procedures.

It shall be the duty of all customers to comply with the following procedures pertaining to yard waste:

(a) All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in paper biodegradable bags and set out for collection by the City.

(b) All yard waste shall be collected from residential, commercial, industrial, and institutional premises at least once each week.

(c) Yard waste must be placed at the curb on the customers' regular pick up day in a paper biodegradable bag.
(d) The number of paper biodegradable bags containing yard waste, which citizens may place out for collection, shall be unlimited.

(e) Persons choosing not to compost yard waste on their own property may place yard waste in paper biodegradable bags.

(f) Nothing in this Chapter is intended to prevent an owner from transporting yard wastes accumulating on premises of the owner, provided such yard waste is disposed of at city-approved composting station or neighborhood collection sites in accordance with policies established by the City. (Ord. 3768, §1)

Secs. 18-10 to 18-13. Reserved.

Article II - Residential Refuse Disposal and Collection

Sec. 18-14. Residential collections; special collections.

a. The City shall provide residential customers with special collections as requested, for which the City shall be entitled to assess a reasonable charge as determined by the Director. Special collection fees are as follows: tires - $5.00 each (with a $10.00 minimum charge); limbs and brush – minimum charge $20.00 for the first 15 minutes of loading time plus $1.00 per minute charge thereafter; major appliances - $20.00 each; household waste and items too large to discard in the refuse container - $25.00 for each cubic yard; special collection fees shall be paid in advance of the collection service being requested. Paper shredding - $25.00 per man-hour charged on a quarter-hour basis with a $10.00 minimum charge. Paper to be shredded shall be delivered to the shredding facility. (Ord. 4170, §1)

b. For those occasions when a resident has a bulk item or items to dispose of, the City may sell stickers to be affixed to each bulk item for collection on the resident’s regularly scheduled collection day. The rate to be charged shall be $5.00 per sticker. Items that can be lifted by one person will require one sticker; items requiring lifting by two persons will require two stickers. Stickers should be affixed to each item in such a manner as to be easily seen by collection crews. Regulated items (i.e. appliances, tires, yard waste) will not be eligible for collection using stickers, but may be collected for a separate fee as specified in (a) above.

c. Annually, a pick-up of bulk waste items will be provided at no additional cost to residential customers. Certain items, including regulated items, will be exempted from this pick-up as determined by the Director. (Ord. 3768, §1) (Ord. 4069) (Ord. 4102)
Sec. 18-15. Residential refuse container and storage requirements.

It shall be the duty of every residential refuse customer to comply with the following provisions pertaining to the storage of refuse:

(a) All refuse shall be stored placed at the designated collection point, normally the curb or street edge in front of the residence, in containers provided by the customer or roll-out containers obtained from the City, in accordance with provisions of Section 18-7. Refuse other than bulk waste items too large for the roll-out container must be placed out for regular collection in the container(s) provided by the City. All loose and/or offensive (putrescible) refuse shall be placed in tied plastic bags prior to being placed in the collection container.

(b) Residents are encouraged to remove containers from the curb within twenty-four (24) hours of their scheduled collection day. A normal community standard dictates that containers not be left at the curb or street edge for aesthetic reasons as well as not to obstruct vision or pedestrian traffic. If a complaint is received regarding containers left at the curb, residents may receive a notification from Environmental Services personnel informing them of the community standard.

(c) Refuse containers shall be kept tightly closed and maintained in a clean, neat and sanitary condition at all times. The periodic cleaning and sanitizing of the refuse container shall be the responsibility of each residential customer. (Ord. 3768, §1)

Sec. 18-16. Service charge rates for residential refuse collection.

a. Each residential refuse customer shall pay to the City a service charge of $11.50 per month for the weekly collection of the contents of each 35-gallon container, all acceptable yard wastes in biodegradable bags, and all specified recyclables. Each residential refuse customer shall pay to the City a service charge of $14.00 per month for the weekly collection of the contents of each 90-gallon container, all acceptable yard wastes in biodegradable bags, and all specified recyclables. (Ord. 4170, §2)

Sec. 18-17. Service charge to be included and itemized on electric and/or water service bill.

