Note: Please turn off all cell phones and pagers during the meeting.

Open Citizen Comment Procedure
1) Public Hearings – Any citizen is allowed to ask questions and/or make comments during any public hearing scheduled for a particular issue.
2) “Citizen Communication” – Public comment can be provided on any item on the agenda or on issues affecting the City not on the agenda. Public comments should generally be limited to 3-5 minutes. Citizens are encouraged (but not required) to contact City Administration one week prior to the meeting, preferably in writing, to be placed on the agenda. Doing so provides Council an opportunity to give consideration to the issue/comment.

AGENDA OF THE ROLLA CITY COUNCIL
Monday, April 3, 2017
City Hall Council Chambers
901 North Elm Street
6:30 P.M.

PRESIDING: MAYOR LOUIS J. MAGDITS, IV

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

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman John Meusch

I. CONSENT AGENDA
A) Consider Approval of the City Council Minutes of:
   1) City Council Meeting – March 6, 2017
   2) City Council Closed Session Meeting – March 6, 2017
   3) City Council Meeting – March 20, 2017
   4) City Council Closed Session Meeting – March 20, 2017

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 – February 2017
B) Police Department Monthly Report – February 2017
C) Animal Control Division Monthly Report – February 2017
D) The Centre Financial Analysis – February 2017
E) Park Department Financial Analysis – February 2017
F) Health & Recreation Center Board Meeting Minutes – February 15, 2017
G) Airport Advisory Committee Meeting Notes – March 7, 2017
H) Development Review Committee Meeting Minutes – February 28, 2017
I) Planning and Zoning Commission Meeting Minutes – February 14, 2017
J) Board of Adjustment Meeting Minutes – March 2, 2017
V. **OLD BUSINESS**
A) **Ordinance** to Join MoPEP Communities in Exemption from FERC/PURPA – (RMU General Manager Rodney Bourne) – **Final Reading**
B) **Ordinance** Authorizing the Mayor to Enter into a Contract with Donelson Construction Co., for 2017 Micro Surfacing – (Public Works Director Steve Hargis) – **Final Reading**
C) **Ordinance** Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for 2017 Phase I Asphalt Improvements - (Public Works Director Steve Hargis) – **Final Reading**
D) **Ordinance** Authorizing the Mayor to Enter into a Contract with N.B. West for 2017 Phase II Asphalt Improvements – (Public Works Director Steve Hargis) – **Final Reading**
E) **Ordinance** Rezoning Lot 1, Spring Properties 1st Addition & Lot 10, Block 10, Holloway 1st Addition from R-2 (Two Family District) to R-3 (Multi-Family District) (Spring Properties LLC) – (Community Development Director John Petersen) – **Final Reading**
F) **Ordinance** Rezoning .51-Acre Tract Located Near the Intersection of Hwy. 72 & King Drive from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) Zoning (Walker) - (Community Development Director John Petersen) – **Final Reading**
G) **Ordinance** Approving the Resubdivision of Lot 1, HyPoint Industrial Park North Plat No. 3 (HyPoint) – (Community Development Director John Petersen) – **Final Reading**
H) **Ordinance** Approving the Welty Subdivision, Lot 5, Block 2, School View Addition No. 2 & All of Lot 4 in Walkers Addition (Welty) – (Community Development Director John Petersen) – **Final Reading**

VI. **NEW BUSINESS**
A) **Ordinance** Approving the Resubdivision of Lots 1, 2, 3&4, Block 10, Holloway First Addition – (Chapman) (Community Development Director John Petersen) – **First Reading**

VII. **CLAIMS and/or FISCAL TRANSACTIONS**

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(12) RSMo. the City Council will discuss the following issues in Closed Session:
A) Real Estate

XII. **ADJOURNMENT**
ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, MARCH 6, 2017; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET  

Presiding: Mayor Louis J. Magdits, IV  

Council Members in Attendance: Jonathan Hines, Monty Jordan, Matthew Miller, Matthew Crowell, Kelly Long (arrived at 6:45 p.m.), Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe  

Council Members Absent: None.  

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

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

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

Councilwoman Susan Eudaly led in the Pledge of Allegiance.  

I. CONSENT AGENDA  

A motion was made by Williams and seconded by Eudaly to approve the consent agenda as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one 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 – February 6, 2017  
   2) City Council Closed Session Meeting – February 6, 2017  
   3) City Council Meeting – February 21, 2017  
   4) City Council Closed Session Meeting – February 21, 2017  

(B) Motion Approving Right-of-Way Easement – Intercounty Electric (for New Terminal Office Building): City Administrator John Butz said the City has been asked to grant an easement to Intercounty Electric as they install the permanent underground electric to the new terminal building at the Rolla National Airport. A motion was made  

MARCH 6, 2017  

[Signature]  

[Initials]
I. CONSENT AGENDA (continued)

by Williams and seconded by Eudaly to authorize the Mayor to grant and convey unto Intercounty Electric Cooperative Association a right-of-way easement at the Rolla National Airport. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

II. PUBLIC HEARINGS

(A) Resolution Authorizing Housing Revenue Bonds by the IDA for Rolla Apts.: City Administrator John Butz recalled in September 2016, the Council held a public hearing and approved a resolution authorizing participation under the City’s 353 Redevelopment Corporation project for the substantial renovation of the Rolla Apartments project. He told the Council the Industrial Development Authority (IDA) reviewed the request for the issuance of housing revenue bonds for this project and deferred to the Council for the required public hearing and authorization.

Mr. Rob Salomon, project developer, provided a brief overview of the proposed project and explained Rolla Apartments would be receiving tax credits from MHDC (Missouri Housing Development Corporation).

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed housing revenue bonds. No one present addressed the Council. Mayor Magdits closed the public hearing.

City Administrator John Butz added that neither the City nor the IDA has any responsibility for any debt service payments.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1875: A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF ROLLA, MISSOURI FOR A HOUSING PROJECT. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.
III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) 2016 Fourth Quarter Tourism Report: Rolla Area Chamber of Commerce Executive Director Ms. Stevie Kearse provided an overview of the 2016 Fourth Quarter Tourism Report.

Councilman Kelly Long entered the meeting at approximately 6:45 p.m.

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

Mayor Magdits referred the Council to (A) the January 2017, Environmental Services Department Monthly Report; (B) the January 2017, Police Department Monthly Report; (C) the January 2017, Animal Control Division Monthly Report; (D) the January 2017, Municipal Utilities Monthly Report; (E) the January 24, 2017, Rolla Board of Public Works Meeting Minutes; (F) the February 2017, Building Codes Monthly Report; (G) the February 2017, Municipal Court Monthly Report; (H) the January 2017, Centre Financial Analysis; (I) the January 2017, Park Financial Analysis; and (J) the January 18, 2017, Health and Recreation Center Board Meeting Minutes.

V. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a Mutual Aid Agreement with the Pulaski County Sheriff's Dept.: Police Chief Sean Fagan explained the subject mutual aid agreement is a memorandum of understanding between the Pulaski County Sheriff's Department and the Rolla Police Department. The agreement authorizes the Rolla Police Department to work within the jurisdiction of Pulaski County.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4329: 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 PULASKI COUNTY SHERIFF'S DEPARTMENT PERTAINING TO MUTUAL AID. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Jordan, Morris, Long, Eudaly, and Crowell. Nays: None. Absent: None. Motion carried. The ordinance passed.

MARCH 6, 2017

I.A.3.
V. OLD BUSINESS (continued)

(B) Ordinance Approving the Resubdivision of Lots 7, 8 & 9, Block 10, of the Holloway Addition (Spring Properties): Community Development Director John Petersen explained the subject property is located at the intersection of Twelfth and Iowa Streets. The new property owners would like to redevelop the property. Mr. Petersen explained the applicant is requesting the elimination of the interior lot lines, creating one large lot.

A motion was made by Eudaly and seconded by Williams to amend the proposed ordinance to read “…to eliminate interior lot lines between Lots 7 and 8, and Lots 8 and 9, Holloway Addition…” A voice vote on the motion showed twelve ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4330: AN ORDINANCE APPROVING THE RE-SUBDIVISION OF LOTS 7, 8, AND 9, BLOCK 10, OF THE HOLLOWAY FIRST ADDITION TO ELIMINATE INTERIOR LOT LINES BETWEEN LOTS 7 AND 8 AND LOTS 8 AND 9, HOLLOWAY ADDITION TO SUBSTITUTE A MINOR SUBDIVISION DESCRIBED AS LOT 1, SPRING PROPERTIES FIRST ADDITION, CITY OF ROLLA, PHELPS COUNTY, MISSOURI (SPRING PROPERTIES). A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Jung, Eudaly, Woolley, Miller, Bowe, Crowell, Meusch, Long, Morris, and Hines. Nays; None. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Approving the Final TIF/TDD Documents – Westside Market Place Financing Agreement: City Administrator John Butz explained the subject ordinance would authorize the financing tool for the Westside Marketplace project.

Mr. Mark Spykerman with Gilmore and Bell explained the subject ordinance approves several agreements related to Tax Increment Financing (TIF) and the Transportation Development District (TDD).
VI. NEW BUSINESS (continued)

(A) Ordinance Approving the Final TIF/TDD Documents – Westside Market Place Financing Agreement (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING VARIOUS AGREEMENTS AND ACTIONS IN CONNECTION WITH THE ROLLA WESTSIDE MARKETPLACE PROJECT.

(B) Resolution Approving the Assignment from UTW to Menards: City Administrator John Butz informed the Council that this document is a condition of the closing, which is tentatively scheduled for this Friday. He explained the document stipulates if UTW were to default and they are unable to exercise their obligations under the agreement, Menards, who is making a considerable investment, wants to know the roads will be built. Additionally, it is an approval from the City to assign to Menards all rights and privileges under the agreement granted to UTW on that portion of the project.

Following discussion, City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1876: A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSENT TO ASSIGNMENT RELATED TO THE ROLLA WESTSIDE MARKETPLACE PROJECT. A motion was made by Williams and seconded by Long to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

(C) Ordinance Authorizing the Application of Traffic Grants Through MoDOT: Police Chief Sean Fagan asked the Council to consider authorizing the Police Department to apply for a traffic grant through the Missouri Department of Transportation (MoDOT). The grant is used to fund overtime for DWI and traffic enforcement. Chief Fagan explained the grant pays 100% of the officers’ overtime. Due to the timing of the application, he asked the Council to consider the first and final readings of the subject ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4331: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE MISSOURI DEPARTMENT OF TRANSPORTATION PERTAINING TO GRANTS. A motion was made by Eudaly and
VI. NEW BUSINESS (continued)

(C) Ordinance Authorizing the Application of Traffic Grants Through MoDOT (continued): seconded by Morris to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Bowe, Woolley, Miller, Williams, Hines, Long, Meusch, Jordan, Morris, Crowell, Eudaly, and Jung. Nays: None. Absent: None. Motion carried. The ordinance passed.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Ballfield Fencing Proposal: Parks and Recreation Director Floyd Jernigan asked the Council to consider awarding the bid for fencing for the outfield and infield at Larry Wilson Memorial Softball Field, located in Ber Juan Park. The Larry Wilson Memorial Field Committee raised $18,500 for work on the field. Mr. Jernigan recommended approval of the bid from Mid-Missouri Fence Co., for $21,700. The Parks and Recreation Department would pay the $3,200 difference.

A motion was made by Williams and seconded by Long to award the bid for the fencing of the Larry Wilson Memorial Softball Field to the low bidder, Mid-Missouri Fence Company, Dixon, Missouri for $21,700. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Bid for Three Park Dept. Mowers: Parks and Recreation Director Floyd Jernigan explained bids were received for three, 2017 zero turn radius diesel mowers, 26 horsepower, and 72-inch mower decks for the Parks Department. The surplus mowers will be transferred to the Rolla National Airport. Staff is recommending the bid be awarded to Wayde’s Equipment for $42,062.66.

A motion was made by Williams and seconded by Eudaly to award the bid for three 2017 zero turning radius diesel mowers to Wayde’s Equipment, Steelville, Missouri, for a total of $42,062.55. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion Authorizing the Purchase of 37 Glock 43 Pistols from the Asset Forfeiture Account: Police Chief Sean Fagan asked the Council to consider authorizing the purchase of thirty-seven, Glock 43 pistols, using funds from the asset forfeiture

MARCH 6, 2017

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I, A. G.
VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Authorizing the Purchase of 37 Glock 43 Pistols from the Asset Forfeiture Account (continued): account. He said the Police Department requires officers to have a pistol on them at all times (on and off duty). By purchasing the Glock 43 pistols instead of asking the officers to personally purchase a pistol would ensure they have a more reliable weapon. Chief Fagan asked that the drug forfeiture funds be used to purchase these weapons.

A motion was made by Williams and seconded by Jordan to authorize the purchase of thirty-seven, Glock 43 pistols for $6,105 from Kiesler Police Supply, Indiana, paid from the asset forfeiture account to be issued to officers as backup/off duty weapons. A voice vote on the motion showed twelve ayes, zero nays, and zero nays. Motion carried.

(D) Motion Awarding the Bid for 2017 Concrete Improvements, Project 436; and, an Ordinance Authorizing the Mayor to Enter into An Agreement with Donald Maggi, Inc., for Same: Public Works Director Steve Hargis reported only one bid was received for the 2017 Concrete Improvements. The streets included in this project are Old St. James Road, White Columns Drive, HyPoint Blvd., and McCutchen Drive. Mr. Hargis explained this contract would replace or add new concrete curb and gutter, and/or sidewalk or driveways. Staff recommends the bid be awarded to Donald Maggi, Inc., for $205,030.65. Mr. Hargis asked the Council to also consider the first reading of an ordinance, which would authorize the Mayor to enter into a contract with Donald Maggi, Inc. for this project.

After a brief discussion, a motion was made by Eudaly and seconded by Williams to award the bid for Project 436 - 2017 Concrete Improvements to Donald Maggi, Inc., for $205,030.65. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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 DONALD MAGGI, INC., FOR 2017 CONCRETE IMPROVEMENTS, PROJECT 436.

