AGENDA OF THE ROLLA CITY COUNCIL
Monday, December 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 EU DALY, DON MORRIS, JOHN MEUSCH, JIM WILLIAMS, BRIAN WOOLLEY, STEVEN JUNG AND WALT BOWE

********************************************
COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Jonathan Hines

I. CONSENT AGENDA
A) Consider Approval of the City Council Minutes of:
   1) City Council Meeting – November 7, 2016
   2) City Council Closed Session Meeting – November 7, 2016
   3) City Council Meeting – November 21, 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 – October 2016
D) Development Review Committee Meeting Minutes – November 29, 2016
E) Planning and Zoning Commission Preliminary Meeting Minutes – November 8, 2016
F) Health and Recreation Center Board Meeting Minutes – October 19, 2016
I) Rolla Board of Public Works Meeting Minutes – October 25, 2016
V. **OLD BUSINESS**  
A) **Ordinance** Rezoning 105 and 107 N. Park Street from C-O (Office District) & C-1 (Neighborhood Business District) to C-2 (General Retail District) (McDonald) – Community Development Director John Petersen – **Final Reading**  
B) **Ordinance** Authorizing the Mayor to Enter into a Contract with Investment Realty, Inc., for the Route 72/Ridgeview Road Extension Buyer’s Exclusive Agency Contract – (City Administrator John Butz) – **Final Reading**

VI. **NEW BUSINESS**  
A) Review of the City’s Self-Insured Health Plan and Wellness Efforts – (City Administrator John Butz and Finance Director Steffanie Rogers) – **Discussion/Motion**

VII. **CLAIMS and/or FISCAL TRANSACTIONS**  
A) Motion Awarding Legal Services (City Counselor) – (City Administrator John Butz) – **Motion**

VIII. **CITIZEN COMMUNICATION**  
A) Open Citizen Communication

IX. **MAYOR/CITY COUNCIL COMMENTS**

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:  
1) Real Estate

XII. **ADJOURNMENT**
ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 7, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET

Presiding: Mayor Pro-Tempore Monty Jordan

Council Members in Attendance: Jonathan Hines, Monty Jordan, Matthew Crowell, Kelly Long, Don Morris, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Matthew Miller, Susan J. Eudaly, John Meusch, and Jim Williams

Department Directors in Attendance: Community Development Director John Petersen, Parks and Recreation Director Floyd Jernigan, Police Chief Sean Fagan, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, 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-Tem Jordan called the meeting to order at approximately 6:30 p.m. and asked Councilman Walt Bowe to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Morris and seconded by Long to approve the consent agenda as submitted. A voice vote on the motion showed eight ayes, zero nays, and four 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 – October 3, 2016
2) City Council Closed Session Meeting – October 3, 2016
3) City Council Meeting – October 17, 2016
4) City Council Closed Session Meeting – October 17, 2016
5) City Council Workshop – October 24, 2016
6) City Council Closed Session Meeting – October 24, 2016

II. PUBLIC HEARINGS

None.

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[Signature]
III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Magdits referred the Council to (A) the September 2016, Environmental Services Department Monthly Report; (B) the September 2016, Police Department Monthly Report; (C) the September 2016, Animal Control Division Monthly Report; (D) the October 25, 2016, Development Review Committee Meeting Minutes; (E) the October 26, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; (F) the August 2016, Centre Financial Report; (G) the August 2016 Parks Financial Analysis; (H) the September 21, 2016, Health and Recreation Center Board Meeting Minutes; (I) The August 24, 2016, Park Advisory Commission Meeting Minutes; (J) The September and October 2016, Municipal Court Monthly Report; (K) the August and September 2016, Rolla Municipal Utilities Monthly Reports; (L) the August 23 and September 27, 2016, Rolla Board of Public Works Meeting Minutes, and; (M) the September and October 2016, Building Codes Monthly Reports.

V. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into an Agreement with the Pump Shop: Public Works Director Steve Hargis recalled that during its last meeting, the Council approved the bid from The Pump Shop totaling $61,718.00 for the HyPoint Pump Station upgrade. He asked the Council to consider the final reading of the subject ordinance, which would authorize the Mayor to enter into a contract with The Pump Shop for this project.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4315: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE PUMP SHOP FOR HY-POINT PUMP STATION UPGRADE, PROJECT 414. A motion was made by Morris and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Bowe, Woolley, Hines, Long, Jordan, Morris, Crowell, and Jung. Nays: None. Absent: Miller, Williams, Meusch, and Eudaly. Motion carried. The ordinance passed.

NOVEMBER 7, 2016

I. A. A.
VI. NEW BUSINESS

(A) Ordinance Approving the Final Plat of Wands Third Addition: Community Development Director John Petersen explained the subject property is owned by Mr. and Mrs. Dale Wands and is located adjacent to the Schuman Park near the intersection of North Oak Street and Twelfth Street. He told the Council the purpose of the subject plat is to eliminate a 20-foot wide utility easement shown on the Wands Second Addition Plat and to add two, ten-foot wide utility easements along the south and east boundary lines of Lot 1. Mr. Petersen pointed out the requirement of a fire access road for emergency fire access has been included in the subject ordinance instead of on the proposed plat. He reported the Planning and Zoning Commission recommend approval of the proposed plat.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING THE WANDS SECOND SUBDIVISION, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 8 WEST, ROLLA, MISSOURI, THIS PLAT BEING A MINOR SUBDIVISION, TO ELIMINATE CERTAIN UTILITY EASEMENTS AND REPLACE OTHER UTILITY EASEMENTS AS SHOWN ON THE WANDS THIRD SUBDIVISION PLAT. (WANDS THIRD).

(B) Motion Authorizing the Mayor to Quit Claim Wands Sewer Service Line Easement: Public Works Director Steve Hargis explained that on behalf of developer Mr. Dale Wands, City staff is requesting a proposed sewer connection across a portion of Schuman Park. He informed the Council the connection would run along the west side of the park and would be used to serve a new 20 unit apartment complex facing Oak Street near Thirteenth Street. Mr. Hargis said the developer would be responsible for the installation of the service line and restoration to the park after the line is complete.

After a brief discussion, a motion was made by Morris and seconded by Hines to authorize the Mayor to quit claim the subject easement to the developer for the purpose of installing the sewer service connection. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(C) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for WWTF Preliminary Engineering Report: As detailed during the Council’s recent workshop, Public Works Director Steve Hargis explained the subject ordinance would authorize the Mayor to enter into a professional services agreement with

NOVEMBER 7, 2016
VI. NEW BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for WWTF Preliminary Engineering Report (continued): HDR Engineering, Inc., for Task Order #7. This task order would prepare a wastewater treatment facility (WWTF) preliminary engineering report on Rolla’s treatment facilities addressing the capacity and ability of these facilities to meet anticipated future regulatory requirements.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: 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 HDR ENGINEERING, INC. FOR WWTF PRELIMINARY ENGINEERING REPORT - PROFESSIONAL SERVICES.

(D) Ordinance Authorizing the Mayor to Execute an Agreement with HNTB for Westside Transportation Master Plan Professional Services: Public Works Director Steve Hargis asked the Council to consider approval of Amendment #2 of the Westside Transportation Master Plan Agreement with HNTB. He informed the Council this task would provide survey and geotechnical work in conjunction with the planned extension of Route 72.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: 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 HNTB FOR WESTSIDE TRANSPORTATION MASTER PLAN PROFESSIONAL SERVICES.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Diesel Utility Vehicle: Public Works Director Steve Hargis indicated staff is recommending the purchase of a Kubota from the low bidder, Schaeperkoetter Sales and Service for $15,833.00. He told the Council the vehicle would be used to pickup samples and carry tools at the wastewater treatment plant. Mr. Hargis added staff plans to surplus an existing pickup through GovDeals.com. A motion was
VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for Diesel Utility Vehicle (continued): made by Morris and seconded by Long to authorize the purchase of a Kubota RTV-X1100C from Schaeperkoetter Sales and Service, Mount Sterling, Missouri, for $15,833.00. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(B) Motion Awarding Bid for New Playground Structure for Larry May Park: Parks and Recreation Director Floyd Jernigan reported proposals were received for a new playground structure for the Larry May Park. He said staff is recommending acceptance of the low bid from Play & Park Structures of Missouri for $87,932.33, which includes installation and shipping.

A motion was made by Morris and seconded by Long to award the bid for the new playground structure for Larry May Park to Play & Park Structures of Missouri, Park Hills, Missouri, for $87,932.33. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(C) Resolution Authorizing the Mayor to Execute a Government Obligation Contract with KS StateBank for Fitness Equipment Financing: Parks and Recreation Director Floyd Jernigan recalled that during its October 3, 2016, meeting the Council approved the three-year lease/purchase of cardio equipment from Matrix for $93,951. He explained each of the vendors bidding were asked to provide a leasing option through their primary lending institution in the original bid document. Mr. Jernigan stated it is staff’s recommendation to lease finance 18 pieces of exercise equipment through Matrix and their leasing institution KS StateBank.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1871: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A GOVERNMENT OBLIGATION CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND KS STATEBANK FOR THE FINANCING OF CERTAIN FITNESS EQUIPMENT. A motion was made by Morris and seconded by Long to approve the proposed resolution. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried. The ordinance passed.

(D) Motion Awarding Bid for 2017 Four Wheel Drive Pickup: Community Development Director John Petersen reported only one bid was received before the deadline for a new inspector truck from Hutcheson Ford, St. James, Missouri for
VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(D) Motion Awarding Bid for 2017 Four Wheel Drive Pickup (continued): $24,418.00. He noted two additional bids were received after the deadline from Joe Machens Ford and Sakelaris Ford. Mr. Petersen indicated it is staff’s recommendation to award the bid to the low bidder, Hutcheson Ford, St. James, Missouri, for $24,418.00. A motion was made by Morris and seconded by Long to award the bid for a new inspector truck to Hutcheson Ford, St. James, Missouri, for a Ford F150, for $24,418.00. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(E) Motion Awarding Bid for Tactical Vests: Police Chief Sean Fagan asked the Council to consider awarding the bid for the purchase of fifteen tactical bullet proof vests for the SWAT team to the low bidder, First Spear, LLC, for $27,649.20. He said the purchase would be funded through the drug forfeiture fund. Following some discussion, a motion was made by Hines and seconded by Morris to award the bid for fifteen tactical bulletproof vests to the low bidder, First Spear, LLC, for $27,649.20. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened to the floor to any citizen wishing to address the Council.

Mr. Robert Brunk, 12060 Oak Hill Drive, expressed his concern about the new enforcement policy regarding the removal of rollout containers at the curb. He pointed out his primary concern is that both the property owner and the tenant are held liable.

City Administrator John Butz explained the Council discussed the matter of removing the numbers of containers left by the street for the past six months. He said the Council wanted to adopt a policy or impose a fine for failure to remove the containers. Mr. Butz indicated that after meetings with property owners and developers, the Council felt the property owners and the tenants should be held jointly responsible.

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

(A) Motion Reappointing Mr. Michael L. Singleton to the Housing Authority Board (October 2020): A motion was made by Long and seconded by Hines to reappoint Mr. Michael L. Singleton to the Housing Authority Board until October 2020. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(B) Motion Appointing Mr. Keith Wedge to the Police Personnel Board to Complete the Unexpired Term of Robert Block, Sr. (June 2017): A motion was made by Hines and seconded by Long to appoint Mr. Keith Wedge to the Police Personnel Board until June 2017. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Election: Councilman Jung encouraged everyone to vote in tomorrow's election.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:04 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 7:44 p.m.

City Counselor Lance Thurman announced that during Closed Session, the Council discussed two real estate matters, but no final action was taken.
XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:45 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

____________________________________  __________________________________
CITY CLERK                               MAYOR
ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 21, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET

Presiding: Mayor Louis J. Magdits, IV


Council Members Absent: None.

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Carolyn Buschjost, and City Clerk Carol Daniels

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation.

Boy Scouts Nathan and Landon led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning 105 and 107 N. Park Street from C-O (Office District) and C-1 (Neighborhood Business District) to C-2 (General Retail District) (McDonald): Community Development Director John Petersen explained the subject property is zoned C-O (Office District) and C-1 (Neighborhood Business District). The applicants wish to expand and the only effective way they can add property is to zone the property C-2 (General Retail District) because a C-2 (General Retail District) zoning does not require a side yard setback. Mr. Petersen noted the Planning and Zoning Commission determined the neighborhood would not be impacted negatively by this project and they recommend approval of the requested rezoning.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

NOVEMBER 21, 2016

[Signature]
I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning 105 and 107 N. Park Street from C-O (Office District) and C-1 (Neighborhood Business District) to C-2 (General Retail District) (McDonald) (continued): Mr. Daniel Kilgore, 10850 Clayton Court, Rolla, Missouri, explained he and Mr. Timothy McDonald are working together to develop this property and respectfully requested the Council’s approval.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading by title. ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF TWO LOTS TOTALING .19 ACRES (8,276 SQ. FT.) FROM C-O (OFFICE DISTRICT) ZONING AND C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING. (McDONALD).

II. SPECIAL PRESENTATIONS

(A) Small Business Saturday: Rolla Area Chamber of Commerce Executive Director Stevie Kearse thanked the City of Rolla for presenting a proclamation earlier today declaring Saturday, November 26, 2016, as “Small Business Saturday.” She explained this Saturday is very important to our community because small businesses are the heart of the community. Ms. Kearse encouraged the public to shop local this weekend. She reminded the citizens that Rolla’s small business community gives back to the community by donating to charities and schools and by supporting local sports and projects. In addition, they employ local people and pay local taxes and when you shop local, you are putting the money back into our community.

(B) Rolla Municipal Utilities (RMU) FY 2016 Fourth Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne, provided an overview of RMU’s 2016 Fourth Quarter Report.

III. OLD BUSINESS

(A) Ordinance Approving the Final Plat of Wands Third Addition (Wands Third): Community Development Director John Petersen pointed out there are three elements pertaining to the subject replat. He indicated the first pertains to the abatement of an
III. OLD BUSINESS (continued)

(A) Ordinance Approving the Final Plat of Wands Third Addition (Wands Third) (continued): easement on the property, which is inhibiting the ability to develop the property. Mr. Petersen stated that with the approval of the plat, the easement would be abated. He informed the Council the applicant has agreed to provide a ten-foot wide easement around the entire property. The third element pertains to the requirement of a fire access road for emergency fire access. The driveway shall maintain a minimum width of 20 feet.