The service charges established in Section 18-16 herein shall be included and itemized on municipal utilities electric and/or water service bills and payment of such charges shall be made at the same time and in the same manner as electric and/or water bills are paid.

However, should any residential refuse customer receive neither municipal electric or water service, then the city shall prepare and mail special service charge bills to such customers. (Ord. 3768, §1)
Sec. 18-18. Exemption.

Residential customers may be exempt from the monthly charge if the dwelling is unoccupied for a minimum of one (1) month and giving prior notification to the City’s Environmental Services Director. (Ord. 3768, §1; Ord. 3892, §3)

Secs. 18-19 to 18-22. Reserved.

Article III - Commercial Refuse Disposal and Collection

Sec. 18-23. Number of commercial collections; special collections.

a. The City shall provide commercial customers with special collections as requested, for which the City shall be entitled to assess a reasonable charge as determined by the Director. Special collection fees are as follows: tires - $5.00 each (with a $10.00 minimum charge); limbs and brush – minimum charge $20.00 for the first 15 minutes of loading time plus a $1.00 per minute charge thereafter; major appliances - $20.00 each; special household waste, including transfer station fees and involving items too large to discard in a refuse container - $25.00 for each cubic yard; paper shredding - $25.00 per hour charged on a quarter-hour basis with a $10.00 minimum charge, paper to be delivered to the shredding facility, (paper will not be picked up for shredding). (Ord. 4170, §3)

Sec. 18-24. Commercial refuse container and storage requirements.

(a) It shall be the duty of every commercial refuse customer to comply with the same provisions pertaining to the storage of refuse as set for residential customers in Section 18-15 herein.

(b) It shall be the duty of every commercial refuse customer to provide adequate and appropriate space to accommodate the refuse container(s) necessary to accommodate the solid waste generated by each business establishment. The space provided must be easily accessible and on a hard surface approved by the Director. (Ord. 3768, §4) Environmental Services Department. (Ord. 3768§1)

(b) Any new development or re-development that will result in a commercial refuse customer as defined in Section 18-1 herein must provide plans for refuse container storage and access for collection. Such plans must be approved by the Environmental Services Department prior to issuance of a construction permit. Any altering of the approved plans without prior approval from the Environmental Services Department can result in interruption in, and/or loss of, refuse service. Space requirements for various size containers are determined by the Environmental Services Department. The Department has issued standard guidelines for the size and spacing for acceptable solid waste pickup areas. This information can be found on the City’s website or is available by contacting the office of the Environmental Services Department.
Sec. 18-25. Service charge rates for commercial refuse collection.

Each commercial refuse customer shall pay to the city a service charge for collection as follows:

a. Each commercial refuse customer shall subscribe to one of the following service levels and pay monthly to the City the following service charge(s) for the corresponding container and frequency of service:

<table>
<thead>
<tr>
<th>One (1) cubic yard container</th>
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</thead>
<tbody>
<tr>
<td>1 service per week</td>
</tr>
<tr>
<td>$40.30/month</td>
</tr>
<tr>
<td>2 services per week</td>
</tr>
<tr>
<td>$80.60/month</td>
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<tr>
<td>3 services per week</td>
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<tr>
<td>$120.90/month</td>
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<tr>
<td>4 services per week</td>
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<tr>
<td>$161.30/month</td>
</tr>
<tr>
<td>5 services per week</td>
</tr>
<tr>
<td>$201.60/month</td>
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</table>

There will be a $25.00 charge for any additional service request.

<table>
<thead>
<tr>
<th>Two (2) cubic yard container</th>
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<tbody>
<tr>
<td>1 service per week</td>
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<tr>
<td>$63.50/month</td>
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<tr>
<td>2 services per week</td>
</tr>
<tr>
<td>$127.00/month</td>
</tr>
<tr>
<td>3 services per week</td>
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<td>$190.50/month</td>
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<tr>
<td>4 services per week</td>
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<tr>
<td>$254.00/month</td>
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<tr>
<td>5 services per week</td>
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<td>$317.50/month</td>
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</table>

There will be a $30.00 charge for any additional service request.