(E) Motion Awarding Bids for Medium Duty Trucks: Public Works Director Steve Hargis indicated bids for pickup trucks for both the Public Works and Parks Departments were obtained. Staff is recommending the bid for a 2017 Dodge Ram crew cab, three-
VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(E) Motion Awarding Bids for Medium Duty Trucks (continued): quarter ton pickup with utility bed for the Wastewater Department be awarded to Black Hawk Motors, Prairie Du Chein, Wisconsin for $31,283; a 2017 Dodge Ram crew cab, three-quarter ton pickup with eight foot bed for the Sewer Department be awarded to Black Hawk Motors, Prairie Du Chein, Wisconsin for $27,894; and, a 2017 Dodge Ram crew cab three-quarter ton pickup with six foot bed for the Parks Department be awarded to Black Hawk Motors, Prairie Du Chein, Wisconsin for $27,137. A motion was made by Williams and seconded by Eudaly to award the bids for the above-listed vehicles as outlined by Public Works Director Steve Hargis. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

Mr. Hargis explained staff also recommends the bid for a 2017 Ford F-350 crew cab, one-ton pickup with flat bed for the Street Department be awarded to the Missouri State bid, Bommarito Ford Company, for $36,772. A motion was made by Williams and seconded by Eudaly to award the bid for the 2017 crew cab, one-ton pickup with flat bed for the Street Department to Bommarito Ford Company for $36,772. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to any citizen wishing to address the Council. No one present responded.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Approving the Appointment of Mr. Randy Stoll to the Airport Advisory Committee to Complete the Unexpired Term of Mr. Jim Sowers who Resigned (July 2017): A motion was made by Williams and seconded by Long to approve the appointment of Mr. Randy Stoll to the Airport Advisory Committee to complete the unexpired term of Mr. Jim Sowers. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Approving the Appointment of Ms. Laura Stoll as an Alternate Member to the Board of Adjustment to Replace Ms. Sue Eudaly (March 2022): A motion was made by Williams and seconded by Long to appoint Ms. Laura Stoll as an alternate
IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Motion Approving the Appointment of Ms. Laura Stoll as an Alternate Member to the Board of Adjustment to Replace Ms. Sue Eudaly (March 2022) (continued); member to the Board of Adjustment to replace Ms. Sue Eudaly. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

A motion was made by Williams and seconded by Eudaly 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: Meusch, Eudaly, Jung, Hines, Woolley, Miller, Bowe, Crowell, Long, Jordan, Morris, and Williams. Nays: None. Absent: None. Motion carried.

The Council adjourned into Closed Session at approximately 7:22 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 8:17 p.m.

City Counselor Lance Thurman announced that during Closed Session, the Council discussed real estate matters; however, no final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:18 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

MARCH 6, 2017
ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 20, 2017; 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: Community Development Director John Petersen, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Sean Fagan, Parks and Recreation Director Floyd Jernigan, 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 Councilman Don Morris to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning Lot 1, Spring Properties 1st Addition & Lot 10, Block 10, Holloway 1st Addition from R-2 (Two Family District) to R-3 (Multi-Family District) Zoning (Spring Properties, LLC): Community Development Director John Petersen indicated the applicant is requesting the subject property, located at 703 E. 12th Street, be rezoned from R-2 (Two Family District) to R-3 (Multi-Family District). The total lot size is 17,860 square feet. Mr. Petersen noted the Planning and Zoning Commission voted six to two to recommend approval of the requested rezoning. He noted the area is congested and concerns with lack of parking were expressed at the Planning and Zoning Commission.

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

MARCH 20, 2017

I.A.10
I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Lot 1, Spring Properties 1st Addition & Lot 10, Block 10, Holloway 1st Addition from R-2 (Two Family District) to R-3 (Multi-Family District) Zoning (Spring Properties, LLC) (continued): Ms. Barbara Wilkins, representing Spring Properties, LLC, told the Council they plan to construct eight conjoined townhouses, with one bedroom and all on one level. She told the Council her mother lives next door to the property and nothing will be allowed on the property without her mother’s approval. Ms. Wilkins said she anticipates putting in eight parking spaces in front.

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 RE-ZONING OF LOT 1, SPRING PROPERTIES LLC FIRST ADDITION, & LOT 10, BLOCK 10, HOLLOWAY FIRST ADDITION FROM R-2 (TWO FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING, CITY OF ROLLA, PHELPS COUNTY, MISSOURI (SPRING PROPERTIES LLC).

(B) Ordinance Rezoning .51-Acre Tract Located Near the Intersection of Hwy. 72 & King Drive from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) Zoning (Walker): Community Development Director John Petersen explained the subject property is located at the corner of Highway 72 and King Drive, and consists of about .51 acres. He said the request is to rezone the property to C-3 (Highway Commercial District) in order to accommodate a maximum of a 60-foot high sign. Mr. Petersen reported the Planning and Zoning Commission unanimously voted to recommend approval of the rezoning request.

The Council expressed concern with the size and illumination of the proposed sign.

The owner of the property addressed the Council and indicated his brother-in-law and nephew rent the building. He said he does not have all the details, but believes they have not yet decided on the size of the sign.

City Administrator John Butz told the Council staff would bring back a table at the next meeting showing size comparisons of signs in certain zonings. He reminded the Council they are not approving a sign shape, rather a rezoning that accommodates a sign. Mr. Butz pointed out City regulations stipulate the maximum sign size.
I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning .51-Acre Tract Located Near the Intersection of Hwy. 72 & King Drive from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) Zoning (Walker) (continued): Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE RE-ZONING OF A .51-ACRE TRACT (22,215 SQ. FT.) LOCATED NEAR THE INTERSECTION OF HIGHWAY 72 & KING DRIVE FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (WALKER)

So the Council is prepared for its next meeting in two weeks, Mayor Magdits asked Council what they would like to see regarding this rezoning request. The Council asked for a copy of the sign regulations for C-3 (Highway Commercial District), the type of businesses that are allowed in a C-3 (Highway Commercial District) zoned area, and to ask the business owners to attend the next meeting to entertain questions.

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

(A) Ordinance Approving the Final TIF/TDD Documents – Westside Market Place Financing Agreement: City Administrator John Butz explained the subject ordinance is the culmination of what has been three years worth of work. He said it is the final action on the approval of the entire Westside Market Place consisting of Menards, Academy Sports, T.J. Maxx, and PetSmart. Mr. Butz said it combines elements of not only the TIF (Tax Increment Financing) project and lays out those details in the agreement, but also talks about the TDD (Transportation Development District) and how that is incorporated. Mr. Butz indicated the final reading of the proposed ordinance would put in place the financing agreement that includes four key documents consisting of the Financing Agreement, Intergovernmental Cooperative agreement, the Administrative Services...
III. OLD BUSINESS (continued)

(A) Ordinance Approving the Final TIE/TDD Documents – Westside Market Place Financing Agreement (continued): Agreement and the Technical Assistance contract. He pointed out the bond purchase agreement, included during the first reading of the subject ordinance, has been removed from the document since the City is not required to execute that document.

Mr. Mark Grimm with Gilmore and Bell explained the subject ordinance substantively puts into a different form the obligations of the City Council that were embodied into the Redevelopment Agreement with the developer that was approved in September 2016. He explained the Redevelopment Agreement outlines the funds that are going to be contributed by the City, community and the County toward this project.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4332: AN ORDINANCE APPROVING VARIOUS AGREEMENTS AND ACTIONS IN CONNECTION WITH THE ROLLA WESTSIDE MARKETPLACE PROJECT. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter into An Agreement with Donald Maggi, Inc. for 2017 Concrete Improvements-Project 436 – (Public Works Director Steve Hargis): Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter into an agreement with Donald Maggi, Inc., for concrete work, i.e., curb and gutter, sidewalk, and driveway aprons. This work would be done on Old St. James Road, White Columns Drive, HyPoint Blvd., and McCutchen Drive.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4333: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI, INC., FOR 2017 CONCRETE IMPROVEMENTS, PROJECT 436. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Miller, Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Eudaly, and Morris. Nays; None. Absent; None. Motion carried. The ordinance passed.
IV. NEW BUSINESS

(A) Ordinance Approving the Resubdivision of Lot 1, HyPoint Industrial Park North Plat No. 3 (HyPoint): Community Development Director John Petersen noted the subject property is located east of State Route V at the intersection of HyPoint Industrial Park North. He said the Rolla Community Development Corporation (RCDC) owns Lot 1 and Pepsi Cola Bottling Company is acquiring Lot 2. Mr. Petersen explained the existing interior lot lines associated with Lot 2, would be eliminated and consolidated.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE RE-SUBDIVISION OF A MINOR SUBDIVISION, BEING A FRACTIONAL PART OF THE SOUTHWEST QUARTER NORTHWEST QUARTER, SECTION 29, TOWNSHIP 38 NORTH, RANGE 7 WEST AND ALL OF LOT 1, HYPOINT INDUSTRIAL PARK NORTH PLAT NO. 3, ROLLA, PHELPS COUNTY, MISSOURI (HYPOINT).

(B) Ordinance Approving the Welty Subdivision, Lot 5, Block 2, School View Addition No. 2 & All of Lot 4 in Walker’s Addition (Welty): Community Development Director John Petersen informed the Council that the property owners wish to subdivide the land as shown on the plat and create the Welty Addition. He told the Council the owner has expressed some interest in constructing a garage.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE ESTABLISHMENT OF THE WELTY SUBDIVISION, A MINOR SUBDIVISION, BEING A CONSOLIDATION OF LOT 5, BLOCK 2, SCHOOL VIEW ADDITION NUMBER TWO AND ALL OF LOT 4 AND PORTIONS OF ADJOINING VACATED ALLEYS, ALL IN WALKER’S ADDITION ROLLA, PHELPS COUNTY, MISSOURI (WELTY).

(C) Motion Approving Trial Airport Fuel Discount Program for 2017 and 2018: At the recommendation of the Airport Advisory Committee, City Administrator John Butz asked the Council to consider a trial airport fuel discount program for calendar years 2017 and 2018. He said the Airport Advisory Committee discussed a ratcheted large-volume purchase program, but for ease of billing and tracking recommended a flat preferred large volume discount of $.35 over cost for customers with purchases over 5,000 gallons in any calendar year.
COUNCIL MEETING MINUTES
MARCH 20, 2017
PAGE 6

IV. NEW BUSINESS (continued)

(C) Motion Approving Trial Airport Fuel Discount Program for 2017 and 2018 (continued): A motion was made by Morris and seconded by Williams to authorize a trial airport fuel discount program for calendar years 2017 and 2018 as outlined by City Administrator John Butz. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Motion to Alter the Developer Name on the Rolla Apts. Development Agreement: City Administrator John Butz explained when the Council approved the Rolla Apartments Development Agreement in September 2016, the developer’s name was “Rolla Maryland, LLC.” The company is recommending the agreement be amended by changing the name to “Rolla Developer, LLC.” A motion was made by Long and seconded by Williams that the City consents to the assignment of rights under Ordinance No. 4297 from “Rolla Maryland, LLC” to “Rolla Developer, LLC”. In accordance with the motion “Rolla Developer LLC,” in lieu of Rolla Maryland, LLC, will be the developer party to the Development Agreement approved by Ordinance No. 4297, subject to verification of their registration with the Missouri Secretary of State’s Office. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(E) Ordinance to Join MoPEP Communities in Exemption from FERC/PURPA: Rolla Municipal Utilities General Manager Rodney Bourne explained the subject waiver transfers RMU’s (Rolla Municipal Utilities) obligations for qualifying facilities greater than 20 megawatts to the electric commission as part of the MoPEP (Missouri Public Energy Pool) agreement. He reported the Rolla Board of Public Works reviewed this at its February meeting and recommended the City Council approve the ordinance as it is written.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING FILING OF APPLICATIONS WITH THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) BY THE MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION (MJMEUC) ON BEHALF OF THE CITY OF ROLLA, A MEMBER CITY OF MJMEUC, FOR WAIVERS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 (PURPA) FOR FACILITIES GREATER THAN 20MW AND EXEMPTING CITY FROM PURCHASE REQUIREMENTS REGARDING QUALIFYING FACILITIES AND ADOPTING RULES FOR COMPLIANCE WITH FERC’S PURPA REGULATIONS.

MARCH 20, 2017

I.A.15.
V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Rescinding Previous Bid Award with Bommarito Ford and Award Bid for 2017 Crew Cab, One-Ton Pickup with Flat Bed to Putnam Chevrolet for Street Dept.: Public Works Director Steve Hargis recalled that during the last meeting, the Council awarded the bid for a Ford medium duty truck to Bommarito Ford. It was discovered that Bommarito Ford made an error on the State bid and they requested withdrawal of their bid. Mr. Hargis asked the Council to consider rescinding the bid with Bommarito Ford and to award the bid to the next low bidder, Putnam Chevrolet for a 2017 Chevrolet 3500 for $41,518.00. A motion was made by Williams and seconded by Eudaly to rescind the previous bid award for a Ford medium duty truck with Bommarito Ford. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

A motion was made by Williams and seconded by Eudaly to award the bid for a 2017 Chevrolet 3500 for $41,518.00 to Putnam Chevrolet. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Bid for 2017 Micro Surfacing; and an Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction Co., for Same: Public Works Director Steve Hargis told the Council the following three bid awards are for the City’s summer resurfacing program. He asked the Council to consider awarding the bid for micro surfacing to the sole bidder, Donelson Construction Co., LLC, Clever, Missouri for $427,080.00. Mr. Hargis said this bid would micro surface about ten miles of streets. A motion was made by Williams and seconded by Morris to award the bid for the 2017 Micro Surfacing to Donelson Construction for $427,080.00. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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 DONELSON CONSTRUCTION COMPANY, LLC. FOR 2017 MICRO SURFACING, PROJECT 432.

(C) Motion Awarding Bid for 2017 Phase I Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for Same: Public Works Director Steve Hargis indicated bids were received for the City’s 2017 Phase I asphalt improvements which includes Sixth Street, HyPoint Blvd., Oak Street, Old St. James Road, and Elm Street. Staff recommends the bid be
V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for 2017 Phase I Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for Same (continued): awarded to the low bidder, Pierce Asphalt, LLC, Rolla, Missouri, for $229,974.75. A motion was made by Williams and seconded by Eudaly to award the bid for the 2017 Phase I Asphalt Improvements to the low bidder, Pierce Asphalt, LLC for $229,974.75. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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 PIERCE ASPHALT, LLC. FOR 2017 PHASE I ASPHALT IMPROVEMENTS, PROJECT 440.

(D) Motion Awarding Bid for 2017 Phase II Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into a Contract with N.B. West for Same: Public Works Director Steve Hargis indicated bids were received for the 2017 Phase II Asphalt Improvements for milling and overlaying Bridge School Road. Staff recommends awarding the bid to the low bidder, N.B. West, Sullivan, Missouri for $156,965.00. A motion was made by Williams and seconded by Eudaly to award the bid for the 2017 Phase II Asphalt Improvements to N.B. West, Sullivan, Missouri for $156,965.00. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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 N.B. WEST FOR 2017 PHASE II ASPHALT IMPROVEMENTS, PROJECT 442.
VI. MAYOR/CITY COUNCIL COMMENTS

(A) St. Pat’s Weekend Synopsis: At the request of Mayor Magdits, Police Chief Sean Fagan reported St. Pat’s weekend went well. He said there were a couple of calls for fights at the bars, but by the time they arrived, they had ended. Chief Fagan indicated there was an incidence of an intoxicated individual on a horse, who was going in and out of traffic on Highway 63. Chief Fagan added no police officers were injured this past weekend as was rumored.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to any citizen wishing to address the Council. No one present responded.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) High Grass: Councilman Williams reminded residents to keep their lawns mowed.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:48 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 9:18 p.m.

