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, May 21, 2018
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

COUNCIL PRAYER
Ministerial Alliance

PLEDGE OF ALLEGIANCE
Councilman Jim Williams

I. PUBLIC HEARINGS
A) Ordinance Amending Section 42-27 of the Code Pertaining to Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding – (City Planner James Shields) – First Reading
B) Ordinances Annexing a 42.06-Acre Parcel and Zoning Said Parcel as Multi-Family District (R-3) & Approving a Development Agreement for Same (St. Maria’s) – (City Planner James Shields) – First Readings
   (1) Ordinance Approving Annexation of St. Maria’s
   (2) Ordinance Approving Development Agreement for St. Maria’s
C) Ordinance Amending Chapter 42 of the City Code Pertaining to Conditional & Permitted Uses in Highway Commercial (C-3) and Light Manufacturing Districts (M-1) – (City Planner James Shields) – First Reading
D) Ordinance Approving a Conditional Use Permit at 1501 Martin Springs Drive for Concrete Batching or Transit Mix Plant in Highway Commercial District (C-3) (Lehman) – (City Planner James Shields) – First Reading
E) Ordinance Rezoning 1040 Kingshighway from General Commercial District (C-2) & Government & Institutional District (GI) to Highway Commercial District (C-3) (West Commons) – (City Planner James Shields) – First Reading

II. SPECIAL PRESENTATIONS
A) Rolla Municipal Utilities (RMU) FY 2018 Second Quarter Report – Rolla Municipal Utilities General Manager Rodney Bourne

III. OLD BUSINESS
A) Ordinance Authorizing the Mayor to Enter into Task Order #11 with HDR Engineering - (Public Works Director Steve Hargis) – Final Reading
B) Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction Co., for 2018 Micro Surfacing – (Public Works Director Steve Hargis) – Final Reading
IV. NEW BUSINESS
A) Ordinance Consolidating Four Parcels (aka 1040 Kingshighway) into One Lot – (West Commons) – (City Planner James Shields) – First Reading
B) Ordinance Reconfiguring Lots 1 & 2 of Rolla Skilled Nursing Facility Plat No. 1 – (Silverstone) – (City Planner James Shields) – First Reading
C) Ordinance Authorizing the Mayor to Execute a Land Lease for Ingress/Egress with Edgewood Investments, LLC (Kwik Kar) – City Planner James Shields – First Reading
D) Insurance Services Office (ISO) Audit Report – (Fire Chief Ron Smith)
E) Motion to Solicit Bid for a New 107’ Aerial Ladder Truck – (Fire Chief Ron Smith) - Motion
F) Ordinance Vacating an Existing Sanitary Sewer Easement in the 2400 Block of N. Bishop - (Public Works Director Steve Hargis) – First Reading

V. CLAIMS and/or FISCAL TRANSACTIONS
A) Motion Awarding Bid for Project #462-Sixth St., Concrete Improvements, and; an Ordinance Authorizing the Mayor to Enter into a Contract for Same – (Public Works Director Steve Hargis) – Motion/First Reading
B) Motion Awarding Bid for Green Acres Bathroom – (Parks & Recreation Director Floyd Jemigan) – Motion
C) Motion Awarding Laser Brick Engraving Services for the SAVE Animal Shelter Project – (City Administrator John Butz) – Motion

VI. MAYOR/CITY COUNCIL COMMENTS
A) Councilman Matt Crowell - POW-MIA City

VII. CITIZEN COMMUNICATION
A) Open Citizen Communication

VIII. COMMENTS FOR THE GOOD OF THE ORDER

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

X. ADJOURNMENT
An ordinance amending Article II of Chapter 42 of the Rolla City Code, which is known as "Subdivisions", by deleting and adding language to the parkland dedication provisions of Section 42-27, which is entitled "Deeding of Public Parks; Alternative Payment in Lieu of Parkland Deeding".

(Parkland Dedication)

MEETING DATE: 05-21-2018

APPLICANT/PROJECT DESCRIPTION: At the behest of the City Council, the Parkland Dedication Policy Committee (the Committee) was created to review the parkland dedication provisions of Rolla's City Code (See Figure 1 for a report on the Committee's formation). In particular, the Committee was ordered to examine the provisions' relevance to contemporary urban development and the appropriate manner in which private recreational amenities should be considered through the parkland dedication process, if at all. The applicant can be understood as the City of Rolla on behalf of the Committee.

BACKGROUND: A parkland dedication is a type of subdivision exaction, which is a subdivision control that requires developers to provide public improvements at their own expense. Required dedications are the requirement to provide land for parks, school sites, roads, et cetera. The basis of such requirements is that the development of new residential lots implies an increase in population and that the costs of accommodating this growth should fall on the developers and residents that induce these costs, not the existing population. In certain circumstances, the physical provision of land may not be feasible due to size or location. In such cases, a fee in lieu of such a dedication may be levied. As long as such exactions are reasonable, courts have upheld such provisions (See Figure 2 for Key Statutory References for Parkland Dedication Issues).

The history of Rolla's parkland dedication provisions can be found in Figure 3. The City has received parkland dedications and fee-in-lieu payments, which are deposited into the Park Land Reserve Fund (See Figure 4 for a summary of this fund’s activity). Recently, the City Council has waived the parkland dedication requirements for some developments and there have been questions about why private recreational amenities cannot substitute such requirements. These two phenomena have led the City Council to create the Committee to review such requirements.

PARKS IN ROLLA TODAY: Figure 5 (a park location map) can help one understand the location, number, and distribution of public parks in Rolla. Figure 6 lists the properties in Rolla that are considered as public parklands, the size of each property, and indicates how each property was conveyed to the city. In total, there are 226.14 acres of parkland (including estimated trail acreage). The level of service of the City's park system can be understood in several different ways: About one acre of parkland per 89 people (i.e. about 500 sq. ft. per person); about 11 acres...
per 1000 people (the national average is about 12.5); or 3% of the entire city (national average is about 8.2%). One other way to understand level of service is by examining how much of a city’s population is within a walkable distance, which is anywhere from ¼ of a mile to ½ of a mile, of a park (See Figure 7 for a shrewd depiction of this level of service).

**TEXT AMENDMENTS:** While there was some dissent by one Committee member, the Committee, in part, agreed to the six following key changes to the parkland dedication requirements: The requirements now apply to all lot splits, not only lot splits of more than three lots; all non-residential land can now be excluded from the parkland dedication acreage calculation; the suitability criteria for land to be accepted as dedicated parkland was altered; the fee-in-lieu payment was raised from $12,200 to $15,000 and the applicant may, if sufficient evidence is provided, substitute this payment amount with the fair market price; funds must now be spent within five years; and funds are now prioritized in way that encourages their use in the closest proximity to the new subdivision development as possible (The proposed amendments to the text of Section 42-27 can be found in Figure 8; to read the existing language, see Figure 1).

**PUBLIC & INTERNAL COMMENTS:** No protest petitions or official comments have been filed to this department. No internal comments were made.

**ACTION REQUIRED:** Unanimously, the Planning and Zoning Commission and the Parks Advisory Commission recommends approval. The action requested from the City Council is to conduct the first reading of and the public hearing on an ordinance that would amend Article II of Chapter 42 of the Rolla City Code, which is known as “Subdivisions”, by deleting and adding language to the parkland dedication provisions of Section 42-27, which is entitled “Deeding of Public Parks; Alternative Payment in Lieu of Parkland Deeding”.

I.A.2.
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 in regards 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.

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

**Committee Representation**
- 3 City Council Members (Mayor Magdits and Council members: Don Morris, David Schott)
- Park Board Representative (Larry Thomas)
- 2 Citizen Representatives: Ray Schweikhardt, Brad Armstrong
Ex officio Representatives — Parks Director, City Planner, City Administrator
Key Statutory References – Parkland Dedication issues

77.140. May control watercourses, establish water reservoirs, market houses, city hall and parks. — The council may establish, alter and change the channel of watercourses, and wall, them and cover them over, and prevent obstructions thereon, and may establish, make and regulate public wells, sump tanks and reservoirs of water, and provide for filling the same. The council may purchase, acquire and establish market houses and marketplaces, and regulate and govern the same; and also contract with any person or persons, association or corporation for the erection, maintenance and regulation of market houses and marketplaces, on such terms and conditions and in such manner as the council may prescribe. The council may also provide for the erection, purchase or renting of a city hall, workhouses, houses of correction, prisons, engine houses and any and all other necessary buildings for the city, and may sell, lease, abolish or otherwise dispose of the same, and may enclose, improve, regulate, purchase or sell all public parks or other public grounds belonging to the city, and may purchase and hold grounds for public parks within the city, or within three miles thereof.

89.410. Regulations governing subdivision of land, limitations, contents — public hearing — escrow funds, when released. — 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions, with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic recreation, light and air; and for a distribution of population and traffic; provided that the city, town or village may only impose requirements for the posting of bonds, letters of credit or escrow for subdivision-related improvements as provided for in subsections 2 to 5 of this section.

2. The regulation may include requirements as to the extent and manner in which the streets of the subdivision or any designated portions thereof shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previously to the improvements and utility installations, but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations provided in the final approval of a plat, the council shall accept, at the option of the developer, an escrow, secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety bond, and such bond shall be in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The release of any such escrow, letter of credit or bond by the city, town or village shall be as specified in this section. The council may enforce the escrow or bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the complete payment of the work and installations, previously to the final approval of a plat.
for an assessment or other method whereby the council is put in an assured position to do the work and
make the installations at the cost of the owners of the property within the subdivision. The regulations
may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public
uses indicated on the city plan and for appropriate means of providing for the compensation, including
reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the
public interest.
Figure 3

History of Parkland Dedication Ordinance

**Ordinance No. 1780:** (passed November 1, 1973) seems to be the first reference to parkland dedication in the comprehensive adoption/revision of the City’s subdivision regulations.

- **Sec. 29-5 Designation of Certain Areas for Public Parks and Playgrounds**
  - Each subdivision shall have within or near its boundaries a tract of land, not less than five percent of the total area of the subdivision, to be deeded to the city for use as a public park or playground.
  - The tract of land described in this section shall be approved, in writing, by the park board as being land suitable for use as a public park or playground, before the plat of the subdivision shall be accepted. Provided, however, if the said tract of land described in this section shall be found the park board to be land not suitable for use as a public park or playground, the Subdivider shall have the option of tendering cash, in lieu of land, in an amount to be determined by said park board for park and playground development within the corporate limits of the city.

**Ordinance No. 3845:** (passed November 5, 2001) substantially changed the Subdivision Regulations.

- **Sec. 42-27. Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding.**
  - All residential subdivisions 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 dedication shall be based upon the total area of the development or subdivision used for residential uses, excluding any non-residential uses. The dedicated land shall be free of liens, special assessments and other encumbrances and shall have all taxes paid to the year of dedication.

(6) **Fee-In-Lieu Payment:** When a determination is made that a fee is to be paid in lieu of land dedication, 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 ten thousand dollars ($10,000) 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.

(7) **Resubdivision:** Any lands resubdivided shall be subject to the requirements of this section, except that any lands previously dedicated or cash-in-lieu payments previously paid will be credited against the requirements mandated by this Section. (Ord. 3485; Ord. 3622, §2)

**Ordinance No. 3622:** (passed April 19, 2004) made two minor adjustments to the parkland dedication ordinance.

- It increased the value of Fee in Lieu Payment from $10,000/acre to $12,200/acre and added the stipulation that the fee must be paid before recording of the subdivision plat and issuance of building permits.

**Ordinance No. 3799:** (passed April 2, 2007) was a comprehensive amendment to the Subdivision Code with minor changes to the Dedication of Public Parks.

- Sec. 42-27 indicated “All residential lot splits of more than two (2) lots” shall be subject to the dedication provision.
**Ordinance No. 3842:** (passed December 3, 2007) Included minor changes to Sec. 42-27.

- The ordinance changed all references of park “dedication” to “deed” and broadened the definition of “Public Park” in Subsection 5 to “public use”. Specifically, “The Director shall recommend the tract as suitable for a public use under the requirements listed above...”.

- In addition a new Subsection 8 was added – “Parkland Use: Nothing herein shall prevent the City from using such deeded park property as allowed by Se. 77.140 RSMo. (References storm water retention among other public uses).
The Park Land Reserve Fund was created in 2004 to track not only the payments in lieu of parkland but also the proceeds from any park land sales. The Fund was established to track the deposits and expenditures for these specific purposes and requires a two-thirds vote of the Rolla City Council to spend.

CODE
Sec. 13-32. Parkland Reserve Fund.
All monies received from Fee-In-Lieu of Land Dedication (See Section 42-27(6)) and the sale of any park property shall be deposited in a separate fund called the Park Land Reserve Fund. Other funds may be deposited into this account as deem appropriate by the City Council.

a) The principal balance in this fund shall not be drawn upon or spent without a super majority vote (two-thirds) of the full Council. Such funds are intended to be used for the purchase of new parkland or park development.

b) The interest accrued in this fund shall be deposited in said fund. Accumulated interest can be used for a variety of park improvements subject to Council approval through the annual budget or subsequent Council action.

DEPOSITS
A. The Park Land Reserve Fund received the proceeds from the sale of the following properties:

1. 2007: Sale of Meadowbrook Park (undeveloped and sold for four buildable lots) for $19,975.
2. 2008: Perpetual Easement granted to OptiSite for the large cellular tower in Schuman Park - $96,000.
3. 2013: Sale of a small portion of the “Welcome Downtown” pocket park to CVS for $12,050.

B. Interest earnings were placed in this fund of $4957 since 2005

C. The fund also received 22 deposits in the form of “payment in lieu of park land” between 2004 and 2017. The most significant of those were (R-2) nursing/assisted living homes ($9516 and 15,799) and $4099 from the Lodges. Below is a complete list of these deposits. The average in lieu payments received per year is about $5800. For comparison, the total amount of revenues in 2016 for the Parks Fund was about $1,350,000.
### CITY OF ROLLA PAYMENT IN LIEU OF LAND INTO THE PARK LAND RESERVE FUND OF ROLLA, MO

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<th>DATE</th>
<th>SUBDIVISION/OWNER</th>
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<td>Gracie Place Subdivision</td>
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<td>Huntleigh Estates</td>
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<td>03/18/04</td>
<td>Guffy Zumwalt Properties</td>
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<td><strong>TOTAL PAYMENTS SINCE 2014</strong></td>
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<td><strong>AVERAGE PAYMENTS PER YEAR SINCE 2014</strong></td>
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### EXPENDITURES

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<td>2009</td>
<td>Tennis Court Resurfacing</td>
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<td>2012</td>
<td>Holloway House Roof Repair</td>
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<td>2013</td>
<td>Kimmel Ballfield Lights</td>
<td>$60,905 (net of insurance reimbursement of $14k)</td>
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(Park Land Reserve Fund as of 9/30/2017: Approx. $94,000)
# City of Rolla Parks System

**KEY:**
- Park (Developed & Undeveloped) = □
- Trails = □
- Stormwater Detention = □
- Mix of Stormwater & Park = □
- Usable Land = □

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<th>Date Acquired</th>
<th>Acres of Parkland (developed and undeveloped)</th>
<th>Acres of Unit (remaining)</th>
<th>Stormwater Detention (Y/N)</th>
<th>Area of Cell (in and other details)</th>
<th>Dedication Acreage</th>
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<td>Pony Park</td>
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<td>Veteran Park</td>
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<td>Weir Park</td>
<td>1973</td>
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**Total Park Acreage (Including Trails):** 226.14

**Total Acreage of Parkland Dedication:** 71.86

*Figure 6*
Figure 7
Sec. 42-27. Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding.

The purpose of this ordinance is to:

1. Provide an adequate level of public park facilities and services to new development and to ensure that such development occurs in a manner that is consistent with the components of the City’s comprehensive plan;
2. Define the obligation of developers to meet the public park and open space needs generated by new development;
3. Outline the provision of adequate parkland through the subdivision process;
4. Encourage the placement of parks within new residential developments or near or within a walkable distance of such developments;
5. Provide for the development of neighborhood or community parks by considering cash payment in lieu of parkland dedication.

This provision shall apply to all residentially zoned subdivisions or re-subdivisions that have not been previously subject to parkland dedication or fee in lieu of. This provision does not apply to boundary line adjustments or lot consolidations. If, during the subdivision process, a rezoning is proposed for the same property, this provision will apply at the rate that is consistent with the newly proposed zoning district. This requirement shall be in addition to any private open space or recreation facilities designated for the sole benefit of the subdivision residents.

The applicant shall, as part of the final plat process, provide a warranty deed to the City in a form that is acceptable to the City or provide an equivalent fee-in-lieu payment, which will be for public use only.

The area to be dedicated shall be clearly labeled and delineated on the subdivision plat and shall meet the following requirements:

- **(1) Topography:** At least 50 percent of the tract shall have a grade of less than four percent. The balance may be covered with slope, streams, ponds or other natural features. Retention areas or detention basins which are required by the City’s storm water regulations, drainage easements, or water detention areas will not qualify for the parkland requirement.
- **(2) Location:** The parkland shall have access on a public street with a minimum frontage of 60 feet. 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) Size and shape:** The tract size shall not be less than one acre in size, unless, in the opinion of the Parks and Recreation Director and the Parks Advisory Commission, this land can be added to an adjacent existing park or future park.
- **(4) Approval:** The Parks Advisory Commission and the Parks and Recreation Director shall recommend the tract as suitable for use as a public park if the requirements listed above have been deemed satisfied before the plat shall be approved by City Council. The area of the tract shall be based upon a calculation using the following schedule:
  - Rural Residential – 5% of total residential area subdivided.
  - Single-family – 5% of total residential area subdivided.
- Two-family - 5% of total residential area subdivided.
- Multi-family - 7% of total residential area subdivided.

The percentage of land deeded shall be based upon the total area of the development or subdivision used for residential uses (lots), excluding any non-residential uses. Non-residential uses shall include such areas as right-of-way, dedicated conservation areas, or private amenities, provided there are no residences on these areas. The deeded land shall be free of liens, special assessments, and other encumbrances and shall have all taxes paid to the date of deeding. The Parks Director will provide a report to the appropriate City departments, the Commission, and the City Council for final determination that describes the suitability of the proposed land to be dedicated and the way in which the parkland dedication requirement was calculated and, if applicable, the way in which the fee in lieu of was calculated.

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

**Fee-In-Lieu Payment:**

If the land available within the subject subdivision application does not meet the requirements of the stipulations listed above or would produce less than one acre of ground, a fee in lieu of parkland dedication shall apply. The Parks Director will provide a report to the appropriate City departments, Commission, and City Council that confirms that a cash payment shall be paid by the applicant. The payment shall be calculated at a rate of fifteen thousand dollars ($15,000) per acre of the parkland acreage requirements as calculated above. Any fractional parts of an acre shall be prorated. This rate will apply unless the developer can demonstrate to the satisfaction of the Parks Director and the Parks Advisory Commission that the current fair market value should be used.

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 development’s Final Plat Map and before the issuance of any building permits.

These cash payments shall be spent within five years of deposit and shall be used for the following purposes in priority as determined by the City Council with the advice and recommendation of the Parks Director and the Parks Advisory Commission:

a) Acquisition of neighborhood or community parks within one-half of a mile of the applicable subdivision.

b) Improvements to existing parks within one mile of the applicable subdivision.

c) Acquisition or improvement of larger regional or community-wide parks within two miles of the applicable subdivision.

The dollar amount per acre value established herein will be reassessed every five years based on undeveloped real estate values in the City of Rolla. A report and recommendation shall be presented to the City Council for their consideration.
ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 42 OF THE ROLLA CITY CODE, WHICH IS KNOWN AS “SUBDIVISIONS”, BY DELETING AND ADDING LANGUAGE TO THE PARKLAND DEDICATION PROVISIONS OF SECTION 42-27, WHICH IS ENTITLED “DEEDING OF PUBLIC PARKS; ALTERNATIVE PAYMENT IN LIEU OF PARKLAND DEEDING”. (PARKLAND DEDICATION)

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

SECTION 1. Chapter 42 of the Rolla City Code, Article II, Division 1, General Provisions, Section 42-27, Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding, is hereby amended by deleting the following language:

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. (Ord. 3485; Ord. 3622, §2; Ord. 3842, §1)

SECTION 2. Chapter 42 of the Rolla City Code, Article II, Division I, General Provisions, Section 42-27, Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding, is hereby amended by adding a subsection to this section that will be known as Section 42-27.1, which was a subsection that was previously “reserved”, and entitling said subsection as follows:

Purpose

SECTION 3. Chapter 42 of the Rolla City Code, Article II, Division I, General Provisions, Section 42-27.1, Purpose, is hereby amended by adding the following language:

The purpose of this ordinance is to:
1. Provide an adequate level of public park facilities and services to new development and to ensure that such development occurs in a manner that is consistent with the components of the City's comprehensive plan;
2. Define the obligation of developers to meet the public park and open space needs generated by new development;
3. Outline the provision of adequate parkland through the subdivision process.
4. Encourage the placement of parks within new residential developments or near or within a walkable distance of such developments;
5. Provide for the development of neighborhood or community parks by considering cash payment in lieu of parkland dedication.
SECTION 4. Chapter 42 of the Rolla City Code, Article II, Division 1, General Provisions, Section 42-27, Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding, is hereby amended by adding a subsection to this section that will be known as Section 42-27.2, which was a subsection that was previously "reserved", and entitling said subsection as follows:

Applicability

SECTION 5. Chapter 42 of the Rolla City Code, Article II, Division 1, General Provisions, Section 42-27.2, Applicability, is hereby amended by adding the following language:

This provision shall apply to all residentially zoned subdivisions or re-subdivisions that have not been previously subject to parkland dedication or fee in lieu of. This provision does not apply to boundary line adjustments or lot consolidations. If, during the subdivision process, a rezoning is proposed for the same property, this provision will apply at the rate that is consistent with the newly proposed zoning district. This requirement shall be in addition to any private open space or recreation facilities designated for the sole benefit of the subdivision residents.

The applicant shall, as part of the final plat process, provide a warranty deed to the City in a form that is acceptable to the City or provide an equivalent fee-in-lieu payment, which will be for public use only.