After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4316: AN ORDINANCE AMENDING THE WANDS SECOND SUBDIVISION, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 8 WEST, ROLLA, MISSOURI, THIS PLAT BEING A MINOR SUBDIVISION, TO ELIMINATE CERTAIN UTILITY EASEMENTS AND REPLACE OTHER UTILITY EASEMENTS AS SHOWN ON THE WANDS THIRD SUBDIVISION PLAT. (WANDS THIRD). A motion was made by Long and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Williams, Hines, Jung, Meusch, Long, Morris, Crowell, Eudaly, and Jordan. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for WWTF (Wastewater Treatment Facility) Preliminary Engineering Report: Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance, which would authorize the Mayor to enter into an agreement with HDR Engineering. He explained Task Order #7 would prepare a preliminary engineering report on all of the City's wastewater treatment plants for future improvement. It will be used to develop an integrated management plan with the Department of Natural Resources (DNR) and the Environmental Protection Agency (EPA) for future wastewater and storm water needs in the community.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4317: 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 HDR ENGINEERING, INC. FOR WWTF PRELIMINARY ENGINEERING REPORT - PROFESSIONAL SERVICES. A motion
III. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for WWTF (Wastewater Treatment Facilities) Preliminary Engineering Report (continued): was made by Morris and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Crowell, Eudaly, Jung, Hines, Jordan, Miller, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; None. Motion carried. The ordinance passed.

(C) Ordinance Authorizing the Mayor to Execute an Agreement with HNTB for the Highway 72 Extension: Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance, which would authorize the Mayor to enter into Amendment #2 with HNTB. This amendment will provide for land surveys and geotechnical work in preparation for the actual plans to be done for the Route 72 extension.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4318: 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 HNTB FOR WESTSIDE TRANSPORTATION MASTER PLAN PROFESSIONAL SERVICES. A motion was made by Long and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Morris, Woolley, Miller, Williams, Hines, Jung, Meusch, Jordan, Bowe, Crowell, Eudaly, and Long. Nays; None. Absent; None. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Investment Realty, Inc., for the Route 72/Ridgeview Road Extension Buyer's Exclusive Agency Contract: Public Works Director Steve Hargis asked the Council to consider the first reading of an ordinance that would authorize the Mayor to enter into an agreement with Investment Realty, Inc. He informed the Council qualification statements were requested from professional firms for land acquisition and relocation services and two qualification statements were received. Mr. Hargis stated staff is recommending the contract be awarded to Investment Realty, Inc., Rolla, Missouri.

NOVEMBER 21, 2016
IV. NEW BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Investment Realty, Inc., for the Route 72/Ridgeview Road Extension Buyer’s Exclusive Agency Contract (continued): Considering the number of properties involved, Councilman Woolley said this is not a normal contract and feels the City should get a better than normal rate than an individual purchasing one or two houses.

Mayor Magdits asked Mr. Mike Woessner of Investment Realty if he would speak with City Administrator John Butz regarding this issue.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: 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 INVESTMENT REALTY, INC. FOR THE ROUTE 72/RIDGEVIEW ROAD EXTENSION BUYER’S EXCLUSIVE AGENCY CONTRACT.

(B) Motion Authorizing the Closing of Certain Streets During the Christmas Parade and Christkindl Market: Public Works Director Steve Hargis asked the Council to consider the closing of Pine and Rolla Streets on Saturday, December 3, during the annual Christmas Parade. Additionally, he requested the closing of Seventh Street for the Christkindl Market. A motion was made by Williams and seconded by Long to close the requested streets on Saturday, December 3, 2016, for the Christmas Parade and the Christkindl Market. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion That the City “Take No Action” and Remain Part of the Class Action Suit on TracFone Wireless: Finance Director Steffanie Rogers referred the Council to the notification received from TracFone Wireless pertaining to the extension of a law suit that was raised a couple of years ago. Ms. Rogers explained if the Council decides to take no action, the City would continue to be part of this suit. If the settlement is awarded, the City would receive approximately $36,806.23 in a lump sum payment. Additionally, the City could potentially receive about $3,900.00 each year depending on TracFone’s sales and services.

A motion was made by Long and seconded by Morris that the City “take no action” and remain a part of the class action suit with TracFone Wireless. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.
IV. NEW BUSINESS (continued)

(D) Motion Authorizing the TDD Election: City Administrator John Butz recalled the City has been working on the Transportation Development District (TDD) and the MoveRolla Transportation Study for some time. Notices were submitted in November to all the property owners within the TDD to request a ballot. Mr. Butz said the City Council would need to authorize the Mayor to vote on behalf of the City of Rolla in the affirmative on the formation of the MoveRolla Transportation District.

After some discussion, a motion was made by Williams and seconded by Eudaly to authorize the Mayor to vote on behalf of the City of Rolla affirmatively on the formation of the MoveRolla Transportation District. A voice vote on the motion showed twelve ayes, zero nays, and zero nays. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. William S. Jenks, III to the RREC (Rolla Regional Economic Commission) Board of Directors (Dec. 2019): A motion was made by Williams and seconded by Long to reappoint Mr. William S. Jenks, III, to the RREC Board of Directors. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Happy Thanksgiving: Councilman Williams wished everyone a "Happy Thanksgiving."

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mr. Tom Sager, 8 Laird Avenue, stated he agrees with Rolla Area Chamber of Commerce Executive Director Stevie Kears’s comments about buying locally.

Mr. Sager also commented the citizens were recently given an opportunity to tax the folks who sell to Rolla citizens on the internet and it was turned down. He emphasized
VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): this really hurts local business. The next time it comes before the voters, Mr. Sager said he would like to see this tax passed so the people who sell to addresses in Rolla on the internet have to pay the same sales tax or use tax as local merchants charge.

Mr. Sager stated a minus for Rolla businesses is the proposed TDD (Transportation Development District) tax. When people see the City is probably going to be charging them an extra penny at most stores they will probably purchase on the internet. Mr. Sager suggested the Council reconsider the TDD if it is not too late.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Happy Thanksgiving: Mayor Magdits wished everyone a “Happy Thanksgiving.”

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 7:26 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

__________________________________________________________________________________

CITY CLERK  ___________________________  MAYOR

NOVEMBER 21, 2016
### MATERIALS COLLECTED & SHIPPED
FROM RECYCLING CENTER
(Based on Calendar Year)

<table>
<thead>
<tr>
<th>Material</th>
<th>Oct 2016</th>
<th>Sep 2016</th>
<th>Oct 2015</th>
<th>Year-to-Date 2016</th>
<th>Year-to-Date 2015</th>
<th>Yearly Total 2015</th>
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<td>177.8 ton</td>
<td>151.0 ton</td>
<td>1,326.6 ton</td>
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<td>39.4 ton</td>
<td>366.6 ton</td>
<td>374.5 ton</td>
<td>500.2 ton</td>
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<tr>
<td>High Grade Paper</td>
<td>20.6 ton</td>
<td>41.8 ton</td>
<td>55.4 ton</td>
<td>283.5 ton</td>
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(Sanitation Division)

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# ANIMAL CONTROL MONTHLY TOTALS

**October 2016**

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<td>3</td>
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<tr>
<td><strong>Monthly Total</strong></td>
<td><strong>36</strong></td>
<td><strong>11</strong></td>
<td><strong>0</strong></td>
<td><strong>14</strong></td>
<td><strong>61</strong></td>
<td><strong>697</strong></td>
<td><strong>538</strong></td>
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<tr>
<td><strong>2016 YTD Total</strong></td>
<td><strong>376</strong></td>
<td><strong>160</strong></td>
<td><strong>2</strong></td>
<td><strong>159</strong></td>
<td><strong>61</strong></td>
<td><strong>697</strong></td>
<td><strong>538</strong></td>
</tr>
<tr>
<td><strong>2015 YTD Total</strong></td>
<td><strong>291</strong></td>
<td><strong>155</strong></td>
<td><strong>4</strong></td>
<td><strong>88</strong></td>
<td><strong>61</strong></td>
<td><strong>697</strong></td>
<td><strong>538</strong></td>
</tr>
<tr>
<td><strong>Total Phelps County</strong></td>
<td><strong>1</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>1</strong></td>
<td><strong>41</strong></td>
<td><strong>48</strong></td>
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</table>

## ANIMAL DISPOSITION

<table>
<thead>
<tr>
<th></th>
<th>Canine</th>
<th>Feline</th>
<th>Other Domestic</th>
<th>Wildlife</th>
<th>Monthly Total</th>
<th>2016 YTD Total</th>
<th>2015 YTD Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animals Adopted</td>
<td>12</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>19</td>
<td>199</td>
<td>207</td>
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<td>Animals Claimed</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>23</td>
<td>194</td>
<td>154</td>
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<tr>
<td>Euthanized(Ill/Injured)</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
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<td>Euthanized(Dangerous)</td>
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<td>25</td>
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<tr>
<td>Euthanized(Un-Placed)</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>9</td>
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<tr>
<td>Deceased on Arrival</td>
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<td>0</td>
<td>5</td>
<td>11</td>
<td>80</td>
<td>35</td>
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<tr>
<td>Transferred to Rescue</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>42</td>
<td>37</td>
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<tr>
<td>Wildlife Relocated</td>
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<td>0</td>
<td>0</td>
<td>7</td>
<td>7</td>
<td>103</td>
<td>50</td>
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<td>Other</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td><strong>Monthly Total</strong></td>
<td><strong>37</strong></td>
<td><strong>12</strong></td>
<td><strong>1</strong></td>
<td><strong>14</strong></td>
<td><strong>64</strong></td>
<td><strong>696</strong></td>
<td><strong>562</strong></td>
</tr>
<tr>
<td><strong>2016 YTD Total</strong></td>
<td><strong>360</strong></td>
<td><strong>154</strong></td>
<td><strong>1</strong></td>
<td><strong>181</strong></td>
<td><strong>696</strong></td>
<td><strong>696</strong></td>
<td><strong>562</strong></td>
</tr>
<tr>
<td><strong>2015 YTD Total</strong></td>
<td><strong>309</strong></td>
<td><strong>161</strong></td>
<td><strong>4</strong></td>
<td><strong>88</strong></td>
<td><strong>696</strong></td>
<td><strong>696</strong></td>
<td><strong>562</strong></td>
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</table>

## ADDITIONAL STATISTICS

<table>
<thead>
<tr>
<th></th>
<th>Monthly Total</th>
<th>2016 YTD Total</th>
<th>2015 YTD Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption Rate $(\sum_1 + \sum_2)/2$</td>
<td>95.00%</td>
<td>98.00%</td>
<td>94.81%</td>
</tr>
<tr>
<td>PR Programs</td>
<td>0</td>
<td>10</td>
<td>9</td>
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<tr>
<td>Calls for Service</td>
<td>250</td>
<td>2150</td>
<td>1874</td>
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<tr>
<td>Written Warnings</td>
<td>0</td>
<td>5</td>
<td>5</td>
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<tr>
<td>Citations</td>
<td>2</td>
<td>39</td>
<td>16</td>
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<tr>
<td>Total Incinerator Hours</td>
<td>71</td>
<td>580.5</td>
<td>477</td>
</tr>
</tbody>
</table>
MEMBERS AND OTHERS IN ATTENDANCE

John Petersen, Com. Dev.                             Everett Briggs, Public Works
Rick Williams, Police Dept.                        David Forshee, Public Works
Floyd Jernigen, Parks & Recreation                 Ron Smith, Fire Dept.
Karen Fagan

Reviewed the Minutes from Tuesday, October 25, 2016. Minutes ruled approved.

PUBLIC HEARING:

A. Request to amend chapter 42 of the Rolla City Code, Article III, known as the Planning Zoning Code, by amending certain provisions and by enacting new regulations.

John Petersen began by stating the reason for the change to the Ordinance is a new retail business. Their standard fence size is fourteen (14) feet tall. The City’s Code for commercial/industrial allows up to eight (8) feet.

Ron Smith asked if number 1, under Sec. 42-337.1 Location and Height, on the Ordinance was existing language or was it being changed. Mr. Petersen replied the only thing being changed on the Ordinance is (e) regarding several issues, such as the fence height and lot size.

B. Request to approve the rezoning of a lot located at 508 West 8th Street from C-1 (Neighborhood Business District) zoning to R-3 (Multi-Family District) zoning.

Mr. Petersen stated the reason for the rezoning is because the Sigma Phi Epsilon Fraternity wants to expand to support eight additional residences and a small kitchen. The fraternity owns the property next to the area to be rezoned and there are plenty of parking spaces. Mr. Jernigen asked if the City had received any plans. Mr. Petersen replied the City does not require that at this stage.

With no other business the meeting adjourned at 1:40 p.m.
MINUTES
ROLLA PLANNING AND ZONING COMMISION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY NOVEMBER 8, 2016

Presiding: Don Brown

Commission Members Present: Robert Anderson, Janece Martin, Jack Morris, Russell Schmidt, Monte Shields Steven Shields

Commission Members Absent: Bill Lindgren Jr., Matt Miller

City Officials in Attendance: Community Development Director John Petersen and Karen Fagan

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

I. APPROVAL OF MINUTES:

The October 26, 2016 minutes were approved.

II. REPORT OF CITY COUNCIL ACTIONS: None

III. PUBLIC HEARING: Request to Rezone Real Estate located at 107 and 105 North Park Street from C-O (Office District) zoning and C-1 (Neighborhood Business District) zoning to C-2 (General Retail District) zoning.

Community Development Director John Petersen stated most of the area near here is C-1 (Neighborhood Business District) zoning, C-2 (General Retail District) zoning or G1 (Government and Institutional) zoning. In order to accommodate future development the applicants are requesting lots 107 and 105 to be rezoned to C-2 zoning. There is no side yard setback requirement in C-2 classification. Therefore, they are able to develop the property more efficiently.

Mr. Petersen said he recommends the Planning and Zoning Commission should recommend the approval of the zoning. Don Brown said some of the area is actually used as G1 instead of C-2. With no questions from the Commissioners Mr. Brown opened the public hearing.

Daniel Kilgore, 10850 Clayton Ct., Rolla, MO 65401: He is the applicant and he asked the Commission to grant their request. Mr. Kilgore said he would answer any questions they may have and he appreciates their time and consideration.

With no further questions Don Brown closed the public hearing.
A motion was made by Russell Schmidt seconded by Janece Martin to approve the Rezone Real Estate located at 107 and 105 North Park Street from C-O (Office District) zoning and C-1 (Neighborhood Business District) zoning to C-2 (General Retail District) zoning. A roll call vote on the motion showed the following: Ayes: Martin, Miller, Morris, S. Shields. Nays: None. Motion carried. The ordinance passes unanimously.