City Counselor Carolyn Buschjost reported the Council discussed matters involving real estate, but no final actions were taken.
XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:19 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR
# FEBRUARY MATERIALS COLLECTED & SHIPPED FROM RECYCLING CENTER

(Based on Calendar Year)

<table>
<thead>
<tr>
<th>Material</th>
<th>Feb 2017</th>
<th>Jan 2017</th>
<th>Jan 2016</th>
<th>Year-to-Date 2017</th>
<th>Year-to-Date 2016</th>
<th>Yearly Total 2016</th>
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<tbody>
<tr>
<td>Cardboard</td>
<td>110.0 ton</td>
<td>155.0 ton</td>
<td>128.7 ton</td>
<td>265.0 ton</td>
<td>128.7 ton</td>
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<td>Newspaper</td>
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<td>62.0 ton</td>
<td>40.4 ton</td>
<td>103.7 ton</td>
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<td>Aluminum</td>
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<tr>
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<td>Plastic</td>
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<td><strong>291.3 ton</strong></td>
<td><strong>253.5 ton</strong></td>
<td><strong>484.1 ton</strong></td>
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## SERVICES PROVIDED

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<th>Jan 2016</th>
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## DISPOSAL TONNAGE

(Sanitation Division)

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<th>Jan 2016</th>
<th>Year-to-Date 2017</th>
<th>Year-to-Date 2016</th>
<th>Yearly Total 2016</th>
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<td>Intoxicated Person</td>
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<td>Juvenile Complaint</td>
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<td>Keep the Peace/Standby</td>
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<td>Leave without Pay</td>
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<td>Littering/Dumping</td>
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Total: 2593
February 2017

Part I Crimes

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# ANIMAL CONTROL MONTHLY TOTALS

**February 2017**

## ANIMALS IMPOUNDED

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## ANIMAL DISPOSITION

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## ADDITIONAL STATISTICS

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*IV: 9/1*
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**Note:** The table above is a financial analysis for a specific period, showing revenue and expenses for different categories such as Reimburse/Donation Programs, Utilities, etc., with profit amounts calculated at the end of each period.
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Health & Recreation Center Board
Meeting Minutes

February 15, 2017  6:30 p.m.
The Centre Conference Room

Members Present: Francine Merenga, Mike Miller, Bill Moorkamp, Kevin Edwards, and ex-officio member, Floyd Jernigan.
Members Absent: Tracy Limmer.
Others Present: Mary Withouse, Matt Whittingham, and Julie Rodgers.

1. Call to Order
   • Mr. Moorkamp called the meeting to order at 6:35 p.m.

2. Approval of previous meeting minutes
   • Ms. Merenga made a motion to approve last meeting minutes. Mr. Edwards seconded the motion.

3. Centre Director Report
   • Mr. Jernigan reported on findings from the conference Marci Fairbanks', Aquatic Manager, attended. The Centre seems to be in the minority of facilities allowing kids age 8 – 11 years old to swim unaccompanied by an adult. The Pool Managers Marci spoke with are requiring youth to be at least 12 years of age.
   • There was group discussion regarding MIRMA and research we would need to do to determine that information.
   • Mr. Jernigan reported that he and his staff were traveling to Branson for MPRA Conference and would look into this further.
   • Our Daddy Daughter Valentine's Dance was a great event. We had over 133 who attended. We will look into a possible Mother/Son event.
   • The Centre will host Zumba Certification training and testing. It will be on Zumba Basic and Zumba Gold Certifications. In-house, we have one person for Zumba Basic and four for Zumba Gold, so we should be able to offer the course. It is a good opportunity for us to be able to host it here, rather than making people travel far away to get their certifications.
   • In March, we will open the pool on Tuesday and Thursday afternoons. It will have an added cost, so we will have to take a measure of attendance and see if there is any increase in memberships.
   • We have done a triple check on membership pricing. We are now checking household by household and new memberships. We are analyzing training procedures and will to spot checks along the way.
   • We are making new member calls. Brenda Heth is making those calls. She asks them if they have received the forms and offers in the new member packet. It is also an extra chance for us to simply touch base with them.
   • Brenda Heth is also calling those with memberships about to expire. We will expand from recently cancelled memberships to those further out. We hope to be able to add another person to be able to help with these calls.
   • Working to clean up the collection process. We've partnered with Steffanie Rogers, Finance Director, to help in this process. She hired a new person in her office who will be helping with the collections calls. For the first two months of a collection...
issue on a membership, we contact the people. After that, it will be dealt with in more severe measures. It is a more formal process in a graduated series of contact from The City of Rolla Finance Department. Mr. Edwards asked how we would have money owed from previous years. Mr. Jernigan explained our annual contracts with members and how it is possible for a non-payment situation to occur and the difficulty we sometimes encounter in collecting. If members do not supply us with up-to-date contact information or billing information, we cannot always contact them for payment. Mr. Edwards asked about payment collection for facility reservations. The Centre primarily collects in advance for one-time rentals. We do allow returning monthly rentals to charge for reservations booked in advance.

4. Financials/Metrics
   • Mr. Moorkamp presented the Centre's Financial Spreadsheet. He pointed out that some numbers are generated by RecTrac. Revenues mostly come from Finance Department at City Hall. There is a difference between RecTrac generated numbers and Finance numbers. Some of the revenue showing in RecTrac for January is actually carried over from December.
   • The committee discussed room rentals at The Centre and possible ways to generate more rentals. Mr. Jernigan agreed that our numbers seem low, but is very typical for our type of facility. It was suggested that we contact known organizations to see if they would be interested in coming here for meetings.
   • Mr. Edwards asked a question which prompted discussion regarding a cost per member figure.
   • Mr. Jernigan is gathering information regarding the various forms in which we receive feedback from members and patrons. These include phone calls, comment cards, conversations with patrons, and face book comments.
   • Mr. Jernigan said he would like to increase fitness classes during open hours.

5. Old Business
   • Ms. Merenghi brought up discussion regarding weights being dropped on the Fitness Floor. She talked to a patron, Shawn Hodges, who explained why they “drop the weights.” Mr. Jernigan also spoke on different forms of “dropping.” Matt Whittingham, a Personal Trainer at The Centre, spoke to the group to explain the physiological reasoning for not “gently setting down the weight.” The group discussed the fact that we do not want to lose these power lifters from coming to The Centre. There was discussion regarding different types of materials we could install to lessen the impact of dropping the weights. Mr. Moorkamp asked if we could partner with the power lifter group to ask them if they could match us with the cost of the material for the floor. Matt Whittingham talked about some of the different types of “boxes” we could put on the Fitness Floor. He said we could purchase a nice system for $700. Mr. Moorkamp asked Mr. Whittingham if the boxes would encourage more dropping. Mr. Whittingham said it would not. Mr. Moorkamp made a motion to purchase the $700 boxes. Francine seconded the motion.

6. New Business
   • Mr. Jernigan said The Centre is getting ready to celebrate our 15th Anniversary. We will have customer appreciation activities and special events. Ms. Merenghi asked if we have considered doing a membership drive. It was suggested The Centre obtain help with special marketing for this. Mary Withouse spoke about a marketing group
out of Kansas City. They did remarkable job with Kansas City Parks & Recreation. The group discussed a timeline for pushing the anniversary events. Mr. Moorkamp charged the group to give input at next month’s meeting regarding ideas to highlight The Centre. Discussion included highlighting member success stories, publicize total number of member check-ins for the facility, post the number of Licking Shootouts that have been held at the Centre, etc.

- Mr. Edwards asked what it would take to get some of the naysayers to see the positive strides that have been made.

7. Citizen’s Comments
- Mr. Jernigan brought up a conversation he had with a woman who wanted us to provide a “pool user” membership. She also asked if we could be open 1-4 p.m.
- Mr. Edwards asked why Water Fitness Classes have been pared down to what we currently run. Floyd explained that the numbers they were getting in each class did not support the number of classes. We have combined times and eliminated some classes to be able to keep the program running.

8. Adjournment: Having no further business the meeting was adjourned at 8:15 pm.

Julie Rodgers, Recreation Center Administrative Assistant, prepared the minutes.
Airport Advisory Committee Notes

Tuesday, March 7, 2017

The Airport Advisory Committee meeting was called to order by Chairman Ed Schmidt at 4:05pm. Additional members in attendance included Mike Matthews, Don Morris, Steve Mason and Dr. Delbert Day. Others in attendance included Airport Manager Darrin Bacon, City Administrator John Butz, and guests Joe Pestka and Elizabeth Duvall (JViation), and Larry Roff.

The first order of business was approval of the minutes from the August 16, 2016 meeting. A motion was made to accept the minutes – passed unanimously.

The second order of business was an update on the new Airport Terminal Building Project. Joe Pestka, JViation, reviewed the project status and reported the building is 55 – 60% complete. Cahill Construction was doing a good job on the project though problems with the plumbing contractor have delayed the project to a May 5 estimated completion date (ahead of the contract completion date). Darrin and Joe updated the Board on the continuing efforts to work with FAA staff in relocating the weather/ASOS equipment – hopefully at no cost to the City. The Board discussed hosting a public grand opening, perhaps in fall, to invite the public to tour the building but to also enjoy the grounds and planes based at RNA. Dr. Day reminded the Board of the need to continually promote the benefits of the Airport to the Rolla Community. John Butz and Joe Pestka indicated there was a nice marketing piece prepared by MoDOT on the economic benefits of general aviation in MO that included a feature of RNA – copies will be distributed.

Note: The project will still require the City to demo the existing building.

The third order of business was a discussion on the rolling 5-year Capital Improvement Plan required by MoDOT at all GA airports. Joe reviewed the current CIP and pointed out the pending improvements to Runway 13-31. Tentatively scheduled for total (and very costly) reconstruction Joe reminded the Board of the State’s desire to reduce the size of the runway from 5,500’ x 100’ to 4,500’ x 75’. Ed reminded the Board how critical the larger runway was to large aircraft – an asset needed regionally (noted that as much as 40% of the air traffic uses the cross-runway). A smaller runway would limit the weight of aircraft down to 12,500 lbs from its current capacity of 90,000 lbs. Joe indicated it will take a substantial effort from the aviation community to make that case. Clearly if pending pavement tests can support a 2” overlay it would be drastically less expensive and could gain an additional 10 years on the current runway. It was the Board’s consensus to do everything we can to maintain the current runway dimensions and to push for a maintenance overlay rather than a total reconstruct.
The fourth order of business was a review of various leases. John Butz reported that the City continues to negotiate the hangar lease with Larry Roff (growing Charter 135 business). The building is in need of significant repair (new roof, exterior doors, & basic lighting). The Board agreed the value of the hangar in improved condition could be as much as $300 – 350/month but in the current condition should be limited to $150/month until the improvements can be made. John reported that City Council did not want to factor a “fueling discount” for the large user under the hangar lease but preferred to have that taken up as a general policy for the entire airport. There will be office space in the new terminal building that can be leased by this service so there was some discussion on the long-term need/use of the old Wyss hangar for the Charter 135 business. The Board suggested a lesser term would be more flexible during business start-up. John will report back to City Council with a revised lease.

John Butz reported that the City and JRS, LLC negotiated a 10 year extension of the private t-hangar lease with an increase in annual rent from $300 to $900 and the clarification that the building reverts to the City in 10 years. John also briefly reviewed the pending ground-lease expiration with Baron Aviation (Sept 2017). It was clearly the intention by all parties to secure Baron Aviation at RNA (including possible expansion) for another 10 – 20 years. It was noted that that building is in substantially better condition than any of the other ground leases which becomes a factor in lease renewal. Negotiations on same will commence this spring. Lastly John reported that Gary Henderson acquired the last 3 years of the lease with Bill Hoertel’s private hangar. Council approved the assignment of same and Gary has made some needed upgrades to the building.

The fifth order of business was a report on fuel sales and review of the fueling discount program. Darrin reported that fuel sales have been extremely high in 2017 due to great weather, growth in the Charter 135 business, and a large helicopter operator based out of Salem, MO. Darrin reminded the Board that the City has a general mark-up on fuel sales of $.90 – 1.15/gallon with discounts for moderate sized customers based on individual fill-ups or annual sales (can reduce pricing $.10 - .25/gallon). John reported the City stays competitive within the 50 mile radius generally staying just below the average. John reported that the best rate provided on the Airport is with Baron Aviation who has traditionally been the larger customer (6,000+ gallons/year; RNA sells between 55,000 – 75,000 gallons in any given year). Baron’s fuel pricing had been $.20 over cost for years but has been increased to $.30 over cost for the last few years. With both Larry Roff and the helicopter operation out of Salem, MO purchasing at least that amount in 2016 with considerably more projection in 2017 the discussion ensued on offering various level pricing discounts. After considerable discussion a motion was made by Mike Matthews, seconded by Dr. Day and approved unanimously that the City should establish a fixed pricing of $.35/gallon mark-up on any operation that uses more than 5,000 gallons in any given calendar year. The discussion of a “rebate” – demonstrated
proof of hitting that volume was discussed. The consensus was that once a customer demonstrates an ability to hit that volume the discounted rate would apply as the year progresses. If the consumption should dip below the 5,000 gallon rate the discount would not apply until consumption returns in subsequent years. John indicated City Council will need to approve the large-volume discount program which will be presented ASAP.

Under general comments Darrin briefed the Committee on the most recent airport inspection and reported that we are ahead of schedule to clear out trees/obstructions on runway 31 and 22. Darrin also reported that Air Methods – a medical helicopter flight program affiliated with PCRMC – is now operating out of RNA. Depending on their long-term plans Darrin reported they may have an interest in building a storage facility at the Airport. Lastly John Butz reported that the Ag Lease with Russ Adams is scheduled to terminate in 2020. John reported that Russ remains interested in leasing the property for a few more years but is not interested in re-bidding for same. John indicated it would be a challenge coming up with a good way to bid out 2 – 3 smaller parcels with access, fence, operational and safety issues so suggested the Committee gave that some further consideration.

