AGENDA OF THE ROLLA CITY COUNCIL
Tuesday, July 5, 2016
City Hall Council Chambers
901 North Elm Street
6:30 P.M.

PRESIDING: MAYOR LOUIS J. MAGDITS, IV

COUNCIL ROLL: JONATHAN HINES, MONTY JORDAN, MATTHEW CROWELL, MATTHEW MILLER, KELLY LONG, SUSAN EUDALY, DON MORRIS, JOHN MEUSCH, JIM WILLIAMS, BRIAN WOOLLEY, STEVEN JUNG AND WALT BOWE

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Matthew Crowell

I. CONSENT AGENDA
A) Consider Approval of the City Council Minutes of:
   1) Joint City Council/Phelps County Commission Meeting – June 6, 2016
   2) Joint City Council/Phelps County Commission Closed Session Meeting – June 6, 2016
   3) City Council Meeting - June 6, 2016
   4) City Council Closed Session Meeting – June 6, 2016
   5) City Council Meeting – June 20, 2016

II. PUBLIC HEARINGS
None.

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS
   A) Environmental Services Department Monthly Report – May 2016
   B) Police Department Monthly Report – May 2016
   C) Animal Control Division Monthly Report – May 2016
   D) Planning and Zoning Commission Preliminary Meeting Minutes – June 14, 2016
   E) Development Review Committee Meeting Minutes – May 31, 2016
   F) Fire and Rescue Department Monthly Report – May 2016
   H) Health and Recreation Center Board Meeting Minutes – April 20, May 25, & June 15, 2016

Note: Please turn off all cell phones and pagers during the meeting.
V. OLD BUSINESS
   A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential, LLC) – (Community Development Director John Petersen) – Final Reading
   B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane & County Road 3000 & Zone the Property to R-1 (Single-Family District) Zoning (Ismail) – (Community Development Director John Petersen) – Final Reading
   C) Ordinance Vacating State Street Right-of-Way Between the North Right-of-Way of 11th St. & the South Right-of-Way of Miner Circle (Missouri S&T) – (Community Development Director John Petersen) – Final Reading
   D) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Garbage, Trash, and Refuse – (Environmental Services Director Brady Wilson) – First Reading

VI. NEW BUSINESS
   A) Ordinance Amending Sections 27-92, 27-98, and 27-118 of the Rolla City Code Pertaining to Parking (Public Works Director Steve Hargis) – First Reading
   B) Ordinance Amending Sections 33-54 Through 33-63 of the Rolla City Code Pertaining to Pawnbrokers (Police Chief Sean Fagan) – First Reading

VII. CLAIMS and/or FISCAL TRANSACTIONS
   A) Motion Authorizing the Purchase and Installation of an Evidence Storage System – (Police Chief Sean Fagan) – Motion
   B) Motion Authorizing the Mayor to Execute a Change Order with Donald Maggi, Inc., for Project 388 – 2016 Street Improvements – (Public Works Director Steve Hargis) - Motion
   C) Ordinance Authorizing the Mayor to Execute a Grant Award of Contract with the State of Missouri Emergency Management Agency (SEMA) – (Fire Chief Ron Smith) – First Reading (Final Reading Requested)

VIII. CITIZEN COMMUNICATION
   A) Open Citizen Communication

IX. MAYOR/CITY COUNCIL COMMENTS
   A) Motion Appointing Ms. Sue Arnold (June 2019), Mr. Andrew Meggett (June 2019), Mr. Larry Thomas (June 2018), Mr. Ken Kwantes (June 2018), and Ms. Susan Wrassman (June 2017) to the Parks Advisory Commission - Motion
   B) Motion Reappointing Mr. Keith Strassner to the Rolla Enhanced Enterprise Zone Board (June 2021) - Motion
   C) Motion Reappointing Mr. Bill Marshall to the Tax Increment Financing Commission (TIF) (Feb. 2020) - Motion

X. COMMENTS FOR THE GOOD OF THE ORDER

XI. CLOSED SESSION
Pursuant to Section 610.021 RSMo. the City Council will discuss the following issues in Closed Session: None.

XII. ADJOURNMENT
JOINT ROLLA CITY COUNCIL/PHELPS COUNTY COMMISSION
MEETING MINUTES
MONDAY, JUNE 6, 2016; 5 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Monty Jordan, Matthew Crowell, Matthew Miller, Kelly Long, Don Morris, Jim Williams, Brian Woolley, and Walt Bowe

Council Members Absent: Jonathan Hines, Susan J. Eudaly, John Meusch, and Steven Jung

Department Directors in Attendance: Public Works Director Steve Hargis

Phelps County Officials in Attendance: Presiding Commissioner Randy Verkamp, Commissioner Larry Stratman, Commissioner Gary Hicks, and Phelps County Clerk Pamela Grow

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

Mayor Magdits called the meeting to order at approximately 5:05 p.m. and entertained a motion to adjourn into Closed Session pursuant to RSMo. 610.021(12) to discuss contract negotiations.

A motion was made by Long and seconded by Crowell to adjourn into Closed Session pursuant to RSMo. 610.021(12) to discuss contract negotiations. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Woolley, Miller, Bowe, Crowell, Long, and Morris. Nays; None. Absent; Jung, Hines, Meusch, and Eudaly. Motion carried.

The Council adjourned into Closed Session at approximately 5:05 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JUNE 6, 2016

I. A. 1.
ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 6, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET

Presiding: Mayor Louis J. Magdits, IV


Council Members Absent: Matthew Miller and Steven Jung

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Community Development Director John Petersen, Parks and Recreation Director Floyd Jernigan, Police Chief Sean Fagan, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

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

I. CONSENT AGENDA

A motion was made by Williams and seconded by Eudaly to approve the consent agenda as submitted. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The consent agenda consisted of the following:

(A) Approval of the Rolla City Council Minutes for the following:
   1) City Council Meeting – May 2, 2016
   2) City Council Meeting – May 16, 2016
   3) City Council Closed Session Meeting – May 16, 2016

II. PUBLIC HEARINGS

None.

JUNE 6, 2016
III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Adopt-A-City Feature Program (Recognition of Active Volunteer Groups): Mayor Magdits said the “Adopt-A-City Feature Program” is an important program that gives the City an opportunity to leverage its resources, give community entities a chance to get, in some cases, younger people exposed to civic activities, and it gives us a sense of pride when we can take a look back and see what our streets, roads, and park improvements looked like.

City Administrator John Butz added that he and Mayor Magdits are serving as mentors for a couple of university students working on their Humanitarian Minor degrees. He said Matthew Kistler has been working with him and staff to improve and try to bring some education to what was the City’s adopt-a-street, adopt-a-road, adopt-a-park, adopt-a-creek program. Although certain individuals and groups have contributed to these programs, Mr. Butz said they have not been recognized for their efforts. City staff has been working with Mr. Kistler pulling together a good database of the active participants and the opportunities that are available.

Mr. Matthew Kistler stated he was given a good opportunity to volunteer and help change things. He noted a website is now available, including a promotional video, and a small database that is growing with different streets, streams, parks, parking lots and various opportunities for volunteers to step up to the plate and make a difference. Mr. Kistler said the new website is www.rollacity.org/adoptacity. He told the Council he wants to thank everyone who has adopted parks and streets.

Mayor Magdits and City Administrator Butz then presented “Certificates of Appreciation” to the following for their volunteer efforts: Rolla Junior Club, the South Central Regional Veterans Group (SCRVG), Brewer Science, Air Force ROTC Detachment 442, the Riders’ Society, DECA, and Missouri S&T Longboarding Club.

(B) Airport Marketing Strategy: Mr. Eric Canada, CEO, Blane, Canada, LTD, reported the airport business plan project is nearing completion and the Council would be provided with a final copy. He then explained the purpose of the plan and its goals.

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

Mayor Magdits referred the Council to (A) the April 2016, Environmental Services Department Monthly Report; (B) the April 2016, Police Department Monthly Report;
IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS (continued)

(C) the April 2016, Animal Control Division Monthly Report; (D) the April and May 2016 Municipal Court Monthly Reports; (E) the May 10, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; (F) the April 2016, Fire and Rescue Department Monthly Report; (G) the April 2016, Building Codes Monthly Report, (H) the March 2016, Rolla Municipal Utilities Monthly Report, and; (I) the March 22, 2016, Rolla Board of Public Works Meeting Minutes.

As a courtesy to Attorney Mark Grimm, who needs to return to St. Louis, Mayor Magdits announced the Council would first be asked to consider the following items in this order: V.A., VI. A., and VI. B.

V. OLD BUSINESS

(A) Ordinance Approving Chapter 100 Bond Project and EEZ Benefits for Hartmann US: City Administrator John Butz recalled the Council conducted the first reading of the subject ordinance in April, which was still subject to some fine-tuning. He noted the copy, included in the agenda materials, is color coded in order to see the extensive changes to the Performance Agreement.

Mr. Mark Grimm, Attorney at Law, with Gilmore Bell, said it appears there were many changes to the Performance Agreement, but essentially there are not. He briefly commented on the contents of the Agreement.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4278: AN ORDINANCE AUTHORIZING THE CITY OF ROLLA, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (HARTMANN US INC. PROJECT), SERIES 2016, IN A PRINCIPAL AMOUNT NOT TO EXCEED $65,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF EQUIPPING A FACILITY FOR AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY; APPROVING A PLAN FOR THE PROJECT; AUTHORIZING REAL PROPERTY TAX ABATEMENT AS PART OF AN ENHANCED ENTERPRISE ZONE; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE PROVISION OF
V. OLD BUSINESS (continued)

(A) Ordinance Approving Chapter 100 Bond Project and EEZ Benefits for Hartmann US (continued): TAX ABATEMENT. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Eudaly, Hines, Jordan, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

As noted above, Mayor Magdits asked that Items VI. B. and VI. C. be considered at this time.

VI. NEW BUSINESS

(B) Resolution Authorizing the Mayor to Execute the Escrow Funding Agreement with Rolla Developer, LLC for the Rolla Apartments Rehabilitation Project: City Administrator John Butz recalled that a couple of months ago, Rolla Developer, LLC, the owners of the Rolla Apartments complex, addressed the Council about investing substantially in that facility. He noted this facility has been off the tax rolls for 36 years and noted there are some interior, fundamental challenges with the project. Mr. Butz recalled the Council was receptive to supporting the application for a low income housing tax credit for the Rolla Developer, LLC, as a way of generating between $5 and $6 million of funding for the rehabilitation project. He explained the Council is asked to consider authorizing the Mayor to execute an Escrow Funding Agreement, which has Rolla Developer, LLC, advance $25,000 to cover any direct cost the City has, i.e., legal fees, PGAV blight determination.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1863: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, AN ESCROW FUNDING AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND ROLLA DEVELOPER, LLC., FOR THE ROLLA APARTMENTS REHABILITATION PROJECT. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed ten ayes zero nays, and two absent. Motion carried.

(C) Resolution Authorizing the Mayor to Execute the Blight Study to PGAV for the Rolla Apartments Rehabilitation Project: City Administrator John Butz explained the next step in the Rolla Apartments project is a plan to formally consider a blight
VI. NEW BUSINESS (continued)

(C) Resolution Authorizing the Mayor to Execute the Blight Study to PGAV for the Rolla Apartments Rehabilitation Project (continued): determination. He recalled PGAV was retained for the Forum Plaza TID (Transportation Improvement District) and staff anticipates doing the same for the Rolla Apartments Project. Mr. Butz said the subject contract with PGAV is for approximately $12,000. He pointed out this would be paid for out of the $25,000 that the developers would be advancing to the City.

Attorney at Law Mark Grimm added the proposal is actually for the blight study and the tax impact statement. The tax impact statement is a statutorily required document that is distributed to the taxing districts in advance of the public hearing.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1864: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF ROLLA, MISSOURI, AND PECKHAM GUYTON ALBERS & VIETS, INC. (PGAV). A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed ten ayes zero nays, and two absent. Motion carried.

V. OLD BUSINESS (continued)

(B) Ordinance Approving the Rezoning of Lots 1 through 8 and Lot 10 of the Kayser North Subdivision No. 2, from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) (Rolla Investors, LLC): Community Development Director John Petersen informed the Council that Rolla Investors, LLC, is requesting the rezoning of the subject property from R-1 (Single Family District) to R-3 (Multi-Family District). He stated the applicant is proposing 56 dwelling units in eight, three-story buildings. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the zoning request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4279: AN ORDINANCE APPROVING THE REZONING OF LOTS 1 THROUGH 8 AND LOT 10 OF THE KAYSER NORTH SUBDIVISION NO. 2, FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING SITUATED IN THE CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (ROLLA INVESTORS, LLC). A motion was made
V. OLD BUSINESS (continued)

(B) Ordinance Approving the Rezoning of Lots 1 through 8 and Lot 10 of the Kayser North Subdivision No. 2, from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) (Rolla Investors, LLC) (continued): by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Williams, Hines, Meusch, Jordan, Bowe, Crowell, Eudaly, and Long. Nays; None. Absent; Miller and Jung. Motion carried. The ordinance passed.

(C) Ordinance Approving the Resubdivision of RSBR No. 1 Subdivision (RSBR No. 2 Subdivision): Community Development Director John Petersen explained the subject property is located on North Bishop across the street from the Kia dealership. He told the Council the subject resubdivision entails the elimination of interior lot lines so a new building can be constructed on this site. He reported the Planning and Zoning Commission recommends approval.

(C) Ordinance Approving the Resubdivision of RSBR No. 1 Subdivision (RSBR No. 2 Subdivision) (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4280: AN ORDINANCE APPROVING THE RE-SUBDIVISION OF RSBR NO. 1 SUBDIVISION, BEING A MINOR RE-SUBDIVISION TO ELIMINATE THE INTERIOR LOT LINES FOR LOTS 1 AND 2 OF THE RSBR SUBDIVISION, SITUATED IN THE NW1/4, SW1/4, SECTION 36, T38N, R8W of the 5TH P.M. CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (RSBR No. 2 SUBDIVISION). A motion was made by Williams and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Williams, Jordan, Eudaly, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

(D) Ordinance Authorizing the Mayor to Enter into a Contract with Vance Brothers, Inc., for Project 405 – Micropave Pilot Project: Public Works Director Steve Hargis recalled that during the May 16, 2016, meeting the Council approved a bid from Vance Brothers, Inc., for $58,800.00 for a micropave pilot project on Vichy Road. He asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter in to that contract.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4281: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF
V. OLD BUSINESS (continued)

(D) Ordinance Authorizing the Mayor to Enter into a Contract with Vance Brothers, Inc., for Project 405 – Micropave Pilot Project (continued): THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND VANCE BROTHERS, INC. FOR THE MICROPAVE PILOT PROJECT, PROJECT 405. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Meusch, Jordan, Williams, Hines, Woolley, Long, Bowe, Crowell, and Morris. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

(E) Ordinance Authorizing the Mayor to Enter into a Contract with Donald Maggi, Inc., for Project 388 – 2016 Street Improvements – Keeton Road and Shady Lane: Public Works Director Steve Hargis recalled that during its last meeting the Council awarded a bid for $106,247.50 to Donald Maggi, Inc., for the Keeton Road and Shady Lane improvements. He asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter into a contract with Donald Maggi, Inc., for this project.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4282: 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 DONALD MAGGI, INC. FOR 2016 STREET IMPROVEMENTS-KEETON ROAD AND SHADY LANE, PROJECT 388. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Eudaly, and Morris. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Discussion Pertaining to Pawn Shop Ordinance: Police Chief Sean Fagan told the Council he is recommending an amendment to the current Pawn Shop ordinance to include second hand dealers, junk dealers, and jewelry stores that purchase jewelry, precious metals, coins, etc. He said the proposed amendment would require these businesses to keep a record of the items purchased and from whom they were purchased.
VI. NEW BUSINESS (continued)

(A) Discussion Pertaining to Pawn Shop Ordinance (continued): Additionally, Chief Fagan indicated these businesses would be required to hold the merchandise for a specified time before reselling.

Discussion followed and Chief Fagan said staff would return with a draft ordinance at a future meeting, which would amend the subject ordinance.

(B) Resolution Authorizing the Mayor to Execute the Escrow Funding Agreement with Rolla Developer, LLC for the Rolla Apartments Rehabilitation Project: This item was considered earlier (Page 4) immediately following Item V.A. “Ordinance Approving Chapter 100 Bond Project and EEZ Benefits for Hartmann US”.

(C) Resolution Authorizing the Mayor to Execute the Blight Study to PGAV for the Rolla Apartments Rehabilitation Project: This item was considered earlier in the meeting (Page 4) following Item VI. B. “Resolution Authorizing the Mayor to Execute the Escrow Funding Agreement with Rolla Developer, LLC for the Rolla Apartments Rehabilitation Project.”

