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.

COUNCIL PRAYER
Ministerial Alliance

Rolla City Council Meeting
Monday, November 18, 2019
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

PLEDGE OF ALLEGIANCE
Councilman David Schott

I. CONSENT AGENDA
   A) Appointment to Fill the Vacancy in Ward V (until the April 2020 Election) –
      (Mayor Louis J. Magdits, IV) – Motion

II. PUBLIC HEARINGS
   A) Resolution Approving the Major Subdivision Preliminary Plat of South Meadow –
      (City Planner Tom Coots) – Motion
   B) Ordinance Approving the Rezoning of 2050 Old St. James Road from G1 (Governmental & Institutional) to M-1 (Light Manufacturing) – (City Planner Tom Coots) First Reading
   C) Ordinance Approving the Rezoning of 4001 Enterprise Drive from M-2 (Heavy Manufacturing) to C-3, Highway Commercial – (City Planner Tom Coots) – First Reading

III. SPECIAL PRESENTATIONS
    None.

IV. OLD BUSINESS
    None.

V. NEW BUSINESS
   A) Motion Accepting the November 5, 2019, Special Election Results –
      (City Administrator John Butz) – Motion
   B) Ordinance Amending Chapter 37 of the Code Enacting a Local Use Tax –
      (City Administrator John Butz) – First Reading
   C) Ordinance Amending Sec. 7-9, Sec. 7-26 & Sec. 7-27 of the Code Pertaining to Cemeteries and Burials – (Parks Director Floyd Jernigan) – First Reading
   D) Ordinance Approving the Minor Subdivision Final Plat of Quiktrip #7067 Subdivision & Vacating Certain Easements – (City Planner Tom Coots) – First Reading
   E) Ordinance Approving the Minor Subdivision Final Plat of Miner Alumni Addition –
      (City Planner Tom Coots) – First Reading
   F) Ordinance Approving the Minor Subdivision Final Plat of Old Wire Road Plat #1 –
      (City Planner Tom Coots) – First Reading

Amended
VI. CLAIMS and/or FISCAL TRANSACTIONS
A) Motion Awarding Bid for Project 501 — Centre Basketball Court Refinishing; and, an
Ordinance Authorizing the Mayor to Enter into an Agreement for Same —
(City Engineer Darin Pryor) — Motion/First Reading

VII. MAYOR/CITY COUNCIL COMMENTS
A) 2019 Small Business Saturday (November 30, 2019) Proclamation
B) Motion Appointing Mr. Ray Schweikhardt to the Planning and Zoning Commission to
Complete the Unexpired Term of Mr. Monty Jordan (June 2022) — Motion
C) Motion Appointing Mr. Mike Fleischhauer to the Park Advisory Commission
(November 2022) — Motion

VIII. CITIZEN COMMUNICATION
A) Open Citizen Communication

IX. COMMENTS FOR THE GOOD OF THE ORDER

X. CLOSED SESSION
A) Pursuant to RSMo. 610.021, the Council will discuss the following in Closed Session:
   1) Real Estate

XI. ADJOURNMENT
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.

COUNCIL PRAYER
Ministerial Alliance

Rolla City Council Meeting
Monday, November 18, 2019
901 North Elm Street
City Hall Council Chambers
6:30 P.M.

PLEDGE OF ALLEGIANCE
Councilman David Schott

I. CONSENT AGENDA
A) Appointment to Fill the Vacancy in Ward V (until the April 2020 Election) –
(Mayor Louis J. Magdits, IV) – Motion

II. PUBLIC HEARINGS
A) Resolution Approving the Major Subdivision Preliminary Plat of South Meadow –
(City Planner Tom Coots) – Motion
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C) Ordinance Approving the Rezoning of 4001 Enterprise Drive from M-2 (Heavy Manufacturing) to C-3, Highway Commercial – (City Planner Tom Coots) – First Reading