SECTION 6. Chapter 42 of the Rolla City Code, Article II, Division 1, General Provisions, Section 42-27.3, Parkland Dedication Requirements, is hereby amended by adding the following language:

The area to be dedicated shall be clearly labeled and delineated on the subdivision plat and shall meet the following requirements:

1) **Topography:** At least 50 percent of the tract shall have a grade of less than four percent. The balance may be covered with slope, streams, ponds, or other natural features. Retention areas or detention basins which are required by the City’s storm water regulations, drainage easements, or water detention areas will not qualify for the parkland requirement.

2) **Location:** The parkland shall have access on a public street with a minimum frontage of 60 feet. 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) **Size and shape:** The tract size shall not be less than one acre in size, unless, in the opinion of the Parks and Recreation Director and the Parks Advisory Commission, this land can be added to an adjacent existing park or future park.

4) **Approval:** The Parks Advisory Commission and the Parks and Recreation Director shall recommend the tract as suitable for use as a public park if the requirements listed above have been deemed satisfied before the plat can be approved by the City Council. The area of the tract shall be based upon a calculation using the following schedule:

- Rural Residential: 5% of total residential area subdivided.
- Single-family: 5% of total residential area subdivided.
- Two-family: 5% of total residential area subdivided.
- Multi-family: 7% of total residential area subdivided.

The percentage of land deeded shall be based upon the total area of the development or subdivision used for residential uses (lots), excluding any non-residential uses. Non-residential uses shall include such areas as right-of-way, dedicated conservation areas, or private amenities, provided there are no residences on these areas. The deeded land shall be free of liens, special assessments, and other encumbrances and shall have all taxes paid to the date of deeding. The Parks Director will provide a report to the appropriate City departments, the Commission, and the City Council for final determination that describes the suitability of the proposed land to be dedicated and the way in which the parkland dedication requirement was calculated and, if applicable, the way in which the fee in lieu of was calculated. Nothing herein shall prevent the City from using such deeded park property as allowed by Sec. 77.140 RSMo.

**SECTION 8.** Chapter 42 of the Rolla City Code, Article II, Division I, General Provisions, Section 42-27, **Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding**, is hereby amended by adding a subsection to this section that will be known as Section 42-27.4, which was a subsection that was previously “reserved”, and entitling said subsection as follows:

**Fee-in-Lieu Payment**

**SECTION 9.** Chapter 42 of the Rolla City Code, Article II, Division I, General Provisions, Section 42-27.4, **Fee-in-Lieu Payment**, is hereby amended by adding the following language:

If the land available within the subject subdivision proposal does not meet the requirements and stipulations listed above in Section 42-27.3 or would produce less than one acre of ground, a fee in lieu of parkland dedication shall apply. The Parks Director will provide a report to the appropriate City departments, Commission, and City Council that confirms that a cash payment shall be paid by the applicant. The payment shall be calculated at a rate of $15,000 per acre of the parkland acreage.
requirements as calculated above. Any fractional parts of an acre shall be prorated. This rate will apply unless the developer can demonstrate to the satisfaction of the Parks Director and the Parks Advisory Commission that the current fair market value should be used.

All fee-in-lieu payments shall be deposited into the Parks and Recreation Land Escrow Account. The applicant shall deposit the required amount into this account without recourse or the right of recovery. Such cash deposit shall be made prior to the recording of the development’s Final Plat Map and before the issuance of any building permits.

These cash payments shall be spent within five years of deposit and shall be used for the following purposes in priority as determined by the City Council with the advice and recommendation of the Parks Director and the Parks Advisory Commission:

a) Acquisition of neighborhood or community parks within one-half of a mile of the applicable subdivision.

b) Improvements to existing parks within one mile of the applicable subdivision.

c) Acquisition or improvement of larger regional or community-wide parks within two miles of the applicable subdivision.

The dollar amount per acre value established herein will be reassessed every five years based on undeveloped real estate values in the City of Rolla. A report and recommendation shall be presented to the City Council for their consideration.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor
SUBJECT: A request for the City of Rolla to annex the 42.06-acre parcel identified with the Phelps County Assessor's Account Number of 12081, to simultaneously designate the zoning of said parcel as the Multi-Family District (R-3), and to approve a development agreement associated with the subsequent development proposed to occur on said parcel between the City of Rolla and St. Maria's LLC.

MEETING DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: ANX17-02, ZON17-10
LEGAL NOTICE: 04-21-2018
SUBMISSION DATE: 10-23-2017
300-FOOT NOTICE: 04-18-2018

APPLICANT: The parcel subject to the proposed ordinances (the subject parcel) is owned by St. Maria's LLC (the applicant), and its mailing address is 1703 North Bishop Avenue Rolla, Missouri 65402. A Mike Woessner signed the annexation application on behalf of the LLC, as he is the registered agent of said LLC.

LOCATION: The subject property is located in Phelps County, approximately 250 feet north of the intersection of Liberty Drive and McCutchen Drive (See Figure 1 for a general location map and Figure 6 for the assessor’s map). The parcel is identified by the Phelps County Assessor’s Account Number of 12081.

PROJECT DESCRIPTION: This case was first introduced and heard by the City Council for the first time in November of 2017. There were private/gated streets in that first version of the proposal. Because costs were too high, the applicant asked City of Rolla (the City) to set aside this case. The applicant has revised the original proposal to have public streets and the full current proposal is as follows. The applicant is requesting that the City annex the subject parcel and simultaneously zone the subject parcel to the Multi-Family District (R-3). An ordinance that approved said annexation and zoning is under consideration today along with a separate ordinance that approves an associated development agreement (See Figure 2 for a copy of said agreement). It is being requested that the annexation will be approved if, and only if, the proposed zoning is approved, and that the associated development agreement will be approved if, and only if, the ordinance approving said zoning and annexation is approved.

As indicated through application materials, meetings, and a presentation/Q&A with neighboring residents/property owners, if the annexation is approved with the proposed zoning, the applicant will develop the subject parcel as a low-density, amenity-rich subdivision of brick or stone exterior, two-story, multi-family dwelling units (shared walls only, no units above another). It will be a 58-lot subdivision with no more than one fourplex per lot. In total, if all 58 lots are developed with fourplexes, there will be a maximum of 232 units on 42.06 acres, which equates to 5.5 units per acre in gross density (below the maximum density of a single-family residential subdivision,
which is 7 units per acre) and about 9.8 units/Ac. in net density (similar to the net density a duplex on a 9000 square foot lot, 9.68 units/Ac.). The proposed dog park, natural areas, and clubhouse are features that could promote healthy lifestyles, a sense of community, and recreational activity. An architectural rendering of the clubhouse is provided in Figure 3. Shown in Figure 4, the applicant has submitted a “preliminary layout” (i.e. a site plan, which is referred to in the development agreement as “Exhibit A”) of the proposed development that shows the location of the natural areas, the dog park, the clubhouse, and a mail drop-off area; the general location and size of the buildings, yards, and driveways; the location and layout of lots, streets, and sidewalks; the location of a round-a-bout that the City will build; and the location of a secondary emergency access drive. The applicant describes project and the need for the project in Figure 5.

**ANNEXATION ANALYSIS:** According to Section 71.012 of the 2016 Missouri Revised Statutes, when notarized petitions for annexation are received by a city such as Rolla, the city shall hold a public hearing on the matter and publish a notice of that public hearing in an appropriate newspaper not less than 14 days of said public hearing. Upon conducting such a public hearing, the governing body of said city shall determine if the “annexation is reasonable and necessary to the proper development of the city… [and that the city] has the ability to furnish normal municipal services to the area to be annexed within a reasonable time”. If it is determined that these two criteria are met and no written objection of such an annexation has been submitted and signed by at least five percent of the qualified voters of said city, the city shall annex the territory by ordinance with no further action, specifying accurately the new boundaries of the city. The public hearing for this annexation petition was published on April 21, 2018, in the Rolla Daily. Submitted below, is an analysis of the other criteria that must be met for a city to annex land.

**ABILITY TO PROVIDE SERVICES:** In regards to the determination of whether or not the City “has the ability to furnish normal municipal services to the area to be annexed within a reasonable time”, all entities that provide municipal services have been notified of the annexation. In addition, no objections have been given by these entities. It appears that this criterion is met. It should be noted that the occurrence of this development will induce sewer improvements for surrounding properties outside of the city limits, yet not part of the proposed development. The applicant will contribute almost $19,000 for these sanitary sewer improvements. In addition, the applicant will be contributing about $4500 for storm water improvements along McCutchen Drive. Refer to the development agreement in Figure 2 to understand the services and infrastructure for which the developer will be responsible.

**PROPER DEVELOPMENT OF THE CITY:** In order to determine if the “annexation is reasonable and necessary to the proper development of the city”, Rolla’s comprehensive plan’s “Annexation Checklist” is used to determine if this criterion is met. In addition, there are a few parts of Rolla 2020, Rolla’s 2005 comprehensive plan update, that speak to where and how much annexation should be encouraged between the years of 2005 and 2020. In regards to where annexation should occur, Rolla’s Urban Growth Area (UGA) map delineates the contiguous land that lies outside of Rolla’s 2005 city limits that “reflects the additional space that may be needed to accommodate population growth and future development trends” (Rolla 2020, 2005, p. 2). The UGA “represents the area in which urban-scale growth (more than approximately three dwelling units per acre) will be encouraged based on the present and expected future availability of
necessary public infrastructure” (Rolla 2020, 2005, p. 2). The subject parcel is located within this UGA, which indicates that, based on location, this is an appropriate piece of land to annex.

In regards to the amount of land that should be annexed and as to which zoning district such land should be designated, a few different sections of Chapter 3 of Rolla 2020 speak to this topic. It was determined in Rolla 2020 that, based on projected land use demand and current zoning in 2004, there would be a 181.3-acre deficit of land zoned R-3 (Rolla 2020, 2005, p. 52). While a recent analysis of the accuracy of the projected land use demand would be ideal, this type of analysis would require more time and resources than is readily available to process this annexation petition. However, if we are to assume that such projections were accurate, we can conclude that, as of today, Rolla has not annexed or rezoned enough property to meet this 181-acre deficit. According to Geographic Information System (GIS) data from the Public Works Department, only one acre of R-3-zoned land has been annexed and, in total, from 2004 to today, Rolla has only increased the amount of R-3-zoned land by 63 acres (presumably through rezones). It was also concluded that to ensure that an adequate supply of developable land is available by 2015, the target year, at least 1000 acres of land could be annexed involuntarily, most of which could be obtained from the south and east of the City’s limits. While this annexation is a voluntary annexation, the need for annexation and R-3-zoned land is still applicable. In actuality, voluntary annexation is not as a costly and arduous task like involuntary annexation. It could be argued that, when a proposal meets the State-mandated criteria stated above, voluntary annexation proposals should be approved because annexation needs are satisfied without the cost, time, and political efforts involved with involuntary annexation. All of this together suggests that the annexation of the subject parcel is reasonable and necessary to the proper development of Rolla.

The Annexation Checklist asks if there are any District issues with annexation. The subject parcel is not within any special district and there has been no indication that the school district would be burdened. In addition, the checklist asks if the annexation will result in a net fiscal benefit to the City. Limited time make it difficult to conduct a thorough cost/benefit analysis, but on its face, the additions to the tax base from the new development would outweigh any initial and perpetual costs.

ZONING ANALYSIS:
PROPER ZONING DESIGNATION: Both Rolla 2020 and Rolla’s Planning and Zoning Code (the Code) speak to the zoning of annexed land. Rolla 2020 states that “land proposed for voluntary annexation shall be zoned simultaneously as the annexation process is completed and classified for the existing or proposed use” (p. 57). The Code differs slightly in that it states that annexed land “shall be considered zoned in the most restrictive classification consistent with the property use and the Comprehensive Plan unless the City Council or the applicant designates otherwise prior to the annexation” (Section 42-142.3). What one can conclude from these provisions is that annexed land should be zoned according to the current use of the land, if any. If the land is vacant and the applicant of the annexation has not proposed a land use, than the property shall be zoned as the most restrictive classification. If the applicant proposes a zoning classification based on a proposed land use, the City Council shall consider the annexation and proposed zoning. If that zoning proposal is consistent with the comprehensive plan and satisfies the rezoning review criteria that are outlined in Section 42-250.2 of Rolla’s zoning ordinance, the zoning should be approved.
While the gross density of the proposed development is below the seven units per acre maximum density of the Single-Family District, the net density of the proposed residential development could be more than nine units per acre and attached units of three or more are not allowed in the Single Family District or the Two Family District. Thus, R-3 would be the least intense zoning district that would allow for such a type of building and such net density.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:** The subject parcel is within the Urban Growth Area (UGA). Because it is within the UGA, but not annexed, it has been given a Future Land Use Map designation, which was based on an analysis of the land use patterns in the surrounding area. The subject parcel has been given the FLUM category of Low Density Residential. This may have been applied due to the existing land use pattern in the surrounding area to the south of the subject parcel that is associated with single-family housing. This designation is meant to guide and shape location decisions (Rolla 2020, 2005, p. 70). These designations can be amended at any time according to new land use pattern analyses.

In actuality, to the nearby west and northwest of the subject parcel, the land use pattern is associated with medium-low and medium-high density housing. The large vacant parcels to the immediate west and the subject parcel are situated between these two patterns of land use. Because of this, either development pattern could extend to the subject parcel and the large vacant parcels to the west. Therefore, because the land use pattern for these vacant parcels could reasonably go either direction, when nothing is proposed to occur on these vacant parcels, a FLUM designation of Low Density Residential or Low/Medium Residential or Medium/High Density Residential may be an appropriate FLUM designation. However, when a certain type of development has been proposed for these vacant parcels, one may understand that as a signal that one of these competing land use patterns has become dominant. Therefore, the most appropriate FLUM designation for the subject parcel is the one that best characterizes the development that is proposed to occur on the subject parcel. Because of this, the more appropriate FLUM designation for the subject parcel is the FLUM category of Low/Medium Density. This category allows for multi-family units, net densities of up to ten units per acre, and ten units per gross acre, all of which are development elements that characterize the proposed development. The Low Density FLUM category does not allow for development with net densities over seven units per acre or multi-family unit types.

In conclusion, when a FLUM designation is not aligned with a zoning designation, the implication is that the analyses that went into these designation decisions are inconsistent. These inconsistencies can be used to exhibit inconsistencies between the comprehensive plan and land use decisions, such as amendments to the Official Zoning Map. This evidence of inconsistency, in turn, could make such land use decision susceptible to challenges in court that may not have otherwise been open to such challenges. Therefore, in order to ensure the logic of the decision to zone the subject parcel R-3 is consistent with the logic of its FLUM designation, it would be advisable that either the FLUM designation is simultaneously changed to Low/Medium Density Residential with an approval of the R-3 zoning request or that a FLUM amendment be a condition of approval of the zoning action.

**COMPATIBILITY OF PERMITTED LAND USES:** Less than 400 feet to the northwest of the subject parcel is a condominium development that is about 20 acres in size and is zoned R-3. In addition, adjacent to the subject parcel’s southwest edge, is a small area that is covered by the
Two-Family (zoning) District. To the immediate west of the subject parcel is a large block of vacant land zoned R-1. To the immediate south is single family detached housing that is zoned R-1. There are a number of land uses permitted in R-3 that are not allowed in R-1, such as private parking areas; private schools and academies; and boarding, rooming, and lodging houses. However, the development agreement ensures that subject property will only be used as a low-density residential subdivision, which is no different than the current uses located on adjacent and nearby properties. In addition, R-3 and R-1 uses exist adjacently throughout the city and even in nearby situations. Any occurrence of incompatibilities between these different uses can be significantly decreased by ensuring that the backs of these uses adjoin each other rather than their fronts, such is the case in the proposed development.

**IMPACT ON PEDESTRIAN AND VEHICULAR TRAFFIC:** The public works department submitted the following comment:

McCutchen is classified as a collector with an anticipated traffic count of up to 6,000 vehicles per day at this location. The current count at this location is 2,381 vehicles per day. The proposed development is anticipating a maximum of 58 fourplex units or 232 individual dwelling units. ITE (Institute of Transportation Engineers) puts the average at about 6 trips per unit or a maximum total increase of 1,392 trips. [Thus,] the new projected total at this location will be 3,773 vehicles per day.

Based on this comment, capacity issues with McCutchen will not be created by the passage of this proposal. Anticipating the increased traffic in the area, the Public Works Department plans to request that a city-funded round-a-bout be built at the intersection of 18th Street and McCutchen Drive (i.e. the proposed development’s entrance). In addition, along the development’s west side that abuts McCutchen, the developer is contributing over $40,000 for the City of Rolla to improve McCutchen. These improvements will include the installation of sidewalks, curbs, and gutters.

**THE DEVELOPMENT AGREEMENT:** The applicant’s and the City’s attached development agreement includes two provisions that the applicant proposed to be in the agreement in order to guarantee the City that future development on the subject parcel will be limited to about 5.5 units per acre in gross density and approximately 9.8 units per acre in net density, which is almost identical to maximum density of the Two-Family District. Limitations on density are induced through the provisions that are located in part 11 of the development agreement, “Planning and Zoning”, that state that no more than 58 lots for residential use will be created and no more than a fourplex will be constructed on each residential lot. The development will also be limited in built area intensity by a lot coverage maximum of 40 percent and a minimum of 25 percent green space. The agreement “runs with the land” and purchasers of the land are subject to the agreement. Therefore, even if the developer decided not to move forward with the project, the density standards and developer costs will still be the “law of the land”. This agreement also helps to assure the public that the development will actually occur and occur in accordance to the City’s needs. The developer is more likely to carry the proposal because he is given better confidence that no last minute requirements or costs will be divulged well into the development process. In addition, clarifications of the rules, code provisions, and regulations related to real estate development are included in the development agreement.
COMMONLY-OWNED PROPERTY, AND PROPERTY OWNERS’ ASSOCIATION:
Commonly owned property will be maintained, at first, by the developer. According to Chapter 42-218.3 of the Rolla Planning and Zoning Code, once 50 percent of the lots are sold, the property owners’ association will maintain such property. Within the property agreement, part nine, there are provisions that refer to Sections 42-218 through 42-218.3. These provisions detail the rules that the applicant must follow in regards to property owners’ associations, covenants/by-laws (which should be approved when land is subdivided), and maintenance of commonly owned property. Within the development agreement, it is stated that common property will not become a nuisance and that the maintenance of open space will never become the City’s responsibility.

PUBLIC COMMENTS, INTERNAL ISSUES: Sixty of the neighboring property owners were invited to a presentation/question and answer session on October 24, 2017. The developer and owner of the property, Mike Woessner, held and conducted this presentation. From our count, there appeared to be eight nearby residents that attended the presentation. In this presentation, the developer described a few details that were not included in the application materials. The applicant indicated that there would be a community-wide mandate for homes to have security systems and that there would be underground utilities. The meeting involved several questions concerning various aspects of the development, including the nature of the development, storm water management, fencing/landscaping, and a comment that expressed gratitude for the sewer improvements that are planned to occur because of the development.

As of the date of this staff report, the public at large has not formally issued any comments or petitions to the Community Development Department. One property owner called our office in April of 2018 and expressed that she did not have any issues with the development. One other property owner, who apparently lived within 185 feet of the property, submitted a vocal comment at the Planning and Zoning Commission Meeting on November 14, 2017 (this occurred again on 5-8-2018). This person expressed the opinion that she would be happy to see the development occur and that if more development similar to St. Maria’s would occur nearby, she would welcome that development as well. In addition, the Development Review Committee (met on 10/31/17 and 04/24/18) has resolved all potential issues through the development agreement.

ACTION REQUESTED: Unanimously, the Planning and Zoning Commission recommends approval. The action requested from the City Council is to conduct the first reading of and the public hearing on an ordinance that would enact the applicant’s proposal for the City of Rolla to annex the 42.06-acre parcel subject parcel, to simultaneously designate the zoning of said parcel as the Multi-Family District (R-3), and to approve a development agreement associated with the subsequent development proposed to occur on said parcel between the City of Rolla and St. Maria’s LLC.
St. Maria's

Oct 23, 2017

James Shields
City of Polka Planner
PO Box 979
Polka, 40165-0979

Dear AKEDS,

We are requesting that the 42.66 acres located on McCutchen Drive (legal attached) be annexed into the City of Polka with the signing of the attached Development agreement.

As the developer at Wellington Place and Kensington Park, I have seen the high demand these communities have held year after year. These are both age restricted communities with 100% occupancy rates and a steadily growing waiting list. But people all ages inquire about them and are looking for something similar which Polka doesn't offer at this time.

We feel that a development of this nature will fill the housing gap that we currently have in the Polka Community. St. Maria's will be a gated community and includes a community center, pool, and tennis courts. There will be a fire station, a park, and a playground. The community will include a state-of-the-art community center, a fitness center, a swimming pool, and a community center.

The community will consist of 100 lots, each allowing for private ownership of each lot. The lots of 1.06 acres and the maximum building size being 1,100 square feet keeps the complex well within the 10.13 density requirements which has been another feature that will attract people to this community.

St. Maria's subdivision was designed to perfectly fit the growing demand for this type of community, which makes it the perfect addition to our Polka community.

I appreciate your consideration of this request and will be happy to answer any questions or concerns you may have regarding this development.