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Projects 388 and 392, 2016 Street Improvements, Keeton Road, Shady Lane, 10th Street and Fairgrounds Road: Public Works Director Steve Hargis reported that staff received bids for concrete pipe for Projects 388 and 392. Two bids were received and the low bidder was Fred Weber Reinforced Concrete Products, Inc., Fulton, Missouri for $43,842.50. Staff recommends the bid be awarded to the low bidder. Mr. Hargis informed the Council that in order for staff to ensure having adequate materials on site, verbal approval was given for a partial delivery of this product. A motion was made by Williams and seconded by Eudaly to award the bid for Projects 388 and 392, to the low bidder, Fred Weber Reinforced Concrete Products, Inc., Fulton, Missouri for $43,842.50. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council.
VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(1) Regarding the proposed TIF (Tax Increment Financing) project, Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, stated it is just plain wrong to give away taxpayer money to private citizens. He said he hopes this TIF never happens. Mr. Sager noted the Council is scheduled to discuss it again “behind closed doors” at the end of the meeting and hopes the Council will vote it down because we do not need to be giving away taxpayer money. The Council is stewards of this money and it really needs to be used wisely.

For the public’s benefit, Mayor Magdits explained the negotiations of the agreement were discussed in Closed Session. He indicated the discussion on whether to do it or not do it and the vote would be conducted in open session.

(2) Mr. Frank Furman, 403 Hutchinson, Rolla, Missouri, announced the Salem Avenue Baptist Church is conducting a collection of old shoes to be given away to the needy in the area. Over 1,500 pair was given away last year. Mr. Furman said collection bins are located at The Centre.

Additionally, Mr. Furman announced the Friends of the Library Book Sale would be held from Thursday, June 9 through Saturday June 11, 2016. He told the Council the funds from the sale are given to the Library. Mr. Furman encouraged citizens to support this event.

(3) Mr. Furman commented that the map in the legal notice section of the Rolla Daily News pertaining to the Transportation Development District (TDD) is a black and white version of a colorized map. He noted you could see the outline of Rolla, but not the TDD. Mr. Furman pointed out the appropriate map is located on the City’s website.

City Administrator John Butz indicated staff would provide the Rolla Daily News with a different version.

No one else present addressed the Council.
IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Jeffrey H. Rohrer to the Board of Adjustment (June 2020): A motion was made by Long and seconded by Eudaly to appoint Mr. Jeffrey H. Rohrer to the Board of Adjustment as a regular member. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion Reappointing Ms. Bette Shields and Ms. Judy Jepsen to the Police Personnel Board (June 2020): A motion was made by Eudaly and seconded by Long to reappoint Ms. Bette Shields and Ms. Judy Jepsen to the Police Personnel Board. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Armored Vehicle: Councilman Woolley indicated a constituent contacted him about a photograph of a vehicle the Police Department owns that resembles an armored vehicle.

Chief Fagan told Mr. Woolley the Police Department has a MRAP (Mine Resistant Ambush Protected) which is a military vehicle and is used by Police Department’s tactical team. He said it is not used very often and is used for very dangerous search warrants and similar situations. Chief Fagan said the Police Department has had it for years and it was displayed during the recent Kids Safety Day.

(B) High Grass: Councilman Williams reminded residents that it is “grass mowing time.” He said today he reported fifteen, high grass properties to the City’s inspector. Mr. Williams asked residents to mow their yards so he will not need to report them.

(C) Hartmann US Groundbreaking: Councilman Williams indicated he attended the recent groundbreaking of the Hartmann US facility. He said it was a nice event and believes that those who attended were very impressed with Hartmann Company representatives.

XI. CLOSED SESSION

A motion was made by Eudaly and seconded by Woolley to adjourn into Closed Session pursuant to RSMo. 610.021(12) to discuss contract negotiations. A roll call vote on the
XI. CLOSED SESSION (continued)

motion showed the following: Ayes; Bowe, Woolley, Williams, Hines, Meusch, Jordan, Morris, Long, Eudaly, and Crowell. Nays: None. Absent; Miller and Jung. Motion carried.

The Council adjourned into Closed Session at approximately 7:52 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 7:59 p.m.

City Counselor Lance Thurman announced that no final action was taken during Closed Session.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK                       MAYOR

JUNE 6, 2016
ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 20, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET

Presiding: Mayor Pro-Tempore Monty Jordan


Council Members Absent: None.

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Community Development Director John Petersen, Finance Director Steffanie Rogers, Parks and Recreation Director Floyd Jernigan, Police Chief Sean Fagan, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

Mayor Pro-Tempore Jordan called the meeting to order at approximately 6:30 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation. Following the invocation, Councilman Matt Miller led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential LLC): Community Development Director John Petersen noted the subject property is located near the entrance of Forum Drive and Old St. James Road. The applicant is requesting the property, which consists of 18.6 acres, be rezoned to R-3 (Multi-Family District). The proposed project for this property consists of a single-story assisted living facility and four duplexes, two triplexes and a clubhouse for use by residents. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the requested rezoning of R-3 (Multi-Family District).

Mr. Neal Slattery, Staff Engineer, Americare Senior Living, 915 East Ash, Columbia, Missouri, informed the Council they plan to construct one large 19,000 square foot assisted living building and seven separate independent buildings on the north side of the project. Plans are to begin construction on the facility as soon as approval is obtained from the City.

JUNE 20, 2016

I. A13.
I. PUBLIC HEARINGS (continued)

(A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential LLC) (continued): Mayor Pro-Tempore Jordan opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Pro-Tempore Jordan closed the public hearing.

Following a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE REZONING OF LOT 1, COUNTRY HILLS SUBDIVISION, FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (ROLLA RESIDENTIAL, LLC)

Councilman Crowell entered the meeting at approximately 6:40 p.m.

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane and County Road 3000 and Zone the Property to R-3 (Multi-Family District) Zoning (Ismail): Community Development Director John Petersen said the subject property consists of 2.02 acres and is located in what is referred to in the Comprehensive Plan as an urban growth area. The subject property currently contains three new single-family units. The proposed use of this property could sustain a maximum number of 48 units. Mr. Petersen informed the Council that this request has been controversial and the Planning and Zoning Commission recommend denial of the request.

After Council discussion, Mayor Pro-Tempore Jordan opened the public hearing to anyone wishing to address the Council concerning the subject annexation and zoning request.

Mr. Dan Oerther, 200 Lovers Lane, said he is opposed to the rezoning request, but does not have a problem with the annexation. He expressed concerns with what could be constructed and which could possibly deteriorate the character of the neighborhood. Mr. Oerther stated he is not opposed to a reasonable plan for some property owner to be able to use their property. He pointed out he is opposed to a “blank check” as an R-3 (Multi-Family District) zoning.

Mr. Calvin Meyer, 107 Lovers Lane, stated he does not have a problem with the annexation, but if the property is classified as an R-3 (Multi-Family District) zoned area, it would change the character of Lovers Lane. He pointed out R-3 (Multi-Family
I. PUBLIC HEARINGS (continued)

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane and County Road 3000 and Zone the Property to R-3 (Multi-Family District) Zoning (Ismail) (continued): District) could mean multiple apartments and possibly 48 units per acre. Mr. Meyer indicated this would cause his property value to decrease. Additionally, he expressed concern with increased traffic and security. Mr. Meyer said he does not have a problem with an R-1 (Single Family District) or R-2 (Two Family District) zoning.

Rolla Municipal Utilities (RMU) General Manager Rodney Bourne asked if he could address the Council regarding water and power information. He stated in general, RMU is always in favor of annexation because RMU is unable to provide power to properties located outside the city limits. Mr. Bourne said there are no statutory provisions preventing RMU from providing water service outside the city limits. However, the Board of Public Works has reaffirmed their policy to not serve properties outside the Rolla city limits. Mr. Bourne informed the Council the subject property is located inside the water district and that creates more problems in that RMU has a federal consent stipulation judgment that says how the water district and RMU would work together on properties. He explained if the property is annexed, then RMU has the first right of refusal to provide service to this property.

Ms. Paula Volkmer, 300 Lovers Lane, explained that she and her husband are opposed to the zoning of the subject property to R-3 (Multi-Family District). She emphasized their opposition is not to the annexation, but to the zoning. Ms. Volkmer pointed out their neighborhood was established as a single-family home neighborhood and they would like to see it remain that way. The possibility their neighbor could host an apartment complex of 48 units gives them considerable concern. She noted Lovers Lane and Soest Road are already busy thoroughfares and they are not alone in their belief that the addition of a unit of that size would have an impact on their street, property values, and safety.

Ms. Barbara Hunt, 610 Lovers Lane, stated she is not opposed to the annexation but is opposed to the requested zoning of R-3 (Multi-Family District). She said she purchased this property because of the view. If R-3 (Multi-Family District) is allowed at the corner, property values will decline and it will ruin the whole looks of the neighborhood. Ms. Hunt also expressed concern with both vehicular and pedestrian traffic.

No one else present addressed the Council. Mayor Pro-Tempore Jordan closed the public hearing.
I. PUBLIC HEARINGS (continued)

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane and County Road 3000 and Zone the Property to R-3 (Multi-Family District) Zoning (Ismail) (continued): After Council discussion, a motion was made by Long and seconded by Williams to amend the proposed ordinance by changing the zoning from R-3 (Multi-Family District) to R-1 (Single Family District). A voice vote on the motion showed unanimous approval. Motion carried.

City Counselor Lance Thurman then read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE REQUESTING THE ANNEXATION OF A 2.02 ACRE TRACT AT 100 LOVERS LANE AND ZONE THE PROPERTY FROM NZ (NO ZONE) TO R-1 (SINGLE-FAMILY DISTRICT) ZONING. (ISMAIL)

II. SPECIAL PRESENTATIONS

(A) Celebration of Nations: Mr. Richie Myers, Program Coordinator for International and Cultural Affairs at Missouri S&T, showed the Council a video of a previous Missouri S&T Celebration of Nations. He said the University could not do this event without the support of the community. Mr. Myers reported they are still looking for volunteers to work at this year's event, which is scheduled for September 24, 2016.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Approving the Resubdivision of KDs Gardens No. 2 (KD's Gardens): Community Development Director John Petersen informed the Council the request is to consolidate Lots 1 and 2 thereby establishing Lot 3. The property is located off Vichy Road at the Vienna Road intersection. Mr. Petersen reported the Planning and Zoning Commission recommend approval.
COUNCIL MEETING MINUTES
JUNE 20, 2016
PAGE 5

IV. NEW BUSINESS (continued)

(A) Ordinance Approving the Resubdivision of KDs Gardens No. 2 (KD Gardens) (continued): After a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4283: AN ORDINANCE APPROVING THE RE-SUBDIVISION OF KDs GARDENS, BEING A MINOR SUBDIVISION TO ELIMINATE THE INTERIOR LOT LINES FOR LOTS 1 AND 2 OF THE KDs GARDENS SUBDIVISION No. 2, THEREBY CREATING A THIRD LOT ENCOMPASSING 3.36 ACRES IN TOTAL AREA. (KD Gardens No. 2 SUBDIVISION). A motion was made by Eudaly and seconded by Morris to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, three nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Miller, Williams, Hines, Long, Meusch, Jordan, Morris, Crowell, Eudaly, and Jung. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Vacating State Street Right-of-Way Between the North Right-of-Way of 11th Street and the South Right-of-Way of Miner Circle (Missouri S&T): Community Development Director John Petersen explained the request from Missouri S&T is to vacate a portion of Fourteenth Street and State Street. He noted the vacated right-of-way would be maintained as a utility easement.

Fire Chief Ron Smith pointed out the subject ordinance stipulates a fire apparatus access road shall be provided and maintained per International Fire Code 2000 Sections 502 and 503. Should a new fire code be adopted, the section numbers may not be the same. Chief Smith asked if the ordinance should be amended to allow for any future updates.

Mr. Ted Ruth, Director of Design and Construction Management with Missouri S&T, told the Council the primary reason for the vacation request is that as of August 1, 2016, the University will become a tobacco free campus. This would allow the University to enforce the tobacco free campus in these locations. Mr. Ruth said the University could not enforce this in any City right-of-way or public property.

A motion was made by Eudaly and seconded by Long to amend the proposed ordinance to read as follows: "A fire apparatus access road shall be provided and maintained per International Fire Code 2000 Section 502 and 503 or any update of that Code or its equivalent." A voice vote on the motion showed ten ayes, two nays, and zero absent. Motion carried.
IV. NEW BUSINESS (continued)

(B) Ordinance Vacating State Street Right-of-Way Between the North Right-of-Way of 11th Street and the South Right-of-Way of Miner Circle (Missouri S&T) (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE APPROVING THE VACATION OF STATE STREET RIGHT-OF-WAY BETWEEN THE NORTH RIGHT-OF-WAY OF 11TH STREET AND THE SOUTH RIGHT-OF-WAY OF MINER CIRCLE, COMPRISING A 444’X60’ PARCEL AND ALSO TO VACATE 14TH STREET WEST OF PINE STREET COMPRISING A 493’ X 60’ PARCEL TO THE MISSOURI UNIVERSITY OF SCIENCE & TECHNOLOGY. THE VACATED RIGHT-OF-WAY SHALL BE RETAINED AS A UTILITY EASEMENT. (MISSOURI S&T).

(C) Ordinance Re-adopting Public Officials Personal Financial Disclosure Ordinance: City Administrator John Butz explained State Statute requires the adoption of the subject ordinance every two years. He said if the Council would choose to not adopt this ordinance and follow State law, the Council members would be required to complete the report. With the approval of this ordinance, only the Mayor, City Administrator, Finance Director, and Rolla Municipal Utilities General Manager would be required to submit a report.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4284: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF. A motion was made by Long and seconded by Williams to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, two nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Eudaly, Jung, Hines, Woolley, Miller, Bowe, Crowell, Long, Jordan, Morris, and Williams. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Motion Authorizing the Closing of Rolla Street from 6th to 7th Streets on Sept. 24, 2016, from 10 a.m. to 7 p.m.: Public Works Director Steve Hargis informed the Council that Public House Brewing Company has requested the closing of a portion of Rolla Street on September 24, 2016, during the Celebration of Nations.
IV. NEW BUSINESS (continued)

(D) Motion Authorizing the Closing of Rolla Street from 6\textsuperscript{th} to 7\textsuperscript{th} Streets on Sept. 24, 2016, from 10 a.m. to 7 p.m. (continued): A motion was made by Eudaly and seconded by Long to authorize the closing of Rolla Street from Sixth Street to Seventh Street on Saturday, September 24, 2016. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

None.

VII. CITIZEN COMMENTS

(A) Open Citizen Communication: Mayor Pro-Tempore Jordan opened the floor to anyone wishing to address the Council.

(1) Ms. Sara Effner told the Council about her connection with China and the persecution of the Falun Gong meditation. She said she is here to share some good news. Last Monday the U.S. House of Representatives unanimously passed Resolution 343 condemning China's state sanctioned, forced organ harvesting from Falun Gong practitioners and other prisoners of conscience. Ms. Effner explained that Congressman Jason Smith and five other Missouri representatives were among the 185 co-sponsors. She told the Council that Falun Gong is an ancient practice to improve the mind and body. She encouraged everyone to visit the website www.stoporganharvesting.org to find out more and to support the global effort to stop this crime against humanity.

(2) Mr. Tom Sager, 8 Laird Avenue, showed the Council photos of Ber Juan pond last year and this year with the scum. He suggested the City install a fountain in the pond because it is an eyesore in the center of Rolla where there are many visitors.
COUNCIL MEETING MINUTES
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PAGE 8

VII. CITIZEN COMMENTS (continued)

(A) Open Citizen Communication (continued):

City Administrator John Butz informed the Council and the public there is an open house tomorrow, Tuesday, June 21, 2016, at The Centre to obtain input from the citizens about the parks. He said this would be the ideal time to express the need for the proposed fountain along with other amenities.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Hines: Councilman Hines pointed out that what is being called “scum” is not what people would think as “scum.” He said it is growth of the weeds from the bottom. Mr. Hines stated aerators would not remedy it, but several grass carp could.

(B) Councilman Jung: Councilman Jung noted it is extremely dry and cautioned residents to not start any fires with fireworks.

