Open Citizen Comment Procedure

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

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

Rolla City Council Meeting
Monday, December 18, 2017
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Steven Jung

I. PUBLIC HEARINGS
A) Ordinance Rezoning 0.69-Acre Tract Located 470 Feet West of Oaklane Drive & South Bishop Ave. Intersection (Chen) – (City Planner James Shields) – First Reading

II. SPECIAL PRESENTATIONS

III. OLD BUSINESS
None.

IV. NEW BUSINESS
A) Ordinance Consolidating 206 and 208 E. 12th Street and 207 and 209 E. 11th Street (Sigma Pi Addition) – (City Planner James Shields) – First Reading
B) Ordinance Consolidating 1601, 1603 & 1605 North Pine Street (Theta Xi Addition) – (City Planner James Shields) – First Reading
C) Discussion Exploring New Ways to Notify the Public of Land Use Action Proposals – (City Planner James Shields) - Discussion
D) Motion Authorizing the Mayor to Execute Buyer/Brokerage Contract Amendment with Investment Realty (60-Day Extension) – (City Administrator John Butz) – Motion
E) Motion to Approve Memorandum of Agreement – Sustainable Ozarks Partnership (SOP) – (City Administrator John Butz) - Motion

V. CLAIMS and/or FISCAL TRANSACTIONS
A) Motion Awarding Bid for Green Acres Park New Playground Structure – (Parks & Recreation Director Floyd Jernigan) – Motion
B) Motion Awarding 2018 & 2019 Beverage Bids for Ber Juan Sportsplex, Centre & SplashZone – (Parks & Recreation Director Floyd Jernigan) – Motion
VI. MAYOR/CITY COUNCIL COMMENTS
A) Motion Appointing Mr. Doug Roberts to the Health and Recreation Center Board
   (April 2020) – Motion
B) Parkland Dedication Policy Committee

VII. CITIZEN COMMUNICATION
A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

IX. CLOSED SESSION
Pursuant to RSMo. 610.021, the Rolla City Council will discuss the following in Closed Session:
None.

X. ADJOURNMENT
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development  ACTION REQUESTED: First Reading & Public Hearing

SUBJECT: A request to rezone the 0.69-acre tract of land located in Rolla, Missouri and identified with the Phelps County Assessor’s Account Numbers of 10668 and 10668.01 from the General Retail District (C-2) to the Multi-Family District (R-3).

MEETING DATE: 12-18-2017

GENERAL INFORMATION:
CASE NUMBER: ZON17-12  SUBMISSION DATE: 11-03-2017

APPLICANT: The parcels subject to the proposed ordinance (the subject parcels) are owned by the Chen’s Estate Management LLC (the applicant) and their mailing address is 9201 Wabaday Avenue St. Louis, Missouri, 63114.

LOCATION: The subject parcels are located in the city of Rolla, Missouri, 470 feet west of the intersection of Oaklane Drive and South Bishop Avenue. The Phelps County Assessor’s Account Numbers for the subject parcels are, from west to east, 10668.00 and 10668.01 (See Figure 1-A for a general location map and Figure 1-B for a close-up aerial image).

CURRENT USE, ZONING, AND FLUM DESIGNATION: The current use of Parcel 10668 is vacant and the current use for Parcel 10668.01 is a single-family detached dwelling that is in poor condition. The subject parcels are located in the General Retail (zoning) District (C-2). The Future Land Use Map (FLUM) designation is Medium/High Density Residential (MHDR) (See Figure 1-C for the Official Zoning Map and the FLUM).

PROJECT DESCRIPTION: The proposal is to amend Rolla’s Official Zoning Map that covers the subject parcels in a way that changes the designation of the subject parcels from C-2 to the Multi-Family District (R-3). According to the applicant’s site plan (See Figure 1-D), if approved, the applicant proposes to establish the land use of “Multi-Family dwellings…” on the subject parcels by constructing 5 vertically attached dwelling units on each parcel (i.e. ‘five-plexes’). After further inquiry, the applicant has explained that the units within the buildings will be have two bedrooms, and that the building will be two stories with brick facades (See Figure 1-D for an image of a development that the applicant claims the proposed buildings will duplicate).

ANALYSIS:
INTENT OF ROLLA 2020, CHANGING CONDITIONS, & MAP CORRECTION: Within Rolla 2020, the latest update to Rolla’s comprehensive plan, under the section entitled “Land Use Intensity – Transitional Land Uses”, it is stated that “Lower intensity land uses should be located so as to provide a transition between higher intensity uses” (Rolla 2020, 2005, p. 58). To the south of the subject parcels, there are several large parcels that are zoned C-2. These parcels could be zoned to higher intensity zoning districts that align with their Community Commercial FLUM designation. This phenomenon has occurred about 700 feet to the subject parcels’ north with the
construction of Rolla’s only Wal-Mart. As one travels west on Oaklane and north on Adrian Avenue, they will notice that it is almost all single-family residences. The subject parcels, a few parcels to the east of the subject parcels, and a north-south strip to the north of the subject parcels have a FLUM designation of MDHR. The intent of this was to create that intensity transition between C-3 uses and Single-Family District (R-1) uses. The transition was intended to occur not only to the east of said R-1 district, but also to the south. By zoning the subject parcels R-3 there is a correction of the zoning map that could help this intent become realized. In the subject parcels’ case, they will be creating a transition of intensity between the potential Community Commercial activity to the south from the single-family residences to the north and northwest.

**COMPATIBILITY OF PERMITTED LAND USES:** With R-1 to the north and northwest, the subject parcels becoming R-3 will decrease the likelihood of incompatibilities between the potential C-2 uses that could occur on the subject parcels today with the before-mentioned R-1 uses. While C-2 uses are generally more compatible with the surrounding C-2 and C-3 uses than are R-3 uses, R-3 uses are more compatible with said C-2/C-3 uses than are the current non-conforming R-1 uses located on the subject parcels.