Sincerely,

Mike Wooten
Manager of Planning

St. Maria's subdivision
11975 CR 1450
St. James, MO 65580

I.B.S.
Figure 6, ZON17-10, Assessor’s Map
Figure 3, ZON17-10, Clubhouse Rendering
ORDINANCE NO. 12

AN ORDINANCE APPROVING THE ANNEXATION OF THE 42.06-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR’S ACCOUNT NUMBER OF 12081 AND THE DESIGNATION OF SAID PARCEL AS THE MULTI-FAMILY DISTRICT (R-3) ON THE OFFICIAL ZONING MAP OF THE CITY OF ROLLA (ST. MARIA’S)

WHEREAS, a petition was duly filed with the Community Development Department on October 23, 2017 requesting that the property described above be annexed and zoned according to the Rolla Planning and Zoning Code, so as to change the zoning district of the real property hereinafter described: and

WHEREAS, two public notices were duly published on November 2, 2017 and April 21, 2018, in the Rolla Daily News that in accordance with law provided notice that a public hearing on said proposal would be held at Rolla City Hall, 901 North Elm Street, Rolla, Missouri, at 6:30 P.M.; and

WHEREAS, the Rolla Planning and Zoning Commission met on November 14, 2017 and May 8, 2018, at 5:30 P.M. and recommended that the City Council approve the annexation and zoning of the subject property as proposed: and

WHEREAS, the City Council, during their meeting on November 20, 2017 and May 21, 2018, conducted a public hearing on and first reading of the ordinance that would enact the proposed annexation and zoning; and

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring said proposals and by those citizens opposing said proposals, the City Council found that the proposals would promote the public health, safety, morals, and 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 full voluntary annexation procedure, as outlined in RSMo. 71.012, will require a public hearing and the City Council determination that the annexation proposal meets the criteria established under Missouri State Statute RSMo. 71.012; and

Section 2: That the applicant(s) request(s) that the City Council of the City of Rolla, Missouri, annex into the corporate limits of Rolla, Missouri, the property that is presently unincorporated, yet contiguous to the corporate limits of the City of Rolla, Missouri, and that is identified with the Phelps County Assessor’s Account Number 12081 and is more particularly described as follows:

A fractional part of Lot 1 commencing at the Northwest Corner of the West Half of Lot 1 of the Northwest Quarter of Section 6, Township 37, Range 7 West, running; thence East along the quarter section line 100 rods; thence South 64 rods; thence West 100 rods to the township line between Township 37, Range 7 and Township 37, Range 8; thence North along the township line 64 rods to the place of beginning,

I B 12
all in Section 6, Township 37, Range 7 containing forty acres, more or less. Also a tract of land, to-wit: Commencing at a point 100 rods East and 64 rods South of the Northwest Corner of the West Half of Lot 1 of the Northwest Quarter of Section 6, Township 37, Range 7; thence South 16 rods; thence West 24 rods; thence North 16 rods; thence East 24 rods to place of beginning, except a strip of land 105 feet in width and 16 rods in length off of the West end of the said above described tract of land, this strip runs North and South and is known as the Hawkins Grave Yard.

Section 3: And that the Rolla Planning and Zoning Code, Ordinance No. 3414, which is Chapter 42 of the Code of the City of Rolla, Missouri, and a Code that, in accordance with the Comprehensive Plan, divides the City of Rolla into zoning districts; controls the regulation and restriction of the erection, construction, reconstruction, alteration or use of buildings, structures, or land within such districts; and controls the number, shape, and area of such zoning districts on the Official Zoning Map, is hereby amended by designating the property described immediately above and also identified with the Phelps County Assessor’s Account Number of 12081 as the Multi-Family District (R-3) on the Official Zoning Map of the City of Rolla.

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

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


APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor
ORDINANCE NO. ______

AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN ST. MARIA'S LLC AND THE CITY OF ROLLA THAT IS ASSOCIATED WITH THE PROPOSED DEVELOPMENT TO OCCUR ON THE 42.06-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 12081 SUBSEQUENT TO THE ANNEXATION AND ZONING OF SAID PARCEL (ST. MARIA'S)

WHEREAS, the City of Rolla desires to enter into a voluntary Development Agreement, which is attached hereto as Exhibit B, among the City of Rolla (the City) and St. Maria's LLC (the Development Agreement) with regard to the development proposed to occur on the parcel identified with the Phelps County Assessor's Account Number of 12081 (the property) subsequent to the annexation and zoning of said parcel;

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

Section 1: The City Council finds and determines that it is necessary and desirable to enter into the voluntary Development Agreement to ensure safe and adequate access in the future to the property and the surrounding area, to mitigate the impact on the public road system as development occurs on the property; and in accordance with the preliminary layout, which is referred to as Exhibit A in said Development Agreement, will further define each party's duties and responsibilities to help ensure that their respective actions are coordinated in order to meet the shared objectives and minimize uncertainties and delays in the development process. The Mayor is hereby authorized and directed to execute, on behalf of the City, the Development Agreement. The City Clerk is hereby authorized and directed to attest to the Development Agreement and to affix the seal of the City thereto. The Development Agreement shall be substantially maintained in its form as attached hereto as Exhibit B, which Development Agreement is hereby approved by the City Council, with the condition that and changes to the Development Agreement therein shall be approved by the Community Development Director or other agent of the City who may be in charge of determining the validity of such changes.

Section 2: The officers of the City are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable to carry out and perform the purposes of this ordinance and to make ministerial alterations, changes or additions to the documents herein approved, authorized and confirmed which they may approve, and the execution of such action shall be conclusive evidence of such necessity or advisability.

Section 3: This Ordinance shall be in full force and effect from and after the date of its passage by the City Council and approval by the Mayor.

APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor
DEVELOPMENT AGREEMENT

Date of Document: ______________________________

Grantor: St. Maria's L.L.C.

Grantee: City of Rolla

Mailing Address: 1703 North Bishop, Rolla, MO 65401

Legal Description: Page 2

Reference Book and Page(s): ______________________________
DEVELOPMENT AGREEMENT
4/16/18
(Rolla Public Works Staff)

THIS DEVELOPMENT AGREEMENT is entered into this ______ of_______, 2018, by St. Maria's Development, LLC with the City of Rolla, Missouri, a municipal corporation (hereinafter “City”).

WHEREAS, St. Maria's Development, LLC has proposed a residential development on approximately 42 acres located on property owned by St. Maria's Development, LLC located on McCutchen Drive and outside the City of Rolla, Missouri (hereinafter the “Property”); and

WHEREAS, St. Maria's Development, LLC plans to annex the property for said development as a subdivision, zoned R-3 Multi-family; and

WHEREAS, St. Maria's Development, LLC has submitted a preliminary layout for the entire property to be developed (attached hereto as Exhibit A); and

WHEREAS, in order to ensure safe and adequate access in the future to the property and the area, and to mitigate the impact on the public road system as development occurs on the property, the parties agree that approval of annexation and zoning of the property should be subject to the terms of this agreement between St. Maria's Development, LLC and the City; and

WHEREAS, by voluntarily entering into this agreement, St. Maria's Development, LLC and the City, in accordance with the preliminary layout described above, intend to further define their duties and responsibilities to ensure that their respective actions are coordinated in order to meet the shared objectives and minimize uncertainties and delays in the development process; and

NOW, THEREFORE, in consideration of the foregoing recitals and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The terms of this agreement apply to the following property and all portions thereof:

   A. A fractional part of Lot 1 commencing at the Northwest Corner of the West Half of Lot 1 of the Northwest Quarter of Section 6, Township 37, Range 7 West, running; thence East along the quarter section line 100 rods; thence South 64 rods; thence West 100 rods to the township line between Township 37, Range 7 and Township 37, Range 8; thence North along the township line 64 rods to the place of beginning, all in Section 6, Township 37, Range 7 containing forty acres, more or less. Also a tract of land, to-wit: Commencing at a point 100 rods East and 64 rods South of the Northwest Corner of the West Half of Lot 1 of the Northwest Quarter of Section 6, Township 37, Range 7; thence South 16 rods; thence West 24
rods; thence North 16 rods; thence East 24 rods to place of beginning, except a strip of land 105 feet in width and 16 rods in length off of the West end of the said above described tract of land, this strip runs North and South and is known as the Hawkins Grave Yard.

2. Park Dedication. The parties agree that the Developer shall follow all City of Rolla Park Dedication requirements as proposed with a cash in-lieu amount of $24,895.50. This is based on 7% of the developed area of 23.71 acres and a cash in-lieu of $15,000 per acre of park requirement.

3. Storm Water Management Requirements. The parties agree that the Developer will follow all City of Rolla storm water management regulations.

4. Electrical Distribution. The City through the Rolla Municipal Utilities shall provide the development with curb side underground electric distribution within dedicated utility easements. Rolla Municipal Utilities will provide street lighting according to typical standards.

5. Water Service. The City through the Rolla Municipal Utilities shall exercise its option with Public Water District Number 2 of Phelps County as outlined in the Stipulation and Consent Judgment in Case No. 4:97CV01854ERW in the United States District Court for the Eastern District of Missouri Eastern Division and provide the development with water service. The developer shall be responsible for the design and installation of water service in accordance with City standards. Water lines to be placed between the back of curb and the public right of way. There is an existing water frontage fee of $3.18 per lineal foot along McCutchen Drive.

6. Sanitary Sewer Service. The City shall provide a gravity sanitary sewer line for 1,250 lineal feet with six manholes along the north line of the proposed development as shown on Exhibit “A”. The Developer shall reimburse the City $15.18 per lineal feet or $18,975.00. This represents one half of the total cost to install this sewer main. The Developer shall design and construct the remaining sanitary sewer collection system, sanitary sewer pump station (lift station) and sanitary sewer force main within the development. The sanitary sewer system within the development shall be constructed per the City’s design standards, except that sanitary sewer lines may be constructed in the front, side or back yards. All sanitary sewer lines and the lift station shall be constructed within easements dedicated or deeded to the City. After the sanitary sewer collection system, lift station and force main are completed and accepted by the City, the City will own, operate and maintain the entire sanitary sewer system within the development.

7. Solid Waste Service. The City of Rolla will provide this service with a roll out trash cart for each individual dwelling unit.

8. Public Improvements.
A. The parties agree that the public improvements for the development shall be made in accordance with all applicable city ordinance requirements and subject to the City’s inspection and approval. The Developer shall be responsible for obtaining approval for any portion of the improvements that require approval from other state or applicable jurisdictions.

B. The parties further agree that the City of Rolla will construct the Roundabout shown on Exhibit “A” and the street improvements along McCutchen Drive, except that the developers shall reimburse the city for the cost of the concrete curb and sidewalk along the remaining McCutchen Drive frontage of 910 lineal feet at a cost of $44.00 per lineal or $44,040.00. In addition the Developer will provide storm sewer materials for 400 lineal feet of 12” concrete pipe and 3 inlets for $4,497.00.

C. The parties further agree that the interior streets improved in accordance with City standards, using a rollover concrete curb and gutter shall and a sidewalk on both sides of the street. Curb and street widths shall be a minimum of 30 feet for two-lane traffic and 15 feet for one-way traffic. The sidewalks shall be constructed up against the curb and shall be a minimum of 4 feet in width.

9. Easements. All necessary easements will be dedicated by a subdivision plat and shall be a maximum of 20 feet.

10. Property Owner’s Association. All common open space and improvements shall be protected by legal arrangements that are satisfactory to the City and sufficient to assure their maintenance and preservation for the purposes intended. Covenants or other legal arrangements shall specify ownership of the common open space and common improvements, method of maintenance, responsibility for maintenance, maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the consent of the City, and other specifications deemed necessary by the City and consistent with Chapter 42-218 through 42-218.3 of the Rolla City Code.

11. Planning and Zoning. The parties agree that the developer will annex the property into the City consistent with current annexations laws regarding voluntary annexations and the zoning will be established with a Multi-Family (R-3) zoning classification. The developer further agrees that no more than a fourplex shall be constructed on each lot as shown on the attached Exhibit “A”. The number of lots for residential use will be a maximum of 58 lots.

12. Applicable Standards and Approvals. All of the improvements outlined herein shall be made in accordance with all applicable city ordinance requirements, with the exception of those outlined in this agreement. The Developer shall be responsible for obtaining approval for any portion of the improvements that require approval from other state or applicable jurisdictions.
13. Recording of Agreement. City agrees to record this agreement with the Phelps County Recorder's Office and agrees to pay the costs of said recording. The Covenant herein shall run with the land as described above and shall be binding and inure to the benefit of the parties hereto and their successors and assigns and on any future and subsequent purchasers.

14. Complete Agreement. This agreement shall constitute the complete agreement between the parties and any modification shall be in writing and signed by both parties.

15. Severability. Any provision of this agreement which is not enforceable according to law will be severed herefrom, and the remaining provisions shall be enforced to the fullest extent permitted by law.

16. Authority. The undersigned represent that they each have the authority and capacity from the respective parties to execute this agreement. This agreement shall not be valid until executed by the parties and approved by ordinance duly enacted by the City Council of the City of Rolla, Missouri.

17. Termination. Either party at its option may terminate this agreement in writing, if the entire property has not been annexed by the city within 180 days from the date of execution of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first written above.

APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor

St. Maria's Development, LLC

______________________________
Managing Member

I. B. 20
A request to amend Divisions 10 and 12 of Article III, which is known as Rolla Planning and Zoning Code, of Chapter 42 of the Rolla City Code by deleting and adding language that pertains to the conditional and permitted uses in the Highway Commercial (zoning) District (C-3) and the Light Manufacturing (zoning) District (M-1).

(M-1 & C-3 Uses)

MEETING DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: TXT18-04
LEGAL AD DATE: 04-21-2018
SUBMISSION DATE: 04-09-2018
300 FOOT NOTICE: NA

APPLICANT: The Community Development Department on behalf of the City of Rolla.

PROJECT DESCRIPTION: The applicant requests that a list of conditional uses be added to the section of Rolla’s Planning and Zoning Code that describes the use regulations of the Highway Commercial District (C-3) and that C-3 permitted uses, except item “a”, be permitted in the Light Manufacturing (zoning) District (M-1).

SPECIAL PERMITS: The special permit process is designed to deal with uses that by their nature are difficult to fit within a zone by right (also known as permitted uses). Special permits are commonly referred to as conditional use permits. These “special” uses need special protection or they may pose unusual harm to neighboring land. Special use standards must be met to ensure that neighboring land is not harmed. Common special uses include airports, drug treatment centers, and landfills. Like variances, special use permits are administrative acts that are decided on a case-by-case basis and, in the U.S.A., are mostly carried out by the Board of Adjustments. Unlike a variance, the applicant does not need to show the existence of hardship. Issuing a special permit is not a legislative process like a rezoning. The presumption of validity does not exist and the burden of proof to show that the use meets the special use standards of the ordinance falls on the applicant.

REASONING FOR PROPOSAL: Within Rolla 2020, Rolla’s Comprehensive Plan, industrial areas are intended to accommodate, as secondary uses, commercial and retail uses associated with highway traffic (p. 73). In addition, according to Section 42-192 of Rolla’s Planning and Zoning Code, the C-3 District is intended to allow light manufacturing and function as a transition between industrial development and strictly commercial development. Furthermore, in regards to the Light Manufacturing District (M-1), according to Section 42-196 of Rolla’s Planning and Zoning Code, the following is true:

[The M-1 District] is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. Industrial operations and activities are permitted as long as they do not have an adverse impact on neighboring properties...
resulting from dust, fumes, noxious odors, glare, vibration, or other atmospheric influence..." (Section 42-196 of Rolla’s Planning and Zoning Code)

One can come to two conclusions from these three sections of code. Primarily, M-1 was meant to accommodate some more intense commercial uses and C-3 was meant to accommodate some less intense manufacturing uses. Secondarily, if a use was placed on the “Uses Permitted” list under the M-1 District, the implication of the text inserted above from Section 42.196 is that this use should not have an adverse impact on neighboring properties. Based on these two premises an argument can be made that all C-3 uses, except item “a” (item “a” states “Any use or conditional uses permitted in the foregoing C-1 or C-2 Districts”), should be permitted in M-1 and, under certain conditions (meeting special use standards), some M-1 uses should be permitted in C-3.

It should be noted that there is some contradictory language in the purpose sections of these districts. While M-1 uses are assumed to be non-noxious, C-3 uses are intended to “to accommodate certain services that “may have higher environmental impacts in terms of noise, dust, and glare...which may make them incompatible with office or some retail uses”. Perhaps, it would be more accurate for the language of M-1 to indicate that the impacts of those uses allowed within the district will not have adverse impacts on neighboring commercial uses of a similar nature under certain conditions.

In actuality, a few uses are currently listed in both permitted use lists, such as carpet cleaning; builders supply, hardware and lumberyards; wholesale operations, sales office/warehouse combination. This fact supports the idea that these districts are meant to be transitional and in some cases, under certain conditions, have interchangeable uses.

The permitted uses in M-1 that are proposed to be conditional uses in C-3 are as follows:

- Advertising services
- Bus terminals, maintenance shops
- Cabinet or carpentry shops.
- Canvas goods shops, tents and awnings, manufacture, sales and rental
- Concrete batching or transit mix plant (temporary use only).

- Irrigation sales and services
- Laboratories, offices and other facilities for research, basic and applied.
- Private utilities.
- Produce markets, wholesale.

In addition, all of the uses listed in C-3’s “Uses Permitted” list, except for item “a”, are proposed to be added to the permitted uses in M-1.

In an upcoming Conditional Use Permit proposal, an applicant will ask if the land use of “Concrete batching or transit mix plant (temporary use only)” may be temporarily established in C-3. One reason the City believes that this use could be appropriate as a conditional use in C-3 is because these types of operations are already allowed by right on construction sites. Construction sites are inherently industrial in nature, which means that neighbors of construction sites should expect some temporary disturbance. In this upcoming CUP proposal, a concrete batch is being proposed on a property that is not the site of construction. Locating this use adjacent to districts that are not intended to accommodate some industrial uses is not appropriate because those property owners

I.C.a.
should not expect to tolerate disturbances from construction activity unless that site is under construction. Since C-3 does often abut M-1 and permit some light industrial uses, it would be reasonable for this district to accommodate temporary concrete plants. Another important reason why this use should be allowed as a conditional use in C-3 is that the further away that one of these plants must locate from the construction site, the more likely the public safety of motorists, pedestrians, and bicyclists will be harmed. Because M-1 and M-2 sites are limited to the more fringe parts of the City and because C-3 is more spread out, the inclusion of this conditional use in C-3 will increase the availability of land to locate such a use and increase the likelihood that such a use will be able to locate near the worksite.

PUBLIC & INTERNAL COMMENTS: No protest petitions or official comments have been filed to this department. No internal comments were made.

ACTION REQUIRED: Unanimously, the Planning and Zoning Commission recommends approval. The action requested from the City Council is to conduct the first reading of and the public hearing on an ordinance that would amend Divisions 10 and 12 of Article III, which is known as Rolla Planning and Zoning Code, of Chapter 42 of the Rolla City Code by deleting and adding language that pertains to the conditional and permitted uses in the Highway Commercial (zoning) District (C-3) and the Light Manufacturing (zoning) District (M-1).
AN ORDINANCE AMENDING DIVISIONS 10 AND 12 OF ARTICLE III, WHICH IS KNOWN AS THE ROLLA PLANNING AND ZONING CODE, OF CHAPTER 42 OF THE ROLLA CITY CODE BY DELETING AND ADDING LANGUAGE THAT PERTAINS TO THE CONDITIONAL AND PERMITTED USES IN THE HIGHWAY COMMERCIAL (ZONING) DISTRICT (C-3) AND THE LIGHT MANUFACTURING (ZONING) DISTRICT (M-1). (M-1 & C-3 USES)

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

SECTION 1. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.2, Area Requirements, is hereby amended by deleting the following language:

Minimum size of lot:
Area: 6,000 square feet.
Lot frontage: 60 feet at front lot line.
Width: 60 feet at building line.
Maximum percentage of lot that may be occupied by buildings:
All buildings: 40 percent
Maximum height of buildings:
Four stories and sixty-four feet
Minimum setback dimensions:
Front yard: 10 feet from the front lot line.
Side yard: 0
Rear yard: 10 feet from the front lot line.

SECTION 2. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.2, Area Requirements, is hereby amended by amending the title of Section 42-192.2 to the following title:

Conditional Uses

SECTION 3. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.2, Conditional Uses, which was known as Area Requirements before the passage of this ordinance, is hereby amended by adding the following language:

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-3 zoning district.

a. Advertising services
b. Bus terminals, maintenance shops
SECTION 4. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.3, Buffer-Yard Requirements, is hereby amended by deleting the following language:

Whenever any development in a C-3 Central Commercial District is located adjacent to a residential, office, government, or PUD District, screening and buffer-yard shall be provided in accordance with Section 42-231. (Ord. 3414)

SECTION 5. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.3, Buffer-Yard Requirements, is hereby amended by amending the title of Section 42-192.3 to the following title:

Area Requirements

SECTION 6. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.3, Area Requirements, which was known as Buffer-Yard Requirements before the passage of this ordinance, is hereby amended by adding the following language:

Minimum size of lot:
Area: 6,000 square feet.
Lot frontage: 60 feet at front lot line.
Width: 60 feet at building line.
Maximum percentage of lot that may be occupied by buildings:
All buildings: 40 percent
Maximum height of buildings:
Four stories and sixty-four feet
Minimum setback dimensions:
Front yard: 10 feet from the front lot line.
Side yard: 0
Rear yard: 10 feet from the rear lot line.

SECTION 7. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.4, which was formally “Reserved”, is hereby amended by adding the following title:

Buffer-Yard Requirements
SECTION 8. Chapter 42 of the Rolla City Code, Article III, Division 10, "C-3" HIGHWAY COMMERCIAL DISTRICT, Section 42-192.4, Buffer-Yard Requirements, which was formally "reserved" before the passage of this ordinance, is hereby amended by adding the following language:

Whenever any development in a Highway Commercial District is located adjacent to a residential, office, government, or PUD District, screening and buffer-yard shall be provided in accordance with Section 42-230 through Section 42-230.8 (Ord. 3414)

SECTION 9. Chapter 42 of the Rolla City Code, Article III, Division 12, "M-1" LIGHT MANUFACTURING DISTRICT, Section 42-196.1, Uses Permitted, is hereby amended by deleting the following language:

a. Any commercial uses that exist in the M-1 District at the effective date this Article is enacted.

SECTION 10. Chapter 42 of the Rolla City Code, Article III, Division 12, "M-1" LIGHT MANUFACTURING DISTRICT, Section 42-196.1, Uses Permitted, is hereby amended by adding the following language:

a. All of the uses listed under Section 42-192.1, except for item “a”.