Fire Chief Ron Smith indicated his department receives a drought meter from the Department of Agriculture every week that informs them about the drought conditions.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:15 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

_________________________________________________________________
CITY CLERK

_________________________________________________________________
MAYOR

JUNE 20, 2016
# MATERIALS COLLECTED & SHIPPED
## FROM RECYCLING CENTER
(Based on Calendar Year)

<table>
<thead>
<tr>
<th>Material</th>
<th>May 2016</th>
<th>April 2016</th>
<th>May 2015</th>
<th>Year-to-Date 2016</th>
<th>Year-to-Date 2015</th>
<th>Yearly Total 2015</th>
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</thead>
<tbody>
<tr>
<td>Cardboard</td>
<td>130.1 ton</td>
<td>153.7 ton</td>
<td>107.8 ton</td>
<td>648.1 ton</td>
<td>619.2 ton</td>
<td>1,718.9 ton</td>
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<tr>
<td>Newspaper</td>
<td>40.7 ton</td>
<td>41.3 ton</td>
<td>20.9 ton</td>
<td>182.8 ton</td>
<td>193.6 ton</td>
<td>500.2 ton</td>
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<td>High Grade Paper</td>
<td>41.7 ton</td>
<td>40.6 ton</td>
<td>42.2 ton</td>
<td>164.4 ton</td>
<td>147.4 ton</td>
<td>314.1 ton</td>
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<tr>
<td>Aluminum</td>
<td>0.0 ton</td>
<td>0.8 ton</td>
<td>0.7 ton</td>
<td>3.2 ton</td>
<td>5.1 ton</td>
<td>10.9 ton</td>
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<tr>
<td>Tin/Steel Cans</td>
<td>4.3 ton</td>
<td>4.2 ton</td>
<td>3.9 ton</td>
<td>23.5 ton</td>
<td>25.1 ton</td>
<td>57.7 ton</td>
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<tr>
<td>Plastic</td>
<td>16.0 ton</td>
<td>11.2 ton</td>
<td>11.7 ton</td>
<td>59.1 ton</td>
<td>65.0 ton</td>
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<tr>
<td>Glass</td>
<td>20.4 ton</td>
<td>19.3 ton</td>
<td>0.0 ton</td>
<td>121.3 ton</td>
<td>91.0 ton</td>
<td>253.5 ton</td>
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<tr>
<td>Batteries</td>
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<td>0.0 ton</td>
<td>0.0 ton</td>
<td>0.8 ton</td>
<td>1.6 ton</td>
<td>1.6 ton</td>
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<tr>
<td>Electronic Waste</td>
<td>3.0 ton</td>
<td>3.1 ton</td>
<td>4.4 ton</td>
<td>17.9 ton</td>
<td>17.7 ton</td>
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<td>Household HW</td>
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<td>1.3 ton</td>
<td>2.3 ton</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>256.2 ton</strong></td>
<td><strong>275.5 ton</strong></td>
<td><strong>193.9 ton</strong></td>
<td><strong>1,222.4 ton</strong></td>
<td><strong>1,168.0 ton</strong></td>
<td><strong>3,047.4 ton</strong></td>
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## SERVICES PROVIDED

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<th>Type of Service</th>
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<th>April 2016</th>
<th>May 2015</th>
<th>Year-to-Date 2016</th>
<th>Year-to-Date 2015</th>
<th>Yearly Total 2015</th>
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<tr>
<td>Special Pick-ups</td>
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<td>47</td>
<td>86</td>
<td>326</td>
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<td>Paper Shredding</td>
<td>7.5 hours</td>
<td>7.0 hours</td>
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<td>Reported Trash Nuisances</td>
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<td>52</td>
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<td>Households Dropping Off Hazardous Waste</td>
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<td>80</td>
<td>57</td>
<td>367</td>
<td>349</td>
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## DISPOSAL TONNAGE
(Sanitation Division)

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<tr>
<th>Material</th>
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<th>April 2016</th>
<th>May 2015</th>
<th>Year-to-Date 2016</th>
<th>Year-to-Date 2015</th>
<th>Yearly Total 2015</th>
</tr>
</thead>
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<tr>
<td>Refuse</td>
<td>1,582.4 ton</td>
<td>1,428.0 ton</td>
<td>1,336.3 ton</td>
<td>6,694.2 ton</td>
<td>6,642.4 ton</td>
<td>15,969.4 ton</td>
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May 2016

Part I Crimes

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<th>Criminal Homicide</th>
<th>Rape</th>
<th>Robbery</th>
<th>Felony Assault</th>
<th>Burglary</th>
<th>Larceny</th>
<th>Auto Theft</th>
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<td>Year to Date</td>
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<td>3</td>
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<td>Accident - Injury</td>
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<td>Accident - Leave the scene</td>
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<td>Accident - No Injury</td>
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<td>Death</td>
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<td>Destruction of Property</td>
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Total: 3351
# ANIMAL CONTROL MONTHLY TOTALS

**May 2016**

## ANIMALS IMPOUNDED

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<th>Canine</th>
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## ANIMAL DISPOSITION

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## ADDITIONAL STATISTICS

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Signature: IV. C. 1.
MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY JUNE 14, 2016 5:30 P.M.

Presiding: Don Brown, Chairperson

Commission Members Present: Robert Anderson, Bill Lindgren, Jr., Jance Martin, Matt Miller, Jack Morris, Russell Schmidt, Monte Shields, and Steven Shields,

Commission Members Absent: None

City Officials in Attendance: Community Development Director John Petersen, Roben Griggs and Karen Fagan.

Chairperson Brown called the meeting to order at 5:30 p.m.

I. APPROVAL OF MINUTES
The MAY 10, 2016 minutes were approved.

II. REPORT ON CITY COUNCIL ACTIONS

Community Development Director John Petersen reported on the actions from the JUNE 6, 2016 City Council Meeting.

III. PUBLIC HEARINGS:

A public hearing requesting to the City Council an Ordinance to approve the rezoning of Lot 1 Country Hills Subdivision, from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning

John Petersen stated that the property is almost 19 acres. There are two components to the project:

1. The main building will be the Assisted Living Facility (ALF). It will be a one story structure and have roughly twenty-four units during Phase 1. Phase 2 will have forty-two units. The project exceeds parking requirements by a good margin. It is the opinion of staff that the neighborhood character and impact of this project will be positive on the neighborhood.
2. There will be two triplexes and four duplexes. They will be individual cottages for independent living.

Mr. Petersen said that the staff recommendation to the Planning Commission is that they recommend approve by City Council.

Questions from Planning and Zoning Commissioners:

Russell Schmidt asked if there was going to be only one entrance. Mr. Petersen replied yes, however there is plenty of space to turn around.

Bill Lindgren asked if the Fire Department is comfortable on their end. Mr. Petersen replied yes.

Mr. Brown officially opened the public hearing and asked the developer to come forward and address the Commission.

Neal Slattery staff engineer for Americare 915 East Ash, Columbia, MO. He stated that the proposed project is a senior living project. It is on 18.6 acres. At total build out it will be forty-two units. It will be slightly over two units per acre. The standard size residential subdivision is typically six or seven units per acre. Of the 18.6 acres only 12 acres will be disturbed; leaving 40% untouched.

As far as storm water goes there will be less than 20% impervious surface at full build out. This entire project has been designed to not only meet Rolla’s storm water requirements, but it exceeds it. It is designed to the 100 year storm. It will have four basins on site that will deal with water quality issues and extra storage.

Phasing will depend on the cost of the project. Mr. Slattery stated that they are working with city staff and RMU (Rolla Municipal Utilities) on any necessary utility extensions.

There is only one location where an entrance can be placed for sight distance reasons. The internal driveways are twenty-five feet wide. After full build out the anticipated traffic will be less than seventy-five vehicles per day.

The way the terrain lays makes the site depressed. From the north it will be twenty feet below the city property. From the west it will be anywhere from five to ten feet below the adjacent property. There will be vegetation that will remain in place; so it will be pretty much secluded.

Americare has developed, operated, and managed senior living projects for the last thirty plus years. They have had a presence in the city of Rolla for the last twenty-five years. Parkside Assisted Living on Tenth Street is one of their facilities. The plan is to construct an assisted living building on the southern half of this project. Once it is up and running they will renovate Parkside into a memory care facility.

The northern half will be independent living project consisting of fourteen independent units. Only about ten to twenty percent of the residents may drive.

Mr. Brown closed the public hearing.
A motion was made by Bill Lindgren, seconded by Monte Shields to recommend to the City Council to re-zone the property from C-3 to R-3. A roll call vote on the motion showed the following: Ayes: M. Shields, S. Shields, Martin, Miller, Schmidt, Morris, Anderson, Lindgren. Nays: None. Motion carried.

A public hearing requesting to recommend to the City Council annexation and zoning of two tracts (Tract 2 -.86 acre and (Tract 3 - 1.16 acre) for a total of 2.02 acres at the intersection of Lovers Lane and County Road 3000 (12128.02 and 12128.03, and one from NZ (No Zone) to R-3 (Multi-Family District).

John Peterson explained that the property is not currently in the city. The applicant has requested the annexation and zoning of two tracts adjacent to each other. The two parts that are proposed to be annexed and zoned are Tract 3 and Tract 2. This project does not have anything to do with Tract 1. The developer will be required to install a water main along County Road 3000 to prepare the area for future development. That is standard operating procedure. There are three units on the property and there is currently no zoning in the county nor or there any subdivision regulations. The property was never subdivided.

The intent is to open the area up for development. The applicant has made it clear what they would like to do is to construct moderate level R-3 Multi-Family Housing. The maximum of forty-eight residential units, one or two stories tall could be built within these two lots. This equates down to twelve four-plex structures. It would have an impact on the appearance of the area. It would not be a wooded rural area. The developers did not present any kind of a plan on what they are visualizing.

To the north there is no zoning and close by there is a single family home. The property behind is owned by the person requesting the annexation and zoning. There is a septic tank located on the property that will need to be removed once the area is developed. To the south is a heavily forested area not open for development. The area to the east is mostly vacant and was intended for residential development. To the west is a combination of R-1 single family in the front and immediately right behind it is R-3 multi-family.

The impact on the streets and parking is a concern. The street is intended for ten thousand average daily traffic (ADT) and right now it is carrying about six thousand. Therefore, in the future there will be a need to look at traffic circulation in the area.

The biggest question about this particular project has to do with the impact of the character of the neighborhood.

Questions from Planning and Zoning Commissioners:

Mr. Lindgren asked if Soest Road will be extended to include that portion of County Road 3000. Mr. Petersen replied no it will remain in the county. Mr. Lindgren stated that eventually it will need some ingress and egress.

Mr. Schmidt asked if Intercounty will maintain electric. Mr. Petersen replied that anything with the co-op stays with the co-op. Therefore, those structures will stay as co-op customers because they were built before annexation.
Mr. Schmidt also asked if the property owner could build a three or four story high building. Mr. Petersen replied theoretically yes with a maximum of forty-eight units.

Mr. Brown officially opened the public hearing and asked if anyone had any questions or comments.

John Yaakub lives at 233 Deer Run, St. Louis, MO 63125. He stated that he is representing the property owner because the owner is out of town. The main reason the owner wants to be annexed into the city is to get on public sewer and water. Currently there are three existing apartments and an existing house on a septic system. Therefore, the owner needs to pick a particular zone and since there are three apartments on the property currently he is trying to get it zoned R-3 on the last lot. Mr. Yaakub said that forty-eight units will not fit on the property unless it is one big tower. The owner wants to leave the existing house as it is. He wants to provide water and sewer to the apartments and future development on that tract of land. He has no plan to build anything right now. He is just trying to be congruent with what is on there now.

Dan Oerther lives at 200 Lovers Lane, Rolla, MO 65401. Mr. Oerther provided a written remark. His property is immediately to the north of the property under consideration by the Commission. He is outside the Rolla city limits but inside the 185' foot boundary. Mr. Oerther is not opposed to the request for annexation. However, he is opposed to zone the property R-3 because of the negative impact on the adjoining district due to the request for exceptionally high density that does not conform to the character of the neighborhood. He is also concerned that taking a single family home and subdividing it into three and leaving it on the septic system might be in violation of the rules from Missouri Department of Natural Resources (DNR) and environmental and health services.

Calvin Meyer lives at 107 Lovers Lane, Rolla, MO 65401. He lives directly west of the proposed annexation since 1993. He is okay with the property being zoned R-1 or R-2, but he is opposed to it being zoned R-3 because it would change the whole character of that area. He is concerned that Lovers Lane already has quit a bit of traffic and a lot of people speed and barely make the stop sign. He feels that if it is reclassified it will generate a lot more traffic. Mr. Meyer is also concerned about property values. He does not want to be surrounded by rental properties.

Paula Volkmer lives at 300 Lovers Lane. She is outside the 185'. She has documents from others who live inside the 185' that are opposed and could not be here. She has lived there for twenty-two years. She is not opposed to the annexation and she is not opposed to R-1 or R-2 zoning. She is opposed to R-3 with no plan. This could allow a situation that could be detrimental to the neighborhood as far as being able to put so many units on a corner lot on a street that is already overly trafficked.

Mr. Brown stated that there are two things to consider:
1. The annexation
2. The zoning
Matt Miller said that we have no idea what the real makeup of the house that was subdivided is so even if they change to R-2 we don’t know if that would be compliant. John Petersen said that if it is R-3 then it would be compliant.

Mr. Schmidt asked if there will be adequate parking. Mr. Petersen replied that part of the calculation is lot coverage, open space, and adequate parking is provided.

Mr. Schmidt said he does not have any problem with annexing. But he does have a problem with the potential of what could be on this property. He stated that you have to think about the worst case scenario for this neighborhood.

Don Brown asked if the property to the north was zoned R-3. Mr. Petersen said that it is zoned no-zone. Kensington Park is its own development (R-3).

Janean Martin asked if we were to annex the two tracts and not approve an R-3 zoning how long do they have to get plans to us to apply for zoning. Mr. Petersen replied that theoretically the city could initiate the zoning. The property cannot go un-zoned for any significant length of time. He said it might be better to not approve both items. The Planning Commission could recommend to the City Council a zoning pattern that they are more comfortable with. The three units that are already there would become legal nonconforming uses.

Mr. Oerther asked if the owner could subdivide the lot and leave the current building that has the three units and the single family home still in the county and then develop the places that are along the frontage. Mr. Brown stated that he thinks that could be a possibility.

Mr. Yaakub said that it is subdivided now into three lots. The remaining lot is 1.16 acres. He said there is no way that you could get forty-eight units in one acre with required parking. The developer needs some kind of return for putting in all the utilities, improving the street etc. He needs some kind of value in the last one acre lot. Whoever builds on that lot will have to follow the city ordinances.

Mrs. Volkmer stated that R-3 rating by city code says that is an apartment type development at a maximum density of twenty-six dwelling units per acre. She said that she feels the owner has no vested interest in the neighborhood.

Eric Volkmer lives at 300 Lovers Lane, Rolla, MO 65401. He wants clarification that it says there is a maximum density of twenty-six per acre. That would actually have the potential of fifty-two with the two acres. The traffic alone will intensify along with the noise and congestion in the neighborhood. It will also endanger the children playing in the neighborhood.

Mr. Brown closed the public hearing.
Mr. Petersen explained that the options for the Planning Commission are:

- Against the annexation and the zoning
- For the annexation, but against the zoning – Need to come up with an alternative zoning classification.

Mr. Brown advised that if it is posed it will need a supermajority of the council. He asked if it had to be one issue or could it be broken into two requests. Mr. Petersen advised it would be best to say no to both of them and avoid the issue of zoning since it was published as annexation and zoning.

Mr. Schmidt asked Mr. Petersen if he was telling them they had no options. Mr. Petersen replied no, that would not create other problems.

Steve Shields asked Mr. Petersen how he would frame the motion. Mr. Petersen replied that they state the Planning Commission recommends that proposed annexation and zoning not be approved. The city council could always come back and make changes and put forward a bid to approve the annexation and zoning.

Mr. Schmidt asked Mr. Petersen if that would take a supermajority. Mr. Petersen said he believed it would.

Mr. Petersen advised the Planning Commissioners that he needs good reasons why they are turning it down.

Matt Miller asked why they had to have justification. Mr. Petersen told him that the law says that if the City Planning Commission rejects a re-zoning it goes to City Council. In order for the City Council to approve the annexation and zoning there has to be 2/3 majority of the Council. Mr. Miller argued that it is not current city property that they are talking about. Mr. Brown and Mr. Petersen both told him that the property owner has a request to annex and zone.

Mr. Lindgren asked if they can use the fact that there is a lack of information for a reason. Mr. Petersen suggested the negative impact on the neighborhood as a valid reason for turning it down.

A motion was made by Don Brown, seconded by Russell Schmidt, to recommend to the City Council to deny the annexation and zoning of this property because of lack of information, no plans, negative impact on the neighborhood, too much traffic, and potential density. A roll call vote on the motions showed the following: Ayes: M. Shields, S. Shields, Martin, Miller, Schmidt, Morris, Anderson, Lindgren. Nays: None. Motion carried. The annexation and zoning fails to pass.

IV. OLD BUSINESS: None
V. NEW BUSINESS:

A request to recommend to the City Council the Re-subdivision of KD's Gardens Subdivision No. 2 & Parts of Lots 18 & 19, Railroad Addition, by consolidating Former Lots 1 and Lot 2, establishing Lot 3 at 3.68 acres, Rolla, Missouri.

Mr. Petersen explained that the project is off of Vichy Road and Vienna Road. There are two tracts in place. The essence of the proposal is to convert both lots into one lot. It is already zoned Multi-Family. There are nineteen units and a duplex that will be retained. The house and garage will be torn down. The interior property lines will be cleared out.

Mr. Brown asked if it will be similar to the property on Vichy Rd. Mr. Petersen replied yes.

Mr. Brown also asked if they were deciding on a revision of the subdivision. Mr. Petersen replied it is a revision of the subdivision to eliminate lots 1 and 2 creating a third lot and to remove the interior lot lines.

A motion was made by Russell Schmidt, seconded by Bill Lindgren, to recommend to the City Council to approve the re-subdivision of KD's Gardens. A roll call vote on the motions showed the following: Ayes: M. Shields, S. Shields, Martin, Miller, Schmidt, Morris, Anderson, Lindgren. Nays: None. Motion carried. The request passes.

A request to recommend to the City Council the vacation of State Street right-of-way between the North right-of-way of 11th Street and the South right-of-way of Miner Circle, comprising a 444’x60’ parcel to the Missouri University of Science & Technology. The vacated right-of-way shall be maintained as a utility easement.