There being no further business the meeting was adjourned at 5:35 pm. JViation provided a tour of the new building project under construction following the meeting.
MEMBERS AND OTHERS IN ATTENDANCE

John Petersen, Com. Dev.
Rick Williams, Police Dept.
Vicki Cason, RMU
Karen Fagan

Everett Briggs, Public Works
David Forshee, Public Works
Sylvester Furse

Reviewed the Minutes from Tuesday, January 31, 2017. Minutes ruled approved.

NEW BUSINESS:

1. An Ordinance to approve the re-zoning of Lots 7, 8, and 9, Block 10, of the Holloway First Addition, as well as Lot 10, Block 10, Holloway First Addition, from R-2 (Two Family District) zoning to R-3 (Multi-Family District) zoning.

   (Spring Properties LLC)

   John Petersen indicated to where the three lots are located on the map. He explained that the issue of subdivision was dealt with at a previous meeting. It has already gone to City Council for first reading. The final reading will be on the 6th of March. The property owners took all of lots 7, 8, and 9 which are all vacant and put forward a subdivision, Spring Properties First Addition Lot 1. The purpose for that is to eliminate the interior lot lines to facilitate construction. They are not going to remove the structure on lot 10 at this point, but they wanted to include it in the zoning. The property is currently zoned R-2 (Two Family District) zoning and they are requesting it to be changed to R-3 (Multi-Family District) zoning. They have plans to build eight units with thirty-two bedrooms, but they need the R-3 zoning in order to do that. By eliminating interior lot lines there would not be any problems with easements and property lines.

2. Request to rezone a .51 Acre Tract (22,215 sq. ft.) located near the intersection of Highway 72 & King Drive from C-1 (Neighborhood Business District) zoning to C-3 (Highway Commercial District) zoning.

   (Walker)

   Mr. Petersen said the parcel of land is currently undeveloped. There is a rather deep dip there. The purpose is to put up an on premise sign. In order to maximize the height of the sign they need to rezone the property. C-1 (Neighborhood Business District) zoning has a twenty foot maximum height, C-2 (General Retail District) zoning has forty foot maximum height, and C-3 (Highway Commercial District) zoning has a sixty foot maximum height. This will allow the sign to have better visibility.

   David Forshee asked if the reason for the rezoning is strictly to place a sign. Mr. Petersen replied yes, that is the primary purpose. They also needed to get C-3 zoning in
order to have outside storage and display. However, they do not need to give a reason for the rezoning as long as what they are proposing fits with what the code says.

3. Request to file a Minor Subdivision, being a Fractional Part of the Southwest Quarter Northwest Quarter, Section 29, Township 38 North, Range 7 West and all of Lot 1, HyPoint Industrial Park North Plat No. 1, Rolla, Phelps County, Missouri.

(HyPoint)

Sylvester Furse said the west side of the project is a portion of County Road 2076. He said Everett Briggs asked about a street name and that Mr. Furse would leave that up to Mr. Briggs office on how they want to handle it. Mr. Furse said he was showing it as dedication now, but they could do it as a separate lot for conveyance to the City. Mr. Forshee said it was his understanding that the City is maintaining it. When the property was annexed, it was annexed with the intention of not maintaining the road. At one point the County Commissioners discussed this with John Butz and Steve Hargis, and the City is now maintaining that road; so you would want to give it a name. He asked Mr. Furse if they could get back to him on that and Mr. Furse replied yes. Mr. Briggs said the developer is usually the one who selects the name of the road and he needs it to show as a dedication and a name. Mr. Furse said they added the language for the dedication. Mr. Petersen said he needs a time frame for the Mylar. Mr. Furse asked when the date of the next meeting was. Mr. Petersen answered it would go to the Planning Commission on the 14th of March. Mr. Furse said that would be plenty of time. He asked if this could be a straight forward dedication or as a lot that could be advanced to the City and would be owned by the City. Mr. Petersen said Pepsi Cola plans to buy RCDC. Mr. Furse said they are trying to create Pepsi’s new lot, but also do a lot consolidation to eliminate interior lot lines. He told Vicki Cason the building setback is twenty feet. Ms. Cason replied that it was fine. Mr. Petersen said he wants to get this scanned and sent to the Planning Commission next week.

4. The WELTY ADDITION, a Minor Subdivision, being a Consolidation of Lot 5, Block 2, SCHOOL VIEW ADDITION NUMBER TWO & all of Lot 4 and portions of adjoining vacated alleys, all in WALKER’S ADDITION Rolla, Phelps County, Missouri.

(Welty)

Mr. Furse said the owner wants to build a garage. Mr. Petersen said the garage will go over the lot line. There are two lots with two different subdivisions. Ms. Cason said they have electrical easements along Salem Ave. and Orchard Dr. and if it is just a garage there is no need for additional easements.

5. Request to Re-subdivide Lots 1, 2, 3 and 4, Block 10, Holloway First Addition, Rolla, Phelps County, Missouri.

(Elwood)

Mr. Petersen indicated that the project is located just above the Holloway First Addition. The property is owned by Nathan Chapman. Mr. Forshee said one apartment building
complex has been built. Mr. Briggs asked if he was building three buildings on one lot. Mr. Petersen answered yes.

6. Planning and Zoning Commission authorization to review and make recommendations to the City Council regarding proposed changes to the Rolla Major Thoroughfare Plan, as required under Chapter 89.380 RSMO.

(Major Thoroughfare Plan)

Mr. Petersen said Section 89.380, RSMO has provisions that require the Planning Commission and City Council to approve major expansions to an infrastructure. The City has active laws pertaining to Planning and Zoning Commissions power to recommend approval or disapproval. The City has never really done this. Any kind of major public improvement should. Mr. Petersen said John Butz wanted to do this primarily because the City wants to make sure everything pertaining to the Westside Marketplace is done as required by law.

With no other business the meeting adjourned at 1:55 p.m.
Minutes prepared by Karen Fagan
MINUTES
ROLLA PLANNING AND ZONING COMMISION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY FEBRUARY 14, 2017

Presiding: Chairperson Don Brown

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

Commission Members Absent: Janece Martin

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 December 13, 2016 minutes were approved.

II. REPORT OF CITY COUNCIL ACTIONS:

Community Development Director John Petersen reported on the actions from the December 19, 2016 City Council Meeting.

III. PUBLIC HEARING: None

IV. OLD BUSINESS: None

V. NEW BUSINESS:

An Ordinance to approve the re-subdivision of Lots 7, 8, and 9, Block 10 of the Holloway First Addition, to eliminate the interior lot lines for Lots 7 and 8, Block 10, Holloway Addition, to substitute a minor subdivision described as Lot 1, Spring Properties First Addition, City of Rolla, Phelps, County, Missouri.

(Wilkins)

John Petersen began by saying this re-subdivision is being done to make development more efficient. The lots are all about the same size and are owned by Spring Properties LLC. This is not a zoning case it is strictly a re-subdivision. They
want to develop the property for Multi-Family some point in the future. Taking out the interior lot lines makes this all one lot. Lot 1 is the sole lot for the Spring Properties First Addition. The other lots surrounding Lot 1 are not impacted by this. Lots 7, 8, and 9 will cease to be part of the Holloway Subdivision and will become part of the Spring Properties First Addition Subdivision. There have been no complaints about it. There will possibly be eight units situated on approximately .5 acre. They have the capacity to accommodate the parking needs, as well as open space and the building footprint.

**Bill Lindgren** asked if the property will remain R-2 (Two Family District) zoning. **Mr. Petersen** replied that this is not a zoning case. However, there will be a zoning case at some point in the future. **Mr. Lindgren** said about five years ago there were problems with the apartments down the road after the fire. The neighbors complained and City Council told Planning and Zoning they had to scale it back from R-3 (Multi-Family District) zoning. The whole street was R-3 and was converted back to R-2. **Mr. Petersen** said if they want to go back up to R-3 it will have to be approved by the Planning and Zoning Commission.

A motion was made by Russell Schmidt seconded by Monte Shields to approve the Ordinance for the re-subdivision of Lots 7, 8, and 9, Block 10 of the Holloway First Addition, to eliminate the interior lot lines for Lots 7 and 8, Block 10, Holloway Addition, to substitute a minor subdivision described as Lot 1, Spring Properties First Addition, City of Rolla, Phelps, County, Missouri. A roll call vote on the motion showed the following Aves: Anderson, Lindgren, Miller, Morris, Schmidt, M. Shields, S. Shields. Nays: None. Motion carried. The Ordinance passes unanimously.

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

**VII. OTHER BUSINESS – CITIZENS COMMENTS:** None

Meeting adjourned at 5:38 p.m.
Minutes prepared by Karen Fagan
Chairperson Judy Jepsen called the meeting to order at 5:30 P.M. She recognized the members who were present.

Steve Flowers presented the variance request ZV2017-3 for property located at 1509 Ozark Street. The applicant, John Brown has requested a variance for the following:

To allow a duplex on an existing parcel which has approximately 70’ at the front lot line and approximately 70’ at the building line. Code requires a minimum of 75’ at the front lot line and 75’ at the building line per Section 42-177.2 Area Requirements.

Steve Flowers explained to the board that the applicant was requesting a variance to reduce the required lot line and building line to 70’ and showed photos of the lot and explained that Mr. Brown had posted the property and letters were sent to all affected residents. He noted there had been no responses to the mailing. Jeff Rohrer asked what had been on the lot before. For over 70 years it had never been built upon. Mr. Brown was sworn in and explained his reasons for placement of the building on the lot and that he thought upon purchasing he had met the requirements. Kurt Baxter was sworn in and expressed his opinion to allowing the building to be built on this lot to continue improvement to the neighborhood as Mr. Brown had already done a couple of blocks away. After discussion the six questions were read and voted on and each question received the required 4 yes votes (see attached) and the variance was approved.

Having no further business, the meeting was adjourned at 5:45 P.M.
BOARD OF ADJUSTMENT MEETING

The Board of Adjustment will meet on Thursday, March 2nd 2017 at 5:30 P.M. in the Rolla City Council Chambers of the Rolla Municipal Building, 901 N. Elm Street.

- The following hearing will be considered:

Hearing: ZV2017-3  
Applicant: John Brown  
Location: 1509 Ozark  
Zoning: R-3 (Multi-Family) district zoning  
Request: Applicant is requesting a variance from Section 42-177.2 Area Requirements. Applicant is requesting a variance to allow a duplex on an existing parcel which has approximately 70' at the front lot line and approximately 70' at the building line. Code requires a minimum of 75' at the front lot line and a minimum of 75' at the building line.

Signed:

Stephen E. Flowers  
Building Codes Administrator
APPEAL FOR VARIANCE

FINDING OF FACT BEFORE THE BOARD OF ADJUSTMENT

CITY OF ROLLA, MO

Hearing #: ZV2017-3  
Re: Lot

Applicant: John Brown  
Location: 1509 Ozark

Zoning: R-3

Section of the Zoning Ordinance to be varied: 42-177.2 Area Requirements

What is the nature and extent of the requested variance? Lot front and building line

(Note: If any one of the following questions receives an unfavorable majority vote, the request for a variance must be denied. A minimum of 4 affirmative votes is required to approve the variance. Conditions may be imposed to insure that the public interest will be protected.)

A. Has the applicant shown that there are special conditions or circumstances that are unique to the property that the strict application of the provision of the Zoning Code would deprive the applicant of the reasonable use of the property?

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B. Has the applicant shown that the cause of the special conditions and circumstances was not created by any person having an interest in the property?

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C. Has the applicant shown that the purpose of the variance is not based exclusively on a desire to enhance the value of the property, or increase the return or income from the property?

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D. Has the applicant shown that the granting of this variance will not be detrimental to public welfare or the general safety of the neighborhood in which the property is located?

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E. Has the applicant shown that the granting of this variance is necessary for the reasonable use of the property, and that the variance granted is the minimum variance needed to accomplish this purpose and, by doing so will not alter the essential character of the neighborhood?

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F. Has the applicant shown the enforcement and strict application of the applicable Zoning Code will result in an unnecessary hardship, (not a mere inconvenience for the owner), and that the variance is not inconsistent with the intent of the Zoning Code?

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CITY OF ROLLA
CITY COUNCIL AGENDA

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

ITEM/SUBJECT: Ordinance to Join MoPEP Communities in Exemption from FERC/PURPA

BUDGET APPROPRIATION (IF APPLICABLE) N/A  DATE: April 3, 2017

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

COMMENTARY:

The MO Joint Municipal Electric Utility Commission (MJMEUC) is requesting all participating MO PEP Communities (such as Rolla) to authorize MJMEUC staff to file the PURPA waiver (Public Utilities Regulating Policy Act of 1978) under federal regulations (FERC). Such action will ensure MO PEP members keep power supply costs at the lowest possible level. A complicated issue but RMU General Manager Rodney Bourne will brief Council on this desired action. Attached is a memo from MPUA with a good explanation of the key issues.

Recommendation: Final Reading.

ITEM NO.  V. A.1.
ORDINANCE NO. _______

AN ORDINANCE AUTHORIZING FILING OF APPLICATIONS WITH THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) BY THE MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION (MJMEUC) ON BEHALF OF THE CITY OF ROLLA, A MEMBER CITY OF MJMEUC, FOR WAIVERS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 (PURPA) FOR FACILITIES GREATER THAN 20MW AND EXEMPTING CITY FROM PURCHASE REQUIREMENTS REGARDING QUALIFYING FACILITIES AND ADOPTING RULES FOR COMPLIANCE WITH FERC'S PURPA REGULATIONS.

WHEREAS, PURPA is the Public Utilities Regulatory Policy Act of 1978 and its basic goal is to require electric utilities, which includes MJMEUC and the City of Rolla, hereinafter referred to as City, to purchase the output of certain generating facilities which may locate in their service territories at a negotiated rate or at “avoided cost”; and

WHEREAS, utilities do have an option to seek waiver of this purchase requirement if there is an organized market available for the entity to sell its output into, and the City of Rolla is supplied wholesale power through the Southwest Power Pool’s Integrated Marketplaces, and the Southwest Power Pool’s Integrated Marketplaces qualify as such markets; and

WHEREAS, FERC has taken the position that facilities of greater than 20MW have the capability, expertise, or resources to participate in such markets; and requests for waivers will be considered but generally not be granted for smaller facilities; and

WHEREAS, for facilities requesting PURPA Qualifying Facilities (QF) status, a separate waiver request would exempt City, a Member City of MJMEUC, from having to purchase the output, directing them instead to MJMEUC which would be required to assume that responsibility; and

WHEREAS, on December 3, 2015, the Board of Directors of MJMEUC passed Resolution No. 07-2015, which authorized the filing of the above referenced applications for waivers on behalf of MJMEUC and any Member City which wished to join therein.

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

Section 1: The above recitals are incorporated herein by reference as if fully restated.