APPROVED:

________________________
Mayor

ATTEST:

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

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

SUBJECT: A request for the City of Rolla to issue a Conditional Use Permit to 1501 Martin Springs Drive for the use of a “Concrete batching or transit mix plant (temporary use only)” in the Highway Commercial (zoning) District (C-3).

MEETING DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: CUP18-01
LEGAL AD DATE: 04-21-2018
300-FOOT NOTICE: 04-18-2018
SUBMISSION DATE: 04-05-2018

APPLICANT: Lehman Construction LLC is the applicant of this proposal on behalf of the owner, Citizen Bank of Newburg, who issued Lehman a temporary easement. Lehman is “currently constructing the Highway 72 Extension to Kingshighway for the City of Rolla” (See Figure 1 for the executive summary of the project, which was written by a representative of the applicant).

LOCATION: Fractional parts of Lots 101, 102, 109, 110, and 111 of the Railroad Addition and a fractional part of the west half of the southeast quarter of Section 10 Township 37 Range 8, which is a parcel of land otherwise known as 1501 Martin Springs Drive and given the Phelps County Assessor’s Account Number of 9646.01. The actual worksite will be contained to the 2.6-acre (approximate size) northwest corner of parcel 9646.01. (See Figure 2 for a small-scale map with worksite delineation).

PROJECT DESCRIPTION: The applicant proposes to temporarily establish the land use entitled "Concrete batching or transit mix plant (temporary use only)" for the erection of a mobile concrete batch plant that will be used to produce concrete for the Missouri Highway 72 extension project. These temporary concrete plants are commonly erected on construction sites without going through land use review (i.e. reviewing a project/use for conformance with zoning ordinance). The plant can be thought of as an accessory use to the construction site activity. However, when these plants are located offsite, they become a use unto themselves and require land use review. Because this land use is not permitted by right in the Highway Commercial District (C-3) and because this plant will be located offsite, the applicant is asking for the issuance of a Conditional Use Permit (CUP) to operate the plant in C-3. A first and final reading is also requested (See Figure 8).

OPERATION DETAILS: In Figure 1, it is disclosed that the plant would only be open for one month. This information was given when continuous operation was planned. This information has changed. The operation will likely be split into inactive and active periods. This means that the plant will be active for a few weeks, then inactive for a few weeks or a whole month. Because of this discontinuous nature of operation, and as indicated in in Figure 8, one can see that the plant may need to stay operational until the end of November. When active, and as described in Figure 1, the plant will only be operational for two to three times per week, on weekdays only, and only during the hours of 6:00 A.M. to 6:00 P.M. A full and detailed description of the operational aspects of the batch plant and water filtration system is contained in Figure 3.
BACKGROUND: This section summarizes the applicant’s letter, which is found in Figure 1. Lehman bid on this job to provide the City of Rolla (the City) with concrete in lieu of asphalt in order to provide a more durable and longer-lasting product. In order to supply the concrete at the value quoted, the plant needs to be erected near the construction site. Lehman attempted to locate at three other sites in the vicinity, but failed to do so (See Figure 1 for why). Lehman has exhausted their efforts and are in need to start mobilizing the plant in early May. They have already applied for their Department of Natural Resources (DNR) Permits.

SPECIAL PERMITS: The special permit process is designed to deal with uses that by their nature are difficult to fit within a zone by right. Special permits are commonly referred to as conditional use permits. These “special” uses need special protection or they may pose unusual harm to neighboring land. Common special uses include airports, drug treatment centers, and landfills. Like variances, special use permits are administrative acts that are decided on a case-by-case basis and, in the U.S.A., are mostly carried out by a Board of Adjustments. Unlike a variance, the applicant does not need to show the existence of hardship. Issuing a special permit is not a legislative process like a rezoning. The presumption of validity does not exist and the burden of proof to show that the use meets the special use standards of the ordinance falls on the applicant. However, the applicant does not have to show that the use is consistent with the general welfare because the act of the legislative body listing the use as a special use in a zone creates a presumption of compatibility (so long as the use meets the special use standards). In other words, rezoning is concerned with ensuring that the range of uses in the proposed zone will not harm the public interest if any one of them were to locate at the location of the proposed rezoning, while special use permits are concerned with the proposal meeting the prescribed standards, which, when met, ensure that adjoining properties and the general area is not harmed.

BURDEN OF PROOF AND CONDITIONS: Rolla’s burden of proof section in Division 16 of Rolla’s Planning and Zoning Code (the Code) are the special use standards mentioned above. In addition, the Planning and Zoning Commission is granted the power to impose specific conditions on the approval of such a permit and are granted the power to impose other conditions not listed. However, such conditions must be reasonable and must be related to the use in question. The conditional use permit process for Rolla includes the provision of a detailed site plan. Sections 42-234.1(b) (site plan requirements), 42-234.2 (standards), 42-234.4 (conditions) have been provided in Figure 4. One can view Figure 1, Figure 3, and Figure 5 (applicant’s site plan) for the evidence and arguments that the applicant has provided to show that the use will meet the prescribed standards.

ADDITIONAL INFORMATION & PUBLIC SAFETY:
SITUATION, ZONING, & NOISE: Businesses exist to the north, northwest, and northeast of the worksite. In all other directions is vacant land (See Figure 7 for an establishment map). One potential harm caused by this plant is noise from dump trucks and the batch plant itself. Batch plants and dump trucks produce about 83 dBA at 50 feet in distance. A typical highway produces up to about 80 dBA at 50 feet in distance. While there are many other variables involved in calculating noise levels, it is a fact that the farther you move away from a noise, the lower the noise level will be. There are four commercial establishments that are within 400 feet of the actual batch plant itself, Quality Inn, Denny’s, and Econo Lodge. Each of the four establishments’ fronts are
much closer to Highway 44 than they are to the batch plant. Measured from their farthest south wall, each one of these establishments is closer to Interstate 44 than the batch plant, except for the southwest portion of Econo Lodge. The trucks will travel along the northern boundary of the worksite, which may affect Denny’s and Econo Lodge the most, and south down Mercy Parkway, which would affect Quality Inn the most. However, Denny’s and Quality Inn will be about as close to Interstate 44 as they will be to the closest dump truck traffic.

Each one of the establishments within 500 feet of the batch plant are within the General Retail District (C-2) and all of them abut the Highway Commercial District (C-3), which is a district that allows many potentially noisy establishments, such as gun ranges, tire repair, and bus stations. In addition, C-2 itself allows auto repair shops, gas stations (as a conditional use), drive-ins, and taxi/limousine services (See Figure 6 for a zoning map).

**TRAFFIC SAFETY:** People in smaller vehicles are more vulnerable to serious injury and death when they crash with large trucks. This is because of the weight difference and ground clearance factors involved in a crash. In addition, breaking capabilities are more limited for very heavy vehicles. For these reasons, the shorter the distance the trucks must travel, the safer the public is. Thus, the public’s safety is seemingly maximized by locating the plant at the proposed location, rather than other possible locations, because the distance is minimized and Lehman’s trucks will be traveling on two low volume roads.

**PUBLIC & INTERNAL COMMENTS:** No protest petitions have been filed to this department. Two nearby business owners called the Community Development Office and inquired about the project and both did not voice any concerns. A Mr. Palmer, the owner of the R-1-zoned property located at 455 Bridge School Road, spoke at the Planning and Zoning Commission meeting held on 5-8-2018. This man was, in part, concerned with the increased truck traffic and damage to the road. He lives along the truck-traffic path on Bridge School Road. No internal comments were made.

**ACTION REQUESTED:** Unanimously, the Planning and Zoning Commission recommends approval. The action requested from the City Council is to conduct the first reading of and the public hearing on an ordinance that would enact the applicant’s proposal for the City of Rolla to issue a Conditional Use Permit to 1501 Martin Springs Drive for the use of a “Concrete batching or transit mix plant (temporary use only)” in the Highway Commercial (zoning) District (C-3). In addition, if approved, it is recommended that one condition be applied to the ordinance that indicates that December 31, 2018 will be the date that this Conditional Use Permit expires.
Figure 1, Executive Summary from Applicant p. 1

LEHMAN
Construction Company

900 RUSSELL VILLAGE RD
CALIFORNIA, MO 65018
PHONE (573)-796-8101
FAX (573)-796-8293

RL: Conditional Use Permit (CUP) for "Concrete batch or transit mix plant (Temporary Use Only)"

Lehman Construction LLC is currently constructing the Hwy 71 Extension to Kingshighway for the City of Rolla. Lehman Construction put this project to provide concrete pavement in lieu of Asphalt to provide the city with a more durable, longer lasting product. In order to supply the concrete material for the pavement at the value quoted, Lehman Construction needs to setup the portable Concrete Batch Plant on the property of the site. Numerous options were considered and prioritized below.

1. Old Days Inn location on Kingshighway - Within property limits (1300 Kingshighwy, Suite 103, Rolla, MO 65401)
   a. This was our initial preference, but after having project surveys it was determined the location was unfeasible due to the locations interference with the new highway Kingshighway and New Hwy 71 in the later stages of construction.

2. Rolla Westside Market Place (MORE LLC, Phelps County)
   a. This site had the access to water and high Drills. Works was not interested in allowing Plant on this piece of rural farmland.

3. School property off of Bridge School Road
   a. Initially this was a promising venture but after a month of negotiations they declined it as they would be unable to make a decision within the time frame we needed

4. 151st Main Spring Rd. - United Bank of Nevada property at site plant location
   a. This is an existing concrete off of Mainw Road which would allow this project in phases without needing to determine an area off of any of these roads in the future

5. Next, we explored options for the source of the United Bank. The next property being the next location. Following the same procedure and existing codes and with no determination of how much of these roads at this time

Please note: we will begin operating phase 1 units as well for approx. full production in the middle of 2023. This opens up the site to the plant itself to be a processing and mixing facility for all of the City. The following are the advantages of having the plant located on the United Bank.

Transportation: The plant is located on the main road, making it easily accessible for concrete delivery. It is located along a busy road, ensuring that the plant can connect to major highways and transport the concrete to various construction sites efficiently.

Environmental Impact: The plant is located in a location that minimizes environmental impact. It is situated away from residential areas, reducing noise and dust emissions. The plant is also equipped with water recycling systems to minimize water usage and prevent pollution.

Safety: The plant is constructed with safety in mind. It is equipped with the latest safety features and measures to prevent accidents. The location also ensures that the plant is protected from natural hazards such as floods and landslides.

Community: The plant's location in the community signifies a commitment to local growth and development. The plant will contribute to the local economy by providing employment opportunities and supporting local businesses.

The plant is designed to be a reliable and efficient source of concrete, ensuring that the City of Rolla has access to high-quality concrete for its infrastructure projects. The plant's strategic location and compliance with environmental regulations make it an ideal choice for the City's future needs.
This is the closest possible site to the construction project which will have the least amount of impact to existing city streets with concrete transport.

Site will be leveled and seeded to provide a good building site for future tenants, after we mobilize our

Allow us to stage off-site but be close. Which will allow us to accelerate completion of the Bay 72 Extension project and help reduce any inconvenience to the traveling public.

In summary we have exhausted efforts to find a staging area with in close proximity of the project and 1361 Martin Springs Rd provides criteria needed to start mobilizing plant in early May 2018 to meet our needed construction schedule milestones. Lehman Construction LLC appreciates your consideration and appreciates your help in ensuring Bay 72 Extension gets completed in a timely manner. We have applied for all BNPE Permits in good faith that with your help and support we will be able to stage our concrete plant on Banks property come May 2018. If there comes a time it is determined this will not be a successful CUP please notify us as soon as possible so we can act accordingly. Please let us know if you need any additional information and we would also like to attend any meetings you will hold to discuss this and look forward to seeing all. Please notify us of dates, times, and location of meetings you would like our attendance.

Regards,

Ryan Porter
Lehman Construction LLC

I.D.

Figure 2, CUP18-01 Location Map
Figure 3, Batch Plant Details, p.1

Lehman Construction plans to erect a CEMCO Model 275 Concrete Batch Plant at 1501 Mercy Parkway.

Our Plant has (2) aggregate bins (1) for limestone (Rock and G) and (1) for Sand. The unit is totally self-contained and needs no outside power source. The Cemco 275 is self-pumping, eliminating the need for conveyers, etc. The entire plant is compact and has a small footprint when set up. The Cemco 275 is capable of producing up to 275 cubic yards per hour and two men can easily set the plant up and be ready to pour concrete in a matter of hours. By placing the plant closer to the job site the fewer transitions that we will use reducing impact on Rolla streets and traffic. It is equipped with a dust collection on the cement weigh bin and on the cement storage site and standard equipment. Attached is a picture of our plant set up on previous project.

Regards,

Ryan Perie
Lehman Construction LTD
Figure 3, Batch Plant Details, p.2
Sec. 42-234.1. Procedures.
b) Site Plan content.
1. Approximate location of proposed and existing designated uses or buildings and other structures, including adjoining property, as well as parking and open areas shall be indicated for the proposed conditional use and adjacent property;
2. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated;
3. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping/screening plan;
4. An elevation view of the site showing preliminary building form (new construction only);
5. Proposed ingress and egress to the site, including right-of-way and pavement width for proposed and existing streets;
6. A plan for the provision of sanitation and drainage facilities;
7. The location, lighting and type of signs and the relationship of signs to traffic control;
8. The location and number of required off-street parking areas; and
9. The location of existing utilities.

Sec. 42-234.2. Burden of Proof/Standards.
In presenting any application for a Conditional Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

(a) The proposed conditional use complies with all applicable provisions of the applicable District regulations.
(b) The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion or other hazards.
(c) The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations or the policies of the Rolla Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
(1) The location, nature and height of buildings, structures, walls, and fences on the site,
(2) The nature and extent of proposed landscaping and screening on the site,
(3) The noise characteristics of the use compared to the typical use in the District and any reduction solutions;
(4) The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;
(5) Sign location, type, size, and lighting, and
(6) The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and storm water management systems.
(d) Off-street parking and loading areas will be provided in accordance with the standards set forth in this Article.
(e) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
(f) The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential, convenient, or desirable to preserve and promote the public health, safety, and general welfare of the City of Rolla. (Ord. 3414)

Sec. 42-234.4. Approval or Denial of a Permit by the Planning and Zoning Commission.

(a) In recommending approval of conditional uses, the planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:
   (1) Permitted uses, including maximum floor area;
   (2) Performance standards;
   (3) Height limitations;
   (4) Minimum yard requirements;
   (5) Off-street parking and loading requirements;
   (6) Sign regulations;
   (7) Minimum requirements for Site Plans; and
   (8) Time limitations for commencement of construction.

(b) Upon denial by the Planning and Zoning Commission of an application for a Conditional Use Permit, the Community Development Director shall notify the applicant of such recommendation. If no appeal is filed, the application shall be deemed denied. No subsequent application for a Conditional Use Permit with reference to the same proposed use shall be filed by any applicant until the expiration of twelve (12) months after the denial. (Ord. 3414)
Storm Drainage - Site will be sloped to Area inlet. Storm Water will go through Rock Checks.
Figure 6, Zoning Map
Figure 7, Establishment Map
Figure 8, Request for First and Final Reading

5-3-18

Rolla, MO City Council
901 North Elm Street
Rolla, MO

RE: Request for First and Final Reading “emergency suspension of the rules” for Conditional Use Permit for 1501 Martin Springs Rd. Rolla, MO

Dear Council Members and Women,

Lehman Construction LLC requests a First and Final Reading on the 21st of May 2018 for issuance of a Conditional Use Permit to 1501 Martin Springs Drive for use of a “Concrete batching or transit mix plant (temporary use only)” in the Highway Commercial (Zoning) district (C-3). This plant’s sole use will be to supply Preventive concrete for the Hwy 72 Extension currently under construction. We request this emergency suspension of the rules due to the adverse risks it potentially creates to project schedule if we had to wait till June 4th to start calibrating our plant potentially delaying the concrete paving 3-4 weeks. If a First and Final Reading will not be acceptable on the 21st we gracefully request notice so we can plan accordingly and possibly seek other locations in effort to keep schedule on target.

Our current schedule with your approval is to start calibrating our plant as early as May 22nd and start full production June 11th and weather pending our goal is to be complete with the project early Fall (Nov 18). Note our CUP initial application indicated 1 month of operation which is reflective of continuous weekly use. However with the way this project is staged a continuous operation is unlikely. It is more likely to have a few weeks of continuous operation and then likely set down for a few weeks or a month while the next stage is being prepped and so on.

We appreciate your time and consideration. If you need anything further please let us know at 573-564-5404.

Regards,

Ryan Porter
Lehman Construction LLC
ORDINANCE NO. ______

AN ORDINANCE THAT AUTHORIZES THE ISSUANCE OF A CONDITIONAL USE PERMIT TO THE PROPERTY KNOWN AS 1501 MARTIN SPRINGS DRIVE FOR THE USE OF A “CONCRETE BATCHING OR TRANSIT MIX PLANT (TEMPORARY USE ONLY)” IN THE HIGHWAY COMMERCIAL (ZONING) DISTRICT (C-3).

(LEHMANN)

WHEREAS, an application for a Conditional Use Permit (CUP) was duly filed with the Community Development Department April 5, 2018, requesting that City of Rolla issue a CUP to the 30.48-acre parcel currently known as 1501 Martin Springs Drive for the use of a “Concrete batching or transit mix plant (temporary use only)” in the Highway Commercial (zoning) District (C-3); and

WHEREAS, a public notice was duly published on April 21, 2018, in the Rolla Daily News that in accordance with State law provided notice that a public hearing on said proposal would be held at Rolla City Hall, 901 North Elm Street, Rolla, Missouri, at 6:30 P.M.; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on May 8, 2018, at 5:30 P.M. and recommended that the City Council approve the proposed issuance of a CUP; and

WHEREAS, the Rolla City Council, during its meeting held on May 21, 2018, conducted a public hearing on and the first and final readings of this CUP ordinance; and

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring the said proposal and by those citizens opposing said proposal, the City Council found the proposals would promote the public health, safety, morals, and 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 Rolla Planning and Zoning Code, Ordinance No. 3414, which is Chapter 42 of the Code of the City of Rolla, Missouri, and a code that, in accordance with the Comprehensive Plan, divides the City of Rolla into zoning districts; controls the regulation and restriction of the erection, construction, reconstruction, alteration or use of buildings, structures, or land within such districts; and controls the number, shape, and area of such zoning districts on the the Official Zoning Map, is hereby amended by authorizing the issuance of a CUP for the use of a “Concrete batching or transit mix plant (temporary use only)” in the Highway Commercial (zoning) District (C-3) on the property currently known as 1501 Martin Springs Drive, which is described in the document with the recording number of 2014-4638 and partly described below:

Fractional Part Lots 101,102,109,110 & 111 Railroad Addition & Fractional Part W/2 SEI/4 of Section 10, Township 37, Range 8

SECTION 2: That, as a condition of the approval of this ordinance, this Conditional Use Permit will expire on December 31, 2018, a date after which the use of a “Concrete batching or transit mix plant (temporary use only)” will no longer be permitted on the property described in Section 1 of this ordinance, which is currently known as 1501 Martin Springs Drive.

SECTION 3: This ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the Conditional Use Permit process has been completed by the City Council.


APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor

I . D.10
CITY OF ROLLA
CITY COUNCIL AGENDA

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

SUBJECT: A request to rezone the four parcels that are identified by their Phelps County Assessor Account Numbers of 7848, 7849, 7835.01, and 7847, which is also known as 1040 Kingshighway, from the General Commercial District (C-2) and the Government and Institutional District (GI) to the Highway Commercial District (C-3).

(Guest Commons)

MEETING_DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: ZON18-03 SUBMISSION_DATE: 04-18-2018
LEGAL AD DATE: 04-21-2018 300 FOOT NOTICE: 04-18-2018

APPLICANT: Anderson & Associates Consulting Engineering LLC is the agent of this proposal on behalf of the owners of the property and applicants, Gary W. and Janet S. Heavin.

LOCATION: The parcels subject to this proposal (the subject parcels) are the four deeded parcels that are identified by their Phelps County Assessor Account Numbers of 7847, 7848, 7849, and 7835.01 (See Figure 1 for a general location map and Figure 2 for a site map). The subject parcels consist of Lots 1, 2, and part of Lot 3 of the Koch Subdivision and fractional parts of the southwest quarter of the northwest quarter of Section 11, Township 37 North, Range 8 West. The subject parcels are located about 300 feet to the northeast of the intersection of Juliene Street and Kingshighway.

CURRENT USE, ZONING, AND FLUM DESIGNATION: Parcel 7847 and 7849 are located wholly within General Retail District (C-2). Parcel 7835.01 is located within the Government and Institutional District (GI). Parcel 7848 is located in both GI and C-2. The Future Land Use Map (FLUM) designation for all of the parcels is Community Commercial. While parcel 7847 is under construction, the other parcels are vacant. The total size in area of the subject parcels is 1.86 acres.

PROJECT DESCRIPTION: A Dickey’s BBQ restaurant is in the process of being constructed within an existing building shell on the subject parcels. There is also an upcoming proposal to attach a bar to the rear of the restaurant. To permit the use of a bar, it is requested that the subject parcels be rezoned to C-3, which permits the land use entitled “Bars, cocktail lounges, and night clubs (including dance halls)”. This rezoning proposal has been submitted concurrently with a proposal to consolidate the four parcels into one lot. This consolidation will create a lot large enough to accommodate sufficient parking for both establishments and allow the parking to be contained on the same parcel on which the establishments are located instead of needing to share parking with a neighboring establishment/parcel.

ANALYSIS: HISTORY: Before there was the Center City (CC) District, there were three commercial districts instead of four. C-3 was the district that covered most of the downtown area (however, it began to
spread southward on U.S. 63 as well) and was, as early as 1942, entitled the Central Business District, but also went by the name of “Commercial District”. C-1 and C-2 have the same names they have today and their permitted uses were similar to what they were in the far past, but not exactly. One exception is that C-2 allowed bars/taverns. In the year 2000, the City of Rolla adopted a new zoning ordinance. This is seemingly the time when CC was created and bars were restricted to C-3 and CC. Most of what was C-3 in the Downtown area became C-C and C-3 was applied to the area that was zoned for light industrial uses on U.S. 63, which was immediately south of Kingshighway. The stretch of Kingshighway between U.S. 63 and Interstate 44 (I-44) (the stretch that contains the subject parcels) has been C-2 for many decades. In 2000, C-3 was not applied to this section of Kingshighway, but was applied to the west of it along I-44. However, several non-conforming uses exist on this stretch of Kingshighway because gas stations and liquor stores were taken off the permitted use list of C-2 (See Figure 3 for a zoning and neighborhood map). The last commercial use on the subject parcels was a boat sales and repair shop.