Mr. Petersen explained that there are actually two vacations. A utility easement must be retained for all the property that is vacated. The University will own all the property that has been vacated. By putting on a condition about easements will solve the problem of water lines and sewer lines that might be needed in the future. The University indicated that they are going to retain a drive through there so that emergency vehicles can get through there.

Mr. Brown asked if there was to be any money involved. Mr. Petersen said no, but they really do need to be owned by the University since they are in the heart of the campus.

Mr. Lindgren asked if there has ever been an appraisal of this property. Mr. Petersen replied no.

A motion was made by Russell Schmidt, seconded by Monte Shields, to recommend to the City Council to approve the vacation. A roll call vote on the motion showed the following: Ayes: M. Shields, S. Shields, Martin, Miller, Schmidt, Morris, Anderson. Nays: Lindgren. Motion carried. The motion to vacate passed.
VI. REPORT FROM THE CHAIRPERSON, COMMITTEE OR STAFF: None

VII. OTHER BUSINESS – CITIZENS COMMENTS: None

Meeting adjourned at 6:45
Minutes prepared by Karen Fagan
MEMBERS AND OTHERS IN ATTENDANCE

John Petersen, Com. Dev.
Vicki Cason, RMU
Sylvester Furse, Archer/Elgin
Floyd Jernigan, Centre
Neal Slattery, Americare
Will Montgomery, Willco Construction/Americare
Dave Forshee, Public Works
Ted Ruth, Missouri S&T
Karen Fagan

Everett Briggs, Public Works
Darin Pryor, Public Works
Steve Hargis, Public Works
Ron Smith, Fire Chief
Bobbie Willis, Willco Construction
Larry Nelson, Architect
Brady Wilson, Environmental Services
Roben Griggs

The following item was discussed:

Reviewed the Minutes from Tuesday, April 26, 2016. *Minutes ruled approved.*

NEW BUSINESS:

1. **Americare Preliminary Review:** Neal Slattery, Will Montgomery and Bobbie Willis presented the plans. An ordinance to approve the re-zoning of Lot 1 Country Hills Subdivision, from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning.

   Mr. Petersen advised that there are two projects: 1. Country Hills Subdivision 2. Rezone to R-3. The main building will have twenty-four units. There will also be four duplexes, two triplexes and a club house for residents on eighteen plus acres.

   Neal Slattery, engineer with Americare, stated that Americare has owned and operated Parkside, on 10th Street, for the past twenty-five plus years. He explained that the project will be located near Old St. James Road. They will be using 12 of the 18.6 acres. He said that this will be a senior living facility with assisted care in the main building and independent living in the cottage areas. Everything will be one story high.

   Mr. Slattery presented pictures of similar styles in other locations. The main building will have twenty-four units with the ability to expand to twenty-eight when the demand arises. The cottages will have covered parking that may be modified to garages.

   Per Mr. Slattery, the project will require rezoning to R-3. He presented blue prints with proposed utility routing. The civil plans have already been submitted. If everything goes
as planned the project will begin in early summer. The determination of doing this project in one or two phases will be based on overall development cost. Due to the hills it will require a significant amount of earth work. A great amount of utility extensions are required as well.

Vicki Cason, RMU, said they have decided on some differences on the water and electric. Instead of running back to Old St. James Road it would be better to tie into the 8" main off of Tenbrink Drive. RMU will do all the electric, but they will need easements for it on the East side. The 8" main will have fire hydrants on it. Typically they use three hundred foot spacing on commercial and five hundred foot spacing on residential.

Mr. Slattery stated that the development will be private, but built to the cities standards therefore no easements for the sewer are necessary. They would use about 4500 gallons per day. A five foot public sidewalk and curb line will be built with the project. Steve Hargis, public works, said that it is possible for them to build the sidewalk and curb line if the developer wants to pay them to do it. Mr. Hargis also said there will be a two-way stop at the intersection.

Per Mr. Slattery there will be gas to the main building and to the clubhouse only. There will be four dry retention basins for the storm water incorporated for water quality and they will be designed to the one hundred year storm.

Mr. Slattery asked the city to consider applying the fees that have already been paid to the cost of the project. Mr. Petersen said he would need to consult with the codes administrator.

Ms. Cason advised that only a single meter for water was needed on each building, but each individual unit needs a meter for electric. Any kind of fire protection has to be a separate tap. Mr. Slattery said that they use a 2" separate fire line for the small cottages and 5/8" to 1" on the clubhouse.

Brady Wilson, environmental services, asked for the dimensions of the gates and the dumpsters to verify that they will accommodate the size of the trucks. He also asked Mr. Petersen if they needed extra space for recycling.

Ms. Cason said that they city will bill them for electric and bill the water district for the water. Mr. Hargis said they would need to work out some kind of arrangement for the sewer bill.

Mr. Slattery stated that if everything gets approved they would ask for the building permit to get started on the building and at the same time they will be doing utility improvements. Ms. Cason said they do inspections on the water so no private inspections are needed. Mr. Petersen told Mr. Slattery that anything that has power to it needs a separate building permit.
Dave Forshee, Public Works, advised that each one of the homes will need an address for 911 purposes, so they will need street names.

2. **Request to annex:** two tracts (Tract 2 - .86 acre) and (Tract 2 - 1.16 acre) for a total of 2.02 acres at the intersection of 100 Lovers Lane and County Road 3000 (Account #12128.02 and 12128.03), and zone from NZ (No Zone) to R-3 (Multi-Family District) zoning.

Mr. Petersen stated that the development will be near Soest Road and Lovers Lane. Lot 2 and Lot 3 are the only ones included in the package. Lot 1 is not included. Currently there are three single family structures that will be zoned from R-1 to R-3. The area around the property that is inside the city is zoned R-1, R-2, and R-3.

Mr. Hargis said that the developer came to him wanting sewer service. He told them that it would need city council approval. Ms. Cason said that as part of the annexation RMU would require easements and water line extensions.

3. **Request to Re-subdivide KD’s Gardens Subdivision:** No.2 & Parts of Lots 18 & 19, Railroad Addition, by consolidating Former Lots 1 and Lot 2, establishing Lot 3 at 3.68 acres, Rolla, Missouri.

Mr. Petersen advised that the project will be at the intersection of Vichy Road and Vienna Road. The project plans to consolidate Lot 1 and Lot 2 to make Lot 3. It will accommodate twenty townhomes.

Sylvester Purse, Archer/Elgin, said that the property will be one long unit. They may leave the house on the back of property. Ms. Cason said that RMU may be fine with the easements already there. There is a 20’ sewer that GIS shows as not having anything in it.

The property is on part of the railroad addition. Mr. Hargis said that it was subdivided once so it will not be required again. There is a storm water detention on the property so all they would need is a service permit. Mr. Hargis also said that the post office will dictate what type of mailboxes will be used.

4. **Request to vacate:** Request to vacate State Street right-of-way between the North right-of-way of 11th Street and the South right-of-way of Miner Circle, comprising a 444’x60’ parcel and also to vacate 14th Street West of Pine Street comprising a 493’x60’ parcel to the Missouri University of Science & Technology. The vacated right-of-way shall be maintained as a utility easement.

Ted Ruth, Missouri S&T, said that the campus will be tobacco free. Mr. Hargis talked about the city maintaining easements and fire lanes. Mr. Wilson said that due to the dumpster on 14th Street, the street must be accessible for services vehicles. Ron Smith, Fire Chief, said that the street must be maintained as a fire lane and that no striping is needed just upkeep.
With no other business meeting was adjourned at 2:25.
City of Rolla Fire & Rescue

May Monthly Report

Fire Calls by Month and Year

<table>
<thead>
<tr>
<th>Month</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
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<td>71</td>
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<tr>
<td>March</td>
<td>86</td>
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<tr>
<td>April</td>
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<td>May</td>
<td>103</td>
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<td>June</td>
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<td>July</td>
<td>101</td>
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<td>August</td>
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<td>September</td>
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<td></td>
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<tr>
<td>October</td>
<td>80</td>
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</tr>
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</table>

Time of Day

- 7 a.m. - 3 p.m.: 42
- 3 p.m. - 11 p.m.: 35
- 11 p.m. - 7 a.m.: 17

Incident Type Report

- Fire: 5
- Rescue/EMS: 53
- Hazardous Condition: 6
- Service Call: 6
- False Alarms: 16
- Good Intent: 8

IV. F. I.
### Management Report
FISCAL YEAR 2016

**May 2016**

<table>
<thead>
<tr>
<th>BUILDING PERMITS ISSUED</th>
<th>MAY FY 2016</th>
<th>MAY FY 2015</th>
<th>YTD FY 2016</th>
<th>YTD FY 2015</th>
<th>Δ CHANGE FY 15 - FY 16</th>
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<tbody>
<tr>
<td>#</td>
<td>Value</td>
<td>#</td>
<td>Value</td>
<td>#</td>
<td>$ Value</td>
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<td>PERMITS ISSUED</td>
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<td></td>
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<tr>
<td>Electric, Plumbing, etc., only</td>
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<td>5</td>
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<td>3-or-4 family</td>
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<td>12</td>
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<tr>
<td>5-or-more family</td>
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<td>$ -</td>
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<td>1</td>
<td>$ 572,040</td>
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<td>Hotels, Motels</td>
<td>-</td>
<td>$ -</td>
<td>-</td>
<td>1</td>
<td>$ 1,000</td>
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<tr>
<td>Other nonhousekeeping shelter</td>
<td>-</td>
<td>$ -</td>
<td>-</td>
<td>5</td>
<td>$ 1,200</td>
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<tr>
<td>Amusement, social, recreational</td>
<td>-</td>
<td>$ -</td>
<td>-</td>
<td>1</td>
<td>$ 1,500</td>
</tr>
<tr>
<td>Churches, other religious</td>
<td>-</td>
<td>$ -</td>
<td>-</td>
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<td>Industrial</td>
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<td>$ 9,518,369</td>
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<td>-</td>
<td>1</td>
<td>$ 635,200</td>
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<td>Service stations, repair garages</td>
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<td>$ 1,211,563</td>
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<td>$ 1,000</td>
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<td>Schools, other educational</td>
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<td>$ 30,000</td>
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<td>$ 1,000</td>
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<td>Towers, antennas</td>
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<td>$ -</td>
<td>-</td>
<td>1</td>
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<td>Signs, attached and detached</td>
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<td>$ 2,637</td>
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<td>$ 1,000</td>
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<td>Residential addition, remodel</td>
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<td>$ 82,701</td>
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<td>$ 25,500</td>
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<td>$ 167,573</td>
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<tr>
<td>Residential garage, carport</td>
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<td>$ 8,203</td>
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<td>2</td>
<td>$ 21,000</td>
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<td>Demolition, single family</td>
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<td>$ -</td>
<td>-</td>
<td>1</td>
<td>$ 8,200</td>
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<td>Demolition, 2-family</td>
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<td>$ -</td>
<td>-</td>
<td>1</td>
<td>$ 8,200</td>
</tr>
<tr>
<td>Demolition, 3-or-4-family</td>
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<td>$ -</td>
<td>-</td>
<td>4</td>
<td>$ 8,200</td>
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<tr>
<td>Demolition, all other</td>
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<td>$ -</td>
<td>-</td>
<td>4</td>
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<td>EST. CONSTRUCTION COSTS</td>
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<td>$ 19,857,572</td>
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<td>FEES</td>
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<td>$ 123,386</td>
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<table>
<thead>
<tr>
<th>INSPECTIONS PERFORMED</th>
<th>MAY FY 2016</th>
<th>MAY FY 2015</th>
<th>YTD FY 2016</th>
<th>YTD FY 2015</th>
<th>FY 15-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Inspections</td>
<td>95</td>
<td>134</td>
<td>755</td>
<td>-1,040</td>
<td>-27%</td>
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<tr>
<td>Electrical Inspections</td>
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<td>57</td>
<td>460</td>
<td>913</td>
<td>-50%</td>
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<tr>
<td>Excavation Inspections</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Plumbing Inspections</td>
<td>58</td>
<td>50</td>
<td>390</td>
<td>473</td>
<td>-18%</td>
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<tr>
<td>Mechanical Inspections</td>
<td>25</td>
<td>25</td>
<td>165</td>
<td>200</td>
<td>-4%</td>
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<tr>
<td>Code Inspections</td>
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<td>150</td>
<td>1,178</td>
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<tr>
<td>Nuisance Inspections</td>
<td>249</td>
<td>190</td>
<td>1,087</td>
<td>894</td>
<td>22%</td>
</tr>
<tr>
<td>Business License Inspections</td>
<td>33</td>
<td>10</td>
<td>164</td>
<td>114</td>
<td>44%</td>
</tr>
<tr>
<td>TOTAL INSPECTIONS</td>
<td>630</td>
<td>616</td>
<td>4,208</td>
<td>4,861</td>
<td>-13%</td>
</tr>
</tbody>
</table>

8/6/22-16
Health & Recreation Center Board
Meeting Minutes

April 20, 2016 6:30 p.m.
The Centre Conference Room

Members Present: Francine Merenghi, Mike Miller, Bill Moorkamp, Tracy Limmer, and ex-officio members Mayor Lou Magdits and Floyd Jernigan.
Members Absent: Kevin Edwards.
Others Present: Mary Withouse, Julie Rodgers, and Cheryl Morgan.

1. Call to Order
   • Mr. Magdits called the meeting to order at 6:30 p.m.

2. Citizen Comments
   • Cheryl Morgan read from notes to recount an incident she had on a visit to The Centre on April 4, 2016, when she brought her son to The Centre to swim. She did not feel she should be required to pay to accompany her son in the pool. A Front Desk staff person explained The Centre’s policy to her. Ms. Morgan’s issue is in the way the policy was explained to her. She has also spoken to Bree Joynt, Guest Services Manager, and City Administrator, Mr. Butz.

3. Introduction of Board Members
   • All meeting attendees were asked to give their name and a brief description of what they do.

4. Election of Officers
   • Committee members present chose to table election of officers until all members are present.

5. Review of Board duties/responsibilities
   • Mr. Magdits told the group that the Recreation Center Board members were handpicked to form a diversely skilled committee.
   • Board members are comprised of community members so we are able to use them as a sounding board for the community as a whole.
   • The advisory board has changed over the course of time. While The Centre is under the umbrella of Rolla Parks and Recreation, the needs of The Centre are much different that the needs of the Park system as a whole. There are different things that drive The Centre versus the Parks, consequently, there will be two separate advisory boards. This group will make up the Recreation Center Board. A separate group of citizens will be selected for the Park Advisory Board.

6. Mayor’s Expectations
   • 14 years ago, a Sales Tax was put into place to provide funding for construction of the Centre and act as a reserve account to take care of big ticket item expenses. The Sales Tax for The Centre has sunset. After so many years, the reserve will be gone. We need to implement practices for financial long-term sustainability.
   • The Centre is a showplace. Realtors use The Centre when showing clients the area. Health facilities and area schools use The Centre to help recruit prospective employees to Rolla. We have a community of 20,000. We want members of our community to be proud of what this facility has to offer, even if they are not a member.
• The Health & Recreation Center Board Members all have something different to offer. Everyone has their own unique set of qualifications and capabilities and each were chosen for very specific reasons. There are certain expectations for each and every member. Mr. Magdits called Board Members ambassadors of the facility. He said board members are strategic members who should think strategically.

7. Director’s First Impressions

• Mr. Jernigan said he looks forward to the opportunity to engage and serve the citizens of Rolla. Through his past business experiences, he feels he has things to bring to the table. There are a lot of things he has yet to experience, but is working to educate himself.

• Working on a punch list of 20-40 or more action items. That list would include immediate needs such as getting SplashZone ready for the season. Ideas to improve customer service would be foremost on the list. Action items would come from ideas Mr. Jernigan generated in discussions with members of the public, from feedback from staff, managers and city leaders, and from his visits as a patron of The Centre. Other sources of information listed by Mr. Jernigan included focus groups from various Centre communities, such as weight lifters, group fitness class attendees, natatorium users, and those who take part in various recreation programming, as well as citizen groups of members and non-members.

• The first month or so will be used to glean information from these sources. There will be a collaboration of feedback gathered from public meetings, surveys, focus groups, patrons, and staff. Our job is to listen to our citizens. While we may not be able to resolve every concern to their satisfaction, residents should feel that we are attentive and caring, and that we appreciate their input.

8. Adjournment: Having no further business the meeting was adjourned at 8:30 pm.

Julie Rodgers, Recreation Center Administrative Assistant, prepared the minutes.
Health & Recreation Center Board
Meeting Minutes

May 25, 2016 6:30 p.m.
The Centre Conference Room

Members Present: Francine Merenghi, Mike Miller, Bill Moorkamp, Kevin Edwards, and ex-officio members Mayor Lou Magdits, John Butz, and Floyd Jernigan.
Members Absent: Tracy Limmer.
Others Present: Stan Busch, Mary Withouse, Matt Whittingham, Karl Burgher, Kristy Rich, and Julie Rodgers.