**IMPACT ON PEDESTRIAN AND VEHICULAR TRAFFIC:** One apartment unit will generate an average of 6.1 trips per average weekday (TAW). With ten units (i.e. two fiveplexes), the TAW is 61. In regards to the same statistic for potential C-2 uses that could be established at the site, the following applies. At 10,000 gross feet (which is far under the average size of a commercial building; 19,000 square feet), nine other C-2 uses would produce anywhere from 117 TAW (general office) to 5,780 TAW (convenience market). Because C-2 uses would generate up to 94.7 times more traffic than R-3 uses, the rezoning of the subject parcels to R-3 would decrease the likelihood of pedestrian and vehicular traffic on the neighborhood scale Oaklane Drive. This reduction in traffic could reduce the likelihood of vehicular and pedestrian/bike incidents.

**AREA AND BULK REQUIREMENTS:** The county-created lot line that separates the parcels are not recognized by the city because it was not created through the city’s subdivision process. No building permits shall be permitted until this line becomes recognized through the resubdivision process. Whether separated or not, the parcels meet all lot area and dimensional requirements of the R-3 district and the existing structure meets R-3 setbacks.

**PUBLIC COMMENTS & P&Z RECOMMENDATION:** There were comments from two property owners within the 185-foot notice boundary that spoke at the Planning and Zoning (P&Z) Commission meeting (held on 12-12-17). Ken Boecker; owner of 904, 916, and 918 Oaklane; made comments. Boecker’s properties are located directly across the street from the subject parcels. The parcel that is known as 904 and 906 Oaklane has a single-family residence and triplex on it (legal non-conforming use in R-1). In 2014, Boecker attempted to rezone his properties to R-3 and failed. Based on an analysis of the minutes of the meeting, Boecker had concerns about the city not knowing how many bedrooms were proposed and that the subject parcels were better suited for commercial development. Jennifer Nixon, owner of 623 Adrian Avenue, commented on the proposal. Based on an analysis of the minutes from the meeting, Nixon was concerned about changing the character of the neighborhood and whether or not there would be sufficient parking. The P&Z commission unanimously recommended that the proposal be denied. Based on the
commission’s comments, it appeared that there were concerns about the Boecker rezoning denial, increased traffic, insufficient parking, and the use being inappropriate for the area.

**ACTION REQUIRED:** The action requested from the City Council is to conduct a public hearing on and the first reading of Chen’s proposal to amend Rolla’s Official Zoning Map. If this proposal is approved, it is requested that two ordinances that enact the proposal is approved and recorded.
AN ORDINANCE TO APPROVE THE REZONING OF THE 0.69-ACRE TRACT OF LAND THAT IS LOCATED IN ROLLA, MISSOURI AND IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR’S ACCOUNT NUMBERS OF 10668 AND 10668.01 FROM THE GENERAL RETAIL DISTRICT (C-2) TO THE MULTI-FAMILY DISTRICT (R-3). (CHEN)

WHEREAS, an application for a rezoning was duly filed with the Community Development Department on November 3, 2017, requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published on November 25, 2017 in the Rolla Daily News that in accordance with law provided notice that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on December 12, 2017 at 5:30 p.m. The Planning and Zoning Commission recommended the City Council deny the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the Rolla City Council, during its December 18, 2017 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

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

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

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from the General Retail (zoning) District (C-2) to the Multi-Family (zoning) District (R-3) described as follows:

The 0.69-acre tract of land located in Rolla, Missouri and identified with the Phelps County Assessor’s Account Numbers of 10668 and 10668.01.

SECTION 2: 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 rezoning process has been completed by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 2ND DAY OF JANUARY 2018.

APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor
Figure 1-A, Chen General Location
Figure 1-B, Chen Aerial
Figure 1-C, Chen Zoning and FLUM
Figure 1-D, Chen Site Plan
(Note: two-bedroom units with garages)
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: First Reading

SUBJECT: A request to consolidate the four parcels that are known as 206 and 208 East 12th Street and 207 and 209 East 11th Street into one parcel through the resubdivision process.

(Sigma PI Addition)

MEETING DATE: 12-18-2017

GENERAL INFORMATION:
CASE NUMBER: SUB17-15 SUBMISSION DATE: 11-17-2017

APPLICANT: All of the parcels involved in this lot consolidation (the subject parcels) are owned by the Alpha Iota Building Association (the applicant). Their mailing address is 16403 Prestwick Place Lane, Wildwood, Missouri, 63011.

LOCATION: The subject parcels are located in Rolla, Missouri, at the intersection of the Burlington Northern Railroad and West 12th Street (See a general location map in Figure 3-A and see an aerial of the parcels in Figure 3-B). The subject parcels consist of fractional parts of Block 96 of Bishop’s Third Addition. (The full legal description and the latest version of the Final Plat Map can be viewed in Figure 3-C).

CURRENT ZONING/USE: The subject parcels are located in Multi-Family District (R-3). The current uses of the properties appear to include a fraternity houses and a single-family residence.

PROJECT DESCRIPTION: The applicant is proposing to use the resubdivision process to consolidate four parcels into one parcel. This consolidation is being conducted to build a new 24-bedroom fraternity house.

ANALYSIS:
CURRENT NON-CONFORMING LOT STATUS: The parcels identified as 206 12th Street and 207 11th Street do not meet the lot area and/or lot width requirements of R-3. While each lot is between 45 and 65 feet wide and one of them is 5700 square feet in size, the R-3 requirements are 75 feet and 7500+ square feet, respectively. These lots are legal non-conforming lots because they were created before our current zoning regulations were put into place. They must only meet minimum width and area requirements when their boundary lines are adjusted, when they are consolidated, or when they are subdivided.