SITUATION: To the north of the subject parcels is a section of university parkland (Innovation Park) that is currently an abandoned golf course. To the west of the subject parcels is a car dealership, a legal non-conforming gas station (to the west of this is a liquor/tobacco store), and one secluded single-family house (only house left in immediate area). To the east of the subject parcels is Rolla’s only bowling alley. Across the street, to the south, is the site of a new Subway restaurant and a nail shop (See Figure 3 for a zoning and neighborhood map).

INTENT OF THE COMPREHENSIVE PLAN: Under “Land Use Policies” in Rolla 2020, Rolla's Comprehensive Plan Update (2005), it is stated that commercial areas should be designated according to their role and function in the region and that “Three commercial designations are recognized depending on the area’s scale, purpose, location and intensity of use...[This includes] Community Commercial (generally includes the C-2 and C-3 commercial zoning districts)...”. The subject parcels are categorized with the appropriate FLUM category to be zoned C-3.

LAND USE COMPATIBILITY: According to the “Purpose” sections of both C-2 and C-3 (Sections 42-189 and 42-192 of the Rolla Planning and Zoning Code), both districts are intended to be located on arterial roads due to the need for businesses within these zones to be highly visible and accessible to the regional community. In addition, C-3 is intended to accommodate certain services that “may have higher environmental impacts in terms of noise, dust, and glare..., which may make them incompatible with office or some retail uses”. However, C-2 includes certain uses that may also produce these same environmental impacts, such as car sales lots, auto repair/tire repair shops, and bowling alleys. There does not seem to be anything more noxious about a gas station (permitted in C-3) than an auto repair shop (permitted in C-2) or anything more noxious about a bowling alley (permitted in C-2) than a local tavern (C-3). Thus, while there may be concern for incompatibilities between the uses permitted in C-2 and C-3 with the uses permitted in C-O and C-1, there should not be a concern for incompatibilities between the uses permitted in C-2 and C-3 because of their similar potential to be noxious. In addition, those certain office and retail uses that may be incompatible with some C-2 and C-3 uses have two other commercial zones in which they can be exclusively located (C-O/C-1) that will protect them from such noxious uses. When uses that could exist exclusively in less intense zones locate in a higher intensity zone, those uses should have no expectation of being protected.
NEIGHBORHOOD CHARACTER: The neighborhood, which is mainly zoned C-2, contains two liquor stores, a bus station, and a gas station, none of which are permitted in C-2. When an area is developed through legal non-conforming uses and special use permits, rezonings are the appropriate method by which to allow these uses to become conforming. It seems fallacious to argue that an area already containing many C-3 uses would be harmed by a C-3 zoning, especially if those legal non-conforming uses exist directly adjacent to the parcel(s) requesting a C-3 zoning. Good planning practice dictates that if a problem is widespread (i.e. many non-conforming uses in an area), that the problem should be corrected legislatively, either through rezoning or text amendment, not through perpetual special permits or variances.

TRAFFIC SAFETY: Both C-2 and C-3 are expected to generate similar amounts of heavy traffic, which is, in part, why they are both intended to be located on arterials. There should be no concern for a property being upzoned from C-2 to C-3 because some uses in C-2 produce more traffic than some uses in C-3 and vice versa.

PUBLIC & INTERNAL COMMENTS: No protest petitions or comments have been filed to this department. No internal comments were made.

ACTION REQUESTED: Unanimously, the Planning and Zoning Commission recommends approval. The action requested from the City Council is to conduct the first reading of and the public hearing on the attached ordinance that would enact the applicant’s proposal to rezone the four parcels that are identified by their Phelps County Assessor Account Numbers of 7848, 7849, 7835.01, and 7847, which is also known as 1040 Kingshighway, from the General Commercial District (C-2) and the Government and Institutional District (GI) to the Highway Commercial District (C-3).
Figure 1, ZON18-03, General Location Map

WEST COMMONS REZONING: Location
Figure 2, ZON18-03, Site Map
Figure 3, ZON18-03, Zoning Map and Neighborhood Map

WEST COMMONS: Location

Legal Nonconforming Bus Station
Legal Nonconforming Liquor Store
Legal Nonconforming Gas Station

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

3/18/2018 - wheels Planning - Zoning Commission Meeting

I.E.O.
ORDINANCE NO._______

AN ORDINANCE THAT REZONES THE FOUR PARCELS THAT ARE IDENTIFIED BY THEIR PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 7848, 7849, 7835.01, AND 7847, WHICH IS ALSO KNOWN AS 1040 KINGSHIGHWAY, FROM THE GENERAL COMMERCIAL DISTRICT (C-2) AND THE GOVERNMENT AND INSTITUTIONAL DISTRICT (GI) TO THE HIGHWAY COMMERCIAL DISTRICT (C-3).

(WEST COMMONS)

WHEREAS, an application for a rezoning was duly filed with the Community Development Department April 18, 2018, requesting that the City of Rolla rezone the four parcels that are identified by their Phelps County Assessor Account Numbers of 7848, 7849, 7835.01, and 7847, which is also known as 1040 Kingshighway, from the General Commercial District (C-2) and the Government and Institutional District (GI) to the Highway Commercial District (C-3); and

WHEREAS, a public notice was duly published on April 21, 2018, in the Rolla Daily News that in accordance with law provided notice that a public hearing on said proposal would be held at Rolla City Hall, 901 North Elm Street, Rolla, Missouri, at 6:30 P.M.; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on May 8, 2018 at 5:30 P.M. and recommended that the City Council approve the proposed issuance of a CUP; and

WHEREAS, the Rolla City Council, during its meeting held on May 21, 2018, conducted a public hearing on and the first reading of this rezoning ordinance; and

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 proposals would promote the public health, safety, morals, and 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 Rolla Planning and Zoning Code, Ordinance No. 3414, which is Chapter 42 of the Code of the City of Rolla, Missouri, and a code that, in accordance with the Comprehensive Plan, divides the City of Rolla into zoning districts; controls the regulation and restriction of the erection, construction, reconstruction, alteration or use of buildings, structures, or land within such districts; and controls the number, shape, and area of such zoning districts on the Official Zoning Map, is hereby amended by amending the zoning classification of the following described property from the General Commercial District (C-2) and the Government and Institutional District (GI) to the Highway Commercial District (C-3):

A FRACTIONAL PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 8 WEST OF THE FIFTH P.M.
IN PHELPS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHERNMOST CORNER OF LOT 1 OF KOCH SUBDIVISION, ROLLA, MISSOURI; THENCE S 89°49'33" W, 209.65 FEET TO THE EAST RIGHT OF WAY OF JULIENE STREET; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING THREE CALLS - S 00°12'38" E, 84.94 FEET; S 00°08'59" E, 65.00 FEET; S 00°17'25" E, 103.02 FEET; THENCE LEAVING SAID RIGHT OF WAY N 67°48'40" E, 224.80 FEET; THENCE S 00°06'50" W, 236.04 FEET; THENCE S 88°25'25" E, 25.14 FEET TO THE NORTH RIGHT OF WAY OF KINGSHIGHWAY; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING THREE CALLS - N 69°34'00" E, 43.40 FEET; N 20°24'40" W, 25.00 FEET; N 69°35'30" E, 38.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N 00°30'30" W, 392.14 FEET; THENCE S 66°24'58" W, 96.30 FEET; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 1.86 ACRES±SUBJECT TO EASEMENTS OF RECORD.

SECTION 3: This ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the rezoning process has been completed by the City Council.


APPROVED:

ATTEST:

Mayor

________________________
City Clerk

APPROVED AS TO FORM:

________________________
City Counselor
2018

Fiscal Year 2nd Quarter Report

II.A.

Rolla Municipal Utilities
Provided to Rolla City Council
May 21, 2018
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1945 Rolla Board of Public Works Statement ........................................ 3
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A STATEMENT BY THE BOARD OF PUBLIC WORKS

The Electric Power and Water System of the City of Rolla will be known as the ROLLA MUNICIPAL UTILITIES. Mr. J. B. Bronson will continue as general manager.

It will be the policy of the Board to operate the Rolla Municipal Utilities strictly on a business basis. There will be no change in the general policies of the management. All rates will be the same for the present.

The Board has three primary obligations:

1. To give the best possible service to the Citizens of Rolla.

2. To accumulate funds for the payment of the indebtedness. (Bond Issue and Revenue Certificates).

3. To build up reserve funds for any emergency and for replacement of machinery and equipment.

Regarding Service Interruptions:

This trouble is not in the local system, but in the source of supply. We hope eventually to have other sources of supply available and improve the electric service in Rolla.

Beginning immediately, $1000.00 per month from the profits will be paid to the General Fund of the City of Rolla, which is to replace the Franchise Tax formerly paid by the Missouri General Utilities.

No merchandise will be sold in competition with local merchants.

No repair service will be maintained in competition with local Electric Service men.

Next Monday, November 12th, our offices will open in our new building, formerly the Negro U. S. O Building, 102 W. 9th Street. All business will be transacted from this location after that date. The Rolla Free Public Library will occupy the second floor, and the State Board of Health and the County Agent the basement of this building. These quarters are furnished to the above organizations without cost as a public service of the Rolla Municipal Utilities.

Rolla Board of Public Works

H. E. CASTLEMAN, President
F. H. FRAME, Vice-President
R. E. SCHUMAN, Secretary
F. A. CAMERON, Member
SECOND QUARTER FINANCIAL RECAP (Unaudited)

OPERATING INCOME and EXPENSES

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<td>$812,502</td>
<td>$386,901</td>
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Upon completion of the second quarter of FY 2018, Operating Revenues are up $1,116,600 as compared to last year. Operating Expenses are up $704,858 for the same period resulting in an Operating Income of $557,296, which is up $411,742. When combined with miscellaneous income and expenses, RMU experienced a Net income of $812,502, which up $386,901 as compared to the second quarter of FY2017.
STATUS OF PENDING PROJECTS

ELECTRIC DEPARTMENT

- ELECTRICAL EXTENSIONS/UPGRADES
  - 12kV Distribution System Connection (Old St. James Road and Nagagomi substation, north of I-44) – Converted 4kV electric distribution system to 12kV (including transformers). Started, February 23, 2017. Ongoing.

RMU participates in Rolla High School “Experts in the Classroom”
- Highway 72 Extension –
  - Elimination of overhead lines on Kingshighway between Bridge School and Fairgrounds Road.

### WATER DEPARTMENT

**WATER MAIN INSTALLATION**
- Well #13 – Chlorine feed line inside well house broke and damaged electric equipment, including motor. Started diagnosing damage and undertaking repairs. Started, November 16, 2017. Ongoing.
- Water meter conversion – Installation being performed by RMU staff and City Wastewater department. Started, November 20, 2017. Ongoing. 2,804 completed to date with over 50% complete.
• Missouri Department of Natural Resources – Water system inspection. March 20-21, 2018.

**MISCELLANEOUS**

**PERSONNEL**
- One employee re-hired on February 12, 2018.
- Five employee promotions, April 11, 2018.

**PRESENTATIONS**
- Experts in the Classroom (Rolla High School) – Held January 23, 2018 with two RMU employees presenting.
- RMU Speaker’s Bureau – Classroom and field presentation to well and tower site for Missouri S&T water resources class held February 9, 2018 with one RMU employee presenting.
- South Central Board of Realtors held February 14, 2018 with RMU General Manager presenting.
- RMU Speaker’s Bureau – Missouri S&T Earth Day held April 19, 2018.
- Rolla Rotary Club held April 27, 2018 with RMU General Manager presenting.

**TRAINING**
- Missouri One Call – Excavator Safety Meeting held in Salem, MO, February 21, 2018 with four RMU employees attending.
- MPUA Spring Tech held in Lebanon, MO, March 15, 2018 with eight RMU employees attending.
- MPUA Apprentice Lineman training –
  - Rubber Glove School, April 11-12, 2018 with one RMU employee attending
  - CT/PT Metering School and Advanced Grounding, April 18-19, 2018 with one RMU employee attending.
- CPR/AED training – Held at Rolla Technical Center, March 2018.

**MISCELLANEOUS**
- Purchased used John Deere 310 backhoe loader, February 9, 2018.
- Purchased used International 4400 SBA chassis with new dump bed, March 9, 2018.
- Grain Belt Transmission Line
  - Missouri Eastern District Court of Appeals overturned the Western District’s opinion regarding MoPSC ruling on the Grain Belt Transmission project. This is quickly moving to the Missouri Supreme Court where a hearing is scheduled for April 3rd. This line will
transport low-cost wind energy from Western Kansas to the PJM market with an off-ramp in Missouri near Hannibal. Missouri municipal electric systems have committed to 136MW of transmission capacity on this line with a 200MW option.

- **Tantalus**
  - The Tantalus trial program is to test an automated meter reading system in Rolla. The trial is focused on two routes in the East Meadows area of Rolla for a four month demo. All Tantalus meters are operational and are reading 215 RMU electric and water meters. RMU will have a little over 500 electric and water meters reporting into the PILOT system.

- **MJMEUC/MoPEP UPDATES**
  - During a MoPEP Services and Rates Committee meeting it was reported the 2017 winter peak was 478MW which is an all-time high. The 2017 summer peak was 532MW.
  - The MoPEP committee reported on net metering for the entire pool. There are 17 of the 35 cities that have net metering customers totaling 47 customers. These customers have approximately 646kW of capacity installed.
  - The Solar Communities Program was approved by the MoPEP Board. Details of the program will be finalized in upcoming months.
  - Additional wind resources will be allocated to those customers participating in the purchase of renewable product after a successful one year operation of Marshall County Wind Farm. RMU will be contacting Brewer Science and Missouri S&T to gauge interest in more renewables and will be auditing their usage to ensure compliance with the program guidelines.
  - KCPL initiated a rate increase with MoPSC January 30, 2018. In addition, the Tax Cut and Jobs Act are reducing corporate taxes which will lower IOU rates. This may have some benefit to Rolla on our transmission costs from Ameren.
  - Financing for 50MW of Dogwood power plant for MoPEP was authorized. This power will be initially sold to MMMPEP and then transitioned to MoPEP over time. This will replace a portion of our power currently coming from the IL Dynergy coal plants.
  - The APPA Legislative Rally had three major topics of discussion.
    - The group shared their appreciation for the continued support for the Tax Cut bill which retained tax exempt financing. Appreciation was expressed to Senator Blunt for always visiting with MPUA members during each Legislative Rally. The group requested support for HR5003 which would reinstate tax exemption of advance bond refunding.
    - Municipal utilities are being targeted with both State and Federal legislation to restrict negotiation of pole attachment agreements for small cell wireless attachments. The FCC is also reviewing policies which have historically exempted municipal owned systems.
    - The administration is proposing the sale of Power Marketing Administrations (PMA's) like Bonneville, TVA, SWPA, etc. This would lead to higher rates for end users of the federal hydropower, including Rolla. It was requested to oppose the sale.
2018 COMPARATIVE RATE INFORMATION

- Requests for residential rate information were sent to several utilities within a 60 mile radius of Rolla. The following is a summary of the results received.
- Rate comparisons do not indicate the level of service provided with the actual commodity.

**Water Residential**: Based on a Thirty (30) day month (5/8" meter)
Consider:
- Type of source water
- Type of treatment
- Level of Service supplied
- Condition of system
- ISO Rating & water system
- Capital project budget
- Available response equipment
- Response to customers/leaks

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**NOTE:** Rate change from previous year.
**2018 COMPARATIVE RATE INFORMATION (con't)**

Electric Residential: Based on a Thirty (30) day month

Consider:
- Condition of System
- Level of Service Provided
- Outage response
- Outage prevention/tree trimming
- Safety and Training
- Capital project budget
- Available response equipment
- Long term planning

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* Ameren adjusts $.00124/kWh 3 times per year
** Crawford Electric has $26 SAF + $.0813 kWh
*** Sullivan has FAC of $.0063/kWh
^ Cuba has mthly adjusted FAC
^^ Richland has adjustable FAC
^^^ St. James has a 6% pilot

*Summer rates*

*Winter rates*

**Note:** Rate change from previous year
2018 COMPARATIVE RATE INFORMATION (con't)

NOTES:

ELECTRIC:
- Ameren Missouri has a 3 time per year adjustable FAC of $.00069/kWh. (FAC is not included in the calculated rates)
- Intercounty Electric Cooperative has a daily rate SAF which will increase by 5% in April, 2018.
- Gascosage Electric Cooperative has a SAF of $32.50/kWh in addition to a $0.07 per kWh.
- City of Richland has an adjusted FAC based on the amount purchased from supplier
- City of Houston adjusts rates every 12 months. (January 15th each year).
- City of Cuba has a FAC of $0.0103 per month.

WATER:
- Phelps County Public Water #2 has a $17.00 access fee plus a $4.83 per 1,000 gallons.
- Hermann Municipal Utilities sewer rate is based on water consumption with a $21.75 service charge plus $.0036 per gallon of water consumed.
City Internet

• Two Primary Options in Rolla
  – Fidelity (Cable TV System, 50Mb/s and up): Active in Rolla since the mid 90’s
  – Century Link (DSL, 10Mb/s typical for Rolla)
  – Wave Wireless
  – HughesNet/Satellite Option
  – Most residents have at least two options available
• Generally, all citizens have access in town
• Several Municipal Electric Systems with Broadband Capabilities
  – City Utilities - Springfield (Mainly businesses, Pt-to-Pt Broadband Connectivity)
  – Carthage (Wireless Internet, Pt-to-Pt Broadband Connectivity)
  – Marshall (Fiber to home)
  – West Plains – Pilot Fiber-to-premise project initiated
• RMU provides:
  – Fiber Connectivity solutions
  – Dark fiber leases with:
    • Missouri S&T (Off-campus Fraternities and Sororities)
    • Rolla Public School (Internal Communications)
  – City of Rolla Connectivity (6 locations)
  – MoreNET (3 locations)
  – RMU Internal SCADA, phones, and networking
• RMU had the opportunity to purchase the Old Cable TV system and install a natural gas system in early 90’s which did not happen
• RMU investigated providing Wireless and/or fiber-to-home in the early 2000’s.
  – By then Fidelity was gaining market share in Rolla
  – No strong business case could be made then to deploy the infrastructure necessary to provide an alternative
• We will be monitoring the Pilot project in West Plains to gauge opportunities in Rolla market
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance – Final Reading

ITEM/SUBJECT: Task Order #11
Design & Bid Phase Services
SE & Vichy Road WWTP
HDR Engineering, Inc.

BUDGET APPROPRIATION
DATE: 05/21/18

COMMENTARY:

Attached is an ordinance authorizing the Mayor to enter into an agreement for professional services with HDR Engineering, Inc. This task is for the Design & Bid Phase Services for Phase I Improvements at our Southeast and Vichy Road Wastewater Treatment Plants.

The estimate construction cost for these improvements is $21,334,000.00. These improvements will provide for enhanced disinfection and treatment of wastewater discharges and will satisfy our commitments to DNR to provide full treatment of wet weather flows as outlines in our Voluntary Compliance Agreement.

These improvements will take approximately 18 months to design, receive MDNR approval and bid. The construction will take about two years to complete. This will in all likelihood take us past our VCA deadline of May 2021. However, we currently have a Memorandum of Understanding with MDNR to complete our Integrated Management Plan. Once this Integrated Management Plan is completed and approved, it will in essence take place of our Voluntary Compliance Agreement.

This Integrated Management Plan will then establish the schedule for completion of improvements.

Staff is requesting first reading of the ordinance and recommends approval.
ORDINANCE NO. _________

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND HDR ENGINEERING, INC FOR SOUTHEAST WWTP AND VICHY ROAD WWTP IMPROVEMENTS – DESIGN AND BID PHASE SERVICES – TASK ORDER #11.

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 HDR Engineering, Inc. for Southeast WWTP and Vichy Road WWTP Improvements – Design and Bid Phase Services – Task Order #11.


APPROVED:

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

APPROVED AS TO FORM.

__________________________
CITY COUNSELOR
TASK ORDER NO. 11

This Task Order pertains to an Agreement by and between City of Rolla, Missouri, ("OWNER"), and HDR Engineering, Inc. ("ENGINEER"), dated January 19, 2011, ("the Agreement"). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER: No. 11
PROJECT NAME: Southeast WWTP and Vichy Road WWTP Improvements Design and Bid Phase Services

PART 1.0 PROJECT DESCRIPTION:
Preliminary Design, Final Design, and Bidding Phase Services for the City of Rolla, Missouri for the recommended improvements to the Southeast WWTP and the Vichy Road WWTP in the outlined in the Southeast, Vichy Road, and Southwest Wastewater Treatment Plants and Collection System Preliminary Engineering Report completed in February 2018.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT

Preliminary Design, Final Design, and Bidding Phase Services for the recommended improvements to the Southeast WWTP and Vichy Road WWTP per Table 6-1 of referenced report (SW WWTP Improvements are not included in this task order). See Attachment A.

The two WWTP will be designed and bid as two separate construction packages.

PART 3.0 OWNER’S RESPONSIBILITIES:

Owner shall furnish the following information by request as needed:
1. Discharge Monitoring Reports (DMR’s) and other analytical data obtained by City subsequent to prior data request associated with Preliminary Engineering Report.
2. Prior engineering reports, soils reports, and record drawings.
3. Equipment O&M manuals – we will review these at the WWTP and make copies as needed.

PART 4.0 PERIODS OF SERVICE:

1. Preliminary and Final Design Phases
   - SE WWTP – 395 days from Notice to Proceed
   - Vichy Road WWTP – 330 days from Notice to Proceed

Contracts Manual SMOEA - 1
7-2000
Durations shown are based on parallel design of both plants. Schedule may be adjusted for sequential design, or other alternative approach, if mutually agreed by both parties.