1. Call to Order
   - The meeting was called to order at 6:30 p.m.

2. Introduction of Board Members and Visitors
   - All meeting attendees were asked to introduce themselves.

3. Board-Director working interface
   - Mr. Jernigan told Board Members he will share requests from them with other staff. Partly, because he is new to the job and also because he welcomes feedback from staff members.
   - Mr. Jernigan commented on the unique strengths, interests, and positives of Board members. This will be a tremendous benefit when looking to gain contacts with business interests in the Rolla area.

4. Brief, broad overview of Director’s goals for Board
   - Board will be asked to help form a strategic plan in regards to competition assessment.
   - We look to establish a partnership with businesses and industries. We will look at donation resources, with naming rights as a possible option for donors.
   - Board Members were asked what they need from The Centre, in terms of reports, to help establish a means of measuring accomplishments or deficiencies.
   - Francine shared a project she has already begun. She enlisted the help of state agencies to develop a list of communities with recreation centers that are doing well financially. The hope is that they will share their dashboards with us. We can use them as a successful business model. The group was asked to come up with good questions to ask these successful community centers. Group also discussed going to visit some of these centers.
   - Board Member expertise will be sought regarding marketing and sales strategies. Mr. Miller asked about the school groups that come to The Centre and if we are actively seeking out school rentals. Mr. Edwards asked if we have a way of tracking numbers on school rentals, such as revenue and cost. At this time, there is no tracking mechanism in place. Events at The Centre, such as the Licking Shootouts, bring in people from out of town who stay in hotels and eat at restaurants. Hotels are booked for several weekends each summer. These groups are also a benefit to the community. It brings in tax revenue to the city, beyond the calculated revenue to The Centre. It is a benefit to all, but hard to come up with a dollar figure for community benefit. The Centre does not have a full-time marketing or sales person on staff. Generally, our Managers are directly contacted for most of these events,
such as school group rentals, lock-ins, and gym rentals for tournaments. Mr. Magdits noted that we keep the hotels and restaurants booked during the Licking Shootouts. It makes sense that we ask the hotels for assistance. We should look into approaching them with an agreement for signage or information packets in area hotels with Centre advertisement.

- Mr. Jernigan asked Board Members to help develop a plan to convert people who purchase day-passes into Centre members. We need to develop a strategy to sell local community members the value of a membership.

5. Election of Officers
- Bill Moorkamp was elected Chairman.
- Francine Merenghi was elected Vice Chairman.
- Kevin Edwards was elected Secretary.
- Term limits were set. Mike Miller was elected to a one-year term. Tracy Limmer and Bill Moorkamp were elected to two-year terms. Kevin Edwards and Francine Merenghi were elected to three-year terms.

6. Approval of Election of Officers
- A motion was made by Mr. Edwards to approve the election of officers.
- Mr. Moorkamp seconded the motion and the motion was unanimously approved.

7. Reward point program summary – Francine Merenghi
- Ms. Merenghi questioned the financial decision for a non-profit business to give away free merchandise or further discounts items for members, when there is a push to increase recapture rate.
- Mr. Edwards suggested points be phased out or limit what is given with award points.
- Ms. Withouse shared that she knows of a few patrons who keep close tabs on their reward points. Mr. Moorkamp asked that she share the names of those patrons so that he and Ms. Merenghi might speak with them.
- Mr. Magdits asked if we have a program to replace the rewards program?
- Mr. Moorkamp asked Ms. Merenghi to work with Mr. Jernigan on a plan regarding reward points. Item is tabled until next meeting.

8. PCRMC outreach initiative summary – Bill Moorkamp
- Mr. Moorkamp shared the idea that “any place that is successful has an uncle.” The West Plains facility has a usage contract with the Grizzlies and Farmington has the Junior College which utilizes their facility to a large extent. Mr. Moorkamp recounted to the Board something that was suggested years ago by Ken Ballard, one of the architects for The Centre. He said the key to The Centre’s success is the hospital. There is a new movement toward creating healthy communities. Mr. Moorkamp spoke of the book, Blue Zones, which involves communities working toward a healthy lifestyle. Mr. Magdits told the Board there is a meeting forthcoming with PCRMC. Hospitals are seeking to impact population health needs. The Centre has an opportunity to be a part of this movement which is a key that fits both PCRMC and The Centre. Mr. Magdits said the Board needs to come up with a strategy that makes economic sense for both The Centre and the hospital.

9. Brief summary of Missouri S&T meeting – Floyd Jernigan
- Mr. Jernigan visited with Nick White, Student Services Coordinator for the Athletic Department, to seek cooperative efforts between The Centre and MS&T.
• MS&T Fitness Center is packed and their gym is packed. They also have a need for lighted soccer fields. Mr. Jernigan asked how we could help, but no immediate solution was formed in regards to those situations. However, we would be able to offer our facility when theirs are unavailable to students, during the Career Fair and the Robotics Competition. Mr. Jernigan said we need to come up with a shortened or temporary student pass to offer them while their facilities are unavailable.
• Group discussed possibilities with MS&T and what we might be able to do to help.

10. Financial overview by City Administrator John Butz
• Mr. Butz presented a financial packet which included the Recreation Center Financial History summary, a Statement of Revenues, Expenditures, and Fund Balance, and various other fund totals to Board Members.
• Board Members asked for a breakdown of funds and what they entailed: GS Programs; Fitness Programs; and Recreation Programs.

11. Citizen’s Comments
• None

12. Adjournment: Having no further business the meeting was adjourned at 9:15 pm.

Julie Rodgers, Recreation Center Administrative Assistant, prepared the minutes.
Health & Recreation Center Board
Meeting Minutes

June 15, 2016  6:30 p.m.
The Centre Conference Room

Members Present:  Francine Merenghi, Mike Miller, Bill Moorkamp, Kevin Edward, Tracy Limmer
Others Present:  Parks and Recreation Director Floyd Jernigan, Mary Whithouse, Kristy Rich, Bree Joynt, Mark Puzach, and Janet Mich

1.  Call to Order
2.  Introduction of Board Members and Visitors
   a.  All meeting attendees were asked to introduce themselves.
3.  Overview of Guest Services Manager Duties – Job Description handed out
   a.  Rectrac Software Upgrade Rollout December 5, 2016 (15-20% of time spent)
   b.  Rectrac will be here for 1 Week for training
   c.  Testing October 15, 2016 – we need to decide what we keep from the old system and where we need to start fresh.
   d.  Customer service plan to include consistency on all shifts and include the entire building and website, not just the front desk.
   e.  Employee retention and continuous training.
   f.  Need the Support of the Board to make meaningful changes and increase revenue
   g.  Rules for Agency Groups – Currently $600 annually per group for 4 passes
      •  Letter clarifying our expectations
      •  Increases for next year
   h.  Rules for Reward Points
   i.  All facility reservations are now paid for up front
   j.  Discontinue early/auto renewal – approximately 116 Households
      •  Raise all rates to 2016 levels Oct 1, 2016 (except corporate accts)
      •  Board to approve a letter to send to current members
4.  Questions from the Board to Bree Joynt, Guest Services Manager
   a.  What is membership turnover? Retention rate?
   b.  Why are we giving discounts? What is the impact if discounts are discontinued?
   c.  How do we get new people in the door?
   d.  What is the increase in revenue if everyone were at 2016 rates?
   e.  How do we increase corporate membership
      •  What is the current requirement – 10 people
      •  Sub-committee to examine corporate discounts
      •  Corporations could contribute as part of a wellness program
      •  Flexible savings accounts?
      •  Sponsorships/Partnerships

IV. H.6.
f. What is the plan to get the right people in the right job?
g. Do Realtors show the Centre to people who are new to the area?

5. **Board’s Top Three Focus**
   a. Revenue – Reducing deficit
      - Collecting Back Fees – is it worth the time and effort
      - Low hanging fruit – need to see the budgets
      - Utilize Volunteers
      - Discontinue free facility rentals to “worthy causes,” select groups
      - Example cited of one Armed Forces membership – they dictate price
   b. Guest Services
      - First Impression
      - Managers, Front Desk, Trainers/Fitness Attendants, Custodians
      - Volunteers to call cancelled members
      - Volunteers to call members about rate increases
      - Feedback from new programs
      - Create metrics to measure success
      - Front Desk Sales/Vending
        - **Credit card machines – All sales belong to Coke**
      - Contact new members -
      - What value does a membership provide?
      - Annual rate increases/prevaling rate at renewal time
      - Discussed possibility of free child care for members
   c. Marketing = Revenue
      - Full/Part time Sales Person
      - Communication
      - Advertising
      - “Under New Management”

6. **Hospital Report – Tracy Limmer**
   a. Focus on Dental Care
   b. Putting Health First - Grants
   c. Community Assessment 12/16 – posted on website
   d. Arthritis classes have begun at the Centre

7. **Citizen Comments – Mark Puzach**
   a. Showers
      - Need to be cleaner – nooks and crannies
      - Temperature inconsistent from one stall to the next
      - Shower controls
   b. Fitness Equipment repairs (Trip Fee is $250)
      - What do other Gyms do to repair equipment?
   c. Cameras out in parking lot
   d. Safety in pool area – puddles of water in locker rooms
      - Orientation for Fun Fest kids about drying off
      - Enforce dry-off rules – structure a time for drying off
e. Not enough emergency lighting  
f. Pool air leaks onto fitness floor – uneven temp on fitness floor  
g. T.V.s on fitness floor not in sync with receivers  
h. Members pay for towels – give one get one  
i. Need additional fitness equipment – (Mary Withouse aware of mentioned equipment)  

8. Final Comments  
a. Board members will start next meeting with a tour of the Centre  
b. Why is Lifetime Fitness so successful? Do we need to take a field trip?  
c. Survey Results handout  
d. Discontinue Auto/Early Renewal  
e. Discontinue current uses of Reward Points  

9. Adjournment: Meeting adjourned at 9:15pm  

Janet Mich, Guest Services Supervisor, prepared the minutes.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development  ACTION REQUESTED: Final
Reading

ITEM/SUBJECT: An Ordinance to approve the re-zoning of Lot 1 Country Hills
Subdivision, from C-3 (Highway Commercial District) zoning to R-3 (Multi-
Family District) zoning (Rolla Residential, LLC)

DATE: 6-20-2016

GENERAL INFORMATION:

CASE #: 5-9-2016

APPLICANT/STATUS OF APPLICANT: The subject property, Lot 1 of the Country Hills
Subdivision, is owned by Rolla Residential, LLC C/O Henley Montgomery, and is subject to the
terms and conditions as specified in the attached Application for Rezoning of Real Estate and the
General Warranty Deed reflecting ownership of said property and signed on behalf of the
applicant (Rolla Residential, LLC,) email address: HMontgomery@AmericareUSA.Net. Phone:
(573) 471-1113. Mr. Montgomery listed his address as 214 North Scott Street Sikeston, MO.
63801.

CURRENT ZONING/LAND USE: The subject property is zoned C-3 (Highway
Commercial District) zoning which does not permit new residential development. The site is
undeveloped consisting of a total of 18.60 acres. The highest and best use of this property is
multi-family residential given the adjoining multi-family units nearby.

LOCATION OF RE-ZONING: The proposed multi-family housing district consist of a
18.60 acres site located at the intersection of Forum Drive and 2101 Old St. James Road in north
central Rolla. The Assessor’s Account Number (4057) for this development, which can also be
used to identify the location of a given property. See the attached map and legal description.

ENGINEER OF RECORD: Neal Slattery, Staff Engineer, Americare Senior Living, 915 East
Ash Street, Columbia, MO 65201. Phone: (573) 442-5188. E-mail: nslattery@americare.net.

SURROUNDING ZONING/LAND USE:

North ---M-2 – Heavy manufacturing / vacant
South ---R-1 – C-3 / Single-family, and commercial
East --- R-3/ Senior living facility
West ---R-3/ Multi-family / residential PUD (North Brook)

PROJECT DESCRIPTION: The proposed project consists of two components that will be
combined into one project. The first component, the ALF (Assisted Living Facility), will consist

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of a single story building with a building footprint of 19,253 sq. ft. The ALF will have a total of 24 dwelling units during phase one and 42 after full build-out – Phase 2. There will be a total 33,626 sq. ft. of building space for the entire project, which includes the ALF, 4 duplexes, 2 triplexes and a club house for use by residents. The 18.60 acres site has enough capacity to meet all required elements such as open space, building lot coverage, setbacks, etc. Parking space required by code has been met or exceeded – a total of 37 spaces were required, while the developers provided 59 spaces for use under the code.

DEVELOPMENT HISTORY: Ordinance No. 4164 was adopted by the City Council on September 2, 2014 which resulted in the re-zoning of property from C-3 to R-3 of the subject property pursuant to the provisions of Section 71.012 RSMo.

FINDINGS: The Rolla Planning and Zoning Commission may consider the following factors in their recommendation to approve, approve with conditions or deny the re-zoning request:

1. Neighborhood character/impact: The proposed project will not negatively impact the character of the surrounding neighborhood. The area to the south of the subject property is zoned R-1 Single Family and C-3 Highway Commerce and is fully developed with apartment units – mostly four-plex or greater or commercial storage buildings. The property to the west is developed and consists of residential and commercial land use. The property to the east is under development as a residential project home on the corner of White Column Road and Collegiate Drive.

2. Consistency with the Rolla 2020 Comprehensive Plan Update: The Future Land Use Map found in the Rolla 2020 Comprehensive Plan Update adopted by City Council in 2006 shows the subject property as being suitable for medium density residential land use. Medium to high density is defined as consisting of no more than 11 to 26 dwelling units per acre.

   The Rolla 2020 Future Land Use Map is not intended to remain static or unchanged over time, but should be revised by the Planning and Zoning Commission and the City Council to reflect changing development trends and growth opportunities if considered desirable. The future land use map and text did address policy regarding the importance of infill development and redevelopment stating: “The City will encourage infill Development on vacant or underutilized parcels where infrastructure and public services are readily available....” The proposed housing project meets this policy guideline.

3. Adequacy of Utilities & Public Services: All public utilities and services are available to the subject property to support the development as outlined in this report. The site is clearly located within the service area of the Rolla Fire Department.

4. Impact on Streets and Parking: The proposed development will generate additional traffic volume. However, the volume should be less since many residents, particularly in the ALF, rely on vans or buses for transportation. The developer is planning to provide
up to 59 off-street parking spaces for residents and employees. Technically, the project would only require 37 spaces, not 59 as presently required.

5. **Physical Characteristics:** The subject property drains mostly to the south. No part of the property proposed for re-zoning is located within an identified 100 year flood plain. Due to the size of development the developer will be required to provide storm water improvement plan and an erosion control/sediment plan that would apply during construction. The topography over much of the site will complicate development. The developer has prepared a site grading plan.

6. **Suitable for Re-Zoning:** The subject property as described in this report is suitable for re-zoning from C-3 district zoning to R-3 district zoning. Building re-zoning will limit building height to no more than one story.

**PUBLIC COMMENT/ISSUES:** The proposed rezoning was advertised in the RDN on May 21/22, 2016. Notice was sent to adjoining property owners within 185'. A public hearing was held before the Planning and Zoning Commission on June 14, 2016. City Council conducted a public hearing on June 20, 2016. Final reading will take place on July 5, 2016.

**ACTION REQUIRED:** Motion to recommend to the City Council that the proposed re-zoning be approved without condition.

**ATTACHMENTS:**

- Zoning request from applicant
- Zoning map
- Affidavit of publication
Request to Rezone all of Lot 1, Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential, LLC)
ORDINANCE NO. _________

AN ORDINANCE TO APPROVE THE REZONING OF LOT 1, COUNTRY HILLS SUBDIVISION, FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (ROLLA RESIDENTIAL, LLC)

WHEREAS, a petition was duly filed with the Community Development Department on May 11, 2016 requesting that the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, be amended, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published on May 21, 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 May 10, 2016, at 5:30 p.m. The Planning and Zoning Commission recommended that City Council approve the rezoning of the subject property as proposed; and

WHEREAS, City Council, during their June 20, 2016 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading and conduct a public hearing for the attached ordinance; and

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 property situated within the City of Rolla, Missouri, and described, as follows: Lot 1 of the Country Hills Subdivision from C-3 (Highway Commercial District) zoning to R-3 (Multi-Family District) zoning.

LEGAL DESCRIPTION
(For Rezoning)


Section 2: The developer(s) will install a sanitary sewer system sufficient to serve Lot 1, including any dedicated utility easements.

J. A. I.
Section 3: That the Site Plan submitted as part of the rezoning petition is hereby adopted under this Ordinance and shall provide guidance concerning the development of Lot 1, Country Hills Subdivision.

Section 4: The developer(s) will be required to pay a Land Development Permit Fee and a Storm Water Management Fee if required by the Public Works Director.

Section 5: This Ordinance shall be in full force and effect from and after the date of its and approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY 2016.