III. SPECIAL PRESENTATIONS
None.

IV. OLD BUSINESS
None.

V. NEW BUSINESS
A) Motion Accepting the November 5, 2019, Special Election Results –
(City Administrator John Butz) – Motion
B) Ordinance Amending Chapter 37 of the Code Enacting a Local Use Tax –
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D) Ordinance Approving the Minor Subdivision Final Plat of Quiktrip #7067 Subdivision & Vacating Certain Easements – (City Planner Tom Coots) – First Reading
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(City Planner Tom Coots) – First Reading
F) Ordinance Approving the Minor Subdivision Final Plat of Old Wire Road Plat #1 –
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VI. **CLAIMS and/or FISCAL TRANSACTIONS**  
A) **Motion** Awarding Bid for Project 501 - Centre Basketball Court Refinishing; and, an  
   **Ordinance** Authorizing the Mayor to Enter into an Agreement for Same—  
   (City Engineer Darin Pryor) — **Motion/First Reading**

VII. **MAYOR/CITY COUNCIL COMMENTS**  
A) 2019 Small Business Saturday (November 30, 2019) Proclamation  
B) **Motion** Appointing Mr. Ray Schweikhardt to the Planning and Zoning Commission to  
   Complete the Unexpired Term of Mr. Monty Jordan (June 2022) — **Motion**

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

IX. **COMMENTS FOR THE GOOD OF THE ORDER**

X. **CLOSED SESSION**  
A) Pursuant to RSMo. 610.021, the Council will discuss the following in Closed Session:  
   1) Real Estate

X. **ADJOURNMENT**
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development
ACTIONS REQUESTED: Public Hearing/Resolution

SUBJECT: South Meadow Subdivision, a preliminary plat for a major subdivision to create 5 residential duplex lots located at the SW corner of Lions Club Dr and State Hwy O

(SUB19-05)

MEETING DATE: November 18, 2019

Application and Notice:
Applicant/Owner - John Brown
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Rolla Daily News; signage posted on the property; information available on city website

Background:
The city recently sold the subject property to the applicant. The applicant intends to construct a duplex on each lot. The development would be served by a single driveway to Lions Club Dr. Private access and utility easements are proposed to provide access and utility service to each lot.

The sales contract agreement includes provisions to waive on-site stormwater detention and fees, parkland fees, and water frontage fees. RMU will be turning over a separate property to the city to preserve in exchange for the fee waivers. The contract also required the applicant to dedicate back a portion of the property which is impacted by floodplain.

Property Details:
Current zoning - R-2, Two-family
Current use - Vacant/undeveloped
Proposed use - Residential duplex development
Land area - About 1.9 acres

Public Facilities/Improvements:
Streets - The subject property has frontage on Lions Club Dr and State Hwy O, both arterial streets.
Sidewalks - There are no sidewalks currently existing along the either frontage. Sidewalks will be required on both streets, however, the applicant intends to construct

[Signature]
sidewalk to close a gap in sidewalk connectivity on Lions Club Dr in exchange for waiving the sidewalk on State Hwy O.

Utilities - The subject property should have access to all needed public utilities. An extension of the public sewer is proposed, although improvement plans have not yet been submitted. Private easements are proposed to provide access to water service.

Drainage - The requirements for on-site detention or stormwater fees has been waived per the contract for sale of the property in exchange for the city receiving other property to preserve.

**Comprehensive Plan:** The Comprehensive Plan designates the subject property as being appropriate for residential uses.

**Discussion:** The proposed preliminary plat includes 5 residential lots for duplexes and one lot that is proposed to be dedicated back to the city. The lot to be dedicated is impacted by floodplain. The access to the property will be limited to one shared driveway on Lions Club Drive.

The plat appears to meet all applicable zoning, subdivision, and other requirements. If approved, the applicant will be able to submit improvement plans for the sewer line and sidewalks along with a final plat. The final plat must be submitted within one year of approval of the preliminary plat.