2. Bidding Phase – 90 days from MDNR approval, for each contract.
3. Project Management – From Notice to Proceed to completion of Bidding Phase.

PART 5.0 PAYMENTS TO ENGINEER:

1. Preliminary and Final Design Phases (both plants) - Lump sum fee of $1,857,574.00, to be invoiced monthly on a percent complete basis.

2. Bidding Phase (both plants) - Lump sum fee of $180,771.00, to be invoiced monthly on a percent complete basis.

Total Fee = $2,038,345.00

Fee is based on simultaneous design of Vichy Road and SE WWTPs and resulting design efficiencies.

PART 6.0 OTHER:

None

This Task Order is executed this _______ day of ________________, 20___.
## ATTACHMENT A

### Delta SWP and Unity Road SWP Improvements

Preliminary Design, Final Design, and Holding Phase Services

### Scope and Fee

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### Estimated Design Fee

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*Estimated Design Fee: $360,000*
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance Final Reading

ITEM/SUBJECT: Project #459 – 2018 Micro Surfacing

BUDGET APPROPRIATION: $600,000.00 DATE: 05/21/18

COMMENTARY:

City staff asked for and received bids for the 2018 Micro Surfacing. The following bid was received:

Donelson Construction Co., LLC $486,743.55
1075 Wise Hill Road
Clever, MO 65631

Council accepted the bid from Donelson Construction Co., LLC for $486,743.55 at the May 5, 2018 council meeting. Staff is requesting final reading of the ordinance authorizing the Mayor to enter into the contract with Donelson Construction Co., LLC for $486,743.55.
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 DONELSON CONSTRUCTION COMPANY, LLC. FOR PROJECT #459 – 2018 MICRO SURFACING.

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 Project #459 – 2018 Micro Surfacing.


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 "2018 Micro Surfacing Project 459", 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 "2018 Micro Surfacing Project 459".

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 I 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

III. B.4.
specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of $486,743.55 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

CONTRACTOR

BY ________________________________

Printed Name/Title

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
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

SUBJECT: A request to consolidate four deeded parcels that are identified by their Phelps County Assessor Account Numbers of 7848, 7849, 7835.01, and 7847, which is also known as 1040 Kingshighway, into one 1.86-acre Lot that will consist of Lots 1, 2, and part of Lot 3 of the Koch Subdivision and fractional parts of the southwest quarter of the northwest quarter of Section 11, Township 37 North, Range 8 West into one lot through the subdivision process.

MEETING DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: SUB18-04
SUBMISSION DATE: 04-18-2018

APPLICANT: Anderson & Associates Consulting Engineering, LLC is the agent of this proposal on behalf of the owners of the property and applicants, Gary W. and Janet S. Heavin.

LOCATION: The parcels subject to this proposal (the subject parcels) are the four deeded parcels that are identified by their Phelps County Assessor Account Numbers of 7847, 7849, 7848, and 7835.01 (See Figure 1 for a general location map and Figure 2 for a site map). The subject parcels consist of Lots 1, 2, and part of Lot 3 of the Koch Subdivision and fractional parts of the southwest quarter of the northwest quarter of Section 11, Township 37 North, Range 8 West. The subject parcels are located about 300 feet to the northeast of the intersection of Juliene Street and Kingshighway.

CURRENT USE & ZONING: Parcel 7847 and 7849 are located wholly within General Retail District (C-2). Parcel 7835.01 is located within the Government and Institutional District (GI). Parcel 7848 is located in both GI and C-2. Concurrently with this consolidation, the subject parcels are in the process of applying for a rezone to the Highway Commercial District (C-3). While the interior of the existing building that is located on parcel 7847 is under construction, the other parcels are vacant. The total size in area of the subject parcels is 1.86 acres.

PROJECT DESCRIPTION: A Dickey's BBQ restaurant is in the process of being constructed within an existing building shell on the subject parcels. There is also an upcoming proposal to attach a bar to the rear of the restaurant. To permit the use of a bar, a request to zone the subject parcel to C-3 is being proposed concurrently with this consolidation. This consolidation will create a lot large enough to accommodate sufficient parking for both establishments and allow the parking to be contained on the same parcel as the establishments instead of needing to share parking with a neighboring establishment/parcel.

ANALYSIS:
AREA AND BULK REQUIREMENTS: The new lot that will be created from this consolidation will meet the lot width/frontage (106.54 feet of frontage) and minimum area requirements of the
existing and proposed zoning districts in which the lot will be located. This lot consolidation will not affect the setbacks of the only existing building that exists on the subject parcels.

**PARKLAND DEDICATION:** Parkland Dedication or fee in lieu of such dedication is only required when a lot split occurs on residentially zoned land. Because this is a consolidation and commercial land, this provision does not apply to this proposal.

**PROCESS:** The Public Works department indicated at the Development Review Committee that development plans are needed. A first draft of the Final Plat Map was submitted and the appropriate departments have made comments to the applicant’s agent (See Figure 3 for Public Works’ comments and Figure 4 Rolla Municipal Utility’s comments). The second draft (See Figure 5 for an image of the main area of this Plat Map) has been submitted and no more revisions are requested.

**PUBLIC & INTERNAL COMMENTS:** No petitions or comments have been filed to the community development department in regards to this proposal. In addition, the Development Review Committee (met on 04/24/18) have submitted two memos, which can be viewed in Figures 3 and 4.

**ACTION REQUIRED:** Unanimously, the Planning and Zoning Commission recommends approval. The action requested from the City Council is to conduct the first reading of an ordinance that would approve the applicant’s Final Plat Map.
Figure 1, SUB18-04, General Location Map
The public works staff has completed review of the above referenced plat and except for the following finds it to be in accordance with City of Rolla, Missouri Subdivision Code. The City of Rolla Code can be accessed online at www.ROLLAcity.org and then click on the City ordinance button.

1. Depending on the size of the area to be developed in a Land Development Permit (LDP) for this subdivision may be needed. The LDP fee for the entire 1.86 acres of this G-2 zoned property would be calculated as follows: $600 + ($150 x 1.86 acres) = $879

2. This is a minor re-subdivision of the Koch Subdivision and property that has never been subdivided. No additional fee in lieu of storm water improvements would be due on the area that was part of the Koch Subdivision. However, if approved by the Public Works Director a fee in lieu of storm water detention facilities would be due on the remaining area. This fee would be calculated as follows: (the never subdivided area) x ($150/acre for G-2 zoning)

3. The never subdivided area needs to be determined as stated above in the above calculation.

4. The property boundary is the tract as labeled in the survey requirements

5. If this is a preliminary plat, as shown in the title, then topology include existing pavement, existing utility easements, water, police, storm sewer and boundary roads should be shown

6. Every permanent utility easement needed to be shown on the plat and as in the field per Section 12.21 of the City of Rolla Subdivision code. The symbols used to show the document on the plat should be added to the plat of chart.

7. There are existing sanitary sewer and drainage easements that should be shown on the plat. All other existing utility easements should also be shown on the plat.

8. The City’s GIS shows that there is an existing sanitary sewer located inside this zoning building. How is this being addressed?

9. The width of Julianne Street needs to be shown.

10. Driveway easements should be added to the plat.

11. Any minor subdivision Development Plans would not be needed. However, the improvement of Julianne Street will need to be determined at this time.

12. The Special Plat Restriction statement as specifically worded in the Rolla City ordinance needs to be added to the plat.

13. The label for the single lot being created should also show the acreage for the lot.
Figure 4, SUB18-04, Rolla Municipal Utility’s Comments

6. West Commons Subdivision (Heavin): RMU has worked with the property owner to obtain utility easements to accommodate extension of the overhead electric system to serve the proposed development. The easement is recorded with the Phelps County Recorder’s Office under Document No. 2018-1746. See attached.
ORDINANCE NO. ______

AN ORDINANCE TO CONSOLIDATE FOUR DEEDED PARCELS THAT ARE IDENTIFIED BY THEIR PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 7848, 7849, 7835.01, AND 7847, WHICH IS ALSO KNOWN AS 1040 KINGSHIGHWAY, INTO ONE 1.86-ACRE LOT THAT WILL CONSIST OF LOTS 1, 2, AND PART OF LOT 3 OF THE KOCH SUBDIVISION AND FRACTIONAL PARTS OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 8 WEST.

(WEST COMMONS)

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

SECTION 1: An ordinance to consolidate four deeded parcels that are identified by their Phelps County Assessor Account Numbers of 7848, 7849, 7835.01, and 7847, which is also known as 1040 Kingshighway, into one 1.86-acre Lot that will consist of Lots 1, 2, and part of Lot 3 of the Koch Subdivision and fractional parts of the southwest quarter of the northwest quarter of Section 11, Township 37 North, Range 8 West.

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 and, if required, development plans for public improvements have been approved by the Public Works Director.


APPROVED:

__________________________
Mayor

ATTEST:

__________________________
City Clerk

APPROVED AS TO FORM:

__________________________
City Counselor

IV. A. 8
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development        ACTION REQUESTED: First Reading

SUBJECT: A request to reconfigure Lot 1 and Lot 2 of the Rolla Skilled Nursing Facility Plat No. 1 Subdivision, which is also known as 2735 Eagleson Drive, and Lot 29 and Lot 30 of the Arwood Hills No. 1 Subdivision into four newly configured lots.

(Silverstone)

MEETING DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: SUB18-05        SUBMISSION DATE: 04-18-2018

APPLICANT: The parcels subject to the proposed ordinance (the subject parcels) are owned by Rolla SNF LLC. Greg Spence is the registered agent of this LLC and is one of the owners of the Silverstone Place Skilled Nursing & Rehabilitation Center, which is located on the site.

LOCATION: The subject parcels are located in northwest Rolla, Missouri, approximately 175 feet southwest of the intersection of Vichy Road and Eagleson Drive. The property that makes up the two deeded parcels, which, together, constitutes four platted lots, have been assigned the Phelps County Assessors Account Numbers of 3939.07 and 3939.01. The legal description is Lot 1 and Lot 2 of the Rolla Skilled Nursing Facility Plat No. 1 Subdivision and Lot 29 and Lot 30 of the Arwood Hills No. 1 Subdivision (See Figure 1 for a general location map and Figure 2 for a site map).

PROJECT DESCRIPTION: This lot reconfiguration or boundary line adjustment is being proposed in order to accommodate the conditions of a new loan, which include separating the existing nursing home and its driveway from the surrounding land that will become newly reconfigured buildable sites, and to facilitate the possible future development of an assisted living facility and "villas" for independent senior housing, which would technically be classified as multi-family dwellings, on two of these newly reconfigured buildable sites. On 5-7-2018, Lot 1 and Lot 2 of the Rolla Skilled Nursing Facility Plat No. 1 Subdivision were zoned to the Multi-Family R-3b District (R-3b) and Lot 29 and Lot 30 of the Arwood Hills No. 1 Subdivision were zoned to the Two-Family District (R-2).

ANALYSIS:
AREA AND BULK REQUIREMENTS: The new lots that will be created from this reconfiguration will meet the lot width and minimum area requirements of the current zoning districts in which they are located. This lot reconfiguration will not create a setback violation for the only existing building that exists on the subject parcels. In addition, each newly configured lot will have frontage on a public street.

PARKLAND DEDICATION: Lot B of Arwood Hills No. 1 Subdivision was dedicated to the City as parkland. The newly configured Lot 2 will not be subject to the parkland dedication because a piece of land cannot be subject to parkland dedication more than once. In addition, the other
newly configured lots will also not be subject to this exaction for the same reason. This land (Lots 1, 3, and 4) was subject to this exaction during the Rolla Skilled Nursing Facility Plat No. 1 Subdivision. In this case, the applicant offered Lot 2 and the Parks and Recreation Department Director recommended physical dedication, but the Council decided to collect $9,516 in lieu of the dedication.

**PROCESS:** In order for a Final Plat Map to be considered for approval at the Planning & Zoning Commission (i.e. put on the docket), development plans must be submitted with a Final Plat map, if they are needed. The Public Works department indicated at the Development Review Committee that development plans are needed. Development plans are under review (See Figure 6 for the most relevant image of these plans). A first draft of the Final Plat Map was submitted and the appropriate departments submitted comments to the applicant’s agent (See Figure 4 for Public Works’ comments and Figure 5 Rolla Municipal Utility’s comments). We have received a second draft (See Figure 3 for an image of the main area of this Plat Map). No more revisions are requested.

**PUBLIC & INTERNAL COMMENTS:** No petitions or comments have been filed to the community development department. In addition, the Development Review Committee (met on 04/24/18) have submitted two memos, which can be viewed in Figures 4 and 5.

**ACTION REQUIRED:** Unanimously, the Planning and Zoning Commission recommends approval. The action requested from the City Council is to conduct the first reading of an ordinance that would approve the applicant’s Final Plat Map.
Figure 3, SUB18-05, Section of Second Draft of Final Plat Map

A Minor Subdivision, being
NURSING FACILITY PLAN
Re
Memo

TO: Community Development
FROM: Everett Briggs/Public Works Staff
CC: Sylvester Furse, SH, DP, DJ, DF, TF, AM, File
DATE: April 20, 2018
SUBJECT: Review of Final Plat of Rolla Skilled Nursing Facility Plat No. 2

The public works staff has completed review of the above referenced plat and except for the following finds it to be in accordance with City of Rolla, Missouri Subdivision Codes. The City of Rolla Codes can be accessed online at [City of Rolla Codes](http://www.ROLLAcity.org) and then click on the city ordinance button and the search the ordinance.

1. Depending on the area to be developed Land Development Permits may be required on each of the four lots being created by this plat at that time.

2. This is a re-subdivision of the Rolla Skilled Nursing Facility Plat No. 1 and part of the Arwood Hills No. 1 subdivisions. No additional fee in lieu of storm water improvements would be due at this time.

3. The cut boundary of the tract as labeled meets closure requirements.

4. There is an existing sanitary sewer easement running along the eastern line of Lot 3 and Lot 4.

5. Development plans for the cul de sac to be added to the southern Eagleson Drive and for the extension of curbing and pavement for the northern Eagleson Drive will need to be submitted and approved before the plat will be filed.

6. With the addition of the cul de sac on the southern Eagleson Drive and the creation of Lots 1 and 4 there is now two Eagleson drives that will never loop around and hook up with each other.
Rolla Skilled Nursing Facility Plat No. 2 (Silverstone): RMU had made comment at the March 26, 2013 DRC meeting that easements would be required for the water main extension that was proposed at that time. The easements have never been provided for the new existing water main and must be included in this plat. See attached.

Rolla Skilled Nursing Facility Plat No. 1: RMU requests a minimum 10' easement around the perimeter of Lot 1. Water development plans and a water construction permit from MODNR will be required to allow construction of a water main extension to tie the two existing subs and provide a looped system. Construction of the water main extension will be the responsibility of the developer. Additional easements will be required for the proposed water main extension and to provide access for RMU to extend primary electric service to the proposed facility. The property lies within Phelps County PWSD #2 and the facility will be a customer of the District and billed by the District although receiving water from RMU’s system.
ORDINANCE NO. ________

AN ORDINANCE TO RECONFIGURE LOT 1 AND LOT 2 OF THE ROLLA SKILLED NURSING FACILITY PLAT NO. 1 SUBDIVISION, WHICH IS ALSO KNOWN AS 2735 EAGLESON DRIVE, AND LOT 29 AND LOT 30 OF THE ARWOOD HILLS NO. 1 SUBDIVISION INTO FOUR NEWLY CONFIGURED LOTS.  

(SILVERSTONE)

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

SECTION 1: An ordinance to reconfigure Lot 1 and Lot 2 of the Rolla Skilled Nursing Facility Plat No. 1 Subdivision, which is also known as 2735 Eagleson Drive, and Lot 29 and Lot 30 of the Arwood Hills No. 1 Subdivision into four newly configured lots.

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 and development plans for public improvements have been approved by the Public Works Director.


APPROVED:

__________________________________________

Mayor

ATTEST:

__________________________________________

City Clerk

APPROVED AS TO FORM:

__________________________________________

City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development ACTION REQUESTED: Resolution

SUBJECT: A request to, as a resolution, approve the authorization of the Mayor of the City of Rolla to execute on the behalf of the City of Rolla a Land Lease for Ingress/Egress between the City of Rolla, the lessor, and Edgewood Investments, LLC, the lessee.

MEETING DATE: 05-21-2018

GENERAL INFORMATION:
CASE NUMBER: EAS18-01 SUBMISSION DATE: 05-14-2018

APPLICANT: The parcel subject to this motion (the subject parcel) is owned by The Central Trust Bank (238 Madison Jefferson City, MO 65101). Kwik Kar (a car wash company) is using Edgewood Investments, LLC, to enter into this land lease agreement.

LOCATION: The subject parcel is located in the City of Rolla, Phelps County, Missouri, at 101 Fairgrounds Road, which is about 160 feet north of the intersection of Kingshighway and Fairgrounds Road. The Phelps County Assessor’s Account Number is 9616.01. See Figure 1 for a general location map, Figure 2 for a site map, and Figure 4 for site plan.

PROJECT DESCRIPTION: Kwik Kar is a car wash company who is interested in renovating the existing car wash facility that is located on the property (See Figure 5 for more details on the project in the a Public Works Department memo). The company intends on operating a conveyor car-wash facility with a number of self-service wash stalls. The original car wash facility was designed to allow users of the car wash facility to egress and ingress from the subject parcel’s south side and east side. The south side of the site abuts the City’s Buehler Park. The north side of the Buehler Park property abuts the subject parcel on the east and the Department of Public Health and Welfare on the west. Extended along the north border of the Buehler Park property is a driveway that has served both abutting properties to the north. However, the properties to the north have never entered into access easement agreements with the City nor have they retained other appropriate means to use the City’s property for access to their property. In Kwik Kar’s preparation to operate a new car wash, they approached the City in order to obtain information on possible impediments to development and operation of the new car wash. The City found that the most appropriate means to use the City’s property for access would be for Kwik Kar to lease a part of the City’s property for ingress and egress only ($1000 a year) (See Exhibit A for a copy of the Land Lease for Ingress/Egress document). In addition, the company obtain a Certificate of Liability Insurance with a limit of $1,000,000. A survey of the car wash property (See Figure 3) was also necessary to facilitate such a lease.

ACTION REQUESTED: The action requested from the City Council is to, as a resolution, approve or deny the authorization of the Mayor of the City of Rolla to execute on the behalf of the City of Rolla a Land Lease for Ingress/Egress between the City of Rolla, the lessor, and Edgewood Investments, LLC, the lessee.
RESOLUTION NO.____

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN LAND LEASE FOR INGRESS/EGRESS BETWEEN THE CITY OF ROLLA, MISSOURI AND EDGEMOSS INVESTMENTS, LLC.

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

Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri a Land Lease for Ingress/Egress between the City of Rolla, Missouri and Edgewood Investments, LLC, a copy of said agreement being attached hereto and marked Exhibit A.

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


APPROVED:

___________________________
MAYOR

ATTEST:

___________________________
CITY CLERK

APPROVED AS TO FORM:

___________________________
CITY COUNSELOR
TO: James Shields, Planner
FROM: Steve Hargis
ITEM/SUBJECT: Ingress/Egress Lease Car Wash Fairground and Buehler Park
DATE: 05/21/18

Attached is a proposed Land Lease for Ingress/Egress across a portion of Buehler Park. Edgewood Investments, LLC is requesting this lease to access the tract of land north of the park and west of Fairgrounds Road.

This tract contains the former Extreme Clean Carwash of Rolla. This former carwash has access from both Buehler Park and Fairgrounds Road. Edgewood Investments is proposing to reconfigure the existing structures and reopen as Kwik Kar Wash and Detail. In order to accomplish this they are requesting to only access this new business from the paved area along the north portion of Buehler Park which is adjacent to their south property line. The existing drive access off of Fairground Road would be closed and their new access would be exclusively through Buehler Park. A drawing depicting the layout is attached.

- The size of the proposed leased area is 24 feet by 190 feet.
- The period of the proposed lease is 20 years with 10 renewal periods of 5 years at the option of the lessee.
- The proposed rent is $1,000 (to Parks) per year with automatic 10% increases every 5 years after the initial 20-year period. The annual amount necessary to maintain this lease area is estimated at $200/year. Maintenance of this area will be by the City of Rolla and will be done in conjunction with normal maintenance Buehler Park.
- The lease requires liability insurance of $1,000,000. This policy must name the City of Rolla as additional insured.

The Missouri Department of Public Health and Welfare operates a facility adjacent and to the west with approximately 56 parking spaces. The access to these parking spaces facility is also through Buehler Park. The city has no ingress/egress lease agreement with the State of Missouri for this facility.
EXHIBIT A

LAND LEASE FOR INGRESS/EGRESS

THIS LEASE is entered into this ______ day of __________________, 2018, by and between City of Rolla, a municipal corporation, ("Lessor"), and the Edgewood Investments, LLC, a Missouri Limited Liability Company ("Lessee")

WITNESSETH:

1. Lessor hereby leases to Lessee and Lessee hereby leases from Lessor for the term, at the rental, and upon all of the conditions set forth herein the following premises situated in the City of Rolla, County of Phelps, State of Missouri, to-wit:

   A twenty-four foot wide strip of land lying in the south twenty-four feet of Railroad Lot 119, an Addition to the City of Rolla, Missouri (also known as Buehler Park) and running west a distance of 190 feet from the west right of way of Fairgrounds Road (the "Premises").

Lessee shall use the Premises for public ingress and egress and for no other purpose without the written consent of Lessor. Lessor shall continue to have the right use the Premises for the operation and maintenance of public utilities and for public access to Buehler Park, not inconsistent with Lessee's ingress and egress rights.