IV. OLD BUSINESS: None

V. NEW BUSINESS: None

VI. REPORT FROM THE CHAIRPERSON, COMMITTEE OR STAFF: None

VII. OTHER BUSINESS – CITIZENS COMMENTS: None

Meeting adjourned at 5:37 p.m.
Minutes prepared by Karen Fagan
Health & Recreation Center Board
Meeting Minutes

October 19, 6:30 p.m.
The Centre - Meeting Room B

Members Present: Francina Merenghi, Mike Miller, Bill Moorkamp, Kevin Edwards, Tracy Limmer

Members Absent:

Others Present: Parks and Recreation Director Floyd Jernigan, City Administrator John Butz, and Janet Mich

1. Call to Order
2. Approval of Minutes – Approved
3. Directors Report
   a. Athletic Business Conference - Courses taken
      • Rec Center Goals
      • Advertising
   b. Spoke with Oregon Rec Center
      • Maintenance Manual
      • Operations Manual
      • Copy of Budget
      • What does 100% include
   c. Finance
      • Sponsorships
      • Fundraising
      • Promotions
      • Culture Branding
   d. Uniforms
      • Policy is in place
      • Polo samples are on the way
   e. Agency Passes
      • Policy in place
   f. Customer Service - Membership Fees
      • All members emailed
      • 10/14/16 – sent authorization forms
      • Will call those without forms on file
      • Rates will be increased as of 01/01/2017
      • Corporate pass members – letters out – week of 10/31/16
      • Insurance Committee to address City Employees
         o Membership rates
         o Wellness plan
         o 10% paid by City
g. Front Desk – Hired Brenda Heth
   • Sales skill set. Once hiring, training, acclimatization in place, at future date, intent is to:
     o Sell banners
     o Sell ads in the fun times
     o Sell ads on the Front Lobby TV

h. Safety
   • 2 of 3 Cameras from Rolla PD have been installed
     o Pool
     o Gym
   • We have a lower resolution on current cameras
   • Corrected problems in the women’s locker room
     o Shower water temperature
     o Shower floors

Communication
   • Weekly manager meetings
   • Managers meet with staff monthly
   • Front Desk daily reports
   • Director walks the building daily
   • Monthly Newsletter to patrons
     o Nutrition
     o Fitness tidbits
   • Lobby TV is working great
   • Working on email blast for Special Events
   • New equipment – get the word out
   • Facebook posts
   • Limit surveys
   • RDN press releases
     o Refine press releases
   • Hire part time Marketing Professional
     o We currently have no one responsible
   • Hire full time assistant for multiple managers, this is primarily a parks position
i. Community
   • Partnership with Scouts and Rolla Multi-Sport Club
     o No partnering for free
   • Scouts – Scuba training
   • Eagle Merit Badge – Swimming
   • Get people in the building
     o Wow them at the front door
     o Kaleidoscope Partnership
   • When groups come in, how do we plant the seed of membership
   • Must cover expenses
   • We need more staff
   • We need to change the perception of The Centre to the public
   • People from 16 to 20 different zip codes use The Centre each month
   • Working on therapy pool
   • Open House on a Sunday afternoon to showcase new equipment once delivered
   • Social Happy Hours possibility
   • Have all 5k and marathons pick up packets at the center
     o Become the hub for events
     o What logistics need to be identified

j. Financials
   • Rate increases will be in effect January 1, 2017
   • Reward points – not many have requested coupons
   • Additional metrics for Aquatics
   • Talked to the owner of Rectac
     o Reports
     o Apple to apple comparisons
   • Will get Sept numbers once end of year finalized. Expected date sometime in December.
   • YTD variance to budget - monthly
     o Include last 2 month snapshot

k. Equipment
   • City is waiting for financing approval to lease equipment
     o Tax exempt
   • New mats
   • New boxing gloves
   • New balls
     o Sell old ones
   • New punching bag
   • TV’s are installed
• Working on treadmill installation
• Audio is installed

I. Old Business
  • Based on area comparisons and utilization, room rental rates will remain the same for next year.
    • We charge $10 extra per item of A/V equipment
    • Wi-Fi is $30 additional
    • We have flexible catering
  • Determine occupancy rate at the Centre
  • Need to market room rentals
  • Meeting November 14, 2016 5:30-7pm
    • What do we need to bring?

m. New Business
  • 22 families are on the waiting list for the rec foundation
    • Can we have a fundraiser
  • Rectrac Upgrade Status
    • On hold for now
    • User meeting in St Louis November 9, 2016
    • Rectrac call in meeting November 10, 2016
      a. Year end reporting
      b. Membership reports

4. Adjournment: Meeting adjourned at 8:30pm

Janet Mich, Guest Services Supervisor, prepared the minutes.
BANK NAME: First Community National Bank - Rolla
BANK ACCOUNT NUMBER: 0299537

OTHER GENERAL LEDGER ACCOUNTS

<table>
<thead>
<tr>
<th>ACCOUNT NO./DESCRIPTION</th>
<th>BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>5002 Clerk Fee-Municipal</td>
<td>177.82</td>
</tr>
<tr>
<td>5006 Court Automation</td>
<td>776.62</td>
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<tr>
<td>5010 Board Bill-DFT</td>
<td>375.00</td>
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<tr>
<td>5016 CVC Surcharge State</td>
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</tr>
<tr>
<td>5018 CVC Surcharge Muni</td>
<td>5.47</td>
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<tr>
<td>5022 LET-Muni</td>
<td>222.00</td>
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<tr>
<td>5024 POST-State</td>
<td>110.95</td>
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<tr>
<td>5032 Dom Viol - Muni</td>
<td>220.50</td>
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<tr>
<td>5040 Fine</td>
<td>1,484.50</td>
</tr>
<tr>
<td>5041 Fine - Highway</td>
<td>1,864.00</td>
</tr>
<tr>
<td>5042 Parking Penalties</td>
<td>2,895.00</td>
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<tr>
<td>5102 Clerk Fee-E/R</td>
<td>1,153.53</td>
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<tr>
<td>5112 Board Bill Dft-E/R</td>
<td>24.00</td>
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<tr>
<td>5118 CVC Surcharge-E/R</td>
<td>35.56</td>
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<tr>
<td>5141 Fines-E/R</td>
<td>7,399.00</td>
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<tr>
<td>8201 Bond Forfeit-E/R</td>
<td>200.00</td>
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<tr>
<td>8202 Bond Forfeited</td>
<td>200.00</td>
</tr>
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</table>

TOTAL OTHER GENERAL LEDGER ACCOUNTS 17,935.00

NOTE
The data under the columns headed RECEIPT NO. and RECEIPT DATE show data as of the last activity date and not, necessarily, as of the AS OF DATE of the report. The data under the column headed AMOUNT is as of the AS OF DATE of the report.

*Account data reported is based upon the As of Date entered by the user. This report may not reflect the current status of Open Items Accounts.*

*Confidential - For Court Use Only*
### MISSOURI JUDICIARY
### ROLLA MUNICIPAL COURT
### OPEN ITEMS SUMMARY REPORT
### AS OF DATE: 30-Nov-2016

**BANK NAME:** First Community National Bank - Rolla  
**BANK ACCOUNT NUMBER:** 0299537

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>SUB TOTAL</th>
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</thead>
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<tr>
<td>BONDS IN OPEN ITEMS</td>
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<td>4,750.00</td>
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<tr>
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<tr>
<td>DEBIT ACCOUNTS WITH BALANCE</td>
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<tr>
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<td>GARNISHMENT ACCOUNTS</td>
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<td>OPEN ITEMS/SUSPENSE ACCOUNTS</td>
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<tr>
<td>OTHER GENERAL LEDGER ACCOUNTS</td>
<td>17,935.00</td>
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<td>OUTSTANDING PAYABLES</td>
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<td>UNSATISFIED RECOVERABLES</td>
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<td>TOTAL</td>
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<td>22,703.00</td>
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**NOTE**  
The data under the columns headed RECEIPT NO. and RECEIPT DATE show data as of the last activity date and not, necessarily, as of the AS OF DATE of the report. The data under the column headed AMOUNT is as of the AS OF DATE of the report.

"Account data reported is based upon the As of Date entered by the user. This report may not reflect the current status of Open Items Accounts.  
"Confidential - For Court Use Only"
## FINANCIAL STATEMENT
**OCTOBER 2016**

### RECEIPTS:
- Electric, Water, Tax, Sewer and Refuse Charge $2,699,722.26
- Accounts Receivable - Miscellaneous $31,509.98
- Customer's Deposits - Refundable $20,325.63
- Misc Non-Operating Revenue $27,992.34
- **Total Receipts** $2,986,550.24

- Super-Now Account Interest (September 30, 2016) $97.53
- Money Market Account Interest (September 30, 2016) $4,633.71
- Electronic Payment Account Interest (September 30, 2016) $33.65
- Public Utility Cash In Bank (September 30, 2016) $26,166,136.31
- **Total Receipts and Cash In Bank** $29,169,454.64

### DISBURSEMENTS:
- Power Purchased $1,082,998.50
- Operating Expenses $120,898.39
- Administrative and General Expenses $93,864.01
- Payroll $164,028.98
- Electric and Water Capital Expenditures $196,811.41
- Stock Purchases (Inventories) $0.00
- Balance of Customer's Deposits after Finests $10,888.92
- Medical, Dental, Vision etc. Life Insurance Paid by Employees $12,797.15
- Support Payment $0.00
- U.S. Withholding Tax $26,472.49
- Missouri Dept. of Revenue (Sales Tax) $52,819.80
- Missouri Dept. of Revenue (Income Tax) $9,358.00
- Phelps County Bank (Social Security) $34,329.90
- Sewer Service Charge $317,575.19
- Refuse Service Charge $177,294.06
- Purchase U.S. Treasury Bill / Certificates of Deposit $0.00
- Undeclared Deposits $0.00
- PILOT to City of Rolla $128,421.99
- Standpipes Lease/Purchase $4,226.99
- Electric Power Supply Infrastructure Lease/Purchase $91,112.75
- Primacy Fees $0.00
- Void Checks $0.00
- **Total Disbursements** $3,133,098.58

- Cash in Bank (October 31, 2016) $26,026,358.06
- **Total Disbursements and Cash In Bank** $29,169,454.64

### BALANCE OF OTHER FUNDS:

#### PUBLIC UTILITY ACCOUNTS:
- Central Federal Savings & Loan, Check #1211 for $413.73 $2,095.00
- Citizens Bank of Newburg, Check #1210 for $1,096.95 $2,356.01
- Phelps Co Bank—Electronic Payment Account, Check #1074 for $241,282.05 $36,981.16
- Phelps Co Bank—Money Market $4,298,986.24
- Phelps Co Bank—Super Now, Checks #24217 thru #24314 for $3,133,098.58 $4,292,175.22
- Town & Country Bank, Check #1210 for $3,674.02 $3,334.43
- Regions Bank, Cashier's Check #5501200877 for $2,619.18 $0.00
- **Total Public Utility Accounts** $8,637,904.89

#### ELECTRIC RESERVES:
- Certificates of Deposit $0.00
- Money Market Account $14,888,264.00
- U.S. Treasury Bills $0.00
- **Total Electric Reserves** $14,888,264.00

#### WATER RESERVES:
- Certificates of Deposit $0.00
- Money Market Account $2,500,788.00
- U.S. Treasury Bills $0.00
- **Total Water Reserves** $2,500,788.00

#### TOTAL RESERVES:
- **$17,399,052.00**

#### TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:
- **$26,026,358.06**
# Statistics

**October 2016**

## Production

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<th>Metric</th>
<th>Value</th>
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</thead>
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<tr>
<td>Time of Demand</td>
<td>04:10 PM</td>
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<tr>
<td>Scada Demand</td>
<td>44,070.0</td>
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<tr>
<td>kWh Purchased</td>
<td>21,585,415</td>
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<tr>
<td>Total Cost</td>
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<td>Cost per kWh</td>
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<tr>
<td>Load Factor</td>
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<table>
<thead>
<tr>
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<th>Value</th>
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<tbody>
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<tr>
<td>Pumped #3 Well</td>
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</tr>
<tr>
<td>Pumped #4 Well</td>
<td>3,248,000</td>
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<tr>
<td>Pumped #5 Well</td>
<td>2,877,000</td>
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<tr>
<td>Pumped #6 Well</td>
<td>4,640,000</td>
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<tr>
<td>Pumped #7 Well</td>
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<tr>
<td>Pumped #8 Well</td>
<td>1,186,000</td>
</tr>
<tr>
<td>Pumped #9 Well</td>
<td>2,023,000</td>
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<tr>
<td>Pumped #10 Well</td>
<td>4,522,000</td>
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<tr>
<td>Pumped #11 Well</td>
<td>6,857,000</td>
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<td>Pumped #12 Well</td>
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<td>Pumped #13 Well</td>
<td>7,535,000</td>
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<tr>
<td>Pumped #14 Well</td>
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<td>Pumped #15 Well</td>
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<tr>
<td>Pumped #16 Well</td>
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<td>Pumped #17 Well</td>
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<td>Pumped #1 Ind Park Well</td>
<td>3,662,000</td>
</tr>
<tr>
<td>Pumped #2 Ind Park Well</td>
<td>4,200,000</td>
</tr>
<tr>
<td>Total Gallons</td>
<td><strong>75,812,000</strong></td>
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</tbody>
</table>

## Electric Sales

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Single Phase kWh</td>
<td>6,099,113</td>
</tr>
<tr>
<td>Residential - Three Phase kWh</td>
<td>150,497</td>
</tr>
<tr>
<td>Commercial - Single Phase kWh</td>
<td>1,265,533</td>
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<tr>
<td>Commercial - Three Phase kWh</td>
<td>2,674,119</td>
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<tr>
<td>Power Service kWh</td>
<td>7,399,180</td>
</tr>
<tr>
<td>Industrial kWh</td>
<td>4,847,680</td>
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<tr>
<td>Area/Street Lighting kWh</td>
<td>57,102</td>
</tr>
<tr>
<td>Rental Lights kWh</td>
<td>80,312</td>
</tr>
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<td>Total kWh Sold</td>
<td>22,933,536</td>
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<tr>
<td>Demand kW</td>
<td>27,903</td>
</tr>
<tr>
<td>Revenue</td>
<td><strong>$2,090,196.39</strong></td>
</tr>
<tr>
<td>Monthly Gain</td>
<td>3.74%</td>
</tr>
<tr>
<td>Fiscal Year to Date Gain</td>
<td>3.74%</td>
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</table>

## Water Sales

<table>
<thead>
<tr>
<th>Metric</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Single Phase Gallons</td>
<td>27,920,000</td>
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<tr>
<td>Residential - Three Phase Gallons</td>
<td>550,000</td>
</tr>
<tr>
<td>Commercial - Single Phase Gallons</td>
<td>6,497,000</td>
</tr>
<tr>
<td>Commercial - Three Phase Gallons</td>
<td>4,231,000</td>
</tr>
<tr>
<td>Power Service Gallons</td>
<td>11,267,000</td>
</tr>
<tr>
<td>Industrial Gallons</td>
<td>135,000</td>
</tr>
<tr>
<td>Missouri S&amp;T Gallons</td>
<td>4,212,000</td>
</tr>
<tr>
<td>PWSD #2 Gallons</td>
<td>1,488,000</td>
</tr>
<tr>
<td>Total Gallons Sold</td>
<td>56,300,000</td>
</tr>
<tr>
<td>Revenue</td>
<td><strong>$230,368.90</strong></td>
</tr>
<tr>
<td>Pumping Cost, Electric</td>
<td>$27,154.62</td>
</tr>
<tr>
<td>Monthly Unidentified Loss</td>
<td>22.18% **</td>
</tr>
<tr>
<td>Fiscal Year to Date Unidentified Loss</td>
<td>22.18% ***</td>
</tr>
</tbody>
</table>