APPROVED:

_________________________________________________________________
Mayor

ATTEST:

_________________________________________________________________
City Clerk

APPROVED AS TO FORM:

_________________________________________________________________
City Counselor

\[V. A.7.\]
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development
ACTIONS REQUESTED: Final Reading

ITEM/SUBJECT: Request to annex two tracts (Tract 2 - .86 acre) and (Tract 3 - 1.16 acre) for a total of 2.02 acres at the intersection of 100 Lovers Lane and County Road 3000 (Account #12128.02 and 12128.03), and zone from NZ (No Zone) to R-1 (Single Family District) zoning

DATE: 7-5-2016

GENERAL INFORMATION

Case # 5-10-16

APPLICANT/STATUS OF APPLICANT Maher Ismail 2045 Compton Avenue # 203 Corona, CA. 92881 Phone: 951-847-8543, e-mail: Maherins@yahoo.com, address: 100 Lovers Lane, Rolla, MO 65401

CURRENT ZONING/ USE: The subject property is currently outside of Rolla’s corporate limits and therefore is not zoned – although the property is located in Rolla Urban Growth Area. (Please review the attached zoning map). The site is currently the location of 3 new single family units. Multi-family would be the highest and best use for this property because of the potential for high traffic volume, site visibility and the adjoining multi-family development.

PROPOSED USE: The applicant is proposing to rezone the entire property to R-3 (Multi-Family District). Under the Rolla City Code, that this property could sustain a maximum number of 48 units. For example, the site could maintain 12 four-plex structures.

TRACT SIZE AND LOCATION: The subject property has a total site area is 2.02 acres. The site is located at the northeast corner of Lovers Lane and Soest Road/County Road 3000.

SURROUNDING ZONING:
- North --- No Zone / single family home – mostly vacant
- South --- NZ / vacant
- East --- NZ / vacant
- West --- R-1 Single Family and R-3 Multi-Family/ Right-of-way

ZONING HISTORY: There is no recent zoning history for the subject property.

APPLICANTS PROPOSAL: The applicant is requesting approval to annex and zone his property and zone to R-3 Multi-family district.

\[ \underline{\text{V B. 1.}} \]
FINDINGS: The Rolla Planning and Zoning Commission may consider the following factors in their recommendation to approve or approval with conditions or deny the rezoning request.

1. **Neighborhood character/impact:** This rezoning will not adversely impact the character of the adjoining district because of the existing mixture of residential land use. This rezoning should aid in the development of Soest Road Corridor and Lovers Lane by attracting new investment to the area that will boost residential growth.

2. **Consistency with the 2020 Comprehensive Plan Update:** This rezoning is consistent with the Future Land Use Map and the policies of the Rolla 2020 Comprehensive Plan Update that supports the development of residential areas in the Urban Growth Area (UGA) adjacent to Rolla. Development further supports private sector investment to promote revitalization and promote growth in Rolla.

3. **Adequacy of utilities & public services:** All utilities and services are available to the subject property sufficient to support multi-family development of the type and scale proposed.

4. **Impact on streets and parking:** Lovers Lane and Soest Road are classified as Collector streets with a capacity of 10,000 ADT. Soest Road has a current ADT of 6640.

5. **Physical characteristics:** The subject property has no natural features that would adversely impact the proposed project.

6. **Suitability for development if rezoned:** The subject property is suitable for residential development.

PUBLIC COMMENT / ISSUES: The proposed annexation and zoning was advertised in the RDN on May 21/22, 2016. Property owners within 185' were notified by mail. To date, several adjoining property owners have responded against the proposed annexation and zoning, although most were not against the annexation of Tract 2 and 3. Planning and Zoning Commission met on June 14, 2016 to consider the annexation and zoning request. The Commission voted unanimously to oppose the annexation and the R-3 (Multi-family District) zoning. The Commission addressed several issues to consider the desirability of supporting this project, such as:

1. The impact of the project on neighborhood character/appearance.
2. The impact of increased housing density.
3. The impact of increased traffic volume.

At their June 20, 2016 meeting, the City Council unanimously voted in the affirmative to zone the subject property (Tracts 3 & 2 ) from NZ (No Zone) to R-1 (Single Family District) zoning.

ACTION REQUIRED: Motion to recommend (approval/approval with conditions or denial) of the request to annex and zone property located at 100 Lovers Lane, Tract 2 and 3.

ATTACHMENTS: Zoning area map; Affidavit of publication; Property owners in district
Request to Annex a 2.02 acre tract at 100 Lovers Lane and Zone from NZ (No Zone) to R-3 (Multi-Family District) (Ismail)
ORDINANCE NO. _______

AN ORDINANCE REQUESTING THE ANNEXATION OF A 2.02 ACRE TRACT AT 100 LOVERS LANE AND ZONE THE PROPERTY FROM NZ (NO ZONE) TO R-1 (SINGLE-FAMILY DISTRICT) ZONING. (ISMAIL)

WHEREAS, a petition was duly filed with the Community Development Department on May 10, 2016 requesting that the property described above be annexed and zoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published on May 22, 2016 in the Rolla Daily News for this annexation and zoning 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 Rolla Planning and Zoning Commission met on May 10, 2016, at 5:30 p.m. and voted to recommend that the City Council deny the annexation and zoning of the subject property as proposed; and

WHEREAS, the City Council, during their June 20, 2016, meeting, conducted a public hearing concerning the proposed annexation and zoning to hear the first reading of the subject ordinance and conduct a public hearing;

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 the zoning map in accordance with the Comprehensive Plan, is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, and described, as follows, an ordinance to approve the zoning of property located at 100 Lovers Lane, from NZ (No Zone) zoning to R-1 (Single-Family District) zoning;

Section 2: The undersigned hereinafter requests that the City Council of the City of Rolla, Missouri annex into the corporate limits of Rolla, Missouri, Tract 2 and Tract 3 defined herein as presently unincorporated yet contiguous to the corporate limits of the City of Rolla, Missouri:

TRACT 2 - A FRACTIONAL PART OF THE SOUTH HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN IN PHELPS COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

\[ J. B. S. \]
COMMENCING AT A ½" IP FOUND AT THE SOUTHEAST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE ALONG THE SOUTH LINE OF SAID QUARTER, N 89°10'16" W, A DISTANCE OF 930.87 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE, N 01°04'30" E, A DISTANCE OF 23.19 FEET TO A ¾" IRON PIPE FOUND ON THE NORTH RIGHT OF WAY OF PHELPS COUNTY ROAD 3000; THENCE CONTINUING N 01°04'30" E, A DISTANCE OF 187.97 FEET TO A ½" IP SET AT THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE CONTINUING N 01°04'30" E, A DISTANCE OF 125.64 FEET TO A ¾" IRON PIPE FOUND; THENCE N 88°55'23" W, A DISTANCE OF 374.44 FEET TO A ½" IP SET ON THE EAST RIGHT OF WAY OF LOVERS LANE; THENCE ALONG SAID EAST RIGHT OF WAY, S 00°44'49" W, A DISTANCE OF 75.00 FEET TO A ½" IP SET; THENCE LEAVING SAID EAST RIGHT OF WAY, S 88°55'23" E, A DISTANCE OF 189.62 FEET TO A ½" IP SET; THENCE S 00°59'09" W A DISTANCE 50.64 FEET TO A ½" IP SET; THENCE S 88°55'23" E, A DISTANCE OF 184.36 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 0.86 ACRES MORE OR LESS AND IS SUBJECT TO LOVERS LANE AND ANY OTHER EASEMENTS, RESTRICTION, RESERVATIONS, DECLARATIONS AND COVENANTS OF RECORD OR OTHERWISE, PER SURVEY BY ANDERSON AND ASSOCIATES, CONSULTING ENGINEERS, LLC. SURVEY # AA-2627A.


COMMENCING AT A ½" IP FOUND AT THE SOUTHEAST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE ALONG THE SOUTH LINE OF SAID QUARTER, N 89°10'16" W, A DISTANCE OF 930.87 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE, N 01°04'30" E, A DISTANCE OF 23.19 FEET TO A ¾" IRON PIPE FOUND ON THE NORTH RIGHT OF WAY OF PHELPS COUNTY ROAD 3000; THENCE CONTINUING N 01°04'30" E, A DISTANCE OF 187.97 FEET TO A ½" IP SET; THENCE N 88°55'23" W, A DISTANCE OF 184.36 FEET TO A ½" IP SET AT THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT; THENCE S 00°57'19" W, A DISTANCE OF 192.23 FEET TO A ½" IP SET ON THE NORTH RIGHT OF WAY OF PHELPS COUNTY ROAD 3000; THENCE ALONG SAID NORTH RIGHT OF WAY, ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 378.38 FEET, A CHORD BEARING OF S 74°53'37" W, A CHORD LENGTH OF 141.73 FEET, AN ARC LENGTH OF 142.57 FEET TO A ½" IP SET; THENCE S 64°15'22" W, A DISTANCE OF 18.09 FEET TO A ½" IP SET; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TO

\[V.\quad 96.\]
THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF N 57°29'54" W, A CHORD LENGTH OF 42.52 FEET, AN ARC LENGTH OF 50.83 FEET TO A ½" IP SET ON THE EAST RIGHT OF WAY OF LOVERS LANE, THENALONG THE SAID EAST RIGHT OF WAY, N 00°44'49" E, A DISTANCE OF 268.37 FEET TO A ½" IP SET; THENCE LEAVING SAID EAST RIGHT OF WAY, S 88°55'23" E, A DISTANCE OF 189.62 FEET TO A ½" IP SET; THENCE S 00°55'09" W, A DISTANCE OF 50.64 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 1.16 ACRES MORE OR LESS AND IS SUBJECT TO PHELPS COUNTY ROAD 3000, LOVERS LANE AND ANY OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS, DECLARATIONS AND COVENANTS OF RECORD OR OTHERWISE, PER SURVEY BY ANDERSON AND ASSOCIATES, CONSULTING ENGINEERS, LLC. SURVEY # AA-2627A.

Section 3: That the full voluntary annexation procedure as outlined in RSMo. 71.012 will require a public hearing and the City Council determination that the annexation proposal meets the criteria established under Missouri State Statute RSMo.71.012;

Section 4: That the Survey submitted as part of the annexation and rezoning petition is hereby accepted under this Ordinance and shall provide guidance concerning the development of Tracts 2 and 3;

Section 5: That the developer(s) will be required to pay a Land Development Permit Fee and a Storm Water Management Fee if required by the Public Works Director;

Section 6: That the developer(s) will install a sanitary sewer system along the southern boundaries of Tracts 1 and 3 and that a minimum 10' wide easement suitable to support the construction of a water main sufficient to serve Tracts 1 and 3, as determined by Rolla Municipal Utilities (RMU), including any dedicated utility easements. Water service for Tract 1, when annexed into the City, will be tapped into the new water main at a location determined by RMU;

Section 7: That the ordinance approving the annexation and zoning of the subject property shall require the developer(s) to obtain all necessary approvals and to construct a water main with the size determined by RMU. In addition, as development occurs, the developer(s) will construct a water main within such easements to provide for future growth. If water service is provided, the subject property comprising all of Tract 1 must be voluntarily annexed and any existing well shall be properly abandoned and reported to the Missouri Department of Natural Resources (MoDNR) and any septic tank eliminated;

Section 8: This Ordinance shall be in full force and effect from and after the date of its approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

Y. B. 7.
Ordinance No. __________

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 5th DAY OF JULY 2016.

APPROVED:

ATTEST:

Mayor Louis J. Magdits, IV

City Clerk Carol L. Daniels

APPROVED AS TO FORM:

City Counselor Lance B. Thurman
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development
ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Request to vacate State Street right-of-way between the North right-of-way of 11th Street and the South right-of-way of Miner Circle, comprising a 444’x60’ parcel and also to vacate the right-of-way from 14th Street West of Pine Street comprising a 493’x60’ parcel to the Missouri University of Science & Technology. The vacated right-of-way shall be maintained as a utility easement.

DATE: 6-20-2016

GENERAL INFORMATION:

CASE #: 5-26-16

APPLICANT/STATUS OF APPLICANT: The subject property is owned by the City of Rolla, Missouri, 65401, 901 North Elm Street, P.O. Box 979, Rolla MO 65402. P.O. Box. Phone number is 573-426-6942. Email is Rollacity.org.

LOCATION: The location of the right-of-way to be vacated is shown on the attached map. The section of 14th Street proposed for vacation is located between Rolla Street and Pine Street and could easily be redefined as more of a driveway than as a City street. The remnants of State Street could also be considered more of a private driveway, having been used by the University over the course of many years to help supply the campus and Havener Center with parking.

PURPOSE: To purpose of this vacation is to reuse public right-of-way to provide better land utilization for parcels that are underused. The vacated street right-of-way will be retained as a utility easement until abandoned or removed. The vacated rights-of-way will help consolidate the land to promote more efficiently use land use and to complete a lot consolidation of public land.

ENGINEER OF RECORD: Mr. Steve Haagis, Engineer, City of Rolla, 901 North Elm Street, Rolla, Missouri 65401.

PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their May 31, 2016 meeting. The Planning and Zoning Commission conducted a public hearing on June 14, 2016 and voted to recommend to the City Council that the MS&T street vacations be approved. The Council’s hearing conducted on June 20, 2016 came to the same conclusion. The final reading will be held on July 5, 2016.

COMMISSION REVIEW AND RECOMMENDATION: It is the recommendation of the Planning and Zoning Commission that the City Council should approve the vacation of certain right-of-way located on the MS&T campus as requested by the applicant.

[Signature]
Request to Vacate State Street right of way between the North right of way of 11th Street and the South right of way of Miner Circle comprising a 444'x60' parcel and also to Vacate 14th Street West of Pine Street comprising a 493'x60' parcel to the Missouri University of Science & Technology. The vacated right of way shall be maintained as an utility easement.

(Missouri S&T)
ORDINANCE NO. ________


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

Section 1: The location of the right-of-way to be vacated is shown on the attached map. The section of 14th Street proposed for vacation is located between Rolla Street and Pine Street and could easily be redefined as more of a driveway than as a City street. The remnants of State Street could also be considered more of a private driveway, having been used by the University over the course of many years to help supply the campus and Havener Center with parking. The vacated right-of-way shall be retained as a permanent utility easement.

Section 2: All utilities are available in the right-of-way proposed to be vacated with this ordinance. The vacated rights-of-way will promote more efficient land use. MS&T will maintain a fire lane along the right-of-way to be vacated.

Section 3: A fire apparatus access road shall be provided and maintained per International Fire Code 2000 Section 502 and 503 or any update of that Code or its equivalent for all of State Street, north of 11th Street and all of 14th Street, west of Pine Street and east of Bishop Avenue.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 5TH DAY OF JULY 2016.

APPROVED:

________________________
Mayor

ATTTEST:

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Brady Wilson

ITEM/SUBJECT: Ordinance-Chapter 18 Revisions

BUDGET APPROPRIATION: NA

ACTION: 1st Reading

DATE: July 5, 2016

COMMENTARY:

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 are 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, the Committee recommends utilizing Sections 36-2 and 36-10 of the City Code to enforce removal of containers from the sidewalk and gutter areas. Additionally, proposed changes to Chapter 18 of the City Code have been drafted and are being presented for consideration. Chapter 18 will still prohibit leaving containers at the curb beyond 24 hours of the scheduled collection. The objective of the proposed changes is to work with the property owner when there are violations as opposed to attempting to gain compliance through the occupants. The proposed ordinance amendments would also require approval of container storage and placement for future developments during the planning stages.

Item__Y__D__.1.
Sec. 36-2. Obstructing streets and sidewalks.

Any person who shall deposit, place, paint, write, erect or maintain any structure, material, article, substance, decoration or thing on, in or above any street, curb, gutter, park, parkway, sidewalk or public place of the city, except as specifically authorized by the city council by resolution, or as otherwise provided for by ordinance or this Code, shall be deemed guilty of a misdemeanor; provided, however:

(a) That a person owning or operating a restaurant, coffee shop or other business may provide tables, chairs, plants or seating accommodations for its customers on the sidewalks adjacent to the business subject to the condition that a straight, unobstructed pathway at least sixty (60) inches wide be maintained on the sidewalk along the entire length of the sidewalk used by the business; and

(b) That nothing in this section shall be construed to prevent any merchant or tradesman from placing any packages of merchandise, which the merchant or tradesman may be receiving or sending away, subject to the conditions that a straight unobstructed pathway at least thirty-six (36) inches wide be maintained or remain on the sidewalk for more than two (2) hours. (Ord. 4004, §1)

Sec. 36-10. Cleaning sidewalks.

All persons are hereby required to keep the sidewalks in front of, or adjacent to, the property or premises owned or occupied by them or under their control, within the city, clear and free from rubbish, filth, refuse, dirt, and from any and all obstructions and dangerous agencies of every kind and description whatsoever; and any person failing to observe the provisions of this section shall be deemed guilty of a misdemeanor. (Ord. 4004, §1)
ORDINANCE NO. ____________

AN ORDINANCE REPEALING CHAPTER 18, GARBAGE, TRASH AND REFUSE, OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW CHAPTER 18, GARBAGE, TRASH AND REFUSE, IN LIEU THEREOF.

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

Section 1: That Chapter 18, Garbage, Trash and Refuse, of the Code of the City of Rolla, Missouri, is hereby repealed and a new Chapter 18, Garbage, Trash and Refuse, 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 (6) or two (2) adjoined dwelling units (duplexes) as 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.

\[\text{V. D.3.}\]
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.

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 landflling.