AREA AND BULK REQUIREMENTS: All of the current legal non-conforming aspects of the current lots (i.e. lot width and area) will become conforming to R-3 requirements once consolidated. The resulting lot will lose its legal non-conforming status once consolidated. Insofar as the legal non-conforming building/structure aspects of these lots (i.e. setback/lot coverage/height violations) are concerned, the approval of this lot consolidation will not increase those aspects.
PROCESS: The applicant submitted a draft version of the Final Plat that has been reviewed by the relevant staff of Rolla's municipal government and by the staff of Rolla Municipal Utilities (RMU). After review, said staff proceeded to communicate to the applicant and his/her/their surveyor the findings of said review. After review of said findings, the applicant/surveyor has submitted a revised final plat map to the Community Development Department. The revised Final Plat has been reviewed again by relevant city and utilities staff. In summary, RMU is requesting an easement from the applicant. The Rolla Public Works Department has stated that the following items do not apply to this project: parkland dedication, land development permit, and the in-lieu fee for storm water management. The Public Works Department is requiring that the applicant improve the north side of 11th Street along the south boundary of the newly created lot. As noted on the restrictive covenant on the Final Plat Map, no building permits will be issued until these improvements occur. The Community Development Department has received comments on a third draft of the final plat map from relevant reviewing agencies and there are no additional requests for revisions to the latest draft of the final plat (See Figure 3-C).

PUBLIC COMMENT: No public comments or issues have been submitted to the city.

ACTION REQUIRED: The action requested from the City Council is to conduct a public hearing on and the first reading of the approval, denial, or conditional approval of the Sigma PI Addition Final Plat Map. If this final plat map is approved, it is requested that an ordinance that enacts this proposal is approved and recorded.
ORDINANCE NO. __________

AN ORDINANCE TO APPROVE THE CONSOLIDATION OF THE FOUR PARCELS THAT ARE KNOWN AS 206 AND 208 EAST 12TH STREET AND 207 AND 209 EAST 11TH STREET INTO ONE PARCEL THROUGH THE RESUBDIVISION PROCESS. (SIGMA PI ADDITION)

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

SECTION 1: The consolidation of the four parcels that are known as 206 and 208 East 12th Street and 207 and 209 East 11th Street into one parcel through the resubdivision process.

SECTION 2: 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.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 2ND DAY OF JANUARY 2018.

APPROVED:

Mayor

ATTEST:

________________________________
City Clerk

APPROVED AS TO FORM:

________________________________
City Counselor
SIGMA PI LOT CONSOLIDATION: Site and Details

- **Applicant:** Alpha Iota Building Association
- **Details**
  - Zoned Multi-Family District (R-3)
  - Two parcels do not meet minimum lot size and/or minimum lot frontage
- **Current Use**
  - Appear to include a fraternity houses and a single-family residence

12/12/2017 - Rolla's Planning & Zoning Commission Meeting
DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

SUBJECT: A request to consolidate the three parcels that are known as 1601, 1603, and 1605 North Pine Street into one parcel through the resubdivision process.

MEETING DATE: 12-18-2017

GENERAL INFORMATION:
CASE NUMBER: SUB17-14
SUBMISSION DATE: 11-16-2017

APPLICANT: All of the parcels involved in this lot consolidation (the subject parcels) are owned by the Alpha Psi Association of Theta Xi Fraternity (the applicant). Their mailing address is 1749 Larkin Williams Road, Fenton, Missouri, 63026.

LOCATION: The subject parcels are located in Rolla, Missouri, at the intersection of North Pine Street and West 16th Street (See a general location map in Figure 2-A and see an aerial of the parcels in Figure 2-B). The subject parcels consist of all of Lots 1 & 2 of Chamberlin’s Addition and part of Lot 29 of the Railroad Addition (The full legal description and the latest version of the Theta XI Final Plat Map can be viewed in Figure 2-C).

CURRENT ZONING/USE: The subject parcels are located in Multi-Family District (R-3). The current uses of the properties appear to include a fraternity house, a single-family residence, and a multi-family residence.

PROJECT DESCRIPTION: The applicant is proposing to use the resubdivision process to consolidate three parcels into one parcel. This subdivision is being done to expand the fraternity facility currently located at 1605 North Pine Avenue.

ANALYSIS:
CURRENT NON-CONFORMING LOT STATUS: The lots identified as 1603 and 1601 North Pine Street were part of a traditional downtown subdivision that were modeled for urban (as opposed to suburban) single-family houses with medium sized setbacks. Because of this, these lots are far under the lot area and lot width requirements of R-3. While each lot is about 50 feet wide and 5200 to 5500 square feet in size, the R-3 requirements are 75 feet and 7500+ square feet, respectively. These lots are legal non-conforming lots because they were subdivided before our current zoning regulations were put into place. They must only meet minimum width and area requirements when their boundary lines are adjusted, when they are consolidated, or when they are subdivided.

AREA AND BULK REQUIREMENTS: All of the current legal non-conforming aspects of the resulting lot (i.e. lot width and area) will become conforming to R-3 requirements. The resulting lot will lose its legal non-conforming status once consolidated. Insofar as the legal non-conforming building/structure aspects of these lots (i.e. setback/lot coverage/height violations) are concerned, the approval of this lot consolidation will not increase those aspects.
PROCESS: The applicant submitted a draft version of the Final Plat that has been reviewed by the relevant staff of Rolla’s municipal government and by the staff of Rolla Municipal Utilities (RMU). After review, said staff proceeded to communicate to the applicant and his/her/their surveyor the findings of said review. After review of said findings, the applicant/surveyor submitted a revised final plat map to the Community Development Department. The revised Final Plat has been reviewed again by relevant city and utilities staff. In summary, RMU is requesting easements from the applicant. The Rolla Public Works Department has stated that the following items do not apply to this project: parkland dedication, land development permit, in-lieu fee for storm water management. This department has also stated that Block E should say Block 3. The Community Development Department has received a final draft of the final plat map and the relevant agencies have commented that they have no other requests for revisions.

PUBLIC COMMENT: No public comments or issues have been submitted to the city.

ACTION REQUIRED: The action requested from the City Council is to conduct a public hearing on and the first reading of the approval, denial, or conditional approval of the Theta XI Addition Final Plat Map. If this proposal is approved, it is requested that an ordinance that enacts this proposal is approved and recorded.
ORDINANCE NO. 1

AN ORDINANCE TO APPROVE THE CONSOLIDATION OF THE THREE PARCELS THAT ARE KNOWN AS 1601, 1603, AND 1605 NORTH PINE STREET INTO ONE PARCEL THROUGH THE RESUBDIVISION PROCESS. (THETA XI ADDITION)

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

SECTION 1: The consolidation of three parcels that are known as 1601, 1603, and 1605 North Pine Street into one parcel through the resubdivision process

SECTION 2: 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.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 2ND DAY OF JANUARY 2018.