## Meters in Service

<table>
<thead>
<tr>
<th>Metric</th>
<th>Electric</th>
<th>Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Single Phase</td>
<td>7,719</td>
<td>6,377</td>
</tr>
<tr>
<td>Residential - Three Phase</td>
<td>23</td>
<td>21</td>
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<tr>
<td>Commercial - Single Phase</td>
<td>960</td>
<td>512</td>
</tr>
<tr>
<td>Commercial - Three Phase</td>
<td>449</td>
<td>248</td>
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<tr>
<td>Power Service</td>
<td>131</td>
<td>121</td>
</tr>
<tr>
<td>Industrial</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Area/Street Lighting</td>
<td>41</td>
<td>7</td>
</tr>
<tr>
<td>Missouri S&amp;T</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>PWSD #2</td>
<td>416</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>9,329</td>
<td>7,708</td>
</tr>
</tbody>
</table>

Sewer Service Charge: $293,784.73
Refuse Service Charge: $178,151.55
Gross Payroll: $227,804.12

* Energy losses are not included in this statistic and are estimated at an additional 12%.
** Loss includes 2,695,000 gallons per water main flushing records.
*** FY loss includes 2,695,000 gallons per water main flushing records.
### Electric

**E1. HyPoint West - Durwood Blvd.**
- Installation of underground streetlight circuit and 5 LED fixtures
  - Started: August 29, 2016
  - Ongoing

**E2. North Bishop - Elm Street to Olive Street**
- Three phase overhead distribution system extension
  - Installed: 7 poles for distance of approximately 800 feet
  - Started: October 13, 2016
  - Completed: November 14, 2016

**E3. Wildhorse Run Subdivision (Thomas Drive)**
- Extension of 12 kV underground electric distribution system
  - Installed: 675 lineal feet
  - Started: October 2, 2016
  - Completed: November 14, 2016

**E4. Deer Crossing East**
- Continuation electric distribution system to serve an additional building lot
  - Started: October 24, 2016
  - Completed: October 25, 2016

**E5. Kingdom Kia / Eyride**
- Extension of electric distribution system to serve new businesses.
  - Started: November 1, 2016
  - Ongoing

### Water

**W1. 6th Street from Kingshighway to Pine Street**
- Replace existing 6” cast iron main with 12” PVC
  - Installed: 1,120 feet 12” PVC and 2 Fire Hydrants
  - Started: August 15, 2016
  - Completed: October 31, 2016

**W2. HyPoint West and V Highway**
- Water main extension (12” PVC)
  - Started: August 16, 2016
  - Ongoing

**W3. RMU HyPoint Well #3**
- Replacement of piping, electrical, and treatment equipment
  - Started: February 4, 2016
  - Ongoing

**W4. 504 East 10th (4”)**
- 4” service tap: 1

**W5. 1997 - 2031 Vichy (9 - 1” taps)**
- 1” service taps: 9

### Fiber

**F1. City of Rolla SE Wastewater Treatment Plant:**
- Extension of RMU fiber system to provide service to City of Rolla Southeast Wastewater Treatment Plant
  - Installed: 4565 feet
  - Started: November 1, 2016
  - Completed: November 9, 2016

### Miscellaneous

1. **Symposium on Alternative Project Procurement Policy**
   - October 27, 2016
   - Springfield, MO

   **RMU staff member that attended:**
   - Vicki Cason and Chad Davis

2. **Tour of Prairies States Energy Campus, including Lively Grove Mine**
   - November 1, 2016
   - Marissa, IL

   **RMU staff member that attended:**
   - Robin Higley, Veronica Day, Steve Campbell, Carl Heimbaugh, Jay Roberts, and Chad Davis
3. RMU Substation Transformers - Oil testing and analysis conducted by United Power Services, Inc.
   On-site: September 21, 2016
   Results pending
REGULAR SESSION - October 25, 2016
~ Meeting was held in the Board Room at RMU’s Tucker Professional Center at 4:30 p.m. ~

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

Board members: President Nick Barrack, by phone.
Secretary Matthew Z. Williams
Vice Secretary Dr. Wm. E. Showalter

RMU Staff:
General Manager Rodney P. Bourne, P.E.
Operations Manager Tom Parker
Operations Manager Chad Davis, P.E.
Business/Finance Manager Dennis Roberts
Staff Engineer Vicki Cason, P.E.

Minutes submitted, according to Agenda, by RMU’s Executive Administrative Assistant, Nicole Sikes.

I. APPROVAL OF MINUTES
Showalter made a motion, seconded by Williams, the minutes of the September 27, 2016 Board meeting Regular and Executive session be approved as presented. Motion passed unanimously.

II. CITIZEN COMMUNICATION (None)

III. SPECIAL PRESENTATION (None)

IV. STAFF REPORTS
A. BUSINESS/FINANCE MANAGER’S REPORT (Roberts)
1. The Board received the Statement of Income & Expenses reports for September 2016 (FY16).
   1. Roberts reviewed the September 2016 report (FY16), with the following comparisons:
      Month-to-Date comparison of September 2016 to September 2015
      • Operating Income increased $390,962. Purchased Power expense increased $7,978; Operating Expenses increased $40,248 resulting in a Total Operating Income of $355,021 which showed a increase Income of $350,714; Total Other Income increased $673,860. Total Net Income for September 2016 was $1,179,683, a increased Income of $1,024,574 in comparison to September 2015.
      Year-to-Date (YTD) FY2016 and FY2015
      • Operating Income decreased $516,052; Purchased Power expense decreased $1,069,625; Operating Expenses decreased $748,821 resulting in a Total Operating Income of $480,834, a increased Income of $232,769. Other Income increased $1,136,184 resulting in a Net Income YTD of $2,203,935, a increase of $1,368,953 compared to the same time period last year.

2. Roberts presented RMU’s Financial Statement, Statistics report, and the Disbursement Summary for September 2016 which included the following public utility account checks and transfers:
   Public utility checks: Phelps Co Bank - Super Now, Checks #24136-24216
   Phelps Co Bank - Electronic Pmt Acct, Check #1073
   Transfer of funds: Central Federal Savings & Loan, Check #1210
   Citizens Bank, Check #1209
   Regions Bank, Check #1211
   Town & Country Bank, Check #1209

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

B. STAFF ENGINEER’S REPORT (Cason)
1. Updates on:
   a. Development Review Committee meeting. There was no DRC meeting in September.
   b. Contractor Mains. Construction has been completed on the water main extension at 2535 N. Bishop and the main has been turned on.
   c. Miscellaneous.
      • Tucker Fire Alarm installation was completed on October 5th.
      • Bids on Heat Trace - No bids were received.
C. OPERATION MANAGER'S REPORT  (Davis)

1. Update on current RMU projects

ELECTRIC DEPARTMENT -

(E1) 1203-1213 West 8th Street Rebuild existing overhead 4kV distribution system. Started July 15, 2016. Completed October 18, 2016.


(E5) North Bishop - Pine Street to Oak Street Three phase overhead distribution system extension (7 poles for distance of approximately 800 feet). Started October 13, 2016. Ongoing.


WATER DEPARTMENT -

(W1) 6th Street to Kingshighway to Pine Street Replace existing 6" cast iron main with 12" PVC. Started, August 15, 2016. Ongoing. Water crews have been working between other job sites and priority water leaks.

(W2) HyPoint West and V Highway Water main extension with 12" PVC. Started, August 16, 2016. Ongoing.

(W3) Elm Street from Bishop Avenue North to dead-end Replace 4" and 6" cast iron main with 12" PVC. (Including reloading bore under Hwy 63 - Bishop). Installed 340 Feet 8" feet PVC and two (2) Fire Hydrants. Started August 20, 2016. Completed October 7, 2016.


(W5) 1601 Fraternity Circle 1" service taps - One (1).

(N/A) FY2016 Summary Water main replacements: 8, 240ft. Fire hydrants installed: 27.

MICCCELLOUS -

(1) Rolla Lions Club Dalstrom Award This award is presented to a Lions Club member or an outstanding member of the community. 2016 Recipient was Rusty MacCash.

(2) MPUA Broadband Task Force Chad Davis attended October 5, 2016 in Jefferson City, Missouri.

(3) RMU Substation Transformers Oil testing and analysis conducted by United Power Services, Inc. On-site: September 21, 2016. Results are pending.

(4) Street Repairs for RMU water projects for 8th and 10th Street and Pine Street Square feet: 18,200.63. Cost: $45,501.58.

D. GENERAL MANAGER'S REPORT  (Bourne)

1. Miscellaneous

Bourne attended LAGERS Annual Conference on October 20th and 21st in Springfield, Missouri with Dennis Roberts and Nathan Randolph. LAGERS as an organization has approximately 700 Missouri local government entities with a 95% funded pension plan. LAGERS 95% funding puts LAGERS in the top 10% of Missouri plans (out of 80) and top 10% of U.S. plans (out of 4,000). RMU has reached 100% funding for our pension plan.

V. OLD BUSINESS  (None)

VI. NEW BUSINESS

A. Receive the following bids:

1. RFB #17-103 Water Main (Davis)
   This purchase had four (4) bids and is for annual stock materials. Staff recommended low bidder. Showalter made a motion, seconded by Williams that a purchase order be issued to Water & Sewer Supply, Inc. in the amount of $356,738.68. Motion passed unanimously.

2. RFB #17-104W Hydrants (Davis)
   This purchase had four (4) bids and is also for annual stock materials. Staff recommended low bidder. Williams made a motion, seconded by Showalter that a purchase order be issued to HD Supply Waterworks in the amount of $32,949.90.

3. RFB #17-100 Horizontal Boring (Davis)
   This purchase had three (3) bids. Staff recommended low bidder. Williams made a motion, seconded by Showalter that a purchase order be issued to Priority Utility Contractors, Inc. in the amount of $23,880.00.

4. RFB #17-101 Service Department (Davis)
   RMU hired Integrity Engineering for design and bidding services on the upcoming Service Department project. Jack Mentink from Integrity Engineering discussed with the Board his recommendation. Integrity recommends Bales Construction Company at $425,800.00 for completing this work for RMU, and feel that

\[ i \]
in the long run, Bales Construction Company would allow for the more cost effective, and positive construction project going forward than the other bidders. Bids were sent to nine (9) companies with only four (4) responding. After a brief discussion Williams made motion, seconded by Showalter to table the discussion until the November Board Meeting.

5. Authorization to pay for the Constructive Management Services (Bourne)
Consideration of fees detailed in previously approved professional services agreement for remodeling the service center. These services would include contract administrative, construction observation, and related tasks by the consultant that developed the project plans and specifications. No action was taken on this item. This authorization will be discussed at the November Board meeting.

Williams made a motion, seconded by Showalter, that the Board adjourn to Executive Session to discuss Real Estate under RSMo (Supp. 1997) Section 610.021 (2) and Legal under RSMo (Supp. 1997) Section 610.021 (1). Roll call vote was taken at 4:56 p.m. Votes: Barrack, yes; Crump, yes; Williams, yes; Showalter, yes.

VII. EXECUTIVE SESSION
A. Real Estate under RSMo (Supp. 1997) Section 610.021 (2).
B. Legal under RSMo (Supp. 1997) Section 610.021 (1).
Showalter made a motion, seconded by Williams, that the meeting return to open session. Roll call vote taken at 6:11 p.m. Votes: Crump, yes; Williams, yes; Showalter, yes.

(OPEN SESSION)
In open session, Bourne reported that during Executive Session, the Board discussed Real Estate and Legal matters with action taken.

VIII. ADJOURNMENT
With no further business appearing, Williams made a motion, seconded by Showalter, to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 6:13 p.m.

Nick Barrack, President
Matthew Z. Williams, Secretary

The Board’s next meeting is scheduled for Tuesday, November 22, 2016 at 4:30 p.m.
## Management Report
### FISCAL YEAR 2017
#### November 2016

### BUILDING PERMITS ISSUED

<table>
<thead>
<tr>
<th>BUILDING DESCRIPTION</th>
<th>FY 2017</th>
<th>FY 2016 Value</th>
<th># Value</th>
<th>FY 2017</th>
<th>FY 2016 Value</th>
<th>Δ CHANGE FY 16 - FY 17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric, Plumbing, etc. Only</td>
<td>45</td>
<td>311</td>
<td>79</td>
<td>64</td>
<td>-</td>
<td>23.4%</td>
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<tr>
<td>Single Family Detached</td>
<td>9</td>
<td>$2,400</td>
<td>12</td>
<td>$2,400</td>
<td>26</td>
<td>-19.2%</td>
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<tr>
<td>Single Family Attached</td>
<td>3</td>
<td>$463,723</td>
<td>$3</td>
<td>$483,723</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Duplexes</td>
<td>9</td>
<td>$712,800</td>
<td>3</td>
<td>$947,730</td>
<td>-</td>
<td>-</td>
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<tr>
<td>3-or-4 family</td>
<td>4</td>
<td>$792,508</td>
<td>3</td>
<td>$792,508</td>
<td>3</td>
<td>$947,730</td>
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<tr>
<td>5-or-more family</td>
<td>2</td>
<td>$339,872</td>
<td>2</td>
<td>1,104,072</td>
<td>-</td>
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<td>Hotels, Motels</td>
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<td>$151,833</td>
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<td>$151,833</td>
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<td>Churches, other religious</td>
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<td>$151,833</td>
<td>1</td>
<td>$151,833</td>
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<td>-</td>
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<tr>
<td>Industrial</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Parking garages</td>
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<td>$300,000</td>
<td>1</td>
<td>$300,000</td>
<td>-</td>
<td>-</td>
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<td>Service stations, repair garages</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
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<td>Hospitals, institutional</td>
<td>1</td>
<td>$2,239,073</td>
<td>-</td>
<td>1</td>
<td>1,239,073</td>
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<td>Offices, banks, professional</td>
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<td>$12,398</td>
<td>-</td>
<td>1</td>
<td>12,398</td>
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<td>Public Works, utilities</td>
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<td>1</td>
<td>-</td>
<td>-100.0%</td>
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<td>Schools, other educational</td>
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<td>-</td>
<td>-</td>
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<td>Stores, customer</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Towers, antennas</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>Signs, attached and detached</td>
<td>2</td>
<td>$5,250</td>
<td>4</td>
<td>$8,258</td>
<td>4</td>
<td>$6,448</td>
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<td>$63,500</td>
<td>6</td>
<td>$54,500</td>
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<td>$81,133</td>
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<td>Commercial addition, remodel</td>
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<td>$112,273</td>
<td>2</td>
<td>$4,800</td>
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<td>$507,504</td>
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<tr>
<td>Residential garage, carpent</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
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<tr>
<td>Demolition, single family</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Demolition, 2-family</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Demolition, 3-or-4 family</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Demolition, 5-or-more family</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Demolition, all other</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>EST. CONSTRUCTION COSTS</td>
<td>$4,076,593</td>
<td>$2,125,900</td>
<td>$16,865,117</td>
<td>$2,334,460</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>FEES</td>
<td>$35,588</td>
<td>$15,097</td>
<td>$87,136</td>
<td>$22,153</td>
<td>$22,153</td>
<td>293.6%</td>
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### INSPECTIONS PERFORMED