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
curbside or street edge to the front line of the house within twenty-four (24) hours of the
day of collection. The first and second A violation will result in Environmental Services
Department personnel placing a notification “sticker” on the refuse container notifying the
resident the property owner being notified of the requirement to remove the container
from the street edge. Noncompliance within a 10-day time limit can result in the property
owner being issued a citation. 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. 3892, §2)

e. Fail to place garbage in tied plastic bags prior to depositing such refuse in containers.

f. 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.

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

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

i. 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)

j. 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 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) 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 $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.

(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:

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

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

<table>
<thead>
<tr>
<th>Two (2) cubic yard container</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 service per week</td>
<td>$63.50/month</td>
</tr>
<tr>
<td>2 services per week</td>
<td>$127.00/month</td>
</tr>
<tr>
<td>3 services per week</td>
<td>$190.50/month</td>
</tr>
<tr>
<td>4 services per week</td>
<td>$254.00/month</td>
</tr>
<tr>
<td>5 services per week</td>
<td>$317.50/month</td>
</tr>
</tbody>
</table>
There will be a $30.00 charge for any additional service request.

**Four (4) cubic yard container**

<table>
<thead>
<tr>
<th>Services per Week</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$108.85</td>
</tr>
<tr>
<td>2</td>
<td>$217.70</td>
</tr>
<tr>
<td>3</td>
<td>$326.50</td>
</tr>
<tr>
<td>4</td>
<td>$435.30</td>
</tr>
<tr>
<td>5</td>
<td>$544.10</td>
</tr>
</tbody>
</table>

There will be a $40.00 charge for any additional service request.

**Six (6) cubic yard container**

<table>
<thead>
<tr>
<th>Services per Week</th>
<th>Monthly Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$155.80</td>
</tr>
<tr>
<td>2</td>
<td>$311.60</td>
</tr>
<tr>
<td>3</td>
<td>$467.45</td>
</tr>
<tr>
<td>4</td>
<td>$623.25</td>
</tr>
<tr>
<td>5</td>
<td>$779.05</td>
</tr>
</tbody>
</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.

\[\text{V. D.2.}\]
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)

Secs. 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)

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

APPROVED:

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

APPROVED AS TO FORM:

__________________________
CITY COUNSELOR
DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance

ITEM/SUBJECT: Traffic Code Changes

BUDGET APPROPRIATION (IF APPLICABLE) DATE: 07/05/16

COMMENTARY:

Attached is an ordinance making several changes to our traffic code.

Section 1 of the ordinance places a no parking restriction on 18th Street near Oak Street at the request of the Solid Waste Department. Trucks were unable to negotiate turning out of the alley onto Oak Street with cars parked along the north side of 18th Street. The parking restrictions along State Street were requested by MO S&T.

Section 2 and 3 of the ordinance were changes made to timed parking along Rolla Street in the vicinity of O'Doggy's. O'Doggy's requested thirty minute parking in front of their restaurant.

Staff recommends approval of the ordinance.
ORDINANCE NO. _________


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

Section 1: That the following segments of Section 27-92 of the Code of the City of Rolla, Missouri, pertaining to parking are hereby amended and/or added to read as follows:

Sec. 27-92 Parking prohibited – On certain streets or parts of streets.

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

Eighteenth Street, on the north side, from a point ninety-five feet east of the intersection of Eighteenth Street and Oak Street to a point one hundred and thirty-five feet east of the intersection of Eighth Street and Oak Street. (new)

State Street, on the east side, from a point eighty-eight feet north of the intersection of State Street and Sixth Street to the intersection of State Street and Sixth Street. (new)

State Street, on the east side, from a point two hundred and forty-five feet north of the intersection of State Street and Eleventh Street to the intersection of State Street and Eleventh Street. (revised)

State Street, on the west side, from the intersection of State Street and Eleventh Street to the intersection of State Street and Miner Circle. (new)

Section 2: That the following segments of Section 27-98 of the Code of the City of Rolla, Missouri, pertaining to parking are hereby amended and/or added to read as follows:

Sec. 27-98. Thirty minute parking - From 8:00 A.M. to 5:00 P.M.

Between the hours of 8:00 A.M. to 5:00 P.M., except on Sundays and legal holidays, no motor vehicle shall be parked for a period of time longer than thirty minutes on the following streets or parts of streets:

.09- Rolla Street, on the west side, from a point eighty-five feet north of the intersection of Rolla Street and Tenth Street, to a point one hundred and thirty feet north of the intersection of Rolla Street and Tenth Street. (new)

VI. A.2.
Section 3: That Section 27-118 of the Code of the City of Rolla, Missouri, pertaining to parking are hereby amended and/or added to read as follows:

Sec. 27-118. Two-hour parking - From 8:00 A.M. to 5:00 P.M. on certain streets or parts of streets.

Between the hours of 8:00 A.M. and 5:00 P.M., except on Sundays and legal holidays, no motor vehicles for a period of time more than two hours shall be parked on the following streets or parts of streets:

.46- Rolla Street, on the west side, from a point eighty-five feet north of the intersection of Rolla Street and Tenth Street to the intersection of Rolla Street and Tenth Street. (revised)

.47- Rolla Street, on the west side, from a point seventy-five feet south of the intersection of Rolla Street and Eleventh Street to the intersection of Rolla Street and Eleventh Street. (revised)

Section 4: That 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

V. A. 3.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Chief Sean Fagan

ACTION REQUESTED: First Reading

ITEM/SUBJECT: Pawn Shop Ordinance

BUDGET APPROPRIATION (IF APPLICABLE): $ N/A

DATE: July 5, 2016

Commentary:

We would like to discuss amending the City of Rolla ordinances which govern the operation of pawn shops, to include dealers of secondhand goods, scrap dealers, and businesses and dealers who engage in the practice of buying and selling of used or secondhand jewelry, gems and other precious metals, specifically in the area of record keeping of goods acquired and sold, and to provide for the timely and uniform reporting of such information by all entities.

Article VI of the City of Rolla ordinance, 33-54 currently requires pawnbrokers to report all transactions. In addition to the two current pawn shops, there are approximately six other businesses within the City of Rolla that purchase secondhand goods, and they are not required to report their transactions to the Rolla Police Department. These businesses include jewelers, jewelry stores, coin dealers, precious metals dealers, and junk dealers.

This information is extremely helpful to law enforcement authorities for the purpose of locating stolen items and deterring criminal activity. By including all of the above described dealers and entities in this ordinance, this will insure that more information will be provided to law enforcement personnel for investigative purposes. This additional information will improve law enforcement’s ability to successfully solve various types of crimes, and to better serve our citizens and the victims of crimes. Additionally, by including the above described dealers and entities in this ordinance, it will improve law enforcement’s ability to prevent our local businesses from becoming victims of crimes.

This amended ordinance was brought to council for open discussion at the May meeting. There were several changes suggested by council members and the city administrator. With the help of our city attorney, Mr. Thurman, these changes have been reflected in this updated final draft.

Recommendation:

First reading and discussion.

ITEM NO. VII.B.1.
ORDINANCE NO.  

AN ORDINANCE REPEALING ARTICLE VI. PAWN BROKERS, SECTIONS 33-54 THROUGH 33-63 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW ARTICLE VI. PAWN BROKERS, SECOND HAND DEALERS, SCRAP METAL DEALERS, PRECIOUS METALS DEALERS, PAWN SHOPS AND ANY OTHER BUSINESS THAT DEALS IN PRE-OWNED ITEMS ON A REGULAR BASIS, NEW SECTIONS 33-54 THROUGH 33-63, IN LIEU THEREOF.

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

Section 1: That Article VI. Pawnbrokers, Sections 33-54 through 33-63 of the General Ordinances of the City of Rolla, Missouri, known as the Code of the City of Rolla, Missouri, are hereby repealed and a new Article VI. Pawn Brokers, Second Hand Dealers, Scrap Metal Dealers, Precious Metals Dealers, Pawn Shops and any other business that deals in pre-owned items on a regular basis, new Sections 33-54 through 33-63, are hereby enacted in lieu thereof to read as follows:

ARTICLE VI. Pawn Brokers, Second Hand Dealers, Scrap Metal Dealers, Precious Metals Dealers, Pawn Shops and any other business that deals in pre-owned items on a regular basis

Sec. 33-54. Definitions.

a. "Pawnbroker", any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time;

b. "Scrap Metal Dealer", Any secondhand dealer who engages in the business of buying junk, old iron, tools or fittings of any kind including but not limited to: copper, lead, brass, or scrap metals of any kind.

c. "Precious Metals Business or Dealer", Any business or dealer, including jewelry stores who engage in the business of buying and selling used or secondhand jewelry, coins or other precious metals.

d. "Secondhand Dealer", Any person who buys for resale or receives on consignment any pre-owned items, to include jewelry, coins, precious metals, household fixtures, water, gas, electric or plumbing fixtures, or other secondhand personal property of any kind whatsoever, except household furniture or books.

e. "Pawnshop", the location at which or premises in which a pawnbroker regularly conducts business
f. "Pledged goods", tangible personal property other than choses in action, securitis, or printed evidence of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction;
g. "Person", an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized;
h. "Person of Good Moral Character", A person who has no findings of guilt involving any state, federal, or municipal offenses, including felony drug or narcotics convictions, robbery, burglary, theft, stealing, receiving stolen property, embezzlement, extortion, forgery, gambling, bribery, perjury, any weapons offense or crime of violence within a five (5) year period.
i. "Pre-Owned Items" Items that are purchased from an individual, who is not a wholesale dealer, or used as collateral by an individual to secure a loan. This includes but is not limited to: Antiques, coins, gold, silver, platinum, gems and semi-precious stones, watches, firearms, power tools, hand tools, computers, electronic equipment, cameras, camera equipment, including but not limited to film, digital and videotape, still and motion picture cameras, camcorders, and associated recording and viewing equipment. Electronic gaming equipment, game cartridges or discs, compact digital discs (CD’s) digital Video Discs (DVD’s) Musical instruments and equipment, bicycles, household items and any other self-propelled device not required to be licensed by the Missouri Department of Revenue, and any item purchased or used to secure a loan.
j. "Secured personal credit loan", every loan of money made in this City, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation. (Ord. 3640, §1)

Sec. 33-55. Business operating as Pawn Shop, Secondhand Dealer, Scrap Metal Dealer, or Precious Metals Business or Dealer

It shall be prima facie evidence that a business is a pawnshop, secondhand dealer, Scrap Metal Dealer or Precious Metals Dealer if the business engages in the activity defined in section 33-54, B, C, D and E. (Ord. 3640, §2)

All businesses defined in this ordinance will be required to secure a business license from the City of Rolla.

No person or entity affected by this ordinance shall be open for business or receive any article or personal property or other valuable thing as pawned, pledged taken in barter or exchanged or purchased on any condition whatsoever, on any day between the hours of 10:00 p.m. and 7:00 a.m. on the following day.
Sec. 33-56. Receipt for pledged property.

Receipt for pledged property in accord with §367.031 RSMo., at the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipts utilized by the lender shall be numbered sequentially with preprinted numbers and shall contain, at least, the following information.

a. The name and address of the business;
b. The name and address of the pledgor; the pledgor’s description and the driver’s license, military identification number, identification certificate number, or other official number capable of identifying the pledgor;
c. The date of the transaction;
d. An identification and description of the pledged goods, including serial numbers if reasonably available. (Ord. 3640, §3)
e. The maturity date of the business transaction, and a statement to the effect of “the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker thirty (30) days after the specified maturity date. Per State Law, this will become sixty (60) days starting January 1st, 2017.

Sec. 33-57. Contents and holding period for items covered under this ordinance

A pawnbroker shall not purchase or take in trade used or second hand personal property unless a record is established that contains the information set forth in §367.031 RSMo., and a signed document from the seller providing that the seller has the right to sell the property. (Ord. 3640, §4)

(A) No Gold, Silver, Diamonds, or other precious or semi-precious gems or metals received or purchased by any person subject to this ordinance shall be removed from the business within seven (7) days after the receipt thereof, except when redeemed by the owner, nor shall any such precious gems or metals be melted or re-cut or re-sized within seven (7) days from the receipt thereof.

(B) Further, no person subject to this ordinance shall sell, transfer ownership or possession of or otherwise remove from said designated location any goods received in purchase, sale, barter, exchange, or pawn for seven (7) days from the receipt of such goods, except for redemption of such good by the owner.
Sec. 33-58. Turn over records to Rolla Police Department.

All businesses operating within the city of Rolla and regulated by this ordinance shall keep a well-bound book or other form of permanent record in which he shall legibly and permanently enter the following information:

A. The name, address, physical description, and the driver’s license number, social security number, military identification number, identification certificate number, or other number capable of identifying the seller/pledgor

B. A complete description of all pre-owned property, including precious gems or metals pledged with him or purchased by him. The description will include any number, letter markings, or engravings that may be on such property for the purpose of identification, including any owner applied markings. This record shall also contain the information required in section 33-56.

C. If any item contains in whole or in part, a precious gem or metal, the property shall be photographed and the photograph shall be attached to the record book or kept with other permanent record describing the property.

D. A signed document from a seller stating that the seller has the right to sell the property.

E. A picture of the seller or pledgor. (A sign will be posted inside the business informing the seller or pledgor that the picture is required by ordinance)

F. Records will be maintained for a period of one year

G. At least 60 days prior to the destruction of a photograph or transaction form, the licensee shall notify, in writing, the Rolla Police Department of his intent to destroy such documents. The Rolla Police Department, at its option, may request the licensee to turn over all said documents to the police department

H. The record will also include the disposition of the item. When an item is sold, transferred, or redeemed, the name and address of the person receiving the item, as well as the date of the transaction will be included.

I. Such records shall not be defaced or erased and shall be open to any peace officer as defined in section 590.020 RSMO, together with the articles purchased, or pledged, provided that the articles shall still be in the possession of the dealer or merchant.

SEC. 33-59. ON-LINE REPORTING REQUIRED:

All businesses regulated by this ordinance will be required to upload the information for all transaction into the entity/database designated by the Rolla Police Department within two (2) business days of receipt of the goods received in purchase, sale, barter, exchange, or pawn.
Pursuant to §367.031 RSMo. and Section 33-59 hereof on a regular basis but not more than two (2) days after a transaction, all businesses regulated by this ordinance shall upload all information concerning their daily transactions into the entity/database designated by the Rolla Police Department. By authority of §367.031.4 RSMo and §610.021(14) the information herein required to be disclosed to the Rolla Police Department shall not be open to the public except by court order. (Ord. 3640, §5)

Sec. 33-60. Hold Order in effect, all businesses regulated by this ordinance may release property to law enforcement officer; not waiver of property rights; sale of property under hold order prohibited.

a. Pursuant to §367.047.1 RSMo., upon written notice from a law enforcement officer indicating that property in the possession of a regulated business and subject to a hold order is needed for the purpose of furthering a criminal investigation or prosecution, the regulated business shall release the property subject to the hold order to the custody of the law enforcement officer for such purpose and the officer shall provide a written acknowledgment that the property has been released to the officer. The release of the property to the custody of the law enforcement officer shall not be considered a waiver or release of the regulated businesses property rights or interest in the property. Upon investigation of the criminal investigation, the property shall be returned to the regulated business who consented to its release; except that if the law enforcement officer has not completed the criminal investigation within 120 days after its release, the officer shall immediately return the property to the pawnbroker or obtain and furnish to the pawnbroker a warrant for the continued custody of the property.

b. Except as provided in subsection (a) of this section, the business shall not release or dispose of the property except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions. (Ord. 3640, §6)

Sec. 33-61. Exceptions to this ordinance

Used Furniture Dealers, Used Book Store Dealers, Antique Dealers, Re-Sale Clothing Shops, and Flea Market Operators are exempt from this ordinance

Sec 33-62 Violations and Penalties
Any violation of this Article shall be punishable by a fine, not to exceed $500.00. Each separate item of property pledged or taken in pledge in violation of this Article shall be deemed a separate violation. A license to do business in the City of Rolla, Missouri, for any person convicted of a violation of this Article shall immediately be revoked and no new license issued to that person,
nor for the premises at which the violation occurred, unless and until the penalty for said violation, together with any applicable court costs, shall have been paid in full. (Ord. 3640, §7)

Secs. 33-63 to 33-65. Reserved.

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


APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor

VI. 6. 7.
For a long time, we have been exploring the possibility of purchasing a space saver mobile shelving storage system for our evidence room. The Phelps Co. Sheriff’s Department purchased this system 8 to 10 years ago, and they love it. It condensed the space needed to store their evidence and better protects the evidence/property from damage. The principal behind this storage system is that instead of having stand alone shelves in rows with space between them for walking/moving the items, movable shelving units slide on tracks that collapse giving you more shelves and doing away with the walking spaces. Assume the cubes below are the same size. The first one is traditionally how shelves are placed so you can access them from either side to place or retrieve items. If you take the wasted walking spaces out but leave one row for walking or placing/retrieving items you gain nearly 50% more space, as shown in the second drawing. The third drawing then shows how much more shelf space you can gain by using the moving/collapsible units. The same space went from 4 shelf units to 8 shelf units with the same amount of walking space between the units. You simply move the one lane of walking space where you need it by moving the shelving units on the track.