APPROVED:

________________________
Mayor

ATTEST:

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor
Figure 2-A, Theta General Location Map
THETA XI LOT CONSOLIDATION: Site and Details

- **Applicant:** Alpha Psi Association of Theta Xi Fraternity

- **Details**
  - Zoned Multi-Family District (R-3).
  - Two parcels do not meet minimum lot size and minimum lot frontage.

- **Current Use**
  - Appear to include a fraternity house, a single-family residence, and a multi-family residence.
Figure 2-C, Theta Draft Final Plat Map
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: Discussion

SUBJECT: A request from the City Administrator to explore new ways to notify the public of land use action proposals.

(City Council)

MEETING DATE: 12-18-2017

STATE LAW AND CURRENT PROCEDURES:
According to the revised statutes of Missouri (RSMo), cities such as Rolla, may establish zoning districts and apply constitutionally sound regulations to each district pertaining to, in part, the use and placement of buildings. In addition, boundaries of those districts may be amended if, and only if, a public hearing is conducted and a “notice of the time and place of such hearing... [is] published in an official paper...” at least 15 days before such hearing. Lastly, if a protest petition against such a change is signed and notarized by at least thirty percent of the owners of land within an area 185 feet parallel to the boundaries of the subject district, a two-thirds majority vote of approval is needed to enact such change (RSMo, Ch. 89.030, 89.050, and 89.060).

In addition to abiding by these statutes, which have been enshrined into their Planning and Zoning Code (Sections 42-250.4 and Sec. 42-250.6), the Community Development Department mails a notice to all of the property owners within 185 feet of any property that is subject to amendments to the Official Zoning Map. This includes annexations and rezones and it is not required by local or state law. The notice includes a map of the land subject to such changes, a sheet that explains the rezoning procedures, and a letter that describes the following: the special influence they have over the process; the time, date, and place of the Public Hearing and the Planning and Zoning commission meeting; and where they can find more information on the case in question.

In regards to variances, state law does not require public notice. However, state law mandates that appeals to Board of Adjustment decisions shall receive public notice (RSMo, Ch. 89.100). Rolla’s Planning and Zoning Code states that notice of variance applications shall be posted in three conspicuous places near the subject property at least ten days before the public hearing. In addition, it is stated that a written notice shall be sent through mail by the secretary of the board to the applicant and to all other persons deemed, by the board, to be affected. However, in the same provision, it states that these noticing procedures are not mandatory. When a variance is requested through the Board of Adjustments, the applicant is required to post three 11”x17” signs in their yard that state the location/date/time of the public hearing, the specific variance type, and where to find more information. The city prints the notices and requires the applicant to pick them up. The applicant is responsible for posting the sign. In addition to verifying, visually, that the signs are posted, property owners within 185 feet are notified through mail.

BACKGROUND:
The main reason noticing procedures are vital to the rezoning process is that a neighboring property owner’s due process rights may be violated and approvals may be overturned if they are not notified. Newspaper advertisements satisfy due process demands when there are no identifiable persons to notify. However, when there are persons whose identities and addresses are known or are identifiable, newspaper advertisements do not meet due process demands.
Print newspaper readership has been in steady decline with the rise of new methods of media distribution. According to the Pew Research Center, as of 2016, only 5 percent of 18-to-29-year-olds and only 10 percent of 30-to-49-year-olds often get their news from print. Rolla citizens have inquired about other methods of notification of land use action proposals.

OPTIONS:
In terms of constitutionality, if surrounding property owners are notified through mail, due process demands have been met. Rolla does this and follows state law by advertising in the newspaper. The Rolla Daily News posts Rolla’s rezoning and annexation advertisements in their newspapers and on their website. In addition, the Planning and Zoning Commission meetings are repeatedly broadcast on television, the most popular way through which people obtain news, throughout every day of the week. This gives citizens an opportunity to speak at the public hearing before the City Council. Rolla also posts full staff reports on all requests for land use actions on Rolla’s website.

If the goal is to increase the extent of notification to either the public-at-large or the subject neighborhood, there are several ways to accomplish these goals. If the public-at-large is the main target for notification, Rolla could highlight such proposed land use actions on their website, Facebook page, and potentially a newly created Twitter account. In addition, Rolla could create a mail-list that would allow those who sign-up to receive emails pertaining to land use actions.

If the subject neighborhood is the target for expanded notification, one way to increase the extent of notification is to increase the number of feet that determines who will be mailed direct notice. At 185 feet, Rolla is essentially notifying abutting property owners and neighbors across the street. If the distance were 300 feet, almost the entire block could be reached. At 500 feet, the span of reach could be up to two blocks in each direction. In addition, if we were to send notices to both the property owner and the resident, if different, this would expand the depth of notification.

Seven states require notification to be done through sign posting. Utah allows a notice to be posted on their website instead of posting a sign. Three of these seven require posting only under certain circumstances. However, there are questions about the effectiveness of the sign posting method of notification in comparison to expanding the mailing notice perimeter. Will posting a sign increase the neighborhood’s awareness of such proposals more than a letter in the mail? Is the subject property located on a road on which few people travel? Will those who travel down such a road, be neighbors or persons who live across town? If posting signs becomes the preferred method, the costs of such signs and posting would need to be added to the application fee (Est. $60 per sign).

CONCLUSION:
If the goal is to increase the awareness of those who live nearby, residents and property owners, expanding the perimeter of mail notification and sending it to, in addition to property owners, the residents within this perimeter, would increase the notification of the potentially affected and ensure that notification was being received. Posting signs does not guarantee their notification. However, posting signs, when located on a busy arterial, could possibly expand the notification of the public-at-large to motor-vehicle drivers. However, an increased ability to find such information online, such as highlighting such actions on government website, Facebook, and Twitter, could increase the notification of the public-at-large in a more consistent and evenly distributed manner. The Planning and Zoning Commission liked the idea of increasing online notification only.
COMMENTARY: The City contracted with Investment Realty in early 2017 to coordinate the considerable property acquisition for the Highway 72 project. Acquisition has gone extremely well with one remaining property to be acquired/closed (out of 26 properties). The current agreement expires in December. A 60-day extension is needed to complete the acquisition process. The attached Contract Amendment extends services until February 28, 2018.