**Planning and Zoning Commission Recommendation:**

The Rolla Planning and Zoning Commission conducted a public hearing on November 12, 2019 and voted 4-2 to recommend approval of the request.

**Prepared by:** Tom Coots, City Planner

**Attachments:** Public Notice Letter, Preliminary Plat, Resolution
RESOLUTION NO. _______

A RESOLUTION TO APPROVE THE MAJOR SUBDIVISION PRELIMINARY PLAT OF SOUTH MEADOW. (SUB19-05).

WHEREAS, a public notice was duly in the Rolla Daily News for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on November 12, 2019 and recommended the City Council approve the preliminary plat of South Meadow; and

WHEREAS, the Rolla City Council, during its November 18, 2019 meeting, conducted a public hearing concerning the proposed preliminary plat and resolution;

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

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

SECTION 1: A resolution to approve the Major Subdivision Preliminary Plat of South Meadow.

SECTION 2: That the approval of the preliminary plat shall be good for a period of one year. A Final Plat must be filed within one year from the date of passage of the resolution. If such final plat is not submitted, this resolution shall be null and void, unless extended by the Planning and Zoning Commission.

SECTION 3: This resolution shall be in full force and effect from the date of passage and approval.

SECTION 4: Any conditions of approval shall be reflected on the Final Plat.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 18th DAY OF NOVEMBER 2019.

APPROVED:

____________________
Mayor

ATTEST:

____________________
City Clerk

APPROVED AS TO FORM:

____________________
City Counselor
PUBLIC NOTICE

Project Information:
Case No: SUB 19-05
Location: SW Corner Lions Club Dr and State Hwy O
Applicant: John Brown
Request: Preliminary Plat to subdivide property into 5 duplex lots – to be known as South Meadows Subdivision

Public Hearings:
Planning Commission
November 12, 2019
5:30 PM
City Hall: 1st Floor

City Council
November 18, 2019
6:30 PM
City Hall: 1st Floor

For More Information Contact:
Tom Coots, City Planner
tcoots@rollacity.org
(573) 426-6974
901 North Elm Street
City Hall: 2nd Floor
8:00 – 5:00 P.M.
Monday - Friday

COMPUTER DEVELOPMENT DEPARTMENT
(573) 364-5333 | condev@rollacity.org | www.rollacity.org/condev
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development

ACTION REQUESTED: Public Hearing/First Reading

SUBJECT: Map Amendment (re zoning): 2050 Old St. James Rd from GI, Governmental and Institutional to M-1, Light Manufacturing

(ZON19-07)

MEETING DATE: November 18, 2019

Application and Notice:

Applicant/Owner - Michael Cowan or Missouri Southern Seed

Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Rolla Daily News; signage posted on the property; information available on city website

City Council Date - November 18, 2019

Background: The subject property was purchased by the applicant from the city earlier this year. The property had been declared surplus. The applicant does not currently have any plans to develop the property. The applicant intends to hold the property until such time they need to expand their business.

Property Details:

Current zoning - GI, Governmental and Institutional; (M-1, Light Manufacturing proposed)

Current use - Vacant/undeveloped

Proposed use - None proposed at this time

Land area - About 3.8 acres

Public Facilities/Improvements:

Streets - The subject property has frontage on Old St. James Rd, an arterial street.

Sidewalks - A sidewalks is located along the frontage of the subject property.

Utilities - The subject property should have access to all needed public utilities.

Drainage - Drainage will be reviewed at the time of development, however, on-site detention will likely be needed.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for industrial uses.
Discussion: The subject property is currently zoned GI, Governmental and Institutional. The GI district only allows for public and semi-public uses, with no allowance for commercial uses. The property is surrounded by Manufacturing district zoning on the north, east, west, and part of the south side. However, the property is also adjacent to a residential duplex development. If the property is developed, the code does require a buffer yard with landscaping to screen the use from the residential area.