Attached is a proposal from Bradford Systems of St. Louis, which is the company who has been awarded the Missouri State Bid. This company has visited our facility, measured it and made a recommendation that would gain us 40-50% more space. The cost of this proposal is $23,315.00 which includes delivery, installation and labor. We intend to use drug asset forfeiture money to make this purchase. Since this company has been awarded the State bid for Missouri, I ask that we purchase directly from them without requiring a sealed bid process.

Recommendation:

It is staff recommendation that the purchase and installation of this equipment be awarded by Council to Bradford Systems.
Tote Storage = 630 Totes
Long Guns = 37 and Hand Guns = 54
DEPARTMENT HEAD: Steve Hargis

ITEM/SUBJECT: Project 388 – 2016 Street Improvements
Keeton Road and Shady Lane (Fairgrounds Rd)

BUDGET APPROPRIATION (IF APPLICABLE) DATE: 07/05/16

COMMENTARY:

The attached is a change order for $57,564.90 for concrete work from Donald Maggi Construction, Inc. This work was added to our Fairgrounds Road reconstruction project using bid unit prices from Project #388 for work to be done on Keeton Road and Shady Lane.

We had anticipated only minor repairs to the concrete curb, drives and sidewalks along Fairgrounds Road from Bryant Drive to 10th Street in conjunction with the replacement of the pavement structure and storm sewers.

We had planned to replace concrete curb and sidewalks only at the locations where storm sewers crossed Fairgrounds Road using our own staff. The placement of existing storm sewers was all under existing curb line and could not be replaced without removing the existing curb, drives and sidewalks. This amount of work was not anticipated. In order for us to keep close to our original schedule, we needed to have this extra work done by a contractor.

Staff recommends passage of a motion authorizing the Mayor to execute the attached change order.
Name and Location of Project
2016 Street Improvements (Kesdon Road, Shady Lane and Fairgrounds Road)

Name and Address of Contractor
Donald Maggi, Inc.
P.O. Box 66
Rolla, MO 65402

You are hereby directed to make the following changes from the contract:
Change Order: For concrete work to be done on Fairgrounds Road and 10th Street under contract for Project 388

<table>
<thead>
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<th>Description</th>
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<th>Deduct Qty.</th>
<th>Cost per Unit</th>
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<tbody>
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<td>$22,630.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>2c</td>
<td>4' Thick Concrete Sidewalk</td>
<td>SF</td>
<td>4.544</td>
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<td>$5.50</td>
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<td>3c</td>
<td>6' Thick Concrete Driveway - 6 Bag'</td>
<td>SF</td>
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<td>$6.90</td>
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TOTAL OF COST COLUMNS
$57,564.90 $0.00

Contract Amount $106,247.50
Add or Deduct this Change Order $57,564.90
Add or Deduct Previous Change Orders $-

Adjusted Contracted Amount $163,812.40

[Signature]
Date: 6/28/14

[Signature]
Date

[Signature]
Date
ITEM/SUBJECT: Ordinance authorizing the Mayor to execute an agreement with SEMA to participate in a 50/50 matching emergency management grant.

BUDGET APPROPRIATION: $5,050

DATE: July 5, 2016

The City of Rolla Fire & Rescue has been working with the State of Missouri Emergency Management Agency (SEMA) to better develop emergency management plans, training programs, public information/warning systems, sheltering, and best management practices of natural disasters.

Each year SEMA offers an Emergency Management Performance Grant (EMPG). This grant provides resources to local government emergency management agencies, for the sustainment and enhancement of all-hazard emergency management capabilities. An all hazards approach to emergency response, including the development of a comprehensive program of planning, training, and exercises, means there can be an effective and consistent response to disasters and emergencies, regardless of the cause. It involves building long-term strategic relationships within the emergency management community to ensure the program meets the needs of Missourians during disasters. The EMPG financial assistance program provides reimbursement up to 50 percent of allowable costs.

The City of Rolla Fire & Rescue applied for $10,100 which includes the allowable costs of salaries, employee benefits, conference costs, and supplies. Currently, the fire department covers 100% of all costs associated with the City of Rolla Emergency Management Program. This would include extra duty pay for Matt Griggs, Captain, who is working approximately 15 – 20 hours a month as the City’s Emergency Management Director. This grant would provide reimbursement for a majority of those hours.

Fire Administration recommends City Council approves the ordinance to allow the Mayor to execute an agreement in a 50/50 matching Emergency Management Grant for a total of $10,100. The City of Rolla’s cost would be $5,050.

Fire Administration would request a first and second reading for the acceptance of this grant as the deadline is July 15th, 2016. We were awarded the grant on June 23, 2016.
STATE OF MISSOURI

EMERGENCY MANAGEMENT AGENCY

DEPARTMENT OF PUBLIC SAFETY
PO Box 116, Jefferson City, Missouri 65102
Phone: 573/526-9100 Fax: 573/634-7966
E-mail: moemsa@sema.dps.mo.gov

June 20, 2016

Louis Magdits
Mayor
City of Rolla
P.O. Box 979
Rolla, Missouri 65402

Dear Louis Magdits,

Congratulations, your agency has been approved for a 2016 Emergency Management Performance Grant (EMPG) award from the State Emergency Management Agency (SEMA) in the amount of $10,100.00, of which fifty percent is local match sharing. The performance period is January 1, 2016 through December 31, 2016. A portion of the award was based upon consideration of your FY15 expenditures. Enclosed are your award documents. You, as the authorized official must sign the grant award of contract and initial the lower right hand corner of each page of the Special Conditions to certify acceptance of this award. You are required to return the original forms back to SEMA no later than July 15, 2016, to the following person and address prior to claims being paid to your jurisdiction:

State Emergency Management Agency
Attn: Amy Lepper
PO Box 116
Jefferson City, MO 65102

The CFDA number for the Emergency Management Performance Grant is CFDA 97.042. Your award number is EMK-2016-EP-APP-00004-096.

This award is subject to all administrative and financial requirements as outlined in the 2016 EMPG Notice of Funding Opportunity, Grant Award Special Conditions (see attached), and the EMPG Program Manual. This includes the timely submission of all financial and programmatic reports.

Thank you for your support and cooperation with this effort. If you have any questions, please contact your Grant Specialist, Laura Teske, at 573-751-3401, laura.teske@sema.dps.mo.gov or Grant Specialist, Jackie Hofstetter at 573-526-9256, jackie.hofstetter@sema.dps.mo.gov.

Sincerely,

Ron Walker
Director
**State Emergency Management Agency**
2302 Militia Drive
P.O. Box 116
Jefferson City, MO 65102
Phone: (573) 526-9100
Fax: (573) 634-7956

**City of Rolla**
Louise Magdits
Mayor
P.O. Box 979
Rolla, Missouri 65402

---

**SUBRECIPIENT AWARD**

<table>
<thead>
<tr>
<th>DATE</th>
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<td>Award Number</td>
<td>EMK-2016-EP-APP-00004-096</td>
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<td>Amendment No.</td>
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**GRANTEE VENDOR NUMBER**
43-6003049

**ISSUING AGENCY**
MO State Emergency Management Agency
P.O. Box 116
Jefferson City, MO 65102

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**PROJECT TITLE**
FY 2016 Emergency Management Performance Grant

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO**
97.042

**PERFORMANCE PERIOD**
FROM: 1/1/2016 TO: 12/31/2016

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**FEDERAL AWARD AMOUNT**
$5,050.00

**LOCAL COST SHARE**
$5,050.00

**TOTAL AWARD AMOUNT**
$10,100.00

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**EMPG GRANT SPECIALIST**
Jackie Hofstetter
E-mail Address: Jackie.hofstetter@sema.dps.mo.gov
Telephone: 573-526-9256

**CONTACT INFORMATION**

<table>
<thead>
<tr>
<th>NAME</th>
<th>GRANTEE PROJECT DIRECTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matt Griggs</td>
<td></td>
</tr>
</tbody>
</table>

E-mail Address: mngngs@rollacity.org
Telephone: 573-364-3989

**SUMMARY DESCRIPTION OF PROJECT**
The purpose of the EMPG Program is to make grants to locals in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). Title VI of the Stafford Act authorizes grants for the purpose of providing a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government, States, and their political subdivisions SEMA, through the EMPG Program, provides necessary direction, coordination, and guidance, and provides necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards in the State of Missouri. This award is not for Research and Development. There is no indirect cost rate for this award.

---

**TYPED NAME AND TITLE OF OHS OFFICIAL**
Ron Walker, Director

**SIGNATURE OF APPROVING OHS OFFICIAL**

**DATE**
6/20/2016

**TYPED NAME AND TITLE OF GRANTEE AUTHORIZED OFFICIAL**

**SIGNATURE OF GRANTEE AUTHORIZED OFFICIAL**

**DATE**

---

**THIS GRANT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS SET FORTH ON THE ATTACHED SPECIAL CONDITION(S). BY SIGNING THIS GRANT AGREEMENT, THE GRANTEE IS AGREEING TO READ AND COMPLY WITH ALL SPECIAL CONDITIONS.**

VII. C. 3.
SPECIAL CONDITIONS

DATE
June 20, 2016

AWARD NUMBER
EMK-2016-EP-APP-00004-096

Article I - Acknowledgement of Federal Funding from DHS

All subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Article II - Activities Conducted Abroad

All subrecipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article III - Age Discrimination Act of 1975

All subrecipients must comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Article IV - Americans with Disabilities Act of 1990

All subrecipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

Article V - Best Practices for Collection and Use of Personally Identifiable Information (PII)

All subrecipients who collect PII are required to have a publicly available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. Award subrecipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

Article VI - Civil Rights Act of 1964

All subrecipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article VII - Civil Rights Act of 1968

All subrecipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits subrecipients from discriminating in the sale, rental, financing and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.) as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 7

VII. C. 4.
100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 C.F.R. § 100.201).

Article VIII - Copyright

All subrecipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

Article IX - Assurances, Administrative Requirements and Cost Principles

Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions. The administrative and audit requirements and cost principles that apply to DHS award subrecipients originate from 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

Article X - Debarment and Suspension

All subrecipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

Article XI - Drug-Free Workplace Regulations

All subrecipients must comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act’s implementing regulations at 2 C.F.R Part 3001.

Article XII - Duplication of Benefits

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

Article XIII - Energy Policy and Conservation Act

All subrecipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

Article XIV - False Claims Act and Program Fraud Civil Remedies

All subrecipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
Article XV – Federal Debt Status

All subrecipients are required to be non-delinquent in their repayment of Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-428B, item number 17 for additional information and guidance.

Article XVI - Fly America Act of 1974

All subrecipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XVII - Hotel and Motel Fire Safety Act of 1990


Article XVIII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All subrecipients must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011) The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-accesspeople-limited and additional resources on http://www.lep.gov.

Article XIX - Lobbying Prohibitions

All subrecipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.
Article XX - Non-supplanting Requirement

All subrecipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or subrecipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

Article XXI - Patents and Intellectual Property Rights

Unless otherwise provided by law, subrecipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

Article XXII - Procurement of Recovered Materials

All subrecipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired by the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Article XXIII - Contract Provisions for Non-federal Entity Contracts under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

1. Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

2. All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.


4. Davis-Bacon Act, as amended (40 U.S.C 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C 3141 3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federal Financed and Assisted Construction"). In accordance with the
statute, contracts must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

5. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C 3704 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

6. Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the recipient or subrecipient wishes to enter into a contract with small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

7. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended- Contract and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Article XXIV - SAFECOM

All subrecipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XXV - Terrorist Financing E.O. 13224

All subrecipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and
the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

Article XXVI - Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All subrecipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 34 C.F.R. Part 10 and 44 C.F.R. Part 19

Article XXVII - Trafficking Victims Protection Act of 2000

All subrecipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

Article XXVIII - Rehabilitation Act of 1973

All subrecipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

Article XXIX - USA Patriot Act of 2001

All subrecipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

Article XXX - Use of DHS Seal, Logo and Flags

All subrecipients must obtain DHS’s approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XXXI - Whistleblower Protection Act


Article XXXII - SEMA Specific Acknowledgements and Assurances

All subrecipients must acknowledge and agree to comply with applicable provisions governing SEMA access to records, accounts, documents, information, facilities, and staff.

1. Subrecipients must cooperate with any compliance review or complaint investigation conducted by SEMA.
2. Subrecipients must give SEMA access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by SEMA regulations and other applicable laws or program guidance.

3. Subrecipients must submit timely, complete, and accurate reports to the appropriate SEMA officials and maintain appropriate backup documentation to support the reports. Future awards and fund drawdowns may be withheld if these reports are delinquent.

4. Subrecipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the SEMA.

6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the SEMA Component and/or awarding office. The United States has the right to seek judicial enforcement of these obligations.

Article XXXIII- Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by SEMA, you must request instructions from SEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article XXXIV - Prior Approval for Modification of Approved Budget

Before making any change to the SEMA approved budget for this award, you must request prior written approval from SEMA by requesting a Contract Adjustment.

Article XXXV - Incorporation by Reference of Notice of Funding Opportunity

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the sub-recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained under the 2016 Notice of Funding Opportunity, Missouri 2016 EMPG Program Manual, OHS Administrative Guide, and OHS Information Bulletins.

Article XXXVI – Other Special Conditions

1. Sub-recipients are required to ensure that all EMPG funded personnel complete the following DHS/FEMA training courses within twelve (12) months of hire and record proof of completion, IS 100, IS 120, IS 200, IS 230, IS 235, IS 240, IS 241, IS 242 IS 244, IS 700, IS 800 and L-146 HSEEP*.

2. Sub-Recipients of 2016 EMPG funding are required to ensure that all EMPG funded personnel actively participate in three (3) exercises during the performance period. Jurisdictions must identify planned quarterly activity to meet these requirements on the 2016 EMPG application and Status Reports. Failure to comply with this requirement could result in claim payments being held until the requirement is met.

3. Subrecipients are required to use WebGrants (https://desgrants.dps.mo.gov/) to submit Quarterly Status Reports and Claim Requests. Sub-recipients are encouraged to submit Claim Requests throughout the quarter to allow for more up-to-date tracking of grant progress and prevent reimbursement delays.
Status Reports and Claim Requests for each billing period are due to SEMA as follows:

a. Quarter 1 (January 1 to March 31) and Quarter 2 (April 1 to June 30): Due July 15, 2016
b. Quarter 3 (July 1 to September 30): Due October 15, 2016
c. Quarter 4 (October 1 to December 31): Due January 31, 2017

4. Subrecipients must maintain an annual Training and Exercise Plan (TEP) and participate in Threat and Hazard Identification and Risk Assessment (THIRA) updates.

*EMPG funded exercise officers and management personnel involved in the design and evaluation of exercises must complete L-146 HSEEP within 24 months of hire and record proof of completion.
ORDINANCE NO. __________


NOW, THEREFORE, 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, a certain grant award of contract between the City of Rolla, Missouri, and the State of Missouri Emergency Management Agency (SEMA), a copy of said agreement being attached hereto and marked Exhibit A.

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


APPROVED:

________________________
MAYOR

ATTEST:

________________________
CITY CLERK

APPROVED AS TO FORM:

________________________
CITY COUNSELOR
Andrew Meggitt

I am currently coaching Knights Soccer, have coached and mentored youth coaches for RAYSL. I am incoming RAYSL president after serving on the board for the last two years. RAYSL and Optimist soccer currently cater to 600-700 children in Spring and Fall in Rolla area.

I am currently Secretary for the Knights Soccer Club and I have been involved in tennis for many years since I moved to Rolla.

I believe that the largest issue facing youth sports in the USA and now worldwide is the dropout rate. The reasons for dropout are clear – disturbingly 70.00% of kids drop out of team and league sports by age 13. In the USA 20 Million children are registered for sport with 70.00% drop out by High School. With great facilities for all parts of the community to utilize we have an opportunity to improve the overall health of our community.

Susan Wrasmann is a retired educator who managed the instructional technology program for the Waynesville School District and taught graduate and undergraduate courses in education for Drury University. Since retirement she has devoted many volunteer hours to the Missouri Master Gardener and Master Naturalist programs. Her interests include gardening, native landscaping and water quality monitoring with the Missouri Stream Team. She helped implement the Healthy Yards for Clear Streams community education program in 2009 to encourage Rolla residents to protect streams by applying practices on their properties to reduce runoff and pollutants entering into storm drains and creeks. As a frequent visitor and user of the parks, she looks forward to working with other members of the board to maintain and improve the park system for all Rolla residents to enjoy.

Sue Arnold

My interest in the parks began many years ago when we first moved to Rolla. At that time our park system consisted mainly of neighborhood parks and ball fields. I spent a lot of time at the ball fields as my two sons played baseball on Little League, high school and American Legion teams, and my husband coached Khouri League and American Legion teams. It has been gratifying to see the expansion of the parks with the purchase and development of Ber Juan Park, the Centre and Acorn trail. The varied programs are a real asset to the community. I know there have been budget constraints in recent years that have prevented upgrading equipment and developing new programs. I worked on the campaign to pass Prop A. Unfortunately, we fell short of our goal. It is pleasing to see the improvements that have been made with the recent passage of Prop P.