Recommendation: Motion to authorize the Mayor to execute the Buyer/Brokerage contract Amendment (60 day extension).
Buyer/Tenant Agency/Brokerage Contract Amendment

If you wish to change the existing Agency/Brokerage Contract described below, please complete this form and return it to us for review and approval.

1. Buyer(s)/Tenant(s) Name(s): City of Rolla

2. Agency/Brokerage Contract between Buyer(s)/Tenant(s) and REALTOR® dated: December 9, 2016

3. To the extent not specifically amended hereby, the terms and conditions of the Agency/Brokerage Contract previously entered into between the parties shall remain in full force and effect; provided, however, in the event of any inconsistency between terms set forth herein and terms set forth in the original Agency/Brokerage Contract entered into between the parties, the terms set forth herein shall control.

4. CHANGES TO EXISTING AGENCY/BROKERAGE CONTRACT. (Complete only if and as applicable)

5. Buyer(s)/Tenant(s) and REALTOR® agree as follows:

6. I. Change type of property to be acquired to: (Complete Only If Applicable)

7. II. Change Agency Period/Brokerage Period to: (Complete Only If Applicable) February 28, 2018

8. III. ☐ DOES ☐ DOES NOT (Complete only if applicable) permit REALTOR® to disclose the following motivating factors for Buyer in seeking to acquire a property: Interest in purchasing property.

9. IV. List any other changes: (Complete only if applicable)

10. Buyer/Tenant (Signature) City of Rolla

11. Printed Name Date

12. REALTOR® hereby acknowledges and accepts the above Contract Amendment, effective as of the 8 day of Dec. 2017

13. REALTOR®'s Firm Name Investment Realty, Inc.

14. By (Signature)

15. Licensee's Printed Name Mike Woessner

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

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ITEM/SUBJECT: Motion to Approve the Memorandum of Agreement — Sustainable Ozarks Partnership (SOP)

BUDGET APPROPRIATION (IF APPLICABLE) $15,000 for 3 years  DATE: Dec. 18, 2017

COMMENTARY: The City has been an active participant in the Sustainable Ozarks Partnership (SOP) since its founding in 2013. SOP, a not-for-profit corporation, was formed to “unite the work of local governments, business, civic organizations and citizens in a four-county region to ensure the long-term sustainability of Ft. Leonard Wood.” SOP has been funded through service contracts with Ft. Wood and DOD, community support/donations, and a DED tax credit initiative. The goal has been to ramp up the effort to the point of sustainable funding from businesses, individuals and community.

In 2017 the following cities stepped up with three-year commitments: St. Robert ($75,000), Waynesville ($50,000), Lebanon ($15,000) and Phelps County ($2,500). With Rolla’s support SOP will then approach a variety of smaller communities. In support of Rolla’s participation/membership the following entities have pledged their support: RREC (up to $5,000/year), Rolla Chamber/Phelps for the Fort ($1,000/year), PCRMC under consideration.

Ft. Wood has a $1.8 billion impact on the State of MO (38,000 employees) and is obviously a significant economic driver for the Rolla Region. While initially formed with the intent of defending the Ft. Wood mission to DED cuts SOP sees real opportunity with new mission and growth. Many states spend considerably more money ensuring a military-friendly area than Missouri does, but the community support and involvement in the four counties surrounding Ft. Wood is very unique and very effective. Sustained membership in SOP ensures that support and commitment. The FY 2017/18 budget included sustained membership in SOP subject to annual appropriation.

Recommendation: Motion to participate actively in SOP as a sustaining member.
MEMORANDUM OF AGREEMENT
Between the City of Rolla and the Sustainable Ozarks Partnership

The City of Rolla (City) and Sustainable Ozarks Partnership (SOP) agree to jointly and cooperatively pursue an effort intended to support the current status and continued growth of Fort Leonard Wood, a United States military base located within Pulaski County of the State of Missouri.

1. SUSTAINABLE OZARKS PARTNERSHIP

The Sustainable Ozarks Partnership, a part of the Leonard Wood Institute a 501(c)3 not-for-profit corporation created in 2004, was formed in 2013 for the purpose of uniting the work of local governments, businesses, civic organizations and citizens in a four (4) county region to ensure the long-term sustainability of Fort Leonard Wood.

2. JOINT EFFORT

This agreement recognizes that the SOP and the City can cooperatively promote the continued growth and stability of Fort Leonard Wood by working together with other organizations and entities that have similar interest in the base.

This agreement further recognizes that the SOP, working throughout the region, will provide a framework for effective delivery of economic development and sustainability services and is or will be staffed by a trained team. SOP will furnish leadership to implement and expedite programs and projects designed to promote the sustainability of Fort Leonard Wood.

This agreement further recognizes that the City may engage in activities designed for the purpose of promoting and developing growth within Fort Leonard Wood and that the City may contract with other organization for this purpose.

These purposes are mutually supportive and the joint efforts to serve those respective purposes should prove to be beneficial to both the City and the SOP and the residents, businesses and industries of Pulaski County.

3. TERMS OF AGREEMENT

The effective term of this agreement shall be from the date of execution for a period of three (3) years, and shall be renewable upon mutual agreement for a period determined in that mutual agreement.

4. CITY OF ROLLA'S SUPPORT

For the services to be provided by the SOP under the terms of this joint agreement, and to assist with matching funds for grant applications benefiting the Fort Leonard Wood area, the City shall provide to the SOP a contribution of Fifteen Thousand Dollars ($15,000.00) per year for the three (3) years of this contract so the SOP will have an adequate budget to enable it to employ and support the necessary staff to
implement the programs and projects that are developed to promote economic development and sustainability regarding Fort Leonard Wood. Future contribution amounts may increase depending upon the financial condition of the City and is subject to approval of the Mayor and City Council.