2. The initial term of this lease shall commence on the ______ day of ______________, 2018, and continue through the ______ day of 2038 ("Initial Term"). So long as Lessee is not in default, Lessee shall have the right and option to renew the term of this Lease for ten (10) renewal periods of five (5) years each ("Extended Term"). Each option to renew for an Extended term shall automatically occur without notice so long as Lessee does not notify Lessor in writing at least six (6) months prior to the expiration of the Initial Term or the Extended Term, as applicable. The terms and conditions of any Extended Term shall be the same as those of the original Lease Term except that rent for any Extended Term will be Ten Percent (10%) more higher than the rent for the immediately prior term.

3. Lessee shall pay rent to Lessor a fixed base annual rent in the amount of One Thousand Dollars ($1000.00) per year, payable upon the date of this Lease and on the same date for each succeeding year of the Lease. Rent for any period during the term hereof which is for less than one (1) year shall be a pro rata portion of the annual installment. Rent shall be payable to Lessor at the address stated herein or to such other persons or at such other places as Lessor may designate in writing.

4. Lessor shall not be liable to Lessee or any other person or corporation, including employees, for any damage to person or property caused by water, rain, snow, frost, fire, storm or accident, or by breakage, stoppage of leakage of water, gas, heating and sewer pipes of plumbing,
upon, about or adjacent to said premises. Lessee shall maintain premises liability insurance on the leased premises naming both Lessor and Lessee as insureds with a minimum single limit of liability coverage of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00). Upon request the Lessee shall provide Lessor with a copy of such policy or a certificate evidencing the existence of such policy.

5. Lessee shall be in default under this Lease if Lessee fails to observe or perform any of the covenants, conditions or provisions of this Lease to be observed or performed by Lessee, where such failure shall continue for a period of ten (10) days after receipt of written notice thereof from Lessor; provided, however, that if the nature of Lessee's default is such that more than ten (10) days are reasonably required for its cure, than Lessee shall not be deemed to be in default if Lessee commences such cure within said ten (10) day period and thereafter diligent prosecutes such cure to completion.

6. In the event of a default of Lessee as defined above in Section 5 of this Lease, then Lessor shall have the right to terminate this Lease and all rights of the Tenant hereunder.

7. The terms of this Lease shall bind and inure to the benefit of the parties, their successors and assigns. Lessee shall have the right to assign this Lease to its successors and assigns. This Lessor reserves the right to approve this assignment, but approval will not be withheld if there is no change in the nature of lessee’s business.

8. Nothing contained herein shall be construed as creating a relation of principal or agent or of partnership or joint venture between the parties hereto, and the relationship shall be solely of Lessor and Lessee.

9. Any notice or document required or permitted to be delivered hereunder shall be hand delivered, sent via Certified or Registered mail, sent by overnight courier, or sent via email or facsimile. It shall be deemed to be delivered and received whether actually received or not as follows: (1) three days after being deposited in the United States Mail, postage prepaid, Certified or Registered Mail; (2) upon execution of written receipt when hand delivered; (3) one day after being sent via overnight courier; (4) immediately upon emailing or faxing without the sender receiving notification of an error, bouncing back or being undeliverable. The parties' addresses, fax numbers, and emails for notice purposes are set forth below their signatures.

[SIGNATURE PAGES FOLLOW]
IN WITNESS WHEREOF, the parties hereto have executed the foregoing instrument in duplicate as of the day and year first above written.

LESSOR
CITY OF ROLLA, MISSOURI

By: ________________________________ Attest: ________________________________
Mayor
__________________________________
Print Name
City Clerk

Notice Information

LESSEE
EDGEWOOD INVESTMENTS, LLC

By: ________________________________
Michael Burbank, Member

By: ________________________________
Nick DeSimone, Member

By: ________________________________
Jason Otke, Member

Notice Information

IV·C·6.
Figure 1, EAS18-01 General Location Map
Figure 2, EAS18-01 Site Map
Figure 4, EAS18-01 Site Plan
In January, the City of Rolla Fire & Rescue was audited through a Public Protection Classification (PPC) survey through Insurance Services Office (ISO).

As a result of the survey, the City of Rolla Fire & Rescue will receive a **Class 2 rating with a score of 80.15** effective August 1, 2018. This is an improvement from the Class 3 rating received in 2005.

ISO is an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. ISO collected information about the City of Rolla Fire & Rescue, Central Communications, and Rolla Municipal Utilities (Water System). The data is analyzed and a PPC ranging from Class 1 representing an exemplary fire suppression program to a Class 10 indicating the areas fire suppression program does not meet ISO's minimum criteria.

With this Class 2 rating, the City of Rolla Fire & Rescue will be one of thirty seven fire departments in Missouri with this rating. The St. Louis and Kansas City Fire Departments are given a Class 1 due to population. Other fire departments with Class 2 rating are: Columbia, Lee Summit, Springfield, Independence, and Warrensburg.

Due to the reclassification the Citizens of Rolla may see a decrease in residential or commercial property insurance premiums depending on their insurance carriers. In addition, when existing and new industrial businesses consider the City of Rolla as their home, a major consideration is the ISO rating of the fire department. This improvement will reflect greatly on the community and the fire service, drawing bigger industry into the community.

The City of Rolla Fire & Rescue is rated in the top 3% of the 46,000 fire departments rated nationwide by ISO.
April 23, 2018

Mr. Louis J. Magdits IV, Mayor
Rolla
901 N Elm
Rolla, Missouri, 65401

RE: Rolla, Phelps County, Missouri
Public Protection Classification: 02/2X
Effective Date: August 01, 2018

Dear Mr. Louis J. Magdits IV,

We wish to thank you and Chief Ronald Smith for your cooperation during our recent Public Protection Classification (PPC) survey. ISO has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

If you would like to know more about your community’s PPC classification, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below.

ISO’s Public Protection Classification Program (PPC) plays an important role in the underwriting process at insurance companies. In fact, most U.S. insurers — including the largest ones — use PPC information as part of their decision-making when deciding what business to write, coverage’s to offer or prices to charge for personal or commercial property insurance.

Each insurance company independently determines the premiums it charges its policyholders. The way an insurer uses ISO’s information on public fire protection may depend on several things — the company’s fire-loss experience, ratemaking methodology, underwriting guidelines, and its marketing strategy.

Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new classifications will improve the predictive value for insurers while benefiting both commercial and residential property owners. We’ve published the new classifications as “X” and “Y” — formerly the “9” and “88” portion of the split classification, respectively. For example:

- A community currently graded as a split 6/9 classification will now be a split 6/6X classification; with the “6X” denoting what was formerly classified as “9.”
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the “6Y” denoting what was formerly classified as “88.”
Communities graded with single “9” or “8B” classifications will remain intact.
Properties over 5 road miles from a recognized fire station would receive a class 10.

PPC is important to communities and fire departments as well. Communities whose PPC improves may get lower insurance prices. PPC also provides fire departments with a valuable benchmark, and is used by many departments as a valuable tool when planning, budgeting and justifying fire protection improvements.

ISO appreciates the high level of cooperation extended by local officials during the entire PPC survey process. The community protection baseline information gathered by ISO is an essential foundation upon which determination of the relative level of fire protection is made using the Fire Suppression Rating Schedule.

The classification is a direct result of the information gathered, and is dependent on the resource levels devoted to fire protection in existence at the time of survey. Material changes in those resources that occur after the survey is completed may affect the classification. Although ISO maintains a pro-active process to keep baseline information as current as possible, in the event of changes please call us at 1-800-444-4554, option 2 to expedite the update activity.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Alex Shubert
Manager-National Processing Center

cc: Mr. John Butz, Administrator, ROLLA, PHELPS
Mr. Chad Davis, Water Superintendent, Rolla Municipal Utilities
Ms. Stacey Smith, Communications Supervisor, Rolla Police Department
Chief Ronald Smith, Chief, Rolla Fire Department
Public Protection Classification (PPC™)  
Summary Report

Rolla  
MISSOURI

Prepared by
Insurance Services Office, Inc.
1000 Bishops Gate Blvd., Ste. 300
P.O. Box 5404
Mt. Laurel, New Jersey 08054-5404
1-800-444-4554

Report Created APRIL 2018
Effective August 1, 2018

PPC is a registered trademark of Insurance Services Office, Inc.
Introduction

ISO collects and evaluates information from communities in the United States on their structure fire suppression capabilities. The data is analyzed using our Fire Suppression Rating Schedule (FSRS) and then a Public Protection Classification (PPC™) grade is assigned to the community. The surveys are conducted whenever it appears that there is a possibility of a PPC change. As such, the PPC program provides important, up-to-date information about fire protection services throughout the country.

The FSRS recognizes fire protection features only as they relate to suppression of first alarm structure fires. In many communities, fire suppression may be only a small part of the fire department’s overall responsibility. ISO recognizes the dynamic and comprehensive duties of a community’s fire service, and understands the complex decisions a community must make in planning and delivering emergency services. However, in developing a community’s PPC grade, only features related to reducing property losses from structural fires are evaluated. Multiple alarms, simultaneous incidents and life safety are not considered in this evaluation.

The PPC program evaluates the fire protection for small to average size buildings. Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual PPC grade.

A community’s investment in fire mitigation is a proven and reliable predictor of future fire losses. Statistical data on insurance losses bears out the relationship between excellent fire protection – as measured by the PPC program – and low fire losses. So, insurance companies use PPC information for marketing, underwriting, and to help establish fair premiums for homeowners and commercial fire insurance. In general, the price of fire insurance in a community with a good PPC grade is substantially lower than in a community with a poor PPC grade, assuming all other factors are equal.

ISO is an independent company that serves insurance companies, communities, fire departments, insurance regulators, and others by providing information about risk. ISO’s expert staff collects information about municipal fire suppression efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data and assigns a PPC grade – a number from 1 to 10. Class 1 represents an exemplary fire suppression program, and Class 10 indicates that the area’s fire suppression program does not meet ISO’s minimum criteria.

ISO’s PPC program evaluates communities according to a uniform set of criteria, incorporating nationally recognized standards developed by the National Fire Protection Association and the American Water Works Association. A community’s PPC grade depends on:

- **Needed Fire Flows**, which are representative building locations used to determine the theoretical amount of water necessary for fire suppression purposes.
- **Emergency Communications**, including emergency reporting, telecommunicators, and dispatching systems.
- **Fire Department**, including equipment, staffing, training, geographic distribution of fire companies, operational considerations, and community risk reduction.
- **Water Supply**, including inspection and flow testing of hydrants, alternative water supply operations, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires up to 3,500 gpm.
Data Collection and Analysis

ISO has evaluated and classified over 46,000 fire protection areas across the United States using its FSRS. A combination of meetings between trained ISO field representatives and the dispatch center coordinator, community fire official, and water superintendent is used in conjunction with a comprehensive questionnaire to collect the data necessary to determine the PPC grade. In order for a community to obtain a grade better than a Class 9, three elements of fire suppression features are reviewed. These three elements are Emergency Communications, Fire Department, and Water Supply.

A review of the Emergency Communications accounts for 10% of the total classification. This section is weighted at 10 points, as follows:

- Emergency Reporting 3 points
- Telecommunicators 4 points
- Dispatch Circuits 3 points

A review of the Fire Department accounts for 50% of the total classification. ISO focuses on a fire department's first alarm response and initial attack to minimize potential loss. The fire department section is weighted at 50 points, as follows:

- Engine Companies 6 points
- Reserve Pumpers 0.5 points
- Pump Capacity 3 points
- Ladder/Service Companies 4 points
- Reserve Ladder/Service Trucks 0.5 points
- Deployment Analysis 10 points
- Company Personnel 15 points
- Training 9 points
- Operational considerations 2 points
- Community Risk Reduction 5.5 points (in addition to the 50 points above)

A review of the Water Supply system accounts for 40% of the total classification. ISO reviews the water supply a community uses to determine the adequacy for fire suppression purposes. The water supply system is weighted at 40 points, as follows:

- Credit for Supply System 30 points
- Hydrant Size, Type & Installation 3 points
- Inspection & Flow Testing of Hydrants 7 points
There is one additional factor considered in calculating the final score — **Divergence**.

Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment or personnel to use the water. The FSRS score is subject to modification by a divergence factor, which recognizes disparity between the effectiveness of the fire department and the water supply.

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

**PPC Grade**

The PPC grade assigned to the community will depend on the community's score on a 100-point scale:

<table>
<thead>
<tr>
<th>PPC</th>
<th>Points</th>
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<tbody>
<tr>
<td>1</td>
<td>90.00 or more</td>
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<tr>
<td>2</td>
<td>80.00 to 89.99</td>
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<tr>
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<td>0.00 to 9.99</td>
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</table>

The classification numbers are interpreted as follows:

- **Class 1** through (and including) **Class 8** represents a fire suppression system that includes an FSRS creditable dispatch center, fire department, and water supply.

- **Class 8B** is a special classification that recognizes a superior level of fire protection in otherwise **Class 9** areas. It is designed to represent a fire protection delivery system that is superior except for a lack of a water supply system capable of the minimum FSRS fire flow criteria of 250 gpm for 2 hours.

- **Class 9** is a fire suppression system that includes a creditable dispatch center, fire department but no FSRS creditable water supply.

- **Class 10** does not meet minimum FSRS criteria for recognition, including areas that are beyond five road miles of a recognized fire station.
New PPC program changes effective July 1, 2014

We have revised the PPC program to capture the effects of enhanced fire protection capabilities that reduce fire loss and fire severity in Split Class 9 and Split Class 8B areas (as outlined below). This new structure benefits the fire service, community, and property owner.

New classifications
Through ongoing research and loss experience analysis, we identified additional differentiation in fire loss experience within our PPC program, which resulted in the revised classifications. We based the differing fire loss experience on the fire suppression capabilities of each community. The new PPC classes will improve the predictive value for insurers while benefiting both commercial and residential property owners. Here are the new classifications and what they mean.

Split classifications
When we develop a split classification for a community — for example 5/9 — the first number is the class that applies to properties within 5 road miles of the responding fire station and 1,000 feet of a creditable water supply, such as a fire hydrant, suction point, or dry hydrant. The second number is the class that applies to properties within 5 road miles of a fire station but beyond 1,000 feet of a creditable water supply. We have revised the classification to reflect more precisely the risk of loss in a community, replacing Class 9 and 8B in the second part of a split classification with revised designations.

What's changed with the new classifications?
We've published the new classifications as "X" and "Y" — formerly the "9" and "8B" portion of the split classification, respectively. For example:

- A community currently displayed as a split 6/9 classification will now be a split 6/6X classification; with the "6X" denoting what was formerly classified as "9".
- Similarly, a community currently graded as a split 6/8B classification will now be a split 6/6Y classification, the "6Y" denoting what was formerly classified as "8B".
- Communities graded with single "9" or "8B" classifications will remain intact.

<table>
<thead>
<tr>
<th>Prior Classification</th>
<th>New Classification</th>
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<tbody>
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<td>1/9</td>
<td>1/1X</td>
</tr>
<tr>
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<td>2/2X</td>
</tr>
<tr>
<td>3/9</td>
<td>3/3X</td>
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<td>4/4</td>
<td>4/4X</td>
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<td>5/9</td>
<td>5/5X</td>
</tr>
<tr>
<td>6/9</td>
<td>6/6X</td>
</tr>
<tr>
<td>7/9</td>
<td>7/7X</td>
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<tr>
<td>8/9</td>
<td>8/8X</td>
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<table>
<thead>
<tr>
<th>Prior Classification</th>
<th>New Classification</th>
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<tr>
<td>1/88</td>
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<tr>
<td>2/88</td>
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<td>6/88</td>
<td>6/6Y</td>
</tr>
<tr>
<td>7/88</td>
<td>7/7Y</td>
</tr>
<tr>
<td>8/88</td>
<td>8/8Y</td>
</tr>
<tr>
<td>8B</td>
<td>8B</td>
</tr>
</tbody>
</table>
What's changed?
As you can see, we're still maintaining split classes, but it's how we represent them to insurers that's changed. The new designations reflect a reduction in fire severity and loss and have the potential to reduce property insurance premiums.

Benefits of the revised split class designations
- To the fire service, the revised designations identify enhanced fire suppression capabilities used throughout the fire protection area
- To the community, the new classes reward a community's fire suppression efforts by showing a more reflective designation
- To the individual property owner, the revisions offer the potential for decreased property insurance premiums

New water class
Our data also shows that risks located more than 5 but less than 7 road miles from a responding fire station with a creditable water source within 1,000 feet had better loss experience than those farther than 5 road miles from a responding fire station with no creditable water source. We've introduced a new classification —10W— to recognize the reduced loss potential of such properties.

What's changed with Class 10W?
Class 10W is property-specific. Not all properties in the 5-to-7-mile area around the responding fire station will qualify. The difference between Class 10 and 10W is that the 10W-graded risk or property is within 1,000 feet of a creditable water supply. Creditable water supplies include fire protection systems using hauled water in any of the split classification areas.

What's the benefit of Class 10W?
10W gives credit to risks within 5 to 7 road miles of the responding fire station and within 1,000 feet of a creditable water supply. That's reflective of the potential for reduced property insurance premiums.

What does the fire chief have to do?
Fire chiefs don't have to do anything at all. The revised classifications went in place automatically effective July 1, 2014 (July 1, 2015 for Texas)

What if I have additional questions?
Feel free to contact ISO at 800.444.4554 or email us at PPC-Cust-Serv@iso.com
Distribution of PPC Grades

The 2017 published countrywide distribution of communities by the PPC grade is as follows:

![Bar chart showing the distribution of PPC grades.]

**Assistance**

The PPC program offers help to communities, fire departments, and other public officials as they plan for, budget, and justify improvements. ISO is also available to assist in the understanding of the details of this evaluation.

The PPC program representatives can be reached by telephone at (800) 444-4554. The technical specialists at this telephone number have access to the details of this evaluation and can effectively speak with you about your questions regarding the PPC program. What's more, we can be reached via the internet at [www.isomitigation.com/talk](http://www.isomitigation.com/talk).

We also have a website dedicated to our Community Hazard Mitigation Classification programs at [www.isomitigation.com](http://www.isomitigation.com). Here, fire chiefs, building code officials, community leaders and other interested citizens can access a wealth of data describing the criteria used in evaluating how cities and towns are protecting residents from fire and other natural hazards. This website will allow you to learn more about the PPC program. The website provides important background information, insights about the PPC grading processes and technical documents. ISO is also pleased to offer Fire Chiefs Online — a special, secured website with information and features that can help improve your PPC grade, including a list of the Needed Fire Flows for all the commercial occupancies ISO has on file for your community. Visitors to the site can download information, see statistical results and also contact ISO for assistance.

In addition, on-line access to the FSRS and its commentaries is available to registered customers for a fee. However, fire chiefs and community chief administrative officials are given access privileges to this information without charge.

To become a registered fire chief or community chief administrative official, register at [www.isomitigation.com](http://www.isomitigation.com).

PPC is a registered trademark of Insurance Services Office, Inc.
ISO concluded its review of the fire suppression features being provided for Rolla. The resulting community classification is Class 02/2X.

If the classification is a single class, the classification applies to properties with a Needed Fire Flow of 3,500 gpm or less in the community. If the classification is a split class (e.g., 6/XX):

- The first class (e.g., "6" in a 6/XX) applies to properties within 5 road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.
- The second class (XX or XY) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.
- Alternative Water Supply: The first class (e.g., "6" in a 6/10) applies to properties within 5 road miles of a recognized fire station with no hydrant distance requirement.
- Class 10 applies to properties over 5 road miles of a recognized fire station.
- Class 10W applies to properties within 5 to 7 road miles of a recognized fire station with a recognized water supply within 1,000 feet.
- Specific properties with a Needed Fire Flow in excess of 3,500 gpm are evaluated separately and assigned an individual classification.

<table>
<thead>
<tr>
<th>FSRS Feature</th>
<th>Earned Credit</th>
<th>Credit Available</th>
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<tbody>
<tr>
<td>Emergency Communications</td>
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</tr>
<tr>
<td>414. Credit for Emergency Reporting</td>
<td>2.55</td>
<td>3</td>
</tr>
<tr>
<td>422. Credit for Telecommunicators</td>
<td>3.18</td>
<td>4</td>
</tr>
<tr>
<td>432. Credit for Dispatch Circuits</td>
<td>2.40</td>
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<tr>
<td>440. Credit for Emergency Communications</td>
<td>8.13</td>
<td>10</td>
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<tr>
<td>Fire Department</td>
<td></td>
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<tr>
<td>513. Credit for Engine Companies</td>
<td>5.77</td>
<td>6</td>
</tr>
<tr>
<td>523. Credit for Reserve Pumpers</td>
<td>0.50</td>
<td>0.50</td>
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<tr>
<td>532. Credit for Pump Capacity</td>
<td>3.00</td>
<td>3</td>
</tr>
<tr>
<td>549. Credit for Ladder Service</td>
<td>1.40</td>
<td>4</td>
</tr>
<tr>
<td>553. Credit for Reserve Ladder and Service Trucks</td>
<td>0.50</td>
<td>0.50</td>
</tr>
<tr>
<td>561. Credit for Deployment Analysis</td>
<td>6.16</td>
<td>10</td>
</tr>
<tr>
<td>571. Credit for Company Personnel</td>
<td>6.79</td>
<td>15</td>
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<tr>
<td>581. Credit for Training</td>
<td>8.73</td>
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<tr>
<td>730. Credit for Operational Considerations</td>
<td>2.00</td>
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<tr>
<td>590. Credit for Fire Department</td>
<td>34.85</td>
<td>50</td>
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<tr>
<td>Water Supply</td>
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<tr>
<td>616. Credit for Supply System</td>
<td>29.12</td>
<td>30</td>
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<tr>
<td>621. Credit for Hydrants</td>
<td>2.99</td>
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<td>631. Credit for Inspection and Flow Testing</td>
<td>4.80</td>
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<td>640. Credit for Water Supply</td>
<td>36.91</td>
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<td>Divergence</td>
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<tr>
<td>1050. Community Risk Reduction</td>
<td>4.52</td>
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</table>

Total Credit: 80.15

PPC is a registered trademark of Insurance Services Office, Inc.

Page 7
The 2017-2018 budget reflects the purchase of a new 2019 107' Aerial Ladder Truck. This apparatus will join a fleet of five additional apparatus housed at our two fire stations. The ordering and manufacturing of the vehicle will take 12 – 18 months.