Section 2: The filing of said waiver requests with FERC by MJMEUC on behalf of City is hereby approved all at the cost of MJMEUC.

Section 3: Regarding the assumption by MJMEUC of the responsibility to purchase the output of facilities requesting PURPA Qualifying Facilities (QF) status in lieu of those Member Cities that wish to participate in the waiver application, the City Council hereby assigns to MJMEUC the responsibility for such purchases to MJMEUC and approves the assumption of said undertaking by MJMEUC.

\[\text{\textcopyright A.}\]
Section 4: Attached hereto and incorporated herein by reference as if fully restated are MJMEUC’s Rules for Compliance with FERC’s PURPA Regulations which are hereby approved by the Board of Trustees to which City shall abide and provide, for any purchase obligation subject to these waiver requests, that (1) MJMEUC and City shall not avoid or frustrate the purpose of any PURPA-mandated obligation; (2) MJMEUC and City shall permit any facility with PURPA QF status to interconnect with MJMEUC’s and Member Cities’ transmission and distribution systems; (3) MJMEUC and City shall not charge duplicative fees to any facility with PURPA QF status for interconnection or wheeling; (4) MJMEUC shall not subject a facility with PURPA QF status to any duplicative charge or additional fees as a results of MJMEUC’s purchase of power from a QF that would otherwise be purchased by any one of the Member Cities; and (5) the City interconnected with the QF shall sell any capacity and energy to the QF that is required by it.

Section 5: The Mayor and City Clerk of City be and each of them are hereby authorized to execute or accept such further documents and to take or cause to be taken any all such further action as may be reasonably required on the part of the City to carry out, give effect to and consummate the transactions contemplated hereby.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor
Memo

To: MoPEP Member Cities
From: Terry Jarrett
Date: February 2, 2017
Re: Request to make FERC PURPA filing

At its December 3, 2015 meeting, the MJMEUC Board of Directors authorized staff to file at FERC (Federal Energy Regulatory Commission) a request for an exemption from certain PURPA requirements. PURPA is the Public Utilities Regulatory Policy Act of 1978 (which has been since amended). Attached is a copy of the MoPEP Implementation Policy.

Recommendation

In order to keep power supply costs at the lowest level, MJMEUC recommends your city council authorize the filing of the PURPA waiver request at FERC by MJMEUC on behalf of MJMEUC and its MoPEP cities. We have attached a draft ordinance developed to meet the requirements of this filing. Please use this form.

FERC rules also require us to provide public notice regarding this waiver request, which we will do in local newspapers. This notice is for potential QFs in your area.

Background

The basic goal of PURPA is to require electric utilities to purchase the output of certain generating facilities (called Qualifying Facilities, or “QF”) that may locate in their service territories. Generally utilities are required to purchase a QF’s output at either a negotiated rate or at “avoided cost.”

The risk is that a QF of 20MW or greater may demand that a MoPEP member city purchase that QF’s output which PURPA requires the city to do. One of the primary concerns with this requirement is that it would ultimately lead to higher costs for MoPEP members should a QF connect at the retail distribution level (municipality) instead of the wholesale level (MJMEUC) while conflicting with the full-requirements provisions of our Power Sales Agreements. Fortunately, MJMEUC can help to reduce the chance for higher costs and risks associated with the PURPA requirement.

Precedent & Solution

The good news is that FERC has the authority to grant waivers from this requirement. Utilities do have an option to waive this purchase requirement for QF’s of 20MW or greater if there is an
organized market available for the QF to sell its output into, such as the Southwest Power Pool (SPP) or the Midcontinent Independent System Operator (MISO).

The Missouri River Energy Services (MRES, a joint action agency with cities in North Dakota, South Dakota, Minnesota, and Iowa) and the Oklahoma Municipal Power Authority (OMPA) each filed for, and were granted, a waiver of the PURPA requirements on behalf of themselves and their member cities from FERC. There are two parts to this filing approach at FERC.

As QFs greater than 20MW in size are eligible to participate in the SPP or MISO market, we can file a waiver request for MJMEUC and its MoPEP cities. MJMEUC, not MoPEP cities, would be required to purchase the output.

For QFs smaller than 20MW requesting PURPA QF status, a separate waiver request would exempt the MoPEP city from having to purchase the output, directing the QF instead to MJMEUC. MJMEUC would be required to enter into an agreement with any such QF facility, which would be at a lower wholesale cost as opposed to the higher avoided cost of the MoPEP member.

What This Doesn't Do

This only applies to those facilities that request protection under the PURPA rules as a QF. For individual homeowners and businesses that wish to install solar panels to continue to buy power from the city while selling excess energy at different times, this can be done pursuant to and in accordance with the Net-Metering and Easy Connection Act, MO REV. STAT. § 386.890.1 (2015).

If you have questions regarding this request, please feel free to contact me at 573-415-8379.

Attachments:

MoPEP Implementation Policy
Draft Ordinance Form
MISSOURI PUBLIC ENERGY POOL #1
PURPA IMPLEMENTATION POLICY

I. Overview of Policy

This PURPA Implementation Policy ("Policy") sets forth the manner in which the Missouri Joint Municipal Electric Utility Commission ("MJMEUC"), as operator of the Missouri Public Energy Pool #1 ("MoPEP"), and the authorizing MoPEP members will implement the requirements imposed upon them under Section 210 of the Public Utility Regulatory Policies Act of 1978, as amended ("PURPA") and the rules adopted by the Federal Energy Regulatory Commission ("FERC") thereunder.

The MoPEP Pool Committee has adopted this Policy to be applicable to all MoPEP members that have provided to MJMEUC their written authorization to participate in this Policy (each such member being referred to herein as an "authorizing Member"). Appendix I to this Policy is a list of the authorizing Members. This list will be updated to include additional authorizing Members as necessary.

MJMEUC and the authorizing Members are electric utilities subject to the purchase and sale obligations under PURPA. MJMEUC is a non-jurisdictional joint action agency and a body corporate and politic of the State of Missouri authorized by legislation to construct, operate and maintain facilities for the production and transmission of electric power for its members, to purchase and sell wholesale electric power and energy, and to enter into agreements with any person for transmission of electric power. It is organized on a statewide basis to promote efficient wheeling, pooling, generation, and transmission arrangements to meet the power and energy requirements of municipal utilities in the state.

MoPEP is a power pool operated by MJMEUC pursuant to the Amended and Restated Missouri Public Energy Pool #1 Agreement. MoPEP currently has 34 municipal electric
utility members. MJMEUC, as administrator of MoPEP, is the full-requirements supplier for the MoPEP members, and meets their wholesale capacity and energy requirements through certain resources contributed by the pool members, and through generating and purchased-power resources owned or otherwise arranged for by MJMEUC. The MoPEP members are municipal electric utilities serving retail customers in their service territories.

This Policy is intended to advise the public of the basic approach and general guidelines for allowing QFs to interconnect with the electric utility systems of MJMEUC and the authorizing Members, to sell electric energy and capacity to MJMEUC, and to purchase retail electric service from the authorizing Members.

Under this Policy:

- MJMEUC will purchase all energy and capacity offered by QFs to MJMEUC or any of the authorizing Members, (unless such energy is net metered in accordance with Missouri law);

- The authorizing Members will sell, at retail, all energy and capacity required by QFs located in their retail service territories; and

- If a QF seeks to interconnect with MJMEUC-owned transmission facilities that are not located within the retail service territory of an authorizing Member, upon request, MJMEUC will assist the QF in locating a supplier of supplemental, backup, maintenance, and interruptible power.

MJMEUC will offer a standard purchase rate or a negotiated rate for energy and capacity (if avoided) produced by QFs interconnected with MJMEUC or an authorizing Member. The standard purchase rate will be determined by MJMEUC based on its “avoided cost,” i.e., the costs to MJMEUC of the electric energy that MJMEUC would otherwise

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1 This Policy is not applicable to energy provided by any QF that is also a “qualified electric-energy generation unit” that has requested net metering and interconnection with an authorizing Member pursuant to the Net Metering and Easy Connection Act, MO REV. STAT. § 386.890.1 (2015). Arrangements between such QFs and the applicable authorizing Member shall be made in accordance with the Missouri net metering law.
generate or purchase from another source if not purchased from the QF. The rate and methodology will be reviewed periodically, and will be subject to revision based on future changes to various factors, which may include MJMEUC’s delivered cost of fuel, plant generation characteristics, capacity needs, cost of purchased power, transmission costs, operating experience with QFs, MJMEUC’s (or Southwest Power Pool’s) ability to dispatch the QF, the expected or demonstrated reliability of the QF, the terms of any legally enforceable obligation, the extent to which the QF’s scheduled outages can be usefully coordinated with those of MJMEUC’s other generating resources, the usefulness of the QF’s energy and capacity during system emergencies and the QF’s ability to separate its load from its generation, the individual and aggregate value of energy and capacity from QFs, and/or the smallest capacity increments and shorter lead times available with additions of capacity from QFs. MJMEUC reserves the right to analyze each QF’s cost impact and adjust rate provisions to reflect power supply characteristics.

Upon request by a QF located within an authorizing Member’s retail service territory, the authorizing Member shall offer supplemental, back-up, and maintenance power on a firm or interruptible basis. The authorizing Members will sell energy and capacity to QFs located within their retail service territories under their applicable retail tariffs or at rates equal to the rates to the authorizing Members’ other customers with similar load and other cost-related characteristics. Each authorizing Member has undertaken to sell energy and capacity at rates that are nondiscriminatory, just and reasonable, and in the public interest.

Implementation of the purchase and sale requirements in this manner will provide QFs with a market for their power at rates comparable to the rates the authorizing Members could offer and will meet the needs of QFs for supplementary, back-up, and maintenance power in a manner consistent with the retail functions of the authorizing Members.
This Policy does not include a form of the contract to be entered into between MJMEUC and a QF for the purchase of the QF’s output. Nor does this Policy include a form of the contract to be entered into between an authorizing Member and a QF for the interconnection of the QF to the authorizing Member’s municipal electric system and/or the provision of retail electric service to the QF. The terms and conditions of such contracts are expected to vary depending on the nature of the QFs. However, MJMEUC and the authorizing Members intend to require such contracts be executed by each QF. Such contracts will provide detailed terms and conditions including interconnection requirements, metering, rates, and those terms necessary to accommodate safety and reliability concerns.

MJMEUC intends to file with FERC, on behalf of itself and the authorizing Members, a petition seeking waiver of Sections 292.303(a) and 292.303(b) of FERC’s Regulations to permit this Policy to be placed in effect as proposed. If granted, the effect of the waiver will be to transfer the must-purchase obligation of the authorizing Members from them to MJMEUC, and place the must-sell obligation on the authorizing Members. Additionally, MJMEUC intends to file with FERC one or more applications seeking waiver of MJMEUC’s must-purchase obligation for QFs greater than 20 MW pursuant to Section 292.309(a) of FERC’s Regulations.

FERC has granted waivers under Section 202.303(a) and 292.303(b) in other similar situations. This Policy is similar to policies adopted by other joint action agencies and cooperatives and their members. FERC has also granted waivers of must-purchase obligations with respect to QFs greater than 20 MW pursuant to Section 292.309(a) in the

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2 18 CFR §§ 292.303(a) and (b) (2014).
3 18 CFR § 292.303(a).
Southwest Power Pool\(^5\) and for joint action agencies in other Regional Transmission Organizations.\(^5\) If the requested waivers are not granted, MJMEUC and the authorizing Members will take such other actions, if any, as may be required to comply with PURPA and the rules adopted thereunder by FERC.

MJMEUC and the authorizing Members believe that the integrated approach to PURPA implementation as described herein will not adversely affect QFs. Indeed, MJMEUC and the authorizing Members believe the proposed approach will facilitate the development of QFs.

II. Introduction

A. Intent of Policy

This Policy is intended to set forth the basic approach and general guidelines for allowing QFs to interconnect with MJMEUC and authorizing Members' electric utility systems in accordance with rules adopted by FERC implementing PURPA Section 210.

B. Utilities Subject to Policy

MJMEUC and all authorizing Members, as listed in Appendix I, are subject to this Policy. This Policy addresses purchases from and sales to all QFs seeking to interconnect to transmission or distribution facilities owned by MJMEUC or any authorizing Member, except for QFs that are also “qualified electric energy generation units” that have requested net metering and interconnection with an authorizing Member pursuant to the Net Metering and Easy Connection Act.


\(^6\) *E.g.*, *Missouri River Energy Servs.*, 145 FERC ¶ 62,023 (2013) (approving a joint action agency's request to waive the must-purchase obligation for resources greater than 20 MW in Midcontinent Independent System Operator, Inc.).
III. Statement of Policy

A. The Policy

It is the policy of MJMEUC and the authorizing Members: (i) to permit any QF to interconnect with the electric systems of MJMEUC or any authorizing Member; (ii) to permit any QF (unless the energy provided by the QF is net metered in accordance with Missouri law), to sell energy and capacity to MJMEUC at rates equal to MJMEUC’s avoided costs or at a negotiated rate; and (iii) to permit any QF to purchase supplemental, back-up and maintenance power from an authorizing Member on either a firm or interruptible basis, at rates that are nondiscriminatory, just and reasonable, and in the public interest. In order to effectuate this Policy, MJMEUC and the authorizing Members expressly undertake the following obligations: (a) MJMEUC will be ready and willing to purchase power from any QF from which an authorizing Member would otherwise be required to purchase; (b) no QF will be subject to duplicative interconnection charges or duplicative charges for wheeling power to MJMEUC across the lines of an authorizing Member; (c) no QF will be subject to duplicative charges or additional fees as a result of MJMEUC’s purchase of QF power that would otherwise be purchased by an authorizing Member; (d) no QF will be subject to duplicative interconnection charges or duplicative charges for wheeling of supplemental, back-up, or maintenance power from an authorizing Member; and (e) no QF interconnected directly with MJMEUC and purchasing supplemental, back-up, or maintenance power from an authorizing Member will be charged for the cost of facilities required to receive such power other than the cost of such facilities had the QF purchased such power from MJMEUC. MJMEUC and the authorizing Members’ undertakings expressed above are, in each case, subject to the other express and implied terms and conditions of this Policy and the other requirements imposed by law.
Because this Policy outlines the basic approach that MJMEUC and the authorizing Members intend to use to fulfill their separate obligations under PURPA, MJMEUC and/or a given authorizing Member may depart from this Policy to the extent authorized by law if they mutually determine that the departure is reasonably necessary in connection with a particular QF. In addition, the Pool Committee shall amend this Policy from time to time as necessary or appropriate to comply with requirements imposed by FERC or any other governmental entity having jurisdiction over MJMEUC and/or the authorizing Members, or any other entity with authority to establish reliability requirements applicable to, or impose such requirements on, MJMEUC and/or the authorizing Members.