5. **SCOPE OF THE SUSTAINABLE OZARK PARTNERSHIP'S RESPONSIBILITY**

a. The SOP shall advocate for new missions, jobs and economic growth for Fort Leonard Wood and the surrounding region.

b. The SOP will work to improve the quality of life and the business climate of the region.

c. The SOP will work to ensure the Department of Defense maintains or increases its current level of funding, organization, and personnel at Fort Leonard Wood.

d. The SOP will strive to achieve state and national recognition for the region.

e. The SOP will work to ensure Fort Leonard Wood continues to be an enduring installation with opportunities to grow with expanding or new missions.

f. The SOP will work to improve its efficiency and effectiveness so it can successfully support the region and Fort Leonard Wood over the long term.

g. The SOP will keep the City informed of SOP meetings and business.

h. The SOP will provide budget information and status reports to the City no less than annually, or as requested.

AGREED to this _____ day of ________________, 2017.

Mayor Louis J. Magdits IV

ATTEST:

Carol Daniels, City Clerk

Executive Director, Sustainable Ozarks Partnership
# Annual Budget

**Leonard Wood Institute**  
**July 1, 2017 - December 31, 2018**

Revised 6/12/17

## Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>7/1/17 - 12/31/17</th>
<th>1/1/18 - 12/31/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARL Indirect (Mod 8 $69,700)</td>
<td>$31,576.00</td>
<td></td>
</tr>
<tr>
<td>OEA Grant</td>
<td>$79,244.00</td>
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</tr>
<tr>
<td>Center for Sustainable Solutions (Grant)</td>
<td>$52,000.00</td>
<td>$104,000.00</td>
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<tr>
<td>Department of Agriculture Grant</td>
<td></td>
<td>$91,804.00</td>
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<td>June 2014 Voucher</td>
<td>$53,210.00</td>
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<tr>
<td>IPA Contract</td>
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<td>$99,690.00</td>
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<tr>
<td>NAP Tax Credits</td>
<td>$175,000.00</td>
<td></td>
</tr>
<tr>
<td>Airport Project</td>
<td>$34,779.00</td>
<td></td>
</tr>
<tr>
<td>Cities of Waynesville and St. Robert</td>
<td>$75,000.00</td>
<td>$75,000.00</td>
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<tr>
<td>Phelps County</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Individual/Corporate Donors</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
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<tr>
<td>Department of Agriculture Grant</td>
<td></td>
<td>$92,212.00</td>
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Total Revenue: $518,309.00

## Expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>7/1/17 - 12/31/17</th>
<th>1/1/18 - 12/31/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Fringe Benefits (LWI Staff) (3 FTE)</td>
<td>$149,297.00</td>
<td>$298,595.00</td>
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<tr>
<td>Office Space</td>
<td>$7,200.00</td>
<td>$14,400.00</td>
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<tr>
<td>401(k) Retirement</td>
<td>$14,960.00</td>
<td>$29,920.00</td>
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<tr>
<td>Insurance - Health</td>
<td>$5,581.00</td>
<td>$11,162.00</td>
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<tr>
<td>Board Liability and Insurance</td>
<td>$1,624.00</td>
<td>$3,248.00</td>
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<tr>
<td>Professional Memberships</td>
<td>$2,400.00</td>
<td>$4,800.00</td>
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<tr>
<td>Technology Reimbursement</td>
<td>$990.00</td>
<td>$1,980.00</td>
</tr>
<tr>
<td>Website Development and Maintenance</td>
<td>$560.00</td>
<td>$1,120.00</td>
</tr>
<tr>
<td>Consultants (John Pursley)</td>
<td>$6,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>NAP Expenses (Consultant and Travel)</td>
<td>$5,000.00</td>
<td>$12,500.00</td>
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<tr>
<td>IPA Contract</td>
<td></td>
<td>$72,578.00</td>
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<tr>
<td>SOP Staff Consultant (Ron Selfors)</td>
<td>$21,600.00</td>
<td>$42,660.00</td>
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<tr>
<td>SOP Staff Consultant (Erin Kaberline)</td>
<td>$12,000.00</td>
<td>$36,000.00</td>
</tr>
<tr>
<td>OEA Expense</td>
<td>$10,999.00</td>
<td></td>
</tr>
<tr>
<td>3rd Party Administrator (Darrell Layman)</td>
<td>$17,400.00</td>
<td>$34,800.00</td>
</tr>
<tr>
<td>Audit Expense (Evers &amp; Company, CPAs, LLC)</td>
<td>$24,000.00</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>ARL Subawards</td>
<td>$29,814.00</td>
<td>$29,814.00</td>
</tr>
<tr>
<td>Department of Agriculture Grant</td>
<td></td>
<td>$59,922.00</td>
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<tr>
<td>Airport Project</td>
<td>$24,339.00</td>
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</table>

Total Expenses: $333,764.00

## Budget Variance

<table>
<thead>
<tr>
<th>Description</th>
<th>7/1/17 - 12/31/17</th>
<th>1/1/18 - 12/31/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Variance</td>
<td>$184,545.00</td>
<td>$(22,293.00)</td>
</tr>
</tbody>
</table>
Support for Missouri’s Military Installations, Defense Businesses and Service members

Phelps for the Fort

Rolla, Missouri

December 7, 2017
Why our Mission is Important

$14B IN TOTAL SPENDING

$32B IN ECONOMIC ACTIVITY
5% OF GSP

ECONOMIC IMPACT
ANNUAL TOTALS

$10B IN EARNINGS TO RESIDENTS

183,000 JOBS = 7% OF THE STATE'S WORKFORCE
DIRECT & INDIRECT JOBS) IN MISSOURI

*Based on 2015 Economic Impact Study
Mission and Goals

Mission

Provide leadership in the state’s efforts to preserve and enhance military installations, missions and agencies, to encourage the growth of defense businesses, and create a supportive environment for Service members, their families, and retirees

Goal 1: Bases—Retain and grow Missouri’s military installations and missions, and defense agencies

Goal 2: People—Improve services and quality of life for Service members and their families while they are serving in Missouri