Planning and Zoning Commission Recommendation: The Rolla Planning and Zoning Commission conducted a public hearing on November 12, 2019 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Public Notice Letter, Ordinance
PUBLIC NOTICE

Project Information:
Case No: ZON 19-07
Location: Lot 1, Municipal Acres 4
Applicant: Mike Cowan/Missouri Southern Seeds
Request: Rezone from GI, Governmental/Institutional to M-1, Light Manufacturing

Public Hearings:
Planning and Zoning Commission
November 12, 2019
5:30 PM
City Hall: 1st Floor

City Council
November 18, 2019
6:30 PM
City Hall: 1st Floor

For More Information Contact:
Tom Coots, City Planner
tcoots@rollacity.org
(573) 426-6974
901 North Elm Street
City Hall: 2nd Floor
8:00 - 5:00 P.M.
Monday - Friday
ORDINANCE NO. ____________

AN ORDINANCE TO APPROVE THE RE-ZONING OF 2050 OLD ST. JAMES ROAD FROM GI, GOVERNMENTAL AND INSTITUTIONAL TO M-1, LIGHT MANUFACTURING.

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

WHEREAS, a public notice was duly published in the Rolla Daily News for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on November 12, 2019 at 5:30 p.m. The Planning and Zoning Commission recommended the City Council approve the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the Rolla City Council, during its November 18, 2019 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

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

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

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from GI, Governmental and Institutional to M-1, Light Manufacturing, and described as follows:

Lot 1, Municipal Acres 4, City of Rolla, Phelps County, Missouri.

SECTION 2: This Ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the rezoning process has been completed by the City Council.


APPROVED:

__________________________

Mayor

ATTEST:

__________________________

City Clerk

APPROVED AS TO FORM:

__________________________

City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

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

SUBJECT: Map Amendment (rezoning): 4001 Enterprise Dr from M-2, Heavy Manufacturing to C-3, Highway Commercial

MEETING DATE: November 18, 2019

Application and Notice:
Applicant - QuikTrip
Owner - Rolla Community Development Corporation
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Rolla Daily News; signage posted on the property; information available on city website

Background: The subject property is currently owned by the Rolla Community Development Corporation. The RCDC is in negotiations to sell the property to QuikTrip, who intend to construct a gas station. QuikTrip has also applied for a variance to allow a 135 foot tall pole sign and a plat to prepare for the area they wish to develop.

Property Details:
Current zoning - M-2, Heavy Manufacturing; (C-3, Highway Commercial proposed)
Current use - Vacant/undeveloped
Proposed use - Gas station
Land area - 6.32 acres

Public Facilities/Improvements:
Streets - The subject property has frontage on Hy Point Industrial Drive (State Hwy V); and Old Highway 66 (N I-44 Outer Rd), both collector roads.
Sidewalks - There are no sidewalks currently existing along the either frontage.
Utilities - The subject property should have access to all needed public utilities.
Drainage - Drainage will be reviewed at the time of development, however, based on the initial site plans, on-site detention will be needed.
Comprehensive Plan: The Comprehensive Plan designates a portion of the subject property as being appropriate for industrial uses; and the remainder as being appropriate for commercial uses.

Discussion: The subject property is currently zoned M-2, Heavy Manufacturing. The M-2 district does not allow for the proposed gas station use. The proposed use is located at the interchange with I-44 and across the street from another gas station. The proposed use seems to be constant with the expect development of the area and compatible with the existing development. The seller, RCDC, originally developed most of the surrounding properties. QuikTrip will be required to get approval for driveways from MoDOT. MoDOT will likely require a traffic study to verify traffic impact.

Planning and Zoning Commission Recommendation: The Rolla Planning and Zoning Commission conducted a public hearing on November 12, 2019 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Public Notice Letter, Ordinance
ORDINANCE NO. __________

AN ORDINANCE TO APPROVE THE RE-ZONING OF 4001 ENTERPRISE DRIVE FROM M-2, HEAVY MANUFACTURING TO C-3, HIGHWAY COMMERCIAL.