<table>
<thead>
<tr>
<th>INSPECTION TYPE</th>
<th>FY 2017</th>
<th>FY 2016 Value</th>
<th># Value</th>
<th>FY 2017</th>
<th>FY 2016 Value</th>
<th>FY 16-17</th>
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<tbody>
<tr>
<td>Building Inspections</td>
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<td>134</td>
<td>207</td>
<td>134</td>
<td>54%</td>
<td>107</td>
</tr>
<tr>
<td>Electrical Inspections</td>
<td>76</td>
<td>49</td>
<td>133</td>
<td>48</td>
<td>177%</td>
<td>76</td>
</tr>
<tr>
<td>Excavation Inspections</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Plumbing Inspections</td>
<td>76</td>
<td>46</td>
<td>138</td>
<td>46</td>
<td>200%</td>
<td>76</td>
</tr>
<tr>
<td>Mechanical Inspections</td>
<td>24</td>
<td>30</td>
<td>40</td>
<td>30</td>
<td>33%</td>
<td>24</td>
</tr>
<tr>
<td>Code Inspections</td>
<td>159</td>
<td>128</td>
<td>332</td>
<td>128</td>
<td>159%</td>
<td>159</td>
</tr>
<tr>
<td>Nuisance Inspections</td>
<td>112</td>
<td>111</td>
<td>225</td>
<td>111</td>
<td>103%</td>
<td>112</td>
</tr>
<tr>
<td>Business License Inspections</td>
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<td>10</td>
<td>16</td>
<td>16</td>
<td>0%</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL INSPECTIONS</td>
<td>556</td>
<td>513</td>
<td>1091</td>
<td>513</td>
<td>113%</td>
<td>556</td>
</tr>
</tbody>
</table>

12/01/2016
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development  ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Request to Rezone Real Estate located at 107 and 105 North Park Street from CO (Office District) zoning and C-1 (Neighborhood Business District) zoning to C-2 (General Retail District) zoning:

(McDonald)

DATE: 12-05-2016

GENERAL INFORMATION:

CASE #: 10-11-2016

APPLICANT/STATUS OF APPLICANT: The subject property is owned by Timothy C. McDonald and Tasha Mc. Donald. The owners reside at 1013 Benjamin Blvd. in St. James, Missouri 65559. The property 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. Email address: Sgtmac_46@msn.com Phone: (417) 413-364-0429.

CURRENT ZONING/LAND USE: The subject property has a combination of CO (Office District) zoning and C-1 (Neighborhood Business District) zoning. The applicants/owners are requesting a rezoning for C-2 (General Business District) zoning. CO and C-1 zoning development is intended for commercial/office businesses that provide convenience goods and personal services primarily to people residing in adjacent residential neighborhoods. C-2 land uses are intended to provide community-wide personal and business services. Moderate size commercial buildings and specialty shops are also common. C-2 general retail district businesses depend upon high traffic visibility and otherwise cater to the traveling public/motorists. C-2 zoning permits more flexibility in development, which is why the applicants requested C-2.

Lots 105 and 107 North Park Street consist of a total 8,276 sq. ft. (.19 acre). The site contains one 1,150 sq. ft. office commercial buildings. C-2 zoning does not require mandatory open space zoning (25%), but does not limit building /lot coverage to 40% (3,310 sq. ft.). The highest and best use of this property is office/ commercial based on the adjoining development pattern.

LOCATION OF RE-ZONING: The McDonald building is located south of the Phelps County Courthouse. The Assessor’s Account Number (7765 and 7764) for these two lots can also be used to identify the exact position of a given property. See the attached map and legal description.

SURROUNDING ZONING/LAND USE:

North --- Courthouse – public use.
South --- C-1 / Residential

\[ ∫ \]
East --- C-2 / Public Parking Lot
West ---C-1/ Residential

**PROJECT DESCRIPTION:** The applicant has stated his intent to expand the existing building located at 105 North Park. To accomplish this goal under current zoning law, as found in Rolla’s Planning and Zoning Code, no side yard setback is required, although front and rear yard setback of only 10 feet would be required.

**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 area. The predominant zoning in the area is C-1, but the actual land use is mostly residential – a land use not permitted in C-1. This type of zoning is typical for older neighborhood in transition to business use representing legal non-conforming uses.

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 retail or commercial use.

   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 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 and Police Departments.

4. **Impact on Streets and Parking:** The proposed development will generate additional vehicular traffic volume, but none that cannot be accommodated. The owner will be required to provide off-street parking spaces of sufficient number to meet all planning needs for visitors/employees. Traffic flow around the courthouse is high at times. The existing office will require at least 6 off-street parking spaces which can be accommodated with existing capacity on site.

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.

\[\text{\underline{\text{\textcopyright A. Z.}}}\]
6. **Suitable for Re-Zoning:** The subject property as described in this report is suitable for rezoning as proposed office and commercial uses.

**PUBLIC COMMENT/ISSUES:** The proposed rezoning was advertised in the RDN on October 22/23, 2016. Notice was sent to adjoining property owners within 185'. A public hearing was scheduled and held before the Planning and Zoning Commission on November 8, 2016. At this hearing, the Planning and Zoning Commission voted to recommend this re-zoning to the City Council at their November 21, 2016 meeting. The ordinance amendment approving the rezoning was considered by the City Council at their December 5, 2016 meeting.

**ACTION REQUIRED:** Planning and Zoning Commission voted unanimously to recommend this rezoning, with or without conditions, or to oppose the rezoning.

**ATTACHMENTS:**

- Zoning request from applicant
- Zoning map
Request to Rezone Real Estate located at 105 & 107 North Park Street from C-O (Office District) Zoning and C-1 (Neighborhood Business District) Zoning to C-2 (General Retail District) Zoning (MCDONALD)
ORDINANCE NO. ____________

AN ORDINANCE APPROVING THE REZONING OF TWO LOTS TOTALING .19 ACRES (8,276 SQ. FT.) FROM C-O (OFFICE DISTRICT) ZONING AND C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING. (McDONALD).

WHEREAS, an application was duly filed with the Community Development Department on October 12, 2016 requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published on October 22, 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 November 8, 2016 at 5:30 p.m. The Planning and Zoning Commission recommended the City Council approve the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the Rolla City Council, during its November 21, 2016 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring said change of zoning and by those citizens opposing said change in zoning, the City Council found the proposed rezoning would promote public health, safety, morals, and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City:

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

Section 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri, which 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 from C-1 (Neighborhood Business District) zoning and C-O (Office District) zoning to C-2 (General Retail District) zoning described as follows:

Lots 105 and 107 North Park Street situated in the County of Phelps, in the State of Missouri, (aka 105 North Park Street).

The south four (4) feet of Lot 1 (1) and north twenty-seven (27) feet of Lot two (2) Block sixteen (16), Original Town of Rolla, Missouri (aka 107 North Park Street).

The south thirty (30) feet of Lot Two (2) and north ten (10) feet of Lot 3, Block 16 of the Original Town of Rolla, Missouri.

\[V.A.5\]
Section 2: Special plat restriction and restriction covenant as to the issuance of building or construction permits: The undersigned owners of the tract of land herein platted does hereby impose upon said property and does hereby make the following restrictive covenant: No construction may be commenced upon the above described property until all necessary building and construction permits have been issued by the City of Rolla, Missouri and that it is understood that no such permits shall be issued for any lots herein platted until the completion of all public improvements appertaining to such lots or until a cash bond equal to the reasonable costs of completing such public improvements has been received and approved by the City of Rolla, Missouri.

Section 3: The property owner and/or tenant shall maintain no less than six designated parking spaces to serve the businesses located at 105 and 107 North Park Street.

Section 4: The storage, display, or sale of merchandise outdoors shall not be permitted.

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

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

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

\[\text{T.A.6.}\]
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Ordinance Authorizing Real Estate Services – Hwy 72 Extension Project

BUDGET APPROPRIATION (IF APPLICABLE) $90,000 - $120,000 DATE: December 5, 2016

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

COMMENTARY: Subject to approval of the Move Rolla TDD the City will need to initiate real estate negotiation and acquisition services for 23 properties for the Highway 72 extension. The City advertised and received two proposals and approved the first reading of the attached ordinance with Investment Realty. Based on comments at the last meeting the Contract has been revised in two key areas:

1) Per Section 2 the standard Buyer’s rate of 3% has been modified to 3% for the first $3 million in acquisition expense dropping to 2.75% for sales between $3 – 4 million, and 25% for cumulative sales over $4 million.

2) Per Line 74 the Agreement has been amended to clarify that the Agent serves as the exclusive buyer’s agent to the point of negotiation. Once closed if the Seller requests assistance with finding alternative real estate the Agent could serve in a “Dual Agency” relationship.

Legal has reviewed the Amendment for final consideration. The City will not initiate appraisals on any of the properties until after the TDD election in mid-December.

Recommendation: Motion to approve the final reading as amended.
ORDINANCE NO. ____________

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND INVESTMENT REALTY, INC. FOR THE ROUTE 72/RIDGEVIEW ROAD EXTENSION BUYER’S EXCLUSIVE AGENCY CONTRACT.

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

Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri an agreement between the City of Rolla, Missouri and Investment Realty, Inc. for the Route 72/Ridgeview Road extension buyer’s exclusive agency contract, a copy of said agreement being attached hereto and marked exhibit A.

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

APPROVED:

____________________
MAYOR

ATTEST:

____________________
CITY CLERK

APPROVED AS TO FORM:

____________________
CITY COUNSELOR

[Signature]

[Signature]
Buyer's Exclusive Agency Contract

This document has legal consequences. If you do not understand it, consult your attorney.

City of Rolla (whether one or more "Buyer"), hereby appoints (Insert Brokerage Co. name) Investment Realty, Inc. ("REALTOR") to act as the sole and exclusive agent for Buyer to advertise for, show and procure the following types of real estate (check one [1] or more of the following): ☐ commercial ☐ residential ☐ rental ☐ farm or ☒ other (See attached addresses that are represented under this agreement) for acquisition by Buyer, for the period beginning with the Effective Date of this Agency Contract and ending at 11:59 p.m. on the 30th day of November, 2017 (together with any written extension thereof, the "Agency Period").

As used in this Agency Contract, the terms "acquire" or "acquisition" shall include any purchase, option, exchange or lease of property or an agreement to do so. Buyer acknowledges that the efforts and endeavors of REALTOR to procure such real estate, by expenditure of time and money, through advertising, co-brokers or otherwise, shall constitute good and sufficient consideration for this Agency Contract. Buyer will refer all inquiries and prospects Buyer may receive during the Agency Period, from any source, to REALTOR to avoid the possibility of confusion over agency relationship and misunderstandings about liability for compensation.

DISCLOSURE AUTHORIZATIONS. Buyer (check one)
Motivating Factors. ☐ DOES ☒ DOES NOT permit REALTOR to disclose the following motivating factors for Buyer in purchasing or leasing property: Interest in purchasing property

CURRENT EXCLUSIVE REPRESENTATION AGREEMENT. Buyer (check one) is ☐ IS NOT ☒ a party to an exclusive buyer's representation agreement. If Buyer is a party to an exclusive buyer's representation agreement, such agreement ends (date)

REALTOR® COMPENSATION:

(1) Flat Fee: Buyer shall pay REALTOR® as partial compensation for services rendered hereunder an amount equal to (insert dollar amount, or "N/A" if not applicable) $n/a (the "Flat Fee"). This Flat Fee, together with any Additional Compensation due REALTOR® under this Agency Contract as set forth below, are collectively referred to herein as "Compensation". The Flat Fee is non-refundable and shall be due and payable to REALTOR® on (check whichever applies): ☐ the Effective Date of this Agency Contract, regardless of whether or not a property is acquired by Buyer; ☒ only if and on the same date that any Additional Compensation provided for below is payable; or ☐ not applicable.

(2) Additional Compensation: Buyer shall pay REALTOR®, as "Additional Compensation" due to REALTOR® for services rendered hereunder, an amount equal to: (Complete one): See Attached Addendum A Dollars ($ 0.00 ), or ☐ percent ( %) of the sale price, if, during the term of this Agency Contract, Buyer enters into a contract to acquire any type of real estate described above, whether through the services of REALTOR® or otherwise. Buyer understands that REALTOR® will endeavor to collect part or all of this Additional Compensation due REALTOR® from the seller or listing broker, and Buyer hereby consents thereto. If REALTOR® is able to do so, any amount paid to REALTOR® by the seller or listing broker shall be credited against the Additional Compensation due REALTOR® under this Agency Contract and REALTOR® will make full disclosure to Buyer. Failure by REALTOR® to collect part or all of any Additional Compensation due REALTOR® from a seller or listing broker shall not relieve Buyer of Buyer's obligation to pay REALTOR® any Compensation provided for herein. This Agency Contract shall also apply to any property presented or described to Buyer by anyone during the Agency Period if a contract is entered into by Buyer within 60 days after expiration of the Agency Period (the "Protection Period"); provided Buyer has received notice in writing, including the name of the prospective sellers or property address, before or upon expiration of the Agency Period; provided further however, that Buyer shall not be obligated to pay any Additional Compensation to REALTOR® (or the Flat Fee if such amount is not payable unless a property is acquired by Buyer) if a new valid exclusive buyer agency contract is entered into during the Protection Period with another licensed real estate broker, a subject property is acquired during the Protection Period and the new broker representing Buyer is paid a commission on the closing of that acquisition. It is understood and agreed that REALTOR®'s presentation of a listing during the Agency Period shall constitute notice hereunder with respect to the property identified thereon.

Any obligation to pay REALTOR® Compensation under this Agency Contract shall survive the termination hereof.

MSC-1080
Investment Realty, Inc. 1303 N. Hickory Rolla, MO 64801
Phone: 573-364-8111 Fax: 573-364-8162
www.ziplogo.com
buyer authorizes realtor® or its representatives to cooperate with and offer compensation to other brokers acting pursuant to any brokerage relationship defined by sections 339.710 to 339.860, rsmo., including but not limited to seller's agents and transaction brokers.

(3) nonperformance or termination: if a contract is not closed by reason of nonperformance by the seller or is terminated because of failure of a contingency or defect in an owner's title, realtor® shall retain the amount of any flat fee that is due and payable as of the effective date, but shall not receive any contingent flat fee or additional compensation agreed upon. buyer agrees that buyer's failure to close the contract for reasons other than set forth in this paragraph will not impair realtor®'s right to any compensation.

consent to brokerage relationships:

a. buyer's limited agency as starting point; effect of in-house sales. pursuant to this agency contract, realtor® will initially be acting in the capacity of buyer's limited agent, with the duties and obligations of a buyer's limited agent under missouri law as set forth following the parties' signatures below. however, buyer acknowledges that from time to time, a prospective seller may engage realtor® to act in one of several possible capacities with respect to that seller, depending on what brokerage relationships are permitted by realtor®'s company policy. the following subsections describe circumstances where missouri law may permit or require a conversion of realtor®'s brokerage relationship with buyer to a different brokerage relationship. complete each subsection. disclosure of any conversion to a different brokerage relationship shall be made upon its occurrence as may be required by rule or regulation.

b. conversion to dual agency where realtor® is engaged by seller to act as seller's agent. if a prospective seller has engaged realtor® to act in the capacity of seller's agent, missouri law permits realtor® to show the property and otherwise represent the seller, as a dual agent representing both buyer and the seller, with the written consent of all parties. in such case, realtor® may act as a dual agent with the duties and obligations of a dual agent under missouri law as set forth following the parties' signatures below.

does buyer consent to realtor® representing both a seller and buyer as a dual agent? (check one of the following): [x] yes [ ] no [ ] not applicable because dual agency is not offered by realtor®'s company policy.