Goal 3: Defense businesses—Support the success of Missouri businesses that provide services or products for defense and national security
Installations, Agencies and Missions

At stake in Missouri

- Total base/agency impact*
  - 83,865 direct and indirect jobs
  - $3.5 billion in personal earnings
  - $6.1 billion in total economic impact
- Fort Leonard Wood—$1.8 billion wages, 38,231 jobs, $2.8 billion impact
- Whiteman AFB—$514 million wages, 11,473 jobs, $855 million impact
- National Guard—$626 million wages, 19,244 jobs, $1.0 billion impact
- Other**—$607 million wages, 14,867 jobs, $1.4 billion impact
- Scott AFB***—$890 million wages, 9,854 jobs, $850 million impact
- Fort Leavenworth***—$100 million wages, 700 jobs, $570 million impact

* "An Assessment of Economic Impact of Military Spending in Missouri, March 2017"
** Includes military reserves and defense agencies like NGA and NNSA/KC Plant, LCAAP
*** 2015 estimates from KS and IL, not included in MO total
Actions in Support of Fort Leonard Wood & Community

• Working effectively with the region to build a strong partnership that focuses on long-term sustainability and growth
• “Best anywhere” experience for Soldiers and families (responsibility shared with many)
• Better connection to high quality jobs in the area for Soldiers (transitioning) & Spouses
• World class educational opportunities (local schools, Missouri S&T, etc.)
• Modern, reliable, modern transportation facilities (especially to accommodate better scheduled airline service)
• Access to modern healthcare facilities (GLWACH replacement, regional hospitals, etc.)
• Control encroachment through JLUS plan
DEPARTMENT HEAD: Floyd Jernigan, Parks & Recreation Director
ACTION REQUESTED: Motion to approve
ITEM/SUBJECT: New playground structure for Green Acres Park

BUDGET APPROPRIATION (IF APPLICABLE) $110,000 DATE: Dec. 18, 2017

COMMENTARY:

The following proposals were received Wednesday, Nov. 15, for a new playground structure in Green Acres Park. It is our intention to leave the older playground, as it is still serviceable, although it has seen declining use and is one of the oldest systems in the parks, being installed in 1997. This playground is near the trail, and serves the neighborhood and those who utilize the ballfield. Green Acres is one of the three oldest parks in the city. This new structure offers greater longevity with a poured in place ADA complaint surface over a concrete sub-base and an expanded number of activities. Proposals from 11 different companies were solicited. We received nine. All of our finalist bids are within our budgeted amount, and include installation, shipping, and ADA mandated safety surfaces and also meet our required specs specified in our bid packet and submitted at the time of bid of a concrete sub-base, and a minimum of 17 play activities, of which 6 are to be slides.

<table>
<thead>
<tr>
<th>Company</th>
<th>Model</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Play Scapes/Play &amp; Park Structures</td>
<td>Super Max Play Systems Green Acres Playground Option 1</td>
<td>$105,509.04</td>
</tr>
<tr>
<td>Yates Center, Kan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PS Commercial Play/Play &amp; Park Structures</td>
<td>Super Max Play Systems Green Acres Playground Option 1</td>
<td>$108,505.92</td>
</tr>
<tr>
<td>Park Hills, Mo./Chattanooga, Tenn.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athco</td>
<td>Play Booster Green Acres Option 1</td>
<td>$109,975</td>
</tr>
<tr>
<td>Lenexa, Kan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Recommendation: Staff is asking the council to accept the bid from Play Scapes/Play & Park Structures due to experience with the Larry May Playground install by this company and the quality of the materials and workmanship in the play structure. MIRMA inspected our Larry May structure and hailed it as one of the best they had seen. This choice was also recommended and approved by the Parks Board at the November meeting.
On Wednesday, November 15 staff opened beverage bids from Ozarks Coca-Cola and Pepsi-Cola Bottling Company. This is a two-year (2018 & 2019) bid for all of Rolla parks, the Centre and SplashZone. Coca-Cola has had the bid for nine years. This past year, customer service declined and machines weren’t serviced for extended periods. Further, Pepsi is offering a significant difference in incentives. They would supply 60 free cases of product for special events; monetary support of $1,500, and an additional $500 to spend on T-shirts or other merchandise. Coke offered 40 cases of product and $250 in monetary support.

<table>
<thead>
<tr>
<th></th>
<th>Pepsi-Cola Bottling Co.</th>
<th>Ozarks Coca-Cola</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premix</td>
<td>$11.50/ea</td>
<td>$12.50/ea</td>
</tr>
<tr>
<td>12 oz cups</td>
<td>$48.00/case</td>
<td>$52.00/case</td>
</tr>
<tr>
<td>16 oz cups</td>
<td>$33.00/case</td>
<td>$46.00/case</td>
</tr>
<tr>
<td>32 oz cups</td>
<td>$32.00/case</td>
<td>$33.60/case</td>
</tr>
<tr>
<td>20 oz bottle soda</td>
<td>$11.95/case</td>
<td>$12.72/case</td>
</tr>
<tr>
<td>20 oz bottle water</td>
<td>$9.50/case</td>
<td>$9.60/case</td>
</tr>
<tr>
<td>20 oz Ready to Drink Tea</td>
<td>$11.95/case</td>
<td>$12.00/case</td>
</tr>
<tr>
<td>20 oz Isotonic drinks</td>
<td>$16.50/case</td>
<td>$16.08/case</td>
</tr>
<tr>
<td>Energy Drinks</td>
<td>$27.00/case</td>
<td>$36.00/case</td>
</tr>
<tr>
<td>Fruit Juices</td>
<td>$12.50/case</td>
<td>$24.00/case</td>
</tr>
<tr>
<td>Yearly Contribution</td>
<td>$1,500.00</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

RECOMMENDATION: Staff recommends the low bid from Pepsi-Cola Bottling Company for 2018 and 2019. The Park Advisory Board also recommends the beverage bid from Pepsi-Cola Bottling Company.
My name is Doug Roberts and as a resident of Rolla, I am interested in supporting my community through civic involvement. One specific interest that I have is related to fitness. I am a current member of the Centre in Rolla and participate in some form of exercise activity at the Centre practically every day. I am originally from Kansas City, MO. I have a bachelor’s degree from Park University in Parkville, MO and a Master’s Degree from the University of Central Missouri. I worked as a police officer/tactical response officer with the Kansas City, MO Police Department for five years (1986 to 1991) and was then recruited and hired by the United States Secret Service. I had assignments throughout the United States with the Secret Service including Washington D.C., Springfield, MO, Kansas City, MO, Waco, Texas, and St. Louis, MO. I retired in May, 2016 from the Secret Service as the Assistant Agent in Charge (over 25 years of service). I was hired by Missouri S&T University in June, 2016 as the Director of Police and Parking Operations – Police Chief, and I serve in that capacity today.