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

WHEREAS, a public notice was duly published in the Rolla Daily News for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on November 12, 2019 at 5:30 p.m. The Planning and Zoning Commission recommended the City Council approve the rezoning of the subject property as proposed by the applicant; and

WHEREAS, the Rolla City Council, during its November 18, 2019 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

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

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

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from GI, Governmental and Institutional to M-1, Light Manufacturing, and described as follows:

A tract of land being all of Lot 4, and part of Lot 5, Hy Point Industrial Park South Plat No. 2 a subdivision filed for record in Plat Cabinet “D” Page 118 being Document Number 2003-10636 in the Recorder of Deeds Office, Phelps County, Missouri and part of the Southwest Quarter of the Southwest Quarter of Section 29, Township 38 North, Range 7 West of the Fifth Principal Meridian and being South of State Highway “V” (width varies) and West of US Highway 66 now known as US Interstate Route 44 (width varies) and being described as follows:

Commencing at the Southwest corner of said Section 29, Township 38 North, Range 7 West as previously mentioned, thence South 88 degrees 46 minutes 40 seconds East along the common line of Sections 29 and 32 a distance of 785.24 feet to the Southwest corner of Lot 4 of said Hy Point Industrial Park South Plat No. 2 as previously mentioned and being on the East Right of way line of Enterprise Drive (70 feet wide), being the point of beginning of the parcel being described; thence leaving said common section line North 00 degrees 17 minutes 54 seconds West along the East line of said Enterprise Drive a distance of 653.97 feet to a point on the Southern line of State Highway “V” (width varies); thence leaving said Enterprise Drive South 82 degrees 19 minutes...
58 seconds East along said State Highway a distance of 110.18 feet to a point of curve; thence along a curve to the Right having a Radius of 586.74 feet an Arc Length of 388.59 feet the chord being South 54 degrees 22 minutes 27 seconds East, 381.53 feet to a point of tangency; thence South 15 degrees 36 minutes 20 seconds East a distance of 184.32 feet to a point on the North line of US Highway 66 now known as US Interstate Route 44 (width varies); thence leaving said State Highway “V” South 31 degrees 13 minutes 56 seconds West along said Interstate Route 44 a distance of 287.96 feet to a point; thence South 31 degrees 14 minutes 30 seconds West a distance of 246.87 feet to a point; thence leaving said Right of Way Line North 40 degrees 49 minutes 52 seconds West a distance of 287.93 feet to the place of beginning and containing 6.32 acres more or less.

SECTION 2: This Ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the rezoning process has been completed by the City Council.


APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Counselor
PUBLIC NOTICE

Project Information:
Case No: ZON19-08
Location: 4001 Enterprise Dr
Applicant: QuikTrip
Request: Rezoning from the M-2, Heavy Manufacturing District to the C-3, Highway Commercial District

Public Hearings:
Planning and Zoning Commission
November 12, 2019
5:30 PM
City Hall: 1st Floor

City Council
November 18, 2019
6:30 PM
City Hall: 1st Floor

For More Information Contact:
Tom Coots, City Planner
tcoots@rollacity.org
(573) 426-6974
901 North Elm Street
City Hall: 2nd Floor
8:00 - 5:00 P.M.
Monday - Friday
November 8, 2019

Carol Daniels, City Clerk
City of Rolla
901 N. Elm Street
Rolla, MO 65401
573-426-6947

CERTIFICATION OF ELECTION RESULTS
NOVEMBER 5, 2019 SPECIAL ELECTION
FOR THE CITY OF ROLLA

CITY OF ROLLA PROP. P.S. FOR "PUBLIC SAFETY"

"SHALL THE CITY OF ROLLA, MISSOURI IMPOSE A LOCAL USE TAX TO BE USED TO FULLY FUND PUBLIC SAFETY NEEDS, WITH ANY ADDITIONAL FUNDS BEING APPLIED TO OTHER GENERAL FUND NEEDS AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE, CURRENTLY 2.25%, PROVIDED THAT IF THE LOCAL SALES TAX RATE IS REDUCED OR RAISED BY VOTER APPROVAL, THE LOCAL USE TAX RATE SHALL ALSO BE REDUCED OR RAISED BY THE SAME ACTION? A USE TAX RETURN SHALL NOT BE REQUIRED TO BE FILED BY PERSONS WHOSE PURCHASES FROM OUT-OF-STATE VENDORS DO NOT IN TOTAL EXCEED TWO THOUSAND DOLLARS IN ANY CALENDAR YEAR."