(see buyers agency addendum for conditions)

c. designated agents for seller and buyer; possible conversion to dual agency or transaction brokerage. missouri law permits realtor® to appoint one or more licensee(s) as designated agent(s) to represent buyer as limited agent(s), to the exclusion of all other affiliated licensees.

does buyer consent to realtor®'s appointment of designated agent(s)? (check one of the following): [ ] yes [x] no [ ] not applicable because designated agency is not offered by realtor®'s company policy.

an individual broker, designated broker or office manager/supervising broker affiliated with realtor® shall not be considered to be a dual agent or transaction broker solely because such broker has appointed one or more affiliated licensee(s) to represent buyer to the exclusion of all other affiliated licensees of realtor®, however, any licensee who personally represents both buyer and the seller in the same transaction shall be a dual agent or transaction broker. further, if such broker supervises the licensees for both sides of a transaction, that broker will be a dual agent or a transaction broker upon learning confidential information about either party to a transaction or upon being consulted by any licensee involved in the transaction. also, when the broker supervises the licensee representing or assisting one (1) side of the transaction and personally represents or assists the other side, that broker will be a dual agent or a transaction broker. any such broker or licensee shall be required to comply with the provisions regarding dual agent or transaction brokers under missouri law as set forth following the parties' signatures below.

d. conversion to transaction brokerage where realtor® is engaged by seller to act as seller's agent or transaction broker. if a prospective seller has engaged realtor® to act in the capacity of seller's agent or transaction broker, missouri law permits realtor® to show the property and otherwise assist the seller, as a transaction broker assisting both buyer and the seller without an agency relationship to either of them, with the written consent of all parties. in such case, realtor® may act as a transaction broker with the duties and obligations of a transaction broker under missouri law as set forth following the parties' signatures below. note: if realtor® wishes to convert to transaction brokerage but buyer does not consent to such conversion, then realtor® may withdraw from representing buyer. such withdrawal shall not prejudice the ability of realtor® to continue to represent the other client in the transaction or limit realtor® from representing buyer in another transaction not involving transaction brokerage.

does buyer consent to realtor® assisting both buyer and a seller as a transaction broker? (check one of the following): [x] yes [ ] no [ ] not applicable because transaction brokerage is not offered by realtor®'s company policy.

e. designated transaction broker for seller and buyer. missouri law permits realtor® to appoint one or more licensee(s) as designated transaction broker(s), to assist buyer without an agency relationship, to the exclusion of all other affiliated licensees.
Reference

Does Buyer consent to REALTOR®’s appointment of designated transaction broker(s)? (Check one of the following): □ Yes □ No X Not applicable because designated transaction brokerage is not offered by REALTOR®’s company policy.

BUYER’S OBLIGATIONS TO REALTOR®:

Buyer agrees that Buyer shall:

(1) Exclusive Dealings: Work exclusively with REALTOR® during the Agency Period. Buyer will not communicate directly or indirectly with any seller of any real estate or seller’s representative to whom REALTOR® has introduced Buyer or negotiated with for the purchase, option, exchange or lease of real estate on behalf of Buyer.

(2) Supply Information: Comply with the reasonable requests of REALTOR® to supply any financial or personal data needed to fulfill the terms of this Agency Contract.

(3) Availability: Be available during REALTOR®’s regular working hours to view properties.

(4) Consultation: Consult with REALTOR® before visiting any new or existing homes for sale, or contacting any other broker representing sellers, to avoid the possibility of confusion over the agency relationship and misunderstandings about liability for Compensation.

GENERAL CONDITIONS

Buyer and REALTOR® agree:

(1) Equal Opportunity: Properties shall be shown and made available to Buyer without regard to race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity, and in accordance with all local, state and federal fair housing laws.

(2) Notice of Intended Sale: If a property has had construction work performed, the lien rights of persons who performed work or supplied materials are affected by the requirements of §429 RSMo. Failure by the property owner to post and record a timely “notice of intended sale” may affect lien rights and Buyer’s ability to get mechanic’s lien coverage in Buyer’s title insurance policy.

(3) Legal and Professional Advice: REALTOR® suggests Buyer seek legal, tax and other professional advice relative to any real estate transaction. REALTOR® makes no representation or warranty respecting the advisability of any transaction, and is not an expert in matters relating to law, tax, financing, surveying, structural or mechanical conditions, hazardous materials, engineering or other specialized topics. Buyer is encouraged to seek expert help in such areas. REALTOR® will cooperate with experts selected and engaged by Buyer, but REALTOR® shall have no liability pertaining to such matters.

(4) Default/Remedies. If Buyer shall breach this Agency Contract or it becomes necessary for REALTOR® to retain an attorney to enforce any of the terms hereof, then without limiting any other right or remedy hereunder or otherwise available at law or in equity, REALTOR® shall be entitled to recover all costs and expenses of litigation incurred, including but not limited to court costs and reasonable attorney fees. The provisions of this Section shall survive the expiration or any earlier termination of this Agency Contract.

(5) Other Provisions: See Attached Addendum A for the commission break down on these transactions.

This Agency Contract shall be binding upon the parties hereto, their heirs and personal representatives.

(6) Minimum Brokerage Services (§339.780.7 RSMo.): Buyer acknowledges having read the applicable “Duties and Obligations” on the following pages of this form, and that pursuant to Missouri law, REALTOR®, through its designated broker and/or through one or more affiliated licensees, shall provide, at a minimum, the following services:

1. Accept delivery of and present to Buyer or customers offers and counteroffers to buy, sell, or lease property that Buyer seeks to purchase or lease;
2. Assist Buyer or customers in developing, communicating, negotiating, and presenting offers, counteroffers, and notices that relate to the offers and the counteroffers until a lease or purchase agreement is signed and all contingencies are satisfied or waived; and
3. Answer Buyer or customer questions relating to the offers, counteroffers, notices, and contingencies.

(7) Signatures: This Agency Contract may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. For purposes of executing this Agency Contract, a document signed and/or transmitted by any electronic form deemed valid in accordance with the Missouri Uniform Electronic Transactions Act, including but not limited to by facsimile machine, digital signature or a scanned image, such as a pdf via e-mail, is to be treated as an original signature and document. At the request of any party, the others will confirm facsimile or scanned image signatures by signing an original instrument. Buyer and REALTOR® expressly acknowledge and agree that changes to this Agency Contract may be made via the e-mail addresses set forth below (mark the e-mail address lines “N/A” or “Not Authorized” if not so authorized).
165 (8) Franchise Disclosure: (REALTOR® to check box only if applicable).
166 □ REALTOR® is a member of a franchise and pursuant to the terms of its franchise agreement, the franchisor
167 has no legal liability for the actions of REALTOR®, despite its use of franchisor’s trade name or insignia.
168
169 (9) Effective Date. The “Effective Date” shall be the date of final acceptance hereof, as indicated by the date
170 adjacent to the signature of the last party to sign this Agency Contract or (specify if otherwise) ________________.

171 Investment Realty, Inc.
172 REALTOR®'s Firm Name

173 By

174 Print Name: Mike Woessner
175 Email: mike@inv-rel.com
176 Address: 1703 N. Bishop, Rolla, MO 65401
177 Title: President
178 Date: ________________

179 EXCLUSIVE BUYER’S AGENCY ACCEPTED
180 By signing below, Buyer indicates that Buyer has
181 accepted this Agency Contract and
182 acknowledges receipt of one (1) copy hereof.
183 Buyer also confirms receipt of a Missouri Real
184 Estate Commission Broker Disclosure Form on or
185 before signing this Agency Contract, or upon
186 REALTOR®’s obtaining any personal or financial
187 information from Buyer, whichever occurred first.
188
189 Buyer: ________________
190 Print Name: City of Rolla
191 Email: __________________________
192 Date: ________________
193 Print Name: __________________________
194 Email: __________________________
195 Date: ________________
196 Buyer’s Address: __________________________
197

198 The following is to be completed only if designated agency is permitted and authorized as set forth above.
199 REALTOR® hereby appoints the following affiliated licensee(s) as designated agent(s) to represent Buyer to the
200 exclusion of all other affiliated licensees.
201
202 By: __________________________ Date: ________________
203 Designated Broker (or office manager/supervising broker)

Approved by legal counsel for use exclusively by members of the Missouri REALTORS®, Columbia, Missouri. No warranty is made or implied
as to the legal validity or adequacy of this Agency Contract, or that it complies in every respect with the law or that its use is appropriate for all
situations. Local law, custom and practice, and differing circumstances in each transaction, may each dictate that amendments to this
Agency Contract be made. Last Revised 12/31/15.

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City of Rolla
BUYER'S (OR TENANT'S) AGENT'S DUTIES AND OBLIGATIONS (§ 339.740, RSMo.)

1. A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations:
   (A) To perform the terms of any written agreement made with the client;
   (B) To exercise reasonable skill and care for the client;
   (C) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including:
      (i) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek other properties while the client is a party to a contract to purchase property or to a lease or letter of intent to lease;
      (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease;
      (iii) Disclosing to the client adverse material facts actually known or that should have been known by the licensee; and
      (iv) Advising the client to obtain expert advice as to material matters about which the licensee knows but the specifics of which are beyond the expertise of the licensee;
   (D) To account in a timely manner for all money and property received;
   (E) To comply with all requirements of sections 339.710 to 339.860, subsection 2 of section 339.100, and any rules and regulations promulgated pursuant to those sections; and
   (F) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations.

2. A licensee acting as a buyer's or tenant's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute a misrepresentation or unless disclosure is necessary to defend the affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee. No cause of action for any person shall arise against a licensee acting as a buyer's or tenant's agent for making any required or permitted disclosure.

3. A licensee acting as a buyer's or tenant's agent owes no duty or obligation to a customer, except that the licensee shall disclose to any customer all adverse material facts actually known or that should have been known by the licensee. A buyer's or tenant's agent owes no duty to conduct an independent investigation of the client's financial condition for the benefit of the customer and owes no duty to independently verify the accuracy or completeness of statements made by the client or any independent inspector.

4. A buyer's or tenant's agent may show properties in which the client is interested to other prospective buyers or tenants without breaching any duty or obligation to the client. This section shall not be construed to prohibit a buyer's or tenant's agent from showing competing buyers or tenants the same property and from assisting competing buyers or tenants in attempting to purchase or lease a particular property.

5. A client may agree in writing with a buyer's or tenant's agent that other designated brokers may be retained and compensated as subagents. Any designated broker acting on the buyer's or tenant's behalf as a subagent shall be a limited agent with the obligations and responsibilities set forth in subsections 1 to 4 of this section.

DUAL AGENT'S DUTIES AND OBLIGATIONS (§ 339.750, RSMo.)

A dual agent shall be a limited agent for both the seller and buyer or the landlord and tenant and shall have the following duties and obligations:

1. Except as provided below, a dual agent may disclose any information to one client that the licensee gains from the other client if the information is material to the transaction unless it is confidential information as defined in section 339.710(8), R.S.Mo.

2. The following information shall not be disclosed by a dual agent without the consent of the client to whom the information pertains:
   (A) That a buyer or tenant is willing to pay more than the purchase price or lease rate offered for the property;
   (B) That a seller or landlord is willing to accept less than the asking price or lease rate for the property;
   (C) What the motivating factors are for any client buying, selling, or leasing the property;
   (D) That a client will agree to financing terms other than those offered; and
   (E) The terms of any prior offers or counter offers made by any party.

3. A dual agent shall not disclose to one client any confidential information about the other client unless the disclosure is required by statute, rule or regulation or failure to disclose the information would constitute a misrepresentation or unless disclosure is necessary to defend the affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee. No cause of action for any person shall arise against a dual agent for making any required or permitted disclosure. A dual agent does not terminate the dual agency relationship by making any required or permitted disclosure.
4. In a dual agency relationship there shall be no imputation of knowledge or information between the client and the dual agent or among persons within an entity engaged as a dual agent.

TRANSACTION BROKER'S DUTIES AND OBLIGATIONS (§ 339.755, RSMo.)

1. A real estate licensee may provide real estate service to any party in a prospective transaction without an agency or fiduciary relationship to one or more parties to the transaction. Such licensee shall be called a transaction broker.

2. A transaction broker shall have the following duties and obligations:
   (A) To perform the terms of any written or oral agreement made with any party to the transaction;
   (B) To exercise reasonable skill, care and diligence as a transaction broker, including but not limited to:
       (i) Presenting all written offers and counteroffers in a timely manner regardless of whether the property is subject to a contract for sale or lease or a letter of intent unless otherwise provided in the agreement entered with the party;
       (ii) Informing the parties regarding the transaction and suggesting that such parties obtain expert advice as to material matters about which the transaction broker knows but the specifics of which are beyond the expertise of such broker;
       (iii) Accounting in a timely manner for all money and property received;
       (iv) To disclose to each party to the transaction any adverse material facts of which the licensee has actual notice or knowledge;
       (v) Assisting the parties in complying with the terms and conditions of any contract;
       (vi) The parties to a transaction brokerage transaction shall not be liable for any acts of the transaction broker.

3. The following information shall not be disclosed by a transaction broker without the informed consent of the party or parties disclosing such information to the broker;
   (A) That a buyer or tenant is willing to pay more than the purchase price or lease rate offered for the property;
   (B) That a seller or landlord is willing to accept less than the asking price or lease rate for the property;
   (C) What the motivating factors are for any party buying, selling or leasing the property;
   (D) That a seller or buyer will agree to financing terms other than those offered;
   (E) Any confidential information about the other party, unless disclosure of such information is required by law, statute, rules or regulations or failure to disclose such information would constitute fraud or dishonest dealing.

4. A transaction broker has no duty to conduct an independent inspection or investigation for adverse material facts for the parties.

5. A transaction broker has no duty to conduct an independent investigation of the buyer's financial condition.

6. A transaction broker may do the following without breaching any obligation or responsibility:
   (A) Show alternative properties not owned by the seller or landlord to a prospective buyer or tenant;
   (B) List competing properties for sale or lease;
   (C) Show properties in which the buyer or tenant is interested to other prospective buyers or tenants;
   (D) Serve as a single agent, subagent or designated agent or broker, limited agent, disclosed dual agent for the same or for different parties in other real estate transactions.