<table>
<thead>
<tr>
<th>Four (4) cubic yard container</th>
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<tbody>
<tr>
<td>1 service per week</td>
</tr>
<tr>
<td>$108.85/month</td>
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<tr>
<td>2 services per week</td>
</tr>
<tr>
<td>$217.70/month</td>
</tr>
<tr>
<td>3 services per week</td>
</tr>
<tr>
<td>$326.50/month</td>
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<tr>
<td>4 services per week</td>
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<tr>
<td>$435.30/month</td>
</tr>
<tr>
<td>5 services per week</td>
</tr>
<tr>
<td>$544.10/month</td>
</tr>
</tbody>
</table>

There will be a $40.00 charge for any additional service request.
Six (6) cubic yard container

<table>
<thead>
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<th>Services per week</th>
<th>Monthly Fee</th>
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</thead>
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<tr>
<td>1 service per week</td>
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<tr>
<td>5 services per week</td>
<td>$779.05</td>
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</table>

There will be a $50.00 charge for any additional service request.

The initial container requested will be delivered at no extra charge. However, there will be a $20.00 fee for changing container sizes after the initial delivery.

b. Each commercial refuse customer shall pay to the City a service charge of $14.00 per month for collection of one (1) 90-gallon roll-out container once per week.

c. Customers utilizing the City’s construction/demolition container service shall pay to the City a rental charge of $5.00 per day (Monday through Friday) plus a charge of $90.00 per pull plus appropriate landfill or transfer station tipping fees for each open top roll-off container.

d. Each customer shall pay to the City, a service charge of $5.00 per day (Monday through Friday) for use of each 4-yard container, plus a charge of $73.00 each time a 4-yard container is emptied, and, each customer shall pay to the City, a service charge of $5.00 per day (Monday through Friday) for use of each 6-yard container, plus a charge of $99.50 each time a 6-yard container is emptied.

e. Each customer shall pay to the City a service charge of $105.00 per pull plus appropriate landfill or transfer station fees for each hydraulically operated roll-off compactor.

f. Each customer requesting to have the City haul regulated waste shall pay the established container fees as specified in Section 18-25 herein as well as all other applicable disposal fees in addition to a $2.00 per mile transportation fee.

g. Each customer shall pay to the City a fee of $40.00 to have a roll-off or construction/demolition container relocated at the customer’s request. (Ord. 4170, §4).

Sec. 18-26. Service charge bills to be prepared by city.

The service charges established in Section 18-25 herein shall be included and itemized on municipal utilities electric and/or water service bills and payment of such charges shall be made at the same time and in the same manner as electric and/or water bills are paid. However, should any commercial refuse customer receive neither municipal electric or water service, then the City shall prepare and mail special service charge bills to such customers. (Ord. 3768, §1)
Sects. 18-27 to 18-31. Reserved.

Article IV - Refuse Service Review Committee

Sec. 18-32. Review Committee; selection of members; authority.

Should any solid waste and/or refuse customer desire an exemption from any of the provisions of this Chapter, he shall make his request known to the Director of Environmental Services. Such committee shall have the authority to uphold, modify, or suspend any of the provisions of this Chapter, provided that in so doing no nuisance to the public health, safety, or welfare is caused or maintained. The Council shall annually reappoint three of its members, representing the widest coverage of the City possible, to review such request or to hear said appeal. (Ord. 3768, §1; Ord. 3892, §4)

Sects. 18-33 to 18-37. Reserved.

Article V - Recovery of Emergency Related Expenses

Sec. 18-38. Procedure for recovery of expenses incurred in emergency actions in response to releases or threatened releases of material into or upon the environment.

When used in this section, "emergency action" shall mean all exigent activities conducted in order to prevent or mitigate harm to the public health and safety or the environment from a release or threatened release of any material into or upon land, water or air.