This Policy reflects an integrated approach to implementing MJMEUC’s and the authorizing Members’ obligations under PURPA and the FERC Rules. This approach recognizes the function of MJMEUC as wholesale supplier to the authorizing Members and the retail service function of the authorizing Members, while assuring each QF of both a market for its power and (where the QF is connected to an authorizing Member) a source of any necessary back-up, maintenance, and supplemental service, on either a firm or interruptible basis. Pursuant to Section 292.303(a) of FERC’s Regulations, an electric utility is obligated to purchase only the energy and capacity which is “made available” from a QF. Section 292.304(d) of FERC’s Regulations clarifies that each QF shall have the option to determine the amount of energy or capacity “available” for purchase. Accordingly, this Policy does not require a QF to sell all of its energy and capacity to MJMEUC, but rather just the amount the QF wishes to make “available” for such purchases.

No QF will be permitted to interconnect and operate in parallel with the electric system of MJMEUC or an authorizing Member without the prior knowledge and approval of such utility and without entering into a satisfactory written contract. A QF interconnecting with an

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7 18 CFR §292.303(a).
8 18 CFR §292.304(d).
authorizing Member and selling to MJMEUC will not be subject to duplicative interconnections or wheeling charges. To the extent that additional costs of wheeling (i.e., beyond the authorizing Member's facilities) are necessitated by MJMEUC's purchases of the QF's power (rather than the authorizing Member's purchases), such costs will be borne by MJMEUC (rather than the QF). This Policy does not require any authorizing Member to transmit QF output in connection with sales to a purchaser other than MJMEUC.

Where a QF is interconnected to transmission or distribution facilities owned by MJMEUC or an authorizing Member and located within the retail service territory of an authorizing Member, the purchase of capacity and energy by the QF will be made pursuant to separate arrangements between the QF and the applicable authorizing Member and shall be in accordance with applicable law and the authorizing Member's applicable rates, rules, and regulations governing retail service. The terms of the arrangements between MJMEUC, the authorizing Member, and the QF shall be consistent with the authorizing Member's tariff or consistent with rates to the authorizing Member's other customers with similar load or other cost-related characteristics.

Where a QF seeks to interconnect with MJMEUC-owned transmission facilities that are not located within the retail service territory of an authorizing Member, upon request MJMEUC will assist the QF in locating a supplier of supplemental, backup, maintenance, and interruptible power. MJMEUC makes no commitments regarding the availability of such suppliers, nor their rates and charges or terms of service.

B. Metering Requirements

MJMEUC and the authorizing Members require as a condition to the purchase of capacity and energy from a QF the installation of proper metering equipment to permit inclusion of the quantities in MJMEUC's monthly energy and capacity accounting. The amount of energy and capacity purchases from the QF by MJMEUC shall not normally be
ncotted against the energy and capacity purchased by the QF from the authorizing Members, unless required by applicable rules and regulations adopted by entities having jurisdiction over MJMEUC and the authorizing Members.

MJMEUC shall adopt nondiscriminatory policies and procedures concerning metering requirements applicable to QFs as required. MJMEUC shall make such policies and procedures available to QFs for review.

C. Additional Interconnection Requirements

The following additional requirements shall apply to all purchases from QFs under this Policy:

(i) The operator of the QF shall be responsible for all costs associated with electric interconnection of the QF to MJMEUC’s or the authorizing Member’s system, including such automatic relaying and system protection which MJMEUC or the authorizing Member believes necessary for safety reasons, electric wiring and apparatus, protective equipment and an interconnection switch. MJMEUC and the authorizing Members have the right to refuse to interconnect or to discontinue the QF’s connection if wiring and apparatus do not meet appropriate safety requirements and all applicable codes, including, but not limited to, the National Electrical Code, National Electrical Safety Codes, or other local, state, or national codes.

(ii) MJMEUC or the authorizing Members shall own, install and maintain the required metering equipment to integrate the input quantities into MJMEUC’s monthly source energy and power accounting. The operator of the QF shall be responsible for all reasonable costs for purchase, installation and maintenance of such metering equipment and shall provide adequate access to its premises so that MJMEUC or the authorizing Members may install and maintain such
metering equipment. MJMEUC or the authorizing Members may assess interconnection costs against a QF on a nondiscriminatory basis with respect to other customers with similar load characteristics and shall determine how such payments are to be made.

(iii) Neither MJMEUC nor any authorizing Member will permit interconnection between its system and a QF unless the QF meets the applicable standards and/or regulations, rules and policies for interconnection, safety, and operating reliability, as the same may be amended from time to time. Further, in order to remain interconnected, the QF must continue to satisfy appropriate safety and reliability standards.

(iv) MJMEUC and the authorizing Members reserve the right to adopt additional nondiscriminatory policies and procedures concerning interconnection requirements applicable to QF's. MJMEUC shall make such policies and procedures available to QF's for review.

IV. Request for Waiver

The FERC Rules require each wholesale electric utility, such as MJMEUC, and each retail electric utility, such as the authorizing Members, to buy energy and capacity from, and to sell energy and capacity to, QFs. Through this Policy, MJMEUC and the authorizing Members will have adopted an integrated approach to implementing their obligations under PURPA, and the FERC Rules, under which (1) MJMEUC will purchase energy and capacity from QFs (unless such energy is net metered in accordance with Missouri law), and the authorizing Members will provide retail service to QFs located within their retail service territories, and (2) upon request, MJMEUC will assist any QF that is connected to MJMEUC-owned transmission facilities that are not located within an authorized Members' retail service territory in finding a retail power supplier.
MJMEUC and the authorizing Members will request waivers of certain of the FERC Rules implementing PURPA in order to allow MJMEUC and the authorizing Members to implement this Policy. Specifically, MJMEUC will request, on behalf of the authorizing Members, a waiver of the authorizing Members’ must-purchase obligation and, on behalf of itself, a waiver of its must-sell obligation. MJMEUC and the authorizing Members have concluded that, given the benefits of the proposed integrated approach to PURPA implementation, requiring the authorizing Members to purchase from QFs and MJMEUC to sell to QFs is not necessary to facilitate cogeneration and small power production. MJMEUC and the authorizing Members have determined that purchases by MJMEUC on behalf of the authorizing Members will adequately facilitate cogeneration and small power production in part because each authorizing Member’s avoided costs should be equal to MJMEUC’s avoided costs. Therefore, by centralizing purchases from QFs, QFs will be afforded a greater market for their power while at the same time receiving the same price for their power as they would have by selling to an individual authorizing Member. In addition, MJMEUC intends to request a waiver of the mandatory purchase requirement with respect to QFs of greater than 20 MW that have access to centralized markets.

This Policy is premised on the waivers previously described. Because this integrated approach will not adversely affect QFs and is intended to facilitate cogeneration and small power production, MJMEUC and the authorizing Members intend to operate under this Policy during the pendency of the waiver requests. If FERC denies any of the requested waivers, this Policy will be revised or may be terminated. Any revision required as a result of a denial of a waiver request, or upon order of FERC as a condition to the waiver, will be made available as soon as practicable.
Persons desiring information about this waiver request, including a copy of the waiver request filed by MJMEUC and the authorizing Members with FERC, may contact:

Chief Operating Officer
MJMEUC
1808 SW I-70 Drive
Columbia, MO 65203

IV. Additional Information

Persons requiring additional information concerning the interconnection of a QF with MJMEUC or an authorizing Member, or the rates, terms and conditions of purchases from or sales to QFs, should contact the following:

Chief Operating Officer
MJMEUC
1808 SW I-70 Drive
Columbia, MO 65203
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance Final Reading

ITEM/SUBJECT: Project #432 – 2017 Micro Surfacing

BUDGET APPROPRIATION: $600,000.00 DATE: 04/03/17

COMMENTARY:

City staff asked for and received bids for 2017 Micro Surfacing. Council approved the $427,080.00 bid from Donelson Construction Co., LLC at the March 20, 2017 council meeting.

Staff is requesting the final reading of the ordinance authorizing the Mayor to enter into the contract with Donelson Construction Co., LLC for $427,080.00.
ORDINANCE NO. ____________


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 Donelson Construction Company, LLC. for 2017 Micro Surfacing, Project 432, a copy of said agreement being attached hereto and marked Exhibit A.


APPROVED:

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

APPROVED AS TO FORM:

__________________________
CITY COUNSELOR
CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this ______ day of ________________, by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and _______ Donelson Construction Co., L.L.C. Party of the second Part and hereinafter called the Contractor.

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertisement for and in connection with the construction of "2017 Micro Surfacing Project 432", in complete accord with the Contract Documents and the said plans and specifications; and

WHEREAS, the said Contractor, in response to such advertisement, has submitted to the Owner, in the manner and at the time specified, a sealed proposal in accordance with the terms of said advertisement; and

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted in response to the published invitation therefore, and as a result of such canvass has determined and declared the aforesaid Contractor to be the lowest and best bidder for the said work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor's proposal, a copy thereof being attached to and made a part of this contract.

NOW THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreement herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself and its successors, and the Contractor for itself, himself, or themselves, or its, his or their successors and assigns, or its, his, or their executors and administrators, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner's official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor's proposal, for the construction of "2017 Micro Surfacing Project 432".
It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

ARTICLE II. Contractor acknowledges that Section 285.530, R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that it is not knowingly in violation of Subsection 1 of Section 285.530, R.S.Mo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully eligible to work in the United States.

ARTICLE III. Occupational Safety and Health Administration (OSHA)

Safety Training:

a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.

b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.

c. Contractor acknowledges and agrees that any of Contractor’s employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.

d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

Notice of Penalties for Failure to Provide Safety Training

a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars ($2,500.00), plus one hundred dollars ($100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.

b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.

c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract Documents hereto attached, all of which documents from the Contract and are as fully a part hereto as if repeated verbatim herein.
ARTICLE V. That the Owner shall pay to the Contractor for the performance of the work described as follows: Complete construction of the improvements in accordance with plans and specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of $427,080.00 for all work covered by and included in the contract award and designated in the foregoing Article I. Payment therefore shall be made in the manner provided in the General Conditions attached hereto.

ARTICLE VI. That the Contractor shall begin assembly of materials and equipment within ten (10) days after receipt from the Owner of executed copies of the Contract, and that the Contractor shall commence work May 25, 2017 when Notice to Proceed is issued and complete said work by August 12, 2017.

Liquidated Damages - Should the contractor fail to complete the work on or before the completion date specified the contractor will be charged liquidated damages in the amount of $500.00 per calendar day for each full calendar day that the work is not fully completed. Liquidated damages will not be charged for weekends and holidays.

ARTICLE VII. Before the final payment can be made to the Contractor on the project, the Contractor must complete and return the Affidavit Compliance with the Prevailing Wage Law form furnished at the end of the Special Conditions section.

ARTICLE VIII. Before the final payment can be made on the project to the Contractor, the Contractor must complete and return the Contractor’s Affidavit Regarding Settlement of Claims form furnished at the end of the Special Conditions section.

ARTICLE IX. This Contract will not be binding and effective until confirmed by the Owner,
IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

BY________________________

Mayor, Owner, Party of the First Part

________________________________________

Printed Name

STATE OF MISSOURI )
SS )
County of Phelps )

On this ______ day of ______________________ before me appeared __________________, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City of Rolla, Missouri, a municipal corporation, and the seal affixed to said instrument is the corporate seal of said municipal corporation and that said instrument is the corporate seal of said municipal corporation and that said instrument was signed under authority of the City Council of the City of Rolla, Missouri; and the said __________________ acknowledged said instrument to be the free act and deed of said municipal corporation.

My Commission Expires: ________________________

________________________________________

Notary Public

STATE OF MISSOURI )
SS )
County of Phelps )

On this ______ day of ______________________, before me appeared __________________, to me personally known, who, being by me duly sworn, did say that (s)he is the __________________ of __________________ and that the seal affixed to said instrument is the corporate seal of said corporation by authority of its board of directors; and the said __________________ acknowledged said instrument to be the free act and deed of said corporation.

My Commission Expires: ________________________

________________________________________

Notary Public
DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance Final Reading

ITEM/SUBJECT: Project #440 – 2017 Phase I Asphalt Improvements

BUDGET APPROPRIATION: $290,000.00 DATE: 04/03/17

COMMENTARY:

City staff asked for and received bids for 2017 Phase I Asphalt Improvements. Council approved the $229,974.75 bid from Pierce Asphalt, LLC at the March 20, 2017 council meeting.

Staff is requesting the final reading of the ordinance authorizing the Mayor to enter into the contract with Pierce Asphalt, LLC for $229,974.75.
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 PIERCE ASPHALT, LLC. FOR 2017 PHASE I ASPHALT IMPROVEMENTS, PROJECT 440.

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 Pierce Asphalt, LLC. for 2017 Phase I Asphalt Improvements, Project 440, a copy of said agreement being attached hereto and marked Exhibit A.


APPROVED:

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

APPROVED AS TO FORM:

__________________________
CITY COUNSELOR

\[\text{Signature}\]
CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this Day of by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and Pierce Asphalt, L.L.C. Party of the second Part and hereinafter called the Contractor.

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertised for and in connection with the construction of: 2017 Phase I Asphalt Improvements, PROJECT 440, in complete accord with the Contract Documents and the said plans and specifications; and

WHEREAS, the said Contractor, in response to such advertisement, has submitted to the Owner, in the manner and at the time specified, a sealed proposal in accordance with the terms of said advertisement; and

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted in response to the published invitation therefore, and as a result of such canvass has determined and declared the aforesaid Contractor to be lowest and best bidder for the said work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor’s proposal, a copy thereof being attached to and made a part of this contract.

NOW THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreement herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself and its successors, and the Contractor for itself, himself, or themselves, or its, his or their successors and assigns, or its, his, or their executors and administrators, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner’s official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor’s proposal, for the construction of 2017 Phase I Asphalt Improvements, PROJECT 440.
It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

ARTICLE II. Contractor acknowledges that Section 285.530, R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that it is not knowingly in violation of Subsection 1 of Section 285.530, R.S.Mo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully eligible to work in the United States.

ARTICLE III. Occupational Safety and Health Administration (OSHA)

Safety Training:

a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.

b. Contractor shall require its on-site employees to complete a construction safety program within sixty (50) days after the date work on the project commences.

c. Contractor acknowledges and agrees that any of Contractor’s employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.

d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

Notice of Penalties for Failure to Provide Safety Training

a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars ($2,500.00), plus one hundred dollars ($100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.

b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.

c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract.
Documents hereto attached, all of which documents from the Contract and are as fully a part hereto as if repeated verbatim herein.