7. In a transaction broker relationship each party and the transaction broker, including all persons within an entity engaged as the transaction broker if the transaction broker is an entity, are considered to possess only actual knowledge and information. There is no imputation of knowledge or information by operation of law between any party and the transaction broker or between any party and any person within an entity engaged as the transaction broker if the transaction broker is an entity.

8. A transaction broker may cooperate with other brokers and such cooperation does not establish an agency or subagency relationship.

9. Nothing in this section prohibits a transaction broker from acting as a single limited agent, dual agent or subagent whether on behalf of a buyer or seller, as long as the requirements governing disclosure of such fact are met.

10. Nothing in this section alters or eliminates the responsibility of a broker as set forth in this section for the conduct and actions of a licensee operating under the broker's license.

11. A transaction broker shall:
    (A) Comply with all applicable requirements of sections 339.710 to 339.860, subsection 2 of section 339.010 and all rules and regulations promulgated pursuant to such sections; and
    (B) Comply with any applicable federal, state and local laws, rules, regulations and ordinances, including fair housing and civil rights statutes and regulations.
BUYERS AGENCY ADDENDUM A

BUYER: City of Rolla

The broker agrees during the negotiations of the individual properties to only represent the Buyer (City of Rolla) in the transaction. If after the contracts are signed and agreed to, Investment Realty, Inc. has permission to enter into an agency contract with Sellers to help them relocate which by law would put Investment Realty, Inc. in a Dual Agency relationship.

The commission on these transactions shall be as follows:

3% of the sales price for the first 3 Million Dollars worth of transactions.
2.75% for cumulative sales between 3 Million Dollars and 4 Million Dollars.
2.5% for cumulative sales above 4 Million Dollars.

City of Rolla – Buyer Date

Mike Woessner – Broker Date
CITY OF ROLLA
CITY COUNCIL AGENDA

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

ITEM/SUBJECT: Annual Report on Health Insurance Program and Wellness Plan

BUDGET APPROPRIATION (IF APPLICABLE) $2 million±  DATE: December 5, 2016

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

COMMENTARY:

The City of Rolla has been self-insured with respect to health insurance for 30+ years. It has been a very good and effective system for the 190 or so full-time employees over the last three decades and has generally been a less expensive program than traditional health insurance plans primarily because the City manages the risk with catastrophic coverage and has direct knowledge of all health care related costs. Since its formation, employees have been responsible for 33% of the total healthcare cost through bi-weekly premiums, deductibles, and co-insurance. The City’s portion of the cost (approximately 67%) has ranged from $1.7 - $2.1 million the last few years.

The Affordable Care Act was passed in 2010, but most if its key components were implemented between 2012 and 2015. It is hard to say emphatically what the impact has been on our self-insured plan but the City’s costs have definitely risen since 2013 (dependents to age 26, removal of caps, pre-existing conditions, etc.).

Unfortunately, the “employee share” of total medical costs dropped below 33% in 2016 so we are implementing a 10% increase in premiums effective January 1st.

As part of our loss control efforts, the City has actively engaged in a variety of wellness programs to educate and motivate employees to be proactive in their health. We continue to have strong success with our Healics program in conjunction with PCRMC but our exercise reimbursement program and our PT program seems to be doing little to actively engage most employees. As a 1 to 2 year trial program, we are proposing a “membership wellness initiative” through The Centre beginning in 2017.

Staff will do a full review of our experience and health status. Discussion needed.
Calendar Year 2016 Health Insurance Report
For the Period Jan. 1- Dec 31, 2016

|                  | Jan     | Feb     | March   | April   | May     | June    | July    | Aug     | Sept    | Oct     | Nov     | Dec     | TOTALS  |
|------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Total Admin Costs| $31,218.06 | $30,826.26 | $31,647.10 | $30,602.43 | $31,745.02 | $30,201.32 | $31,843.00 | $32,477.25 | $31,978.19 | $49,119.27 |
| Total Claims Paid| $156,283.52 | $123,487.49 | $298,919.14 | $160,759.72 | $23,723.30 | $242,178.59 | $161,449.39 | $386,025.18 | $414,803.78 | $156,490.86 |
| Premiums Withheld* | $58,807.90 | $52,327.01 | $75,450.02 | $60,589.60 | $61,070.80 | $58,814.13 | $53,031.80 | $51,528.72 | $75,851.95 | $52,310.16 |

City Total Costs 2016

<table>
<thead>
<tr>
<th>Category</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin Costs</td>
<td>$327,731.90</td>
</tr>
<tr>
<td>Health Testing (12B participants)</td>
<td>$3,005.00</td>
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<tr>
<td>Wellness Incentives</td>
<td>$13,765.00</td>
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<tr>
<td>Affordable Care Act (ACA)</td>
<td>$713.44</td>
</tr>
<tr>
<td>Claims Paid</td>
<td>$2,076,670.37</td>
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<tr>
<td>Less Premiums Withheld</td>
<td>$599,888.89</td>
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</tbody>
</table>

**SUBTOTAL**  $1,921,996.82

Employee Total Costs 2016

<table>
<thead>
<tr>
<th>Category</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premiums Withheld</td>
<td>$599,888.89</td>
</tr>
<tr>
<td>Deductibles</td>
<td>$56,409.69</td>
</tr>
<tr>
<td>Out-of-Pocket</td>
<td>$47,784.54</td>
</tr>
</tbody>
</table>

**SUBTOTAL**  $704,083.12

**TOTAL HEALTHCARE COSTS**  $2,525,079.94

$$\frac{33\% \text{ Employee Health}}{\text{Cost Goal}} = \frac{\text{Employee Total Costs}}{\text{Total Healthcare Costs}} = \frac{704,083.12}{2,525,079.94} = 27.87\% \text{ Total healthcare costs paid by employee.}$$

*Effective January 1, 2014, employees participating in the wellness program are eligible to receive a $10 discount per pay period, no more than $15 depending on Health2 results.

<table>
<thead>
<tr>
<th>Current Premiums</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Single</td>
<td>$90.00</td>
</tr>
<tr>
<td>Employee &amp; Spouse</td>
<td>$184.00</td>
</tr>
<tr>
<td>Employee &amp; Children</td>
<td>$156.00</td>
</tr>
<tr>
<td>Family</td>
<td>$204.00</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Wellness Incentives</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Premium Discount</td>
<td>$13,365.00</td>
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<tr>
<td>Exercise Remb - 02-30-16</td>
<td>$350.00</td>
</tr>
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</table>
HEALTH INSURANCE
EMPLOYEE CONTRIBUTION
AS OF OCTOBER 2016

• CALENDAR YEAR TOTALS
  – 2010 = 34.58%
  – 2011 = 36.01%
  – 2012 = 30.73%
  – 2013 = 33.56%
  – 2014 = 28.66%
  – 2015 = 32.13%
  – 2016 = 28.35%

2016 HEALTHCARE COST – $2,979,878

Health Care Cost Per Covered Life

– In 2010, $4,947 (434 covered lives)
– In 2011, $4,511 (445 covered lives)
– In 2012, $5,351 (448 covered lives)
– In 2013, $5,239 (471 covered lives)
– In 2014, $6,215 (463 covered lives)
– In 2015, $6,286 (448 covered lives)
– In 2016, $6,819 (437 covered lives) projected

• 5 year average of $5,982 with an average of 455 covered lives
# Health Insurance Premium / Pay Adjustment Rates

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Employee</th>
<th>EMP/Spouse</th>
<th>EMP/Child</th>
<th>Family</th>
<th>COLA</th>
<th>MERIT</th>
<th>OTHER</th>
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<tr>
<td>2002</td>
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<td>$29.00</td>
<td>$30.00</td>
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<td>1.0%</td>
<td>3.0%</td>
<td>3.0%</td>
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<tr>
<td>2003</td>
<td>JAN</td>
<td>$29.00</td>
<td>$30.00</td>
<td>$30.00</td>
<td>$30.00</td>
<td>1.0%</td>
<td>3.0%</td>
<td>3.0%</td>
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<tr>
<td>2004</td>
<td>JAN</td>
<td>$39.00</td>
<td>$30.00</td>
<td>$30.00</td>
<td>$30.00</td>
<td>1.0%</td>
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<td>2005</td>
<td>JAN</td>
<td>$42.00</td>
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<td>JAN</td>
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<tr>
<td>2007</td>
<td>JAN</td>
<td>$65.00</td>
<td>$30.00</td>
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<td>$30.00</td>
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<td>3.0%</td>
<td>3.0%</td>
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<tr>
<td>2008</td>
<td>JAN</td>
<td>$65.00</td>
<td>$30.00</td>
<td>$30.00</td>
<td>$30.00</td>
<td>1.0%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2009</td>
<td>JAN</td>
<td>$70.00</td>
<td>$142.00</td>
<td>$121.00</td>
<td>$157.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2010</td>
<td>JAN</td>
<td>$70.00</td>
<td>$142.00</td>
<td>$121.00</td>
<td>$157.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2011</td>
<td>JAN</td>
<td>$70.00</td>
<td>$142.00</td>
<td>$121.00</td>
<td>$157.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2012</td>
<td>JAN</td>
<td>$70.00</td>
<td>$142.00</td>
<td>$121.00</td>
<td>$157.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2013</td>
<td>JAN</td>
<td>$77.00</td>
<td>$156.00</td>
<td>$131.00</td>
<td>$179.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2014</td>
<td>JAN</td>
<td>$77.00</td>
<td>$156.00</td>
<td>$131.00</td>
<td>$179.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2015</td>
<td>JAN</td>
<td>$86.00</td>
<td>$175.00</td>
<td>$149.00</td>
<td>$194.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2016</td>
<td>JAN</td>
<td>$91.00</td>
<td>$184.00</td>
<td>$156.00</td>
<td>$204.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2017</td>
<td>JAN</td>
<td>$99.00</td>
<td>$202.00</td>
<td>$172.00</td>
<td>$224.00</td>
<td>2.5%</td>
<td>3.0%</td>
<td>3.0%</td>
</tr>
</tbody>
</table>

**Notes:**
- 10% discount per pay period if participate in HRA
- 50% discount per department category in HRA
- All employee premiums listed are bi-weekly
Wellness Plan Overview

• Mission
  - The City of Rolla is committed to the overall health and well-being of its employees.

• Vision
  - The Employee Wellness Program will enhance the health and well-being of City of Rolla employees by providing services that motivate employees to live in optimal health

Wellness Plan Goals

• Goals
  - Reduce absenteeism
  - Reduce preventable disease health insurance claims
  - Increase employee awareness of healthy lifestyle choices and health risks
  - Provide support to employees in making positive healthy lifestyle choices
Wellness Results

- Absenteeism
  - In FY 10, 8,616 sick hours (166 hours/wk) = $128,723
  - In FY 11, 10,121 sick hours (195 hours/wk) = $159,507
  - In FY 12, 13,400 sick hours (258 hours/wk) = $219,090
  - In FY 13, 9,368 sick hours (180 hours/wk) = $146,984
  - In FY 14, 9,294 sick hours (179 hours/wk) = $156,600
  - In FY 15, 11,036 sick hours (212 hours/wk) = $186,059
  - In FY 16, 8,566 sick hours (165 hours/wk) = $144,943

- 5 year average of 10,333 sick hours = $170,735
- Estimated 53 hours of sick leave per employee per year - non-FMLA
- National average of sick leave per employee is 73 hours

Wellness Results

- Health Insurance Claims
  - In 2010, total health care costs of $2,147,132
  - In 2011, total health care costs of $2,007,610 (6.50% dec)
  - In 2012, total health care costs of $2,397,062 (19.40% inc)
  - In 2013, total health care costs of $2,467,468 (2.94% inc)
  - In 2014, total health care costs of $2,877,703 (16.63% inc)
  - In 2015, total health care costs of $2,816,122 (2.14% dec)
  - In 2016, total health care costs of $2,979,878 (5.81% inc)

- 6% growth in health insurance costs from 2015 to projected 2016
- National average is 22.45% growth
Wellness Results

- **Exercise Reimbursement**
  - In 2010, $167 (5 participants)
  - In 2011, $456 (7 participants)
  - In 2012, $269 (4 participants)
  - In 2013, $870 (9 participants)
  - In 2014, $1,294 (13 participants)
  - In 2015, $2,107 (11 participants)
  - In 2016, $1,280 (6 participants) (projected)

- Currently reimburse $2 per visit up to $300
- Available to all full time employees to any facility with paid membership

Wellness Results

- **PT Program**

<table>
<thead>
<tr>
<th></th>
<th>General</th>
<th>Public Safety</th>
<th>Total Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>$ 6,306</td>
<td>$ 9,750</td>
<td>$ 16,056</td>
</tr>
<tr>
<td>2011</td>
<td>$20,053</td>
<td>$10,904</td>
<td>$30,957</td>
</tr>
<tr>
<td>2012</td>
<td>$22,041</td>
<td>$13,077</td>
<td>$35,118</td>
</tr>
<tr>
<td>2013</td>
<td>$26,268</td>
<td>$11,878</td>
<td>$38,146</td>
</tr>
<tr>
<td>2014</td>
<td>$28,475</td>
<td>$12,575</td>
<td>$41,050</td>
</tr>
<tr>
<td>2015</td>
<td>$20,522</td>
<td>$14,914</td>
<td>$35,436</td>
</tr>
<tr>
<td>2016</td>
<td>$17,110</td>
<td>$24,084</td>
<td>$41,194 (projected)</td>
</tr>
</tbody>
</table>

- General employees can accrue up to 24 hours of PT time
- Public Safety employees can accrue up to 24 hours of PT time and then receive up to 2 hours per week of PT pay
Wellness Plan

Mission
The City of Rolla is committed to the overall health and well-being of its employees.

Vision
The Employee Wellness Program will enhance the health and well-being of City of Rolla employees by providing services that motivate employees to live in optimal health.

Goals
- Increase employee awareness of healthy lifestyle choices and health risks
- Provide support to employees in making positive healthy lifestyle choices
- Reduce absenteeism
- Reduce preventable disease health insurance claims

Objectives
- Increase employee awareness
  - Distribute a monthly wellness newsletter
  - Provide annual flu shot
  - Provide a confidential health risk assessment to all employees and spouses
  - Improve average score to 6965.
- Support healthy lifestyle choices
  - Provide a physical activity and fitness program
    - Provide incentives to participate with a tracking and measurement system
    - Have 100 employees actively participating in regular physical activity
  - Offer a Weight Loss Program
  - Healthy lunch once a quarter w/ short presentation
  - Develop a stress management program and encourage use of Employee Assistance Program
- Reduce absenteeism by 5%
- Reduce preventable claims
1. **Collect Data**
   - Average Healics Score – 61-3-in-2014 (up from 55.5-in-2008)
   - 3 biggest health risks – Body Fat, Weight & Cholesterol/HDL ratio
   - 3 wellness program interests – Weight Control, Men’s Health, & Nutrition Education
   - Measure participation levels of all wellness initiatives.