Relative experience/Awards:

YMCA Member in Kansas City, Springfield, MO, Waco, Texas, and Wildwood, MO. YMCA Board Member in Waco, Texas and Wildwood, MO. Executive Board Member in Waco, Texas (Central Texas).
United States Secret Service – Fitness Coordinator
United States Secret Service Media Trained spokesperson
National and International instructor on the topics of financial crimes, protection techniques, and cybercrimes investigations
YMCA – Social Responsibility Award
Red Cross Life Saving Award
Metro West Fire Department Life Saving Award
United States Secret Service Director’s Lifesaving Award – 2014 (Used CPR and an AED at a YMCA to save another member’s life)
United States Secret Service Director’s Lifesaving Award – 2015 (Used CPR to save a member of the Japanese Delegation to the UN during a visit in New York).
Federal Executive Board Supervision Award - 2013
Distinguished Service Award – United States Government – 2001 (For services rendered on September 11th, 2001)

I appreciate your consideration.

Sincerely,

Doug Roberts
Police Chief
Missouri S&T University Police Department
G-10 Campus Support Facility
1201 N. State Street
Rolla, Missouri 65409
COMMITTEE FORMATION

Parkland Dedication Policy Committee

In 1973 the Rolla City Council enacted Ord. 1780 which established the first designation requirement on new subdivisions to deed not less than 5% of the total area of the subdivision for "use as a public park or playground". At the time the Rolla Park Board had total responsibility for the park system and determining acceptable land or payment in lieu of land. Over the last 45 years many of the City's 30+ parks were acquired under this provision. Over the years that provision of Code was amended including the limitation that the impact be limited to residential subdivisions ("over two lots"). In the last 10 years there have been some variances granted by City Council either through a separate development agreement or through the subdivision process despite language in City Code to the contrary. Council has requested further review of the parkland dedication requirement as to its relevance today or how it should be applied, considering private recreational amenities.

Current City Policy

Sec. 42-27. Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding.

All residential lot splits of more than two (2) lots shall, as part of the final plat process, deed land or an equivalent fee-in-lieu payment for open space for public use. This requirement shall be in addition to any private open space or recreation facilities designated for the sole benefit of the subdivision residents. The City Council may waive parkland deeding or payment in lieu requirements for subdivisions targeted to providing affordable housing as determined by the Director. The area of such open space for public use shall be within the general area of the development or be of a community nature to serve the needs created by such development and shall meet the following requirements: (Ord. 3799, §5).

- **(1) Topography:** At least fifty (50) percent of the tract shall have a grade of less than four (4) percent. The balance may be covered with steep slope, streams, ponds, or other natural features.
- **(2) Location:** The tract shall have access on a public street. Consideration shall be given to placing parks where they can be added to by future subdivisions, or as an addition to an existing park.
- **(3) Natural features:** Desirable natural features such as mature trees or streams shall be preserved whenever possible and shown on the plat. The preservation and creation of ponds and wooded areas are to be encouraged.
- **(4) Size and shape:** The tract size and shape shall be considered in the decision to accept the land as a public park.
- **(5) Approval:** The Director and the Parks and Recreation Director shall recommend the tract as suitable for use as a public park under the requirements listed above before the plat shall be approved by City Council. The area of the tract shall be based upon a calculation using the following schedule:
  - Single-family - 5.0% of total land area subdivided.
  - Two-family - 5.0 % of total land area subdivided.
  - Multi-family - 7.0 % of total land area subdivided.

The percentage of land deeded shall be based upon the total area of the development or subdivision used for residential uses, excluding any non-residential uses. The deeded land shall be free of liens, special assessments and other encumbrances and shall have all taxes paid to the year of deeding.

- **(6) Fee-In-Lieu Payment:** When a determination is made that a fee is to be paid in lieu of land deeding, the Parks and Recreation Director shall recommend in writing to the Commission that a cash payment shall be paid by the applicant. The payment shall be calculated at a rate of twelve thousand two hundred dollars ($12,200) per acre for parkland based on the acreage requirements as calculated by the formula provided. Any fractional parts of an acre shall be prorated. All fee-in-lieu payments shall be deposited into the Parks and Recreation Land Escrow Account. The applicant shall deposit the required amount without recourse or the right of recovery. Such cash deposit shall be made prior to the recording of the subdivision plat and the issuance of any building permits.
(7) Resubdivision: Any lands resubdivided shall be subject to the requirements of this section, except that any lands previously deeded or cash-in-lieu payments previously paid will be credited against the requirements mandated by this Section. (Ord. 3485; Ord. 3622, §2)

(8) Parkland Use: Nothing herein shall prevent the City from using such deeded park property as allowed by Sec. 77.140 RSMo.

Committee Mission: The primary mission of the Committee is to review applicable statutory authority and City ordinances regarding the parkland dedication provision in the City’s Subdivision Code. Specifically, the Committee will explore the following operational areas:

1. Review statutory authority for park impact fees;
2. Review City Code affecting park dedication provisions in the Subdivision regulations;
3. Review the history of such dedications/payments in lieu of;
4. Present recommendations for possible changes to Ch. 42.
5.

Time Table – Report findings to City Council no later than 90 days of formation.

Committee Representation:
2 - 3 City Council Members (Council members: ________, ________)
Park Board Representative (Chairman or Park Board nomination)
2 Citizen Representatives
Ex officio Representatives – Parks Director, City Planner, City Administrator