The fire department vehicle replacement schedule has operated successful using the following method. A fire apparatus is purchased and placed on the front line for 10 – 12 years. During those years the department experiences normal wear and tear with minimal repairs. The vehicle is then replaced with a newer truck on the front line and placed into reserve status. As a reserve apparatus, the truck is maintained, but the daily wear and tear is minimalized due to less usage. The reserve truck is usually cost efficient until the 20 – 25th year where the apparatus would be sold.

This new 107' aerial ladder truck will replaced the 2007 Pierce Quantum 75’ aerial ladder truck and put it into reserve at Fire Station 1. During the council meeting, we will discuss the attached outline of the current apparatus at each station.

The vehicle will be purchased through a twelve year lease purchase. We anticipate this new 107’ aerial ladder truck to be approximately $130,000 per year. The payments will begin in the 2018 – 2019 budget.

Fire Administration recommends a motion to solicit for bids for a new 107’ Aerial Ladder Truck through the Houston/Galveston Area Council Buy Program (HGAC). The HGAC program allows government and certain non-profit organizations to make purchases such as fire apparatus and public works vehicle for a much better “bulk” price. This bid process will be identical to the process used in 2013 for the purchase of a new pumper truck.
2006 – Dash 95’ Platform Pierce $675,000
Purchased used 2011
2,000 gpm pump

2007 – Quantum 75’ Aerial Ladder $609,845
1,750 gpm pump

2007 Burlington Command Post - $205,000 HSRT
2000 – Dash Pierce - $515,618
1,500 gpm pump
GVW – 55,000 pounds

2013 – Impel Pierce Pumper $455,000
1,750 gpm pump
GVW- 46,500 pounds

1998 – Quantum Pierce - $326,000
1,500 gpm pump
GVW – 42,740
# CITY OF ROLLA

## VEHICLE/EQUIPMENT REPLACEMENT SCHEDULE

### FIRE DEPARTMENT

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Pierce 95’ aerial 2006 (bought 2011)</td>
<td>25</td>
<td>76,794</td>
<td>76,794</td>
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<tr>
<td>Pierce 75’ Quint ’07</td>
<td>20</td>
<td>65,120</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Pierce 2013 Pumper Impel</td>
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<td>54,320</td>
<td>54,320</td>
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<td>0</td>
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<tr>
<td>New Fire Truck (75’) - 12 Payments 3.65%</td>
<td>20</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
<td>130,000</td>
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<td>130,000</td>
<td>130,000</td>
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<tr>
<td>Replace Pumper 2022</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>VEHICLE TOTALS</td>
<td></td>
<td>196,234</td>
<td>261,114</td>
<td>261,114</td>
<td>184,320</td>
<td>184,320</td>
<td>270,000</td>
<td>270,000</td>
<td>270,000</td>
<td>270,000</td>
<td>270,000</td>
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</table>
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Ordinance 1st Reading

ITEM/SUBJECT: Sanitary Sewer Easement Vacation

BUDGET APPROPRIATION: DATE: 05/21/18

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

COMMENTARY:

Extreme Accessories (2409 North Bishop Avenue) relocated a sewer main to allow for an expansion of their building. New easements were obtained for the new sewer main. The existing sewer main was abandoned so the sewer easement is no longer needed.

Staff requests the first reading of an ordinance to vacate a sanitary sewer easement in the 2400 block of North Bishop Avenue.
ORDINANCE NO._________

AN ORDINANCE VACATING AN EXISTING SEWER EASEMENT IN THE 2400 BLOCK OF NORTH BISHOP AVENUE.

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

SECTION 1: That the sanitary sewer easement more particularly described as follows:

A 20.0 foot wide sewer easement in a fractional part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 38 North, Range 8 West of the 5th P.M., lying 10.0 feet on each side of the following described line: Commencing at the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North 00°01 '30" West, 626.12 feet along the East line of said Southwest Quarter of the Southwest Quarter; thence North 64°06'30" West, 278.90 feet; thence North 71°29'00" West, 168.78 feet; thence North 70°45'00" West, 188.88 feet to the Point of Beginning of the hereinafter described centerline of easement; thence South 86°05'10" West, 144.53 feet; thence South 27°06'10" West, 122.36 feet to the southerly line of Lot 2 of the RCP Subdivision; thence South 25°33'34" West, 63.73 feet along said centerline to the Point of Ending of centerline of easement, is hereby vacated.

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


APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

IV. F.2.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Steve Hargis

ACTION REQUESTED: Bid Award/Ordinance

ITEM/SUBJECT: Project #462 – 6th Street Concrete Improvements

BUDGET APPROPRIATION: $200,000 DATE: 05/21/18

COMMENTARY:

City staff asked for and received bids for 6th Street Concrete Improvements. The following bid was received:

Donald Maggi, Inc. $163,775.00
Rolla, MO

Aplex, Inc $178,425.00
Linn, MO

Bloomsdale Excavating Co., Inc. $175,750.00
Bloomsdale, MO

B&P Patterson, LLC $204,750.00
Linn, MO

Concrete Solutions, LLC $235,350.00
Linn, MO

Lehman Construction, LLC $253,700.00
California, MO

This project will install new curb, driveways, and sidewalks on 6th Street from near the railroad tracks to Oak Street. Staff asked for and received 6 bids on the project. A tabulation of the bids is attached. Staff recommends awarding the bid to the low bidder, Donald Maggi, Inc.

Staff requests a first reading of an ordinance authorizing the Mayor to enter into a contract with Donald Maggi, Inc. for $163,775.00.
### 6th STREET CONCRETE IMPROVEMENTS

**PROJECT 462**

**16-May-18**

<table>
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
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<th>UNIT</th>
<th>UNIT PRICE</th>
<th>EXTENDED TOTAL</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>EXTENDED TOTAL</th>
<th>UNIT PRICE</th>
<th>EXTENDED TOTAL</th>
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<tbody>
<tr>
<td>1</td>
<td>Concrete curb and gutter - 2' wide</td>
<td>2,700</td>
<td>LF</td>
<td>$17.75</td>
<td>$47,925.00</td>
<td>$22.50</td>
<td>$60,750.00</td>
<td>$20.00</td>
<td>$54,000.00</td>
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<tr>
<td>2</td>
<td>6' thick concrete driveway - 6 Bag*</td>
<td>3,700</td>
<td>SF</td>
<td>$6.50</td>
<td>$24,050.00</td>
<td>$10.00</td>
<td>$37,000.00</td>
<td>$5.25</td>
<td>$19,425.00</td>
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<tr>
<td>3</td>
<td>Cast Iron Truncated Domes</td>
<td>600</td>
<td>SF</td>
<td>$25.50</td>
<td>$15,300.00</td>
<td>$25.00</td>
<td>$15,000.00</td>
<td>$40.00</td>
<td>$24,000.00</td>
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<tr>
<td>4</td>
<td>4&quot; thick concrete sidewalk</td>
<td>18,000</td>
<td>SF</td>
<td>$4.25</td>
<td>$76,500.00</td>
<td>$3.50</td>
<td>$63,000.00</td>
<td>$4.50</td>
<td>$81,000.00</td>
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</tr>
</tbody>
</table>

**GRAND TOTAL PROJECT 462**

$163,775.00 | $175,750.00 | $198,425.00

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* Driveways requiring 8 Bag Mix will be paid by adding 10% to 6 Bag Price.
** Contractor must complete all curb, gutter, and driveway work within 30 calendar days of the Notice to Proceed. All work must be completed within 60 calendar days. Not completing the work within the specified time will result in damages as outlined in Section 3.1.
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 DONALD MAGGI, INC., FOR 6TH STREET CONCRETE IMPROVEMENTS, PROJECT 462.

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 Donald Maggi, Inc., for 6th Street Concrete Improvements, Project 462, 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 Don Maggi, Inc. 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 "6TH STREET CONCRETE IMPROVEMENTS, PROJECT 462", 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 1. 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 "6TH STREET CONCRETE IMPROVEMENTS, PROJECT 462".

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:

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.

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.

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.

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

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.

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.

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 $163,775.00 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 complete said work within the specified consecutive calendar days for each street on the Quotation Page. A Notice to Proceed will be issued for each street as soon as they are made available by City.

It is further stipulated that in the event that the Contractor fails in the performance of the work specified and required to be performed within the period of time specified, the Contractor shall pay the Owner, as and for liquidated damages, and not as a penalty, the sum of one hundred dollars ($100.00) per calendar day that the Contractor shall be in default.

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

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

TITLE

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 that 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
ITEM/SUBJECT: Restroom at Green Acres

TOTAL AMOUNT REQUESTED: $66,000

BUDGET APPROPRIATION (IF APPLICABLE) $90,000 DATE: Monday, May 21, 2018

COMMENTARY:

Green Acres last had a permanent bathroom in 2005. Built in the 1960s in this park, as well as Ber Juan North, South, Buehler and Schuman, the sandstone structures had run their course. Water and sewer lines had deteriorated. This was before Prop P and there was no funding to replace. Instead we have utilized temporary portables in this park, as well as other high usage parks. When we went to the citizens to ask for this financial support, we said this would be one of the usages. The need was confirmed at both our public open houses as permanent bathrooms in the major parks were one of our top priorities. With this purchase, the City will supply the concrete slab and we will have the sewer line and potable water line installed in the slab. We will also run electric to the building. Concrete slab, electric, water line, sewer line work additional $23,000 per location. The company will deliver and place the building on the slab and will make final hook ups on sewer and water. These are precast concrete, pre-engineered/plant fabricated. Stainless steel fixtures. These come with a one-year warranty on parts and labor. Below pricing includes bathroom cost only. The bid from CTX is the state bid, made available to all city government entities in Missouri. The other two companies were asked to provide quotes for comparable facilities. We did contract with RTI to do a bathroom in the parks but they are unavailable for this project due to their current work (to be completed next school year) on our shade structure/storage building at the tennis courts.

<table>
<thead>
<tr>
<th>Company</th>
<th>Model</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>CXT Inc. 3808 N. Sullivan, Bldg 7</td>
<td>2 Cortez 2 room flush toilet precast concrete buildings</td>
<td>$42,950</td>
</tr>
<tr>
<td>Spokane, Wash 99216</td>
<td></td>
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</tr>
<tr>
<td>Green Flush Technologies 10308 SE 15th St</td>
<td>2 Salish 2 room flush toilet masonry/wood buildings</td>
<td>$59,560</td>
</tr>
<tr>
<td>Vancouver, Wash 98664</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Restroom Company 2587 Business Parkway</td>
<td>PS-022-CE Playground series 2 room concrete block buildings</td>
<td>$100,000</td>
</tr>
<tr>
<td>Minden, NV 89423</td>
<td></td>
<td>Delivery charge extra</td>
</tr>
</tbody>
</table>

CLIENT USE: 

ITEM NO. 

V. B.
Staff recommends approving the Missouri state bid from CTX of Spokane, Wash. DNR purchases these units for State Parks and Conservation areas and we are told they are strong units and as vandal proof as any building can be. Staff checked out the CTX bathroom at the Doolittle I-44 exit.
CITY OF ROLLA
CITY COUNCIL AGENDA

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

ITEM/SUBJECT: Approval of Brick Paver Program

BUDGET APPROPRIATION (IF APPLICABLE) $15,000 - $25,000  DATE: May 21, 2018

COMMENTARY:
Since January 2015 the SAVE Committee (Spay, Adopt, Volunteer, Educate) has been working diligently to raise awareness and to raise funds for the eventual replacement of the old Rolla Animal Shelter. The effort was formally kicked off following the generous donation of $441,000 from the late Mr. Bob Eck, which in turn led to a feasibility study by Shelter Planners of America. To date the Committee has raised a total of $651,000 (including Mr. Eck’s donation) and has spent approximately $25,000 for the feasibility study, special events and promotional materials. The Committee has worked very hard but is losing energy. While we consulted with several professional development folks we have not had the expertise to really develop and implement a formal fund-raising strategy.

However, the Committee has partnered very effectively with special events such as CFO Day of Giving, Public House Pints for a Purpose, Drs. Mark and Bonnie Ranney 5K Run/Walk, open houses, etc., to generate energy/enthusiasm. One such effort the Committee would like to put in place is an Engraved Brick Paver Program. Most people can’t give $10,000, $50,000, $100,000 or more for such an effort but many folks want to participate in a smaller but still impactful way…. such as through brick pavers.

The City solicited proposals from four companies that offer fund-raising back room support in support of a brick paver program. The RFP was sent directly to four US companies directly involved with same:

- Bricks R Us – Miami, FL
- Polar Engraving – Naples, FL
- Cleveland Stoneworks – Ohio
- Fundraising Brick – Hermann, MO

The City received one proposal from Fundraising Brick who are very familiar with Rolla (actively working with the Dog Park program). In addition to laser engraved bricks, this proposal includes promotional materials and an active donor portal and website.

With Council approval the SAVE committee will work out details of the program with Fundraising Brick with hopes of launching the effort in the next few weeks through 2018.

Recommendation: Motion to award laser brick engraving services for the SAVE Animal Shelter Project to Fundraising Brick out of Hermann, MO.

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Request for Proposals
Fund-Raising Program with Brick Pavers
City of Rolla — New Animal Shelter project

Background
The City of Rolla, acting through a volunteer committee, is looking to partner with a fund-raising brick engraver/paver program in support of a proposed animal shelter for the Rolla/Phelps County area. The City operates a public animal shelter that is in dire need of replacement. Plans and community fund-raising are underway to build a new facility estimated to cost $1.2 million. To-date the City has received donations and pledges in excess of $650,000. The proposed facility is located on 7 acres of ground owned by the City of Rolla and is projected to support a 5,600 SF facility. There is plenty of opportunity for sidewalk pavers including common areas and walkways. We believe there are many community donors that would like to adopt an engraved brick paver in the $100 – $250 range.

Partnerships:
The City has formed a volunteer effort called SAVE and is coordinating efforts with Phelps County, Phelps County Animal Welfare League, and Phelps County Humane Society – both 501(c)3 organizations. SAVE also has capacity and endowment funds created through the Community Foundation of the Ozarks.

Core service area
Phelps County, primarily Rolla, but also serving St. James, Newburg, Doolittle and Edgar Springs

Current Advertising/Promotion
SAVE has an active website and social media presence (www.saverollaanimals.org). SAVE also coordinates closely with local radio, newspaper; community calendar, monthly column, Facebook and Twitter, presentations at civic, community groups, Open houses

Proposal (Submit 3 copies)
- A description of your company’s approach to this type of project.
- Samples of similar projects and creative work you have done for clients.
- Recommendations and references from previous clients.
- A breakdown of options for engraved brick services including costs and potential revenue projections
- Name and contact information for key staff who will have primary responsibility.

A tentative schedule is outlined below (subject to change).
- RFP Distribution: April 2018
- Proposals due to Rolla City Hall (901 N. Elm St., PO Box 979, Rolla, MO 65402): Friday, May 4, 2018
- Recommendation of finalist to City Council: May 21, 2018
- Contract approval: May 25, 2018

Selection criteria
The SAVE committee will review and evaluate each proposal received based on the criteria above. Many factors will be considered in reaching a decision as to the best and most effective proposal to be recommended for this project including quality of past workmanship and proven success in similar projects.

For Additional Information
Contact Rolla City Administrator John D. Butz at (573)426-6948 or jbutz@rollacity.org
Fundraising Program with Brick Pavers

PROPOSAL

NEW ANIMAL SHELTER PROJECT

CITY OF ROLLA

City of ROLLA
PATHWAY TO A SUCCESSFUL FUNDRAISER

1. Define Your Project & Strategy
2. Create Your Brick Style
3. Begin Fundraising
4. Finalize Details

Fundraising Fundamentals

Creating and executing your plan is only half the battle. The other half is ensuring that your fundraising efforts are successful. This means having a clear understanding of what you need to achieve, how you plan to achieve it, and who you need to reach out to for support. By following these tips, you'll be well on your way to a successful fundraiser.

- Define Your Project & Strategy
  - Understand what you're fundraising for and why it's important.
  - Set clear, achievable goals.
- Create Your Brick Style
  - Decide on a theme or style that resonates with your audience.
  - Create a visual representation of your project.
- Begin Fundraising
  - Identify potential donors and create a list of potential sources.
  - Reach out to donors and maintain open communication.
- Finalize Details
  - Ensure all logistics are taken care of.
  - Prepare for the event and make sure everything is ready to go.

Remember: A successful fundraiser takes planning and execution. By following these steps, you'll be well on your way to achieving your goals.
EXCELLENT CUSTOMER SERVICE

We're here every step of the way to support your fundraising efforts. We answer your questions, provide on-site support, and can set up a web page for you. We believe in personalized service and will do what it takes to make your campaign a success.

NO CONTRACTS OR HIDDEN FEES

Unlike many fundraising companies, we don’t charge any setup fees or hidden costs. Our prices are straightforward, and we only charge for the number of cards you sell. No hidden fees or surprise charges.

OUTLINE DELIVERY EVERY TIME

We pride ourselves on delivering your order promptly and accurately. You can rest assured that each package will arrive complete and in perfect condition. Plus, our free shipping on orders over $2500 makes it easier on your budget.

WHY CHOOSE US AS A PARTNER

Over 20 years in business, we have the experience and knowledge to help you succeed in your fundraising efforts. Our team of experts is dedicated to helping you achieve your goals and exceed your expectations. We believe in providing excellent customer service and ensuring that your fundraising campaign is a success.
WHAT WE NEED FROM YOU TO GET STARTED CREATING YOUR CUSTOMIZED DONOR WEB PAGE

DESCRIPTION OF OUR APPROACH & BROCHURE/ORDER FORM

Logo or graphic to be used (preferred in JPEG or PNG)

Additional pictures or images you want included on flyer or online:

Brick size options:

Brick shade options:

Fundraising Brick will provide you with:

Fundraising Brick will handle the rest:

Free Brochure/Order Form

A CUSTOMIZED DONOR WEB PAGE

FREE DONOR WEBSITE

We recommend taking both manual orders and utilizing our FREE online donor webpage. This will appeal to an audience of all ages.

Fundraising Brick will handle the rest. Instructions online with case.

Your PayPal Login address where you want the funds deposited.

Contact person of the project, along with their address, email and phone.

Blurb describing your project (some people do a few sentences and others are very lengthy. It is up to you)

You want liked

Do you have an order deadline date?

How much more?

Free (all caps, mixed case):

Fundraising Brick will provide you with:

FREE BROCHURE/ORDER FORM

Free Brochure/Order Form

FUNDRAISING BRICK

WE WILL CREATE AND HOST A CUSTOM WEBSITE FOR YOUR GROUP. WE WILL PROVIDE YOU WITH A LINK OR EMBEDDED CODE IF YOU WANT TO ADD IT TO YOUR WEBSITE.

A CUSTOM PAGE ON OUR WEBSITE JUST FOR YOUR FUNDRAISING PROJECT. WE WILL PROVIDE YOU WITH A LINK OR EMBEDDED CODE IF YOU WANT TO ADD IT TO YOUR WEBSITE.

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OUR WORK LASER ENGRAVED VS SANDBLASTING

Shown below are examples of our laser engraving bricks that have been installed for over 15 years.
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<tr>
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<th>Qty</th>
<th>Sold</th>
<th>Sell Price</th>
<th>Cost of Brick</th>
<th>Total Brick Cost</th>
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<td>$7500</td>
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</table>
Fundraising Timeline Suggestion

**The first installation should be within 6 months of the project's start date. When you allow too much time to lapse, potential donors can become disinterested.**

**This is an approximate timeline. Timelines and campaign schedules can vary for any number of reasons.**

**April** - Gather detailed information from your premier laser engraving brick company, Fundraising Brick.

**May** - Present your project to your organization or board of directors. Utilize our FREE Fundraising presentation which outlines what we offer. Contact Fundraising Brick to create your customized flyer and donor online ordering web page.

**June - September** - Set a sales goal for your fundraising project and sell your bricks - set a deadline for ordering. A good timeline for selling is 2-4 months. If you allow too much time for your donors, they tend to procrastinate and sometimes miss our altogether. Start advertising and selling your engraved bricks.

**October** - Contact Fundraising Brick to finalize order details and engrave your pavers.

**November** - Receive and install your laser engraved bricks.

**December** - Project is complete.
POW-MIA City(sm) Program Guidelines at a Glance

JEFFERSON BARRACKS POW-MIA MUSEUM

Purpose: To invite Towns, Municipalities, and Cities across the Nation to join together in helping raise POW-MIA awareness among its citizenry, ensuring that the promise No One Left Behind... No One Forgotten is kept.

Process: There is no cost or fee to the City in being designated a POW-MIA City(sm). After obtaining the approval of your City government, the next step is for a representative or representatives of the City to formally present to the Jefferson Barracks POW-MIA Museum Board of Directors a request expressing the desire for becoming a POW-MIA City(sm).

Presentation of Proclamation and POW-MIA City(sm) sign: After reviewing the request, the Jefferson Barracks POW-MIA Museum Board of Directors will vote for approval. Upon positive consensus, the Museum's POW-MIA City(sm) Committee will work with the City's representatives to designate a time and place for the formal presentation of the POW-MIA City(sm) Proclamation and POW-MIA City(sm) sign.

Ways to promote POW-MIA awareness, but not limited to:
- Displaying the POW-MIA flag in front of City Hall and other Municipal buildings and sports facilities.
- Publicly acknowledging National POW-MIA Recognition Day (always the third Friday in September)
- Publicly acknowledging National POW Recognition Day (always April 9).
- Assisting in or facilitating a POW-MIA Museum fundraising event.
- Placing a Remembrance Plaque at a City location listing the former POWs and MIAs from the area.
- Displaying a "Missing Man Table" at appropriate public events.

Jefferson Barracks POW-MIA Museum's POW-MIA City(sm) contact:
Russ Whitener
314-223-6514

"POW-MIA City(sm)" is licensed by the Jefferson Barracks POW-MIA Museum, Inc. When using POW-MIA City(sm) in print you must include the sm symbol after "City" or include sm in parentheses (sm).

The Jefferson Barracks POW-MIA Museum, Inc. is a 501c3 organization.