2. **Monthly Wellness Newsletter**
   - January – National Eye Care Month: [www.eyesnet.org](http://www.eyesnet.org)
   - February – National Heart Month: [www.amhrt.org](http://www.amhrt.org)
   - March – National Nutrition Month: [www.cshs.org](http://www.cshs.org)
   - April – Alcohol Awareness/Cancer Control Month: [www.cancer.org](http://www.cancer.org)
   - May – National Physical Fitness Month: [www.myphysicaactivity.org](http://www.myphysicaactivity.org)
   - June – Safety Month: [www.csha.com](http://www.csha.com)
   - September – Cholesterol Education Month: [www.nhbi-nh.gov](http://www.nhbi-nh.gov)
   - October – Breast Cancer Awareness Month: [www.cancer.org](http://www.cancer.org)
   - December – Stress Management/Safe-Town Month: [www.nypiro.org](http://www.nypiro.org)

3. **Health Risk Assessment**
   - Lower base premium structure for Healics participants.
   - Incentive of additional $5 per pay period for:
     - An overall score of 71 or above, or
     - 1 category improvement of the overall score, or
     - 10 point improvement of the overall score
   - Spouses may participate in the HRA.
   - City will incur costs of screening.

4. **Physical Activity and Fitness Program**
   - Exercise Reimbursement (Separate form attached, along w/ application)
     - Reimbursement of $2 per visit to a fitness center for each employee not to exceed $300 per calendar year.
   - Offer fitness assessment twice a year.
   - Includes items such as walk/run for time or distance, flexibility, body fat, strength.
   - Incentives
     - General Employees
       - Take/Pass the assessment – 1/2 hour comp. time each week to exercise (must document exercise time)
       - Maximum accrual of 21 hours of comp. time for general employees and 36 hours of comp. time for fire personnel.
     - Police Employees
• Pass the police assessment – 2 hours comp. time each week to exercise (must document exercise time)
• Maximum accrual of 24 hours of comp. time.
• For each hour over 24, officers can receive PT pay at their regular rate of pay.
• Staff members earn 0.5 hour of comp. time for general employees with a maximum accrual of 24 hours with no additional compensation.

• Fire Employees
  • Pass the fire assessment – 2 hours comp. time each week to exercise (must document exercise time)
  • Maximum accrual of 24 hours of comp. time.
  • For each hour over 24, firefighters can receive PT pay at their regular rate of pay.

• Offer a "How to start an exercise” lunch & learn program. Topics such as:
  o Discuss how often & how hard to exercise
  o How to take a pulse & target heart rate
  o Talk about different kinds of activities, benefits of each
• Develop 1 mile walks from each worksite
• Provide use of track at the Centre for employees from 5:30am – 5:00pm for no charge???

5.4. Weight-Loss-Program

Centre Wellness Membership for Full Time Employees
• Offer Weight Watchers at Work (minimum participation required).
  Centre membership for all full time employees who enroll in same
  o 100% of the program costs will be incurred by the Health Insurance Fund (employees pay 1/3 of the total cost of health plan).
  o Attendance at the weekly meetings is required. Payment to the Centre will be based on actual usage on a monthly basis.
• Personal Trainer Consultation – 1 free visit per year

6.5. Stress Management Program
• Goal of the stress management program is to provide employees with the correct information and techniques that will help employees manage stress.
  o Offer stress management workshops to all employees.
  o Distribute an employee stress assessment survey to determine the areas of difficulty.
  o Use individual counseling to help employees write action plans or refer them to other assistance.
  o Chair massage once a quarter at the luncheon.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator  
ACTION REQUESTED: Motion

ITEM/SUBJECT: Request for Legal Services (City Counselor)

BUDGET APPROPRIATION (IF APPLICABLE) $31,000  
DATE: December 5, 2016

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

COMMENTARY: The City solicited RFP’s for City Counselor Services for the next 3+ years by mailing copies to all law offices in Phelps County. The City received two proposals from Williams, Robinson, Rigler & Buschjost and Marxkors & Kelsaw. Both firms are qualified though Staff believes the firm of Williams, Robinson, Rigler & Buschjost is the more qualified and a better proposal due to their past service to the City (City Counselor since 2011), access to four attorneys (one of whom represents RMU) and vast experience in municipal law (Rolla, Cuba, Richland, Doolittle, Edgar Springs, and numerous special districts in Phelps County). The proposals are summarized below:

<table>
<thead>
<tr>
<th>Retainer</th>
<th>Additional Services</th>
</tr>
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<td>W, R, R &amp; B</td>
<td>$2,600/Month</td>
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<td>M &amp; K</td>
<td>$2,000/Month</td>
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<td></td>
<td>$150/$75/hour (in excess of 3 hrs/week)</td>
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<td>$150/hour</td>
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Recommendation: Despite the differences in cost Staff recommends award to Williams, Robinson, Rigler & Buschjost as City Counselor from 2017-2019.

ITEM NO. VII A.1.
REQUEST FOR QUALIFICATIONS
FOR LEGAL SERVICES

The City of Rolla, Missouri is seeking proposals for the position of City Counselor. Qualified candidates must be an attorney or firm licensed to practice law in the State of Missouri and in good standing with the Missouri Bar Association. The position, established by contract, is anticipated to run through December, 2019, at a minimum. Duties include:

Basic Services:
1) Attend Council Meetings (1st & 3rd Mondays) and special meetings as required;
2) Preparation and/or review of all ordinances, resolutions and contracts of the City; providing legal advice to the Mayor, Council and Administrative Staff (3 hours per week).

Additional Legal Services:
1) Representing and defending the City in relevant Courts of Record;
2) Legal service beyond 3 hours per week.

Sealed proposals should include a statement of qualifications, a summary of municipal law experience, and a monthly retainer for “Basic Services” and an hourly rate for “Additional Legal Services.” Proposals should be submitted to the Rolla City Clerk’s Office by 11 a.m., Wednesday, November 23, 2016 at City Hall, 901 N. Elm St., P.O. Box 979, Rolla, MO 65402-0979. Upon award, a final contract will be submitted to the City Council for approval. The City reserves the right to reject any and/or all proposals.
November 23, 2016

City of Rolla
ATTN: Rolla City Clerk
901 Elm Street
Rolla, MO 65401

Re: Response to Request for Legal Services

Greetings:

This letter is in response to the City's request for legal services for the position of City Counselor. Our law firm respectfully requests it be considered for the position.

I. For Basic Services consisting of:

   (1) attending council meetings on the 1st and 3rd Monday of each month and special meetings as required;
   (2) preparing and/or reviewing all ordinances, resolutions, and contracts of the City; and providing legal advice to the Mayor, Council and Administrative Staff up to three (3) hours per week;

   we propose a general retainer of $2,600.00 per month, plus out-of-pocket expenses.

II. For Additional Legal Services consisting of:

   (1) representing and defending the City in relevant courts of record;
   (2) providing legal services in excess of three (3) hours per week;

   we propose fees of $150.00 per hour for attorney time and 75.00 per hour for legal assistant time billed in minimum increments of one-tenth of an hour, plus out-of-pocket expenses.

"Out-of-pocket expenses" shall include mileage reimbursement (at IRS rate then in effect), meals, and lodging (for required out-of-town travel only), long distance telephone expenses, copy expenses, deposition expenses, court filing fees, transcript fees, witness fees, and trial exhibit expenses.

The following shall serve as an introduction to our firm and its qualifications:

WILLIAMS, ROBINSON, RIGLER & BUSCHJOST, is a professional law firm serving the south-central Missouri area and is one of rural Missouri's largest, full-service law firms. We have a proud tradition of commitment to clients and community alike. Although our lawyers enjoy diverse practices, several members of the firm have considerable experience in government and municipal law.

Our firm is rated "AV" by our peers as having both "the highest level of legal ability" and a "very high adherence to professional standards of conduct, ethics, reliability, and diligence." We are one of only a few law firms in our area to be included in the Martindale-Hubbell Bar Register of Preeminent Lawyers, which lists "today's most highly regarded law firms."

We have represented numerous governmental and quasi-governmental entities over the past thirty

\[\text{Opened 11-23-16}\]
\[11:05 \text{ a.m.}\]
\[\text{Carol}\]
years, including: the cities of Cuba (15+ years), Richland (1996-present), Doolittle (2008-present), Edgar Springs (2005-present), St. Robert (2005-2006); Dixon (1980-2005), assistant counsel for the State Tax Commission (2001-2002), Waynesville (city prosecutor 2006-2008); representation of various other local government and special district entities on ad hoc and "as needed" basis, including various rural fire protection and ambulance districts, school boards and other entities, Phelps County Commission, Rolla Municipal Utilities, Rolla Community Development Corporation, and Phelps County Emergency Services Board.

We trust the foregoing is responsive to your request look forward to your favorable reply.

Very truly yours,
WILLIAMS, ROBINSON, RIGLER & BUSCHJOST, P.C.

By: 
Joseph W. Rigler, #30960
JRIGLER@TEAMLEX.COM

By: 
Carolyn G. Buschjost, #42768
CBUSCHJOST@TEAMLEX.COM

By: 
Gary L. Hansen, #36398
GHANSEN@TEAMLEX.COM

By: 
Lance B. Thurman, #51214
LTHURMAN@TEAMLEX.COM
November 22, 2016

Rolla City Clerk’s Office
901 N. Elm Street
Rolla, MO 65402-0979

PROPOSAL FOR CITY COUNSELOR 2017-2019

To Whom It May Concern:

I would like to make the following proposal for City Counselor for the City of Rolla, Missouri.

Statement of Qualifications

I am an extremely motivated and hard-working individual. I earned my Bachelor of Business Administration in only three years. I received special permission from the director of the business school and started my studies for a master’s degree immediately upon completion of my undergraduate degree, earning a Master of Business Administration degree from Stetson University prior to attending law school. I graduated from Washington University School of Law in 2009.

My family has a strong connection to the Rolla area. As a child, I spent weekends at my family “farm” located in Phelps County. I have always had fond memories of Phelps County. I moved to the family farm full-time in 2010. I worked for a small law firm in Rolla from 2010 until 2011 when I opened my law firm in Rolla. I look forward to growing and expanding my business in Rolla. My firm currently has an office in the Old Courthouse in Rolla. We are very excited to announce that we will be moving our office to 1000 N. Pine Street, Rolla in Spring 2017.

My business background allows me to bring a unique and practical perspective to the practice of law. I understand the challenges that face small businesses and municipalities. In today’s economic environment, it is very important for municipalities to make fiscally responsible decisions while at the same time promoting and advancing their community. I come from a long line of entrepreneurs. In addition to operating a law practice, I serve as counsel for my parents’ businesses ACE Electrical Solutions and ACE Property Solutions, LLC. I have encountered and effectively managed a variety of business and legal situations including: employment, landlord/tenant, real estate, contracts, collections, civil litigation, liens, and construction issues.

Phone: (573) 578-2848        Fax: (314) 754-2631
Mailing Address: P.O. Box 41, Rolla, MO 65402

Rolla Office
305 W. 3rd Street, Suite 5
Rolla, MO 65401

Salem Office
117 E. 4th Street
Salem, MO 65560
I also understand the importance of managing expectations when dealing with the public and am experienced in marketing and public relations. I believe that in today’s world of social media this is a vital skill for attorneys to possess. We must learn to assist our clients in developing effective communications with the public.

My favorite part of my job is creating strategies to help my clients succeed. I am energized and inspired by all the opportunities I see for Rolla to grow and prosper in the coming years. I would love to be actively involved in making this vision a reality.

Summary of Relevant Experience
Please see my resume enclosed for a summary of relevant experience.

Monthly Retainer Fee for “Basic Services”
I would require a monthly retainer fee of $2,000 per month.

Hourly Rate for “Additional Legal Services”
My hourly rate for additional legal services would be $150 per hour.

You may reach me on my cell phone at (573) 578-2248 or by email at michele.marxkors@gmail.com. Thank you in advance for your time and consideration.

Sincerely,

Michele Marxkors Kelsaw, Esq., MBA
Michele Marxkors Kelsaw, Esq., MBA
P.O. Box 41, Rolla, MO 65402
(573) 578-2248
michele.marxkors@gmail.com
Admitted in Missouri & Illinois.

Education:
WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri
- Juris Doctor, May 2009
- Dean’s List Honors Spring 2008 (GPA: 90.15; Top 20%: 90.45)
- 2008 Recipient of the Judge James Ruddy Memorial Scholarship
- Environmental Moot Court Participant 2009

STETSON UNIVERSITY, DeLand, FL
- Master of Business Administration, May 2006 GPA: 3.6
- Stetson University Graduate Assistantship Award for the 2005-2006 academic year

STETSON UNIVERSITY, DeLand, FL
- Bachelor of Business Administration *Magna Cum Laude*, May 2005 GPA: 3.75
- Dean’s List (Fall 2002-Spring 2005)
- Stetson University Business School Foundation Merit Award for General Business 2004-2005
- Alpha Xi Delta Sorority Slaymaker-Kinsey Academic Achievement Award for 2002-2003 and 2003-2004

Experience:
Michele Marxkors, Attorney at Law, LLC
D.B.A. Marxkors & Kelsaw, Attorneys at Law, LLC, Rolla, MO
- Member
  - Handling cases in the following practice areas: business law, estate planning, real estate, family, criminal, and general civil litigation.
  - Practicing in the following counties: Phelps, Pulaski, Texas, Maries, Dent, and Crawford.

Guetersloh Law Firm, Rolla, MO
- Associate
  - Served as a litigation attorney in a two-person law firm.
  - Conducted all aspects of litigation including: consultations, drafting lawsuits and legal documents, discovery, depositions, court appearances, trial, and settlement negotiations.
  - Handled cases in the following areas: family, civil rights, workers’ compensation, personal injury, employment, estate planning, criminal, and general civil litigation. Practiced in the following counties: Phelps, Pulaski, Texas, Maries, Dent, Crawford, Iron, Franklin, and Shannon.
  - Sole family law attorney with the firm. Handled a full caseload encompassing all aspects of family law including: custody, dissolution, paternity, child support, orders of protection, and modifications.

Legal Services of Eastern Missouri, St. Louis, MO
- Volunteer Attorney
  - Handled pro bono cases in the housing unit. Represented tenants in disputes involving the local housing authorities and their landlords.
LEGAL SERVICES OF EASTERN MISSOURI, St. Louis, MO

- Legal Intern
  - Assisted in the Housing Unit. Researched and drafted legal memorandum. Represented clients in administrative hearings before the city and county housing authorities. Made court appearances as a Rule 13 certified law student. Assisted negotiating settlements.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS Fall 2008

- Law Clerk for Magistrate Judge Donald G. Wilkerson
  - Clerked for Judge Wilkerson as part of the Judicial Clerkship Clinic at Washington University School of Law. Researched and drafted legal memorandums and orders relating to civil and criminal cases that were currently pending before Judge Wilkerson.

WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, MO Summer 2007 – Winter 2007

- Research Assistant
  - Assisted Professors Pauline Kim and Margo Schlanger with their research and development of the Civil Rights Litigation Clearinghouse by researching cases involving Title VII of the Civil Rights Act of 1964.