ARTICLE V. That the Owner shall pay to the Contractor for the performance of the work described as follows: Complete construction of the improvements in accordance with plans and specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of $229,974.75 for All work covered by and included in the contract award and designated in the foregoing Article I. Payment therefore shall be made in the manner provided in the General Conditions attached hereto.

ARTICLE VI. That the Contractor shall begin assembly of materials and equipment within ten (10) days after receipt from the Owner of executed copies of the Contract.

Liquidated Damages - Should the contractor fail to complete the work on or before the completion date specified the contractor will be charged liquidated damages in the amount of $100.00 per calendar day for each full calendar day that the work is not fully completed. Liquidated damages will not be charged for weekends and holidays.

ARTICLE VII. Before the final payment can be made to the Contractor on the project, the Contractor must complete and return the Affidavit Compliance with the Prevailing Wage Law form furnished at the end of the Special Conditions section.

ARTICLE VIII. Before the final payment can be made to the project to the Contractor, the Contractor must complete and return the Contractor’s Affidavit Regarding Settlement of Claims form furnished at the end of the Special Conditions section.

ARTICLE IX. This Contract will not be binding and effective until confirmed by the Owner.
IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

BY ___________________________
Mayor, Owner, Party of the First Part

STATE OF MISSOURI )
SS )
County of Phelps )

CONTRACTOR

BY ___________________________

TITLE ___________________________

On this ______ day of __________, before me appeared __________________________, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City of Rolla, Missouri, a municipal corporation, and the seal affixed to said instrument is the corporate seal of said municipal corporation and that said instrument is the corporate seal of said municipal corporation and that said instrument was signed under authority of the City Council of the City of Rolla, Missouri; and the said __________________________ Acknowledged said instrument to be the free act and deed of said municipal corporation.

My commission expires: ___________________________

Notary Public

STATE OF MISSOURI )
SS )
County of Phelps )

On this ______ day of __________, before me appeared __________________________, to me personally known, who, being by me duly sworn, did say that (s)he is the _______________ of __________________________ and that the seal affixed to said instrument is the corporate seal of said corporation by authority of its board of directors; and the said __________________________ acknowledged said instrument to be the free act and deed of said corporation.

My commission expires: ___________________________

Notary Public

I C L
DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance Final Reading

ITEM/SUBJECT: Project #442 – 2017 Phase II Asphalt Improvements

BUDGET APPROPRIATION: $210,000.00 DATE: 04/03/17

COMMENTARY:

City staff asked for and received bids for 2017 Phase II Asphalt Improvements. Council approved the $156,965.00 bid from N.B. West at the March 20, 2017 council meeting.

Staff is requesting the final reading of the ordinance authorizing the Mayor to enter into the contract with N.B. West for $156,965.00.

ITEM NO. 7
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 N.B. WEST FOR 2017 PHASE II ASPHALT IMPROVEMENTS, PROJECT 442.

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 N.B. West for 2017 Phase II Asphalt Improvements, Project 442, a copy of said agreement being attached hereto and marked Exhibit A.


APPROVED:

____________________________
MAYOR

ATTEST:

____________________________
CITY CLERK

APPROVED AS TO FORM:

____________________________
CITY COUNSELOR
CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this __________ Day of __________ by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and ______________________________ Party of the second Part and hereinafter called the Contractor.

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertised for and in connection with the construction of: 2017 Phase II Asphalt Improvements, PROJECT 442, in complete accord with the Contract Documents and the said plans and specifications; and

WHEREAS, the said Contractor, in response to such advertisement, has submitted to the Owner, in the manner and at the time specified, a sealed proposal in accordance with the terms of said advertisement; and

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted in response to the published invitation therefore, and as a result of such canvass has determined and declared the aforesaid Contractor to be lowest and best bidder for the said work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor’s proposal, a copy thereof being attached to and made a part of this contract.

NOW THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreement herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself and its successors, and the Contractor for itself, himself, or themselves, or its, his or their successors and assigns, or its, his, or their executors and administrators, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner’s official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor’s proposal, for the construction of 2017 Phase II Asphalt Improvements, PROJECT 442.
It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

ARTICLE II. Contractor acknowledges that Section 285.530, R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that it is not knowingly in violation of Subsection 1 of Section 285.530, R.S.Mo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully eligible to work in the United States.

ARTICLE III. Occupational Safety and Health Administration (OSHA)

Safety Training:

a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.

b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.

c. Contractor acknowledges and agrees that any of Contractor’s employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.

d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

Notice of Penalties for Failure to Provide Safety Training

a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars ($2,500.00), plus one hundred dollars ($100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.

b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.

c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract.
Documents hereto attached, all of which documents from the Contract and are as fully a part hereto as if repeated verbatim herein.

**ARTICLE V.** That the Owner shall pay to the Contractor for the performance of the work described as follows: Complete construction of the improvements in accordance with plans and specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of $156,965.00 for All work covered by and included in the contract award and designated in the foregoing Article I. Payment therefore shall be made in the manner provided in the General Conditions attached hereto.

**ARTICLE VI.** That the Contractor shall begin assembly of materials and equipment within ten (10) days after receipt from the Owner of executed copies of the Contract. Date of Completion of this project is **September 30, 2017**.

Liquidated Damages - Should the contractor fail to complete the work on or before the completion date specified the contractor will be charged liquidated damages in the amount of $100.00 per calendar day for each full calendar day that the work is not fully completed. Liquidated damages will not be charged for weekends and holidays.

**ARTICLE VII.** Before the final payment can be made to the Contractor on the project, the Contractor must complete and return the Affidavit Compliance with the Prevailing Wage Law form furnished at the end of the Special Conditions section.

**ARTICLE VIII.** Before the final payment can be made on the project to the Contractor, the Contractor must complete and return the Contractor’s Affidavit Regarding Settlement of Claims form furnished at the end of the Special Conditions section.

**ARTICLE IX.** This Contract will not be binding and effective until confirmed by the Owner.
IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

BY _______________________
Mayor, Owner, Party of the First Part

STATE OF MISSOURI )
SS )
County of Phelps )

CONTRACTOR

BY _______________________
TITLE _______________________

On this ______ day of __________ before me appeared ______________________, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City of Rolla, Missouri, a municipal corporation, and the seal affixed to said instrument is the corporate seal of said municipal corporation and that said instrument is the corporate seal of said municipal corporation and that said instrument was signed under authority of the City Council of the City of Rolla, Missouri; and the said ______________________ Acknowledged said instrument to be the free act and deed of said municipal corporation.

My commission expires: ______________________

Notary Public

STATE OF MISSOURI )
SS )
County of Phelps )

On this ______ day of __________ before me appeared ______________________, to me personally known, who, being by me duly sworn, did say that (s)he is the ______________________, and that the seal affixed to said instrument is the corporate seal of said corporation by authority of its board of directors; and the said ______________________ acknowledged said instrument to be the free act and deed of said corporation.

My commission expires: ______________________

Notary Public

V. D. C.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development       ACTION REQUESTED: Final Reading

ITEM/SUBJECT: An Ordinance to approve the re-zoning of Lot 1, Spring Properties First Addition & Lot 10, Block 10, Holloway First Addition from R-2 (Two Family District) zoning to R-3 (Multi-Family District) zoning.

(Spring Properties LLC)
DATE: 4-3-2017

GENERAL INFORMATION:

CASE #: 2-2-17

APPLICANT/STATUS OF APPLICANT: The subject property belongs to the Spring Properties, LLC. 102 W. 14th Street, Rolla, Missouri 65401. Owner: Barbara Wilkins – Managing Member.

CURRENT ZONING/USE: The subject property is zoned R-2 (Two Family District) zoning. The site is currently undeveloped. The highest and best use of this property is for residential development given the extent to which the surrounding neighborhood is zoned and developed for multi-family use.

LOCATION OF SUBDIVISION: The subdivision is located at the intersection of 12th and Iowa Streets. The Assessor’s Account Number is 6589 and can be used to identify the location of a given property. See the attached map and legal description.

PROJECT DESCRIPTION: A request to re-zone Lot 1, Spring Properties First Addition, & Lot 10, Block 10, Holloway First Addition, from R-2 (Two Family District) zoning to R-3 (Multi-Family District) zoning. The combined lots total 17,860 sq. ft. Lot 1 Spring Street Addition will meet all requirements concerning setbacks, parking, open space (25% 4,465 sq. ft.) lot coverage (40%) 7,144 sq. ft. and lot width – 75 feet.

LOTS: The proposed project involves the re-zoning of a tract of land suitable for residential use located at the juncture of Twelfth and Iowa Streets to allow up to eight (8) dwelling units housing and 32 bedrooms. The building footprint contains 7,144 sq. ft. total area and open space with 25% (4,465 sq. ft.).

ENGINEER OF RECORD: Lortz Surveying LLC, 14800 Private Drive, 1122 Saint James, Missouri, 65559. Phone 573-265-0561, JasonLortzSurveying.com

PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their February 28, 2017 meeting.

ACTION REQUIRED: The Planning and Zoning Commission voted by a margin of 6 to 2 to approve the motion to recommend to the City Council approval as presented.
ORDINANCE NO._______

AN ORDINANCE APPROVING THE RE-ZONING OF LOT 1, SPRING PROPERTIES LLC FIRST ADDITION, & LOT 10, BLOCK 10, HOLLOWAY FIRST ADDITION FROM R-2 (TWO FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING, CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (SPRING PROPERTIES LLC)

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

Section 1: That the following legal description applies to this ordinance: An ordinance to approve the re-zoning of Lot 1, Spring Properties First Addition, & Lot 10, Block 10, Holloway First Addition from R-2 (Two Family District) zoning to R-3 (Multi-Family District) zoning.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they do conflict.


APPROVED:

ATTEST: ____________________________

Maycr

City Clerk

APPROVED AS TO FORM:

_______________________________

City Counselor

V.E.L.
APPLICATION FOR REZONING OF REAL ESTATE

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

Applicant's Name: Spring Properties LLC, Barbara Wilkins, managing member
Address: 102 w 14th st, Rolla
Phone Number: 465-4263
E-mail address: barbwilliams@gmail.com
Address of subject property: 1035 12th st, Rolla

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

Current zoning is: R2
Proposed zoning is: R3

Current land use is: Unimproved / SFH
Proposed land use is: Multi-family townhomes / S1-H

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

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

Barbara Wilkins
Type or print name
Signature

Type or print name
Signature

Type or print name
Signature

Subscribed and sworn before me this 3rd day of July in the year 2017.

Notary Public

TAMARA TURNER
My Commission Expires
Request to Rezone Lot1 Spring Properties First Addition & Lot 10, Block 10, Holloway First Addition from R-2 (Two Family District) Zoning to R-3 (Multi-Family District) Zoning (Spring Properties LLC)
Our primary objection to the proposed rezoning has to do with traffic and parking.

- Both 12 and Iowa are residential streets, with parking on both sides, which means they are reduced to single lane traffic much of the time. Because of the RR Xing, 12th Street already gets more traffic than many residential streets. Adding a multi-family development would significantly worsen traffic flow.
- We learned from Mr. Peterson of the “.6 parking space / bedroom” rule. Again looking to the apartments in the 400 block of 12th, that is inadequate. Double-parking frequently blocks the sidewalk. Spillover from the proposed multi-family development seems inevitable and problematic, for both pedestrian and auto traffic.
- The intersection of 12th and Iowa already has poor visibility due to parking and topography, especially for those heading north (uphill) on Iowa. As safety is a prime consideration according to the P/Z Code, this alone argues against rezoning.

Another consideration identified in the P/Z Cone is the “conservation and preservation” of property values.

- If this rezoning is approved, the resale value of our property will tank, and I’m guessing our taxes won’t.
- Zoning is not just about letters and numbers but the character of neighborhoods. In the space of one year you propose to transform our neighborhood from suburban to urban. Mr. Peterson admits that the proposed rezoning and development will bring down most, if not all, of the trees on the lots in question. Maybe a few of you are familiar with Oak Knoll, living proof that land can be developed without being destroyed. R3 zoning barely leaves room for grass, let alone trees. Modern planning principles recognize that trees provide practical services by cooling and cleaning the air. They reduce congestion and improve quality of life. If, as the P/Z Code says, this committee is concerned with adverse environmental impact, R3 should be off the table.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development        ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Request to rezone a .51 Acre Tract located near the intersection of Highway 72 & King Drive from C-1 (Neighborhood Business District) zoning to C-3 (Highway Commercial District) zoning.        (Walker)

DATE: 4-3-2017

GENERAL INFORMATION:

Case #: 1-26-2017

Applicant(s): The applicant owns the subject property – Walker, Jef H. Trust 12502 County Road 3210, Rolla, Mo 65401-0000, Corporate Manager, Mr Blake Mills, Family Center Farm & Home 816-213-3356, Bmills@familycenter.us.

Status of Applicant: The applicant, Blake Mills, has executed a Commercial and Industrial Real Estate Contract to purchase the subject property.

Current Zoning/Use: The subject property is currently zoned C-1 (Neighborhood Business District) zoning, which permits a maximum sign not to exceed 20 feet. The site is vacant, although the area is occasionally used for the outdoor display and storage of farm/ranch equipment for sale. The primary purpose behind this re-zoning request from C-1 to C-3 is to increase maximum sign height available to accommodate a maximum of 40 feet height for the proposed detached on-premise sign.

Proposed Use: Under Rolla’s sign code, the maximum height allowed for detached signs is 40 feet. This rezoning was made necessary due to the depth of the site and the ability of drivers to see the sign designed to accommodate the visibility of a 40 foot tall sign.

Location: The subject property is located at the corner of Highway 72 and King Drive. The Phelps County Assessor’s Account # 9388.02 indicates location.

Tract Size: The subject property is approximately 22,305 square feet. The site has sufficient depth and space to accommodate the proposed detached sign.

Action Required: The Planning and Zoning Commission voted by a margin of 8 to 0 to approve the motion to recommend to the City Council approval of the request to re-zone the subject property as presented.
ORDINANCE NO. _________

AN ORDINANCE TO APPROVE THE RE-ZONING OF A .51-ACRE TRACT (22,215 SQ. FT.) LOCATED NEAR THE INTERSECTION OF HIGHWAY 72 & KING DRIVE FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (WALKER)

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

Section 1: An Ordinance to approve the re-zoning of a .51-Acre Tract (22,215 sq. ft.) located near the intersection of Highway 72 & King Drive from C-1 (Neighborhood Business District) zoning to C-3 (Highway Commercial District) zoning.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they do conflict.