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Pamela K. Grow, Phelps County Clerk

cc: Files

V. A. I.
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Total Votes: 1,544

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### CITY OF ROLLA for PHELPS

Precincts Reported: 1 of 1 (100.00%)  

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Unresolved Write-in: 0
CITY OF ROLLA for PHELPS

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Unresolved Write-in | 0
CITY OF ROLLA for PHELPS

Precincts Reported: 1 of 1 (100.00%)

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Unresolved Write-In: 0
CITY OF ROLLA for PHELPS

Votes Reported: 1 of 1 (100.00%)

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### CITY OF ROLLA for PHELPS

Precincts Reported: 1 of 1 (100.00%)

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**Ward 6**

Candidate: YES - 36 (51.43%)

Candidate: NO - 34 (48.57%)

Total Votes: 70

 unresolved Write-In: 0
ITEM/SUBJECT: Ordinance to Enact the Use Tax

BUDGET APPROPRIATION (IF APPLICABLE) $250,000-$500,000  DATE: Nov. 18, 2019

COMMENTARY:

With a 55% to 45% margin, Rolla voters approved the Rolla Use Tax (equivalent to the City’s sales tax rate) on November 5th (14.5% voter turnout). The Use Tax passed in all six wards. The Use Tax, upon enactment by the City Council, will go into effect on April 1, 2020 to “fully fund public safety services.”

The first collection/remittance of the Use Tax will not get to the City until June 2020. Staff will develop a phased approach (plan) to fund public safety needs focusing on competitive wages and radio equipment subject to Council ratification in the next 45-60 days. The actual amount of Use Tax generated will not be fully known for 15-18 months.

Recommendation: First Reading
ORDINANCE NO. ________

AN ORDINANCE AMENDING CHAPTER 37 OF THE ROLLA CITY CODE AND ENACTING A NEW SECTION ENACTING A USE TAX AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE TO FULLY FUND PUBLIC SAFETY NEEDS WITH ANY ADDITIONAL FUNDS BEING APPLIED TO OTHER GENERAL FUND NEEDS.

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

Section 1: That Section 37-24 of the Rolla City Code is hereby added to read as follows:

Sec. 37-24. Use Tax at the Same Rate as the Total Local Sales Tax Rate

(a) That effective April 1, 2020, there shall be a local Use Tax at the same rate as the total local sales tax rate, provided that if the local sales tax rate is reduced or raised by voter approval, the local Use Tax rate shall also be reduced or raised upon out-of-state purchases by all persons and businesses in the City of Rolla, Missouri, pursuant to Section 144.757 of the revised statutes of Missouri, and the rules and regulations of the Director of Revenue of the State of Missouri.

(b) That the city clerk is hereby directed to forward a certified copy of this ordinance to the Director of Revenue of the State of Missouri within ten (10) days of the effective date of this ordinance together with a map of the City of Rolla that clearly shows the boundaries thereof.

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


APPROVED:

ATTEST: LOUIS J. MAGDITS, IV, MAYOR

CAROL L. DANIELS, CITY CLERK

APPROVED AS TO FORM:

LANCE THURMAN, CITY COUNSELOR

V. B.a.
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Floyd Jernigan, Parks & Recreation Director
ACTION REQUESTED: Ordinance repealing Sections 7-9, 7-26 and 7-27 and combining into one ordinance relating to prices for grave lots and to the fees for burial permits.