When used in this section, "governmental entity" shall include the City of Rolla, and any entity responding under a mutual aid agreement with the City of Rolla.

When used in this section, "person" shall include any individual, corporation, association, partnership, firm, trustee, legal representative, or any combination thereof.

When used in this section, "recoverable expenses" shall include the full costs of the responding governmental entity that are reasonable, necessary and allocable to an emergency action. Recoverable expenses shall not include expenditures that are incurred in the course of providing routine firefighting protection. Expenses allowable for recovery may include, but are not limited to:

- (1) Disposable materials and supplies consumed and expended specifically for the purpose of the emergency action.
- (2) Compensation of employees for the time and efforts devoted specifically to the emergency action.
- (3) Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment).
• (4) Replacement costs for equipment owned by the governmental entity that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action (e.g., self-contained breathing apparatus irretrievably contaminated during the response).

• (5) Decontamination of equipment contaminated during the response.

• (6) Special technical services specifically required for the response (e.g., costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the governmental entities).

• (7) Other special services specifically required for the emergency action.

• (8) Laboratory costs of analyzing samples taken during the emergency action.

• (9) Any costs of cleanup, storage, or disposal of the released material.

• (10) Costs associated with the services, supplies and equipment procured for a specific evacuation of persons or property.

• (11) Medical expenses incurred as a result of response activities.

• (12) Legal expenses and administrative costs that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this Chapter.

When used in this section, "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon land, water or air, of any material which the city determines may be harmful to the public health and welfare or the environment.

When used in this section, "threatened release" shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the governmental entities to undertake an emergency action.

Any person causing or responsible for a release or threatened release resulting in an emergency action shall be strictly liable to the governmental entity for the recoverable expenses resulting from the emergency action. There shall be a rebuttable presumption that any person owning or controlling property causing a release or threatened release is responsible for such release or threatened release.

The city administrator of the City of Rolla shall keep an itemized record of its recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, he shall certify those expenses to the city clerk.

The city clerk shall submit a written, itemized claim for the total certified expenses incurred by the City of Rolla for the emergency action to the responsible party and a written notice that, unless the amounts are paid in full to the City of Rolla within 30 days after the date of the mailing of the claim and notice, the city counselor of the City of Rolla will file a civil action for the stated amount.
The city clerk may cause a lien in the amount of the recoverable expenses to be placed on any real property located within the boundaries of the City of Rolla owned by the person causing or responsible for the emergency action.

Nothing in this Chapter shall be construed to conflict with the state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remediation activates and/or paying the costs thereof.

In the event a release occurs, the person causing or responsible for such release shall immediately notify the city clerk and request emergency action. Failure of any person to report any release shall be an ordinance violation and upon conviction thereof shall be punished by a fine of not more than $500.00 or by imprisonment of not more than six months or by both such fine and imprisonment. (Ord. 3768, §1)

Secs. 18-39 to 18-43. Reserved.

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


APPROVED:

ATTEST

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

IV 3/14
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Brady Wilson

ITEM/SUBJECT: 1/2 Ton Pickup Truck

BUDGET APPROPRIATION: $25,000

ACTION: Bid Award

DATE: March 21, 2016

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

COMMENTARY:

Bids were recently solicited for the purchase of a half-ton pickup truck for the Environmental Services Department. This is a scheduled replacement of an existing 2003 Chevrolet. The bids that were received have been reviewed and are listed below. The existing truck would be passed on to another department in need, or sold on govdeals.

BIDS FOR 1/2 TON PICKUP TRUCK:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Make/Model</th>
<th>Purchase Price</th>
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</thead>
<tbody>
<tr>
<td>Hutcheson Ford</td>
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<td>$23,132</td>
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<tr>
<td>St. James, MO</td>
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<td></td>
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<tr>
<td>Mid Missouri Motors</td>
<td>2016 GMC Sierra 1500</td>
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<td>St. Robert, MO</td>
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<td>Putnam Chevrolet</td>
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Item ✔️ A.