APPROVED:

________________________________________________________________________
Mayor

ATTEST:

________________________________________________________________________
City Clerk

APPROVED AS TO FORM:

________________________________________________________________________
City Counselor

\(\sqrt{F, 2}\)
# DETACHED SIGN REGULATIONS CITY OF ROLLA MISSOURI

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>DETACHED ALLOWED</th>
<th>SETBACK</th>
<th>MAX. HEIGHT</th>
<th>MAX. COPY</th>
<th>MAX. NUMBER OF SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>ONLY EXEMPT SIGNS ALLOWED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-2</td>
<td>ONLY EXEMPT SIGNS ALLOWED</td>
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<td></td>
<td></td>
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<tr>
<td>R-3</td>
<td>IF 3 OR MORE UNITS OR APPROVED NON RESIDENTIAL</td>
<td>25’</td>
<td>15’</td>
<td>60 SQUARE FEET</td>
<td>1</td>
</tr>
<tr>
<td>C-0</td>
<td>YES</td>
<td>25’</td>
<td>20’</td>
<td>100 SQUARE FEET</td>
<td>1</td>
</tr>
<tr>
<td>C-1</td>
<td>YES</td>
<td>10’</td>
<td>20’</td>
<td>100 SQUARE FEET</td>
<td>1</td>
</tr>
<tr>
<td>C-2</td>
<td>YES</td>
<td>10’</td>
<td>40’</td>
<td>400 SQUARE FEET PER SIDE</td>
<td>2 PROVIDED THEY ARE SEPARATED BY 500’ ON SAME SIDE OF STREET</td>
</tr>
<tr>
<td>C-3</td>
<td>YES</td>
<td>10’</td>
<td>40’</td>
<td>400 SQUARE FEET PER SIDE</td>
<td>2 PROVIDED THEY ARE SEPARATED BY 500’ ON SAME SIDE OF STREET</td>
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<tr>
<td>C-C</td>
<td>YES</td>
<td>0’</td>
<td>40’</td>
<td>400 SQUARE FEET PER SIDE</td>
<td>2 PROVIDED THEY ARE SEPARATED BY 500’ ON SAME SIDE OF STREET</td>
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<tr>
<td>M-1</td>
<td>YES</td>
<td>35’</td>
<td>40’</td>
<td>400 SQUARE FEET PER SIDE</td>
<td>2 PROVIDED THEY ARE SEPARATED BY 500’ ON SAME SIDE OF STREET</td>
</tr>
<tr>
<td>M-2</td>
<td>YES</td>
<td>35</td>
<td>40’</td>
<td>400 SQUARE FEET PER SIDE</td>
<td>2 PROVIDED THEY ARE SEPARATED BY 500’ ON SAME SIDE OF STREET</td>
</tr>
</tbody>
</table>

*Also allows Outside Storage/Sales*
Sec. 42-244.10. Electronic Message Center Signs.

An EMCS is defined as any sign or portion of a sign that uses changing lights to form a sign message or messages in text form or by video image display wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. The definition includes standard television screens, plasma display panel (PDP) screens, digital (HDTV) screens, flat panel display screen, light-emitting diode (LED) screens, video boards, and holographic 2 or 3D animation presentation displays. (Ord. 3982, §2)

(a) Portable or temporary EMCS are prohibited. The use EMCS shall be further restricted by the additional standards in this section and the lighting standards in Section 42-244.4, General Sign Provisions. (Ord. 3982, §2)

(b) An EMCS may be used with other sign types and the area of the EMCS shall be included in the calculation to determine total permitted sign advertising area for a specific business application. (Ord. 3982, §2)

(c) Advertising messages, information, images and background shall remain in a fixed static position for a minimum of eight (8) seconds. The change sequence must be accomplished within an interval of two (2) seconds or less. (Ord. 3982, §2)

(d) The EMCS shall have an automatic dimmer (factory set to the illumination intensities as follows) and a photo cell sensor to adjust the illumination intensity of brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver’s operation of a motor vehicle. The sign shall not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candels per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk to dawn as measured from the sign's face at maximum brightness. Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion or a street or highway or any residential use. (Ord. 3982, §2)

(e) No moving, rotating, fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or blue casting components are permitted. “Blue casting” refers to any digital media transmitter device provisioned over Bluetooth used to send an unsolicited electronic message directly to any cell phone within range if switched on. The EMCS shall not display any message that moves, appears to move, scrolls, or changes in light intensity during the fixed display period. (Ord. 3982, §2)

(f) The MECS shall contain a default sign design that will freeze the sign in one (1) position if a malfunction occurs to avoid flashing. (Ord. 3982, §2)
APPLICATION FOR REZONING OF REAL ESTATE

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

Applicant's Name: Jef H. Walker
Address: 1800 East Hwy
Phone Number: 573-208-5152
E-mail address: JefH.Walker@gmail.com
Address of subject property: 1800 East Hwy

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

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

A check for $20.00, payable to the Rolla Daily News for advertising, will be provided when this application is filed.

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

Jef H. Walker
Signature

Type or print name

Type or print name

Type or print name

Subscribed and sworn before me this 3rd day of February in the year 2017.

Denise L. Friese
Notary Public

An Equal Opportunity Employer
Request to Rezone a 0.54 Acre Tract located near the intersection of Highway 72 & King Drive from C-1 (Neighborhood Business District) Zoning to C-3 (Highway Commercial District) Zoning (Walker)
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development

ACTION REQUESTED: Final Reading

ITEM/SUBJECT: A Minor Subdivision, being a Fractional Part of the Southwest Quarter Northwest Quarter, Section 29, Township 38 North, Range 7 West and all of Lot 1, HyPoint Industrial Park North Plat No.3, Rolla, Phelps County, Missouri.

(HyPoint)

DATE: 4-3-2017

GENERAL INFORMATION:

CASE #: 1-13-17

APPLICANT/STATUS OF APPLICANT: RCDC currently owns the northerly 2.31 acres of Lot 2 while the Pepsi-Cola Bottling Co. owns the remaining 2.80 acres of Lot 2 (the south half). The (RCDC)is located at 900 Innovation Drive, suite 208, Rolla, Missouri and owns the balance (Lot 1) for 5.35 acres.

CURRENT ZONING/USE: The bulk of the subject property is zoned M-2 (Heavy Manufacturing District) zoning and M-1 (Light Manufacturing District) zoning. The Pepsi-Cola Bottling Co. has a commercial building on Lot 2 consisting of approximately 25,558 sq. ft. The remainder of Lot 1 is undeveloped and owned by RCDC. The highest and best use of this property is for industrial use.

LOCATION OF SUBDIVISION: The subdivision is located east of State Route V at the intersection with HyPoint Industrial Park North, Plat No. 3, which will provide access to the RCDC property. The Assessor’s Account Number is 3342.08 and can be used to identify the location of a given property. See the attached map and legal description.

LOTS: This subdivision includes Lot 1, consisting of 5.35 acres and Lot 2 consisting of 5.11 acres all part of the HyPoint Industrial Park North Plat No. 3. The Pepsi Cola Bottling Co. owns Lot 2 HyPoint Industrial Park North Plat Number 1. The existing interior lot lines associated with the Pepsi Cola parcel (Lot 2) interior lot lines will be eliminated and consolidated.


PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their February 28, 2017 meeting.

ACTION REQUIRED: The Planning and Zoning Commission voted by a margin of 8 to 0 to recommend to the City Council the approval of the request to re-subdivide the subject property as presented.

DEVELOPMENT HISTORY: No subdivision issues have been recorded for this property.

\[\checkmark\] C-1.
ORDINANCE NO. ______

AN ORDINANCE TO APPROVE THE RE-SUBDIVISION OF A MINOR SUBDIVISION, BEING A FRACTIONAL PART OF THE SOUTHWEST QUARTER NORTHWEST QUARTER, SECTION 29, TOWNSHIP 38 NORTH, RANGE 7 WEST AND ALL OF LOT 1, HYPOINT INDUSTRIAL PARK NORTH PLAT NO. 3, ROLLA, PHELPS COUNTY, MISSOURI (HYPOINT).

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

Section 1: An ordinance to approve the re-subdivision of a Minor Subdivision, being a Fractional Part of the Southwest Quarter Northwest Quarter, Section 29, Township 38 North, Range 7 West and all of Lot 1, HyPoint Industrial Park North Plat No. 1, Rolla, Phelps County, Missouri.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they do conflict.

Section 3: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

ATTEST: [Signature]
Mayor

City Clerk

APPROVED AS TO FORM:

[Signature]
City Counselor
CITY OF ROLLA  
CITY COUNCIL AGENDA

DEPARTMENT: Community Development  
ACTION REQUESTED: Final Reading

ITEM/SUBJECT: The Welty Addition, a Minor Subdivision, being a Consolidation of Lot 5, Block 2, School View Addition No.2 & all of Lot 4 and portions of adjoining vacated alleys, all in Walkers Addition, Rolla, Phelps County, Missouri.  

(Welty)  
DATE: 4-3-2017

GENERAL INFORMATION:

CASE #: 2-10-2017

APPLICANT/STATUS OF APPLICANT: The subject property (631 Salem Ave. and 808 Orchard Drive), belongs to Gary E. Welty and Colleen D. Welty, being the sole owners of all the real estate shown on this plat attributed to the Welty Addition. Said owners now desire to subdivide the land as shown on the plat, said subdivision to be named “Welty Addition”.

CURRENT ZONING/USE: The subject property located at 631 Salem is zoned R-2 (Two Family District) zoning. The existing property is a single family unit. The lot located at 808 Orchard is zoned R-1(Single Family District) zoning. The highest and best use of this property is for low density residential development given the extent to which the surrounding neighborhood is zoned and developed for residential use.

LOCATION OF SUBDIVISION: The proposed Welty Addition subdivision is located at 631 Salem Ave. and 808 Orchard Drive. The Assessor’s Account Numbers are 8868 and 8878 and can be used to identify the location of a given property. See the attached map and legal description.

LOTS: Lot 5, Block 2 of the School View Addition is vacant and is proposed, along with Lot 4 of Walker’s Addition, to become the Welty Addition. The property owners have expressed some interest in constructing an accessory structure on the lot, along with the existing residence.

PROJECT DESCRIPTION: The proposed project calls for the consolidation of two lots and does not involve new construction of residential units. No zoning changes are anticipated. The two lots consist of 17,729 sq. ft. when combined. The property owners are considering the construction of an accessory structure. The existing zoning is R-1 and R-2 (Two Family District) zoning.


PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their February 28, 2017 meeting.

ACTION REQUIRED: The Planning and Zoning Commission voted by a margin of 8 to 0 to recommend to the City Council the approval of the request to re-subdivide the subject property as presented.
ORDINANCE NO. ________

AN ORDINANCE TO APPROVE THE ESTABLISHMENT OF THE WELTY SUBDIVISION, A MINOR SUBDIVISION, BEING A CONSOLIDATION OF LOT 5, BLOCK 2, SCHOOL VIEW ADDITION NUMBER TWO AND ALL OF LOT 4 AND PORTIONS OF ADJOINING VACATED ALLEYS, ALL IN WALKER’S ADDITION ROLLA, PHELPS COUNTY, MISSOURI (WELTY).

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

Section 1: An ordinance to approve the establishment of the Welty Subdivision, a Minor Subdivision, being a Consolidation of Lot 5, Block 2, School View Addition Number Two and all of Lot 4 and portions of adjoining vacated alleys, all in Walker’s Addition Rolla, Phelps County, Missouri.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed in so far as they do conflict.

Section 3: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

________________________
Mayor

ATTEST:

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor
WELTY ADDITION
A Minor Subdivision, being a Lot Consolidation of Lot 5, Block 2,
SCHOOL VIEW ADDITION NUMBER TWO & all of Lot 4 and
portions of adjoining vacated alleys, all in WALKER'S ADDITION
Rolla, Phelps County, Missouri

[Diagram of WELTY ADDITION with labels and measurements]
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: First Reading

ITEM/SUBJECT: The Re-Subdivision (Consolidation) of Lots 1, 2, 3, and 4, Block 10 Holloway First Addition Rolla, Phelps County, Missouri.

(Chapman Addition)

DATE: 4-3-2017

GENERAL INFORMATION:

CASE #: 2-14-2017

APPLICANT/STATUS OF APPLICANT: The subject property is owned by Nathan Chapman (address: 15833 County Road 84360 Rolla, Missouri).

CURRENT ZONING/USE: The subject property located at 706, 13th Street Rolla, Missouri and is zoned R-3 (Multi-Family District) with plans to build townhomes. The highest and best use of this property is for medium density residential development given the extent to which the surrounding neighborhood is zoned and developed for residential use.

LOCATION OF SUBDIVISION: The proposed Chapman Addition is planned to be a replacement for Lots 1, 2, 3, & 4, Block 10 of the Holloway First Addition to eliminate interior lot lines that would be located between Iowa Street and High Street. The Assessor’s Account Numbers is 6587 and can be used to identify the location of a given property. See the attached map and legal description.

PROJECT DESCRIPTION: The proposed project calls for the consolidation of four lots leading to construction involving the development of moderate density housing - 12 townhome residential units. No zoning changes are anticipated. The combined lots consist of 23,958 sq. ft. The existing zoning is R-3 (Multi-Family District) zoning.

ENGINEER OF RECORD: Ms. Michelle Elwood PLS, located at 206 West Fourth Street, Salem, Missouri. Phone 573-578 8397.

PUBLIC COMMENT/ISSUES: No significant issues were raised by the Development Review Committee members at their DRC February 28, 2017 meeting.

ACTION REQUIRED: The Planning and Zoning Commission voted by a margin of 8 to 0 to recommend to the City Council the approval of the request to re-subdivide the subject property as presented.

DEVELOPMENT HISTORY: No subdivision issues have been recorded for this property.
ORDINANCE NO. ________

AN ORDINANCE ESTABLISHING LOT 1, CHAPMAN ADDITION, BY ELIMINATING LOTS 1, 2, 3, AND 4, BLOCK 10 HOLLOWAY FIRST ADDITION ROLLA, PHELPS COUNTY, MISSOURI. (CHAPMAN ADDITION)

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

Section 1: That the following legal description applies to this ordinance: Chapman Addition, a Minor Subdivision being a lot consolidation of Lots 1, 2, 3, and 4, Block 10, Holloway First Addition, Rolla, Phelps County, Missouri, Section 1, Township 37 North, Range 8 West of the 5th P.M. City of Rolla, Phelps County, Missouri.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they do conflict.

Section 3: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

ATTEST: ____________________________  
Mayor

____________________________  
City Clerk

APPROVED AS TO FORM:

____________________________  
City Counselor

1.

[Signature]