ITEM/SUBJECT: Rolla City Cemetery

BUDGET APPROPRIATION (IF APPLICABLE) DATE: Nov. 18, 2019

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

COMMENTARY:
Staff initiated a review of pricing and of rules and regulations regarding operation of the Rolla City Cemetery. The proposed document includes price increases for burial fees and lot sales. Such pricing was last increased Jan. 1, 2012. The proposed fee structure shown here was approved by the Rolla Parks Advisory Commission at the October 2018 meeting for possible enactment with the new 2019-2020 fiscal year.

The rules and regulations were reviewed by six-member citizens committee in 2009. Parks staff and city administration reviewed the current rules, as did the Parks Advisory Commission at its October 2019 meeting, with the changes highlighted in the document attached. These reference the attached pictures.

Section 7-27 relates to a waiver of fee if the person is unable to pay…” We are not aware of any time when the City elected to waive fees and there is no feasible way to ascertain when and how that would be done. This section also states… with a permit being issued “authorizing such person to open or dig the grave…” We are also not aware of at any time allowing a non-bonded, unlicensed individual to open or dig a grave.

ITEM NO. 1
ORDINANCE NO. __________

AN ORDINANCE AMENDING SECTIONS 7-9, 7-26, AND 7-27 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO CEMETERIES AND BURIALS.

WHEREAS, the City owns and operates the Rolla City Cemetery and has enacted Chapter 7 of the Rolla City Code accordingly; and

WHEREAS, the Rolla City Cemetery Rules and Regulations are updated from time to time to ensure a safe, attractive, and well maintained facility (a copy of which is attached hereto).

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

Section 1: That Section 7-9, Prices of grave lots; portion of proceeds designated to eternal care fund, of the Code of the City of Rolla, Missouri, is hereby amended to read as follows:

Sec. 7-9. Prices of grave lots; portion of proceeds designated to eternal care fund.

(a) There is hereby established for use in the sale of grave lots situated in Rolla Cemetery, the following price list:

1. A single-grave lot $ 1,200.00

(b) The above listed grave lot prices include the following amounts to be placed in the eternal care fund:

1. Single-grave lots $ 1,000.00

(c) Payment of the eternal care fee shall relieve the lot owner of any future liability for annual maintenance payments. These eternal care fees shall be placed in the eternal care fund which will be invested in a manner to earn the highest interest return on the investment consistent with city fund investment policies. Interest earned from the investment shall be used only for maintenance purposes at the Rolla Cemetery. At no time shall any portion of the principal of the eternal care fund be used for any purpose other than investment.

(d) This ordinance shall be in full force and effect from and after January 1, 2020.

Section 2: That Section 7-26, Fees, of the Code of the City of Rolla, Missouri, is hereby amended to read as follows:

Before the burial permit shall be issued, the applicant therefore shall pay the following fees:

(a) If the person to be buried is under the age of six years, the fee shall be:

1. Weekday $220.00
2. Weekend $440.00
3. Holiday/Holiday Weekend $660.00

V.C.6.
(b) If the person to be buried is of the age of six years and over, the fee shall be:

1. Weekday $550.00
2. Weekend $900.00
3. Holiday/Holiday Weekend $1,300.00

(c) If the person to be buried has been cremated, the fee shall be:

1. Weekday $210.00
2. Weekend $400.00
3. Holiday/Holiday Weekend $600.00

(d) If the person to be buried is going to be placed in a crypt or mausoleum the fee shall be:

1. Weekday $210.00
2. Weekend $400.00
3. Holiday/Holiday Weekend $600.00

Section 3: That Section 7-27. Waiver of fee. of the Code of the City of Rolla, Missouri, is hereby repealed.

Section 4: This ordinance shall be in full force and effect from and after January 1, 2020.


APPROVED:

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR
For further information contact:
Rolla Cemetery
901 N. Elm Street
P.O. Box 979
Rolla, MO 65402
Phone: (573) 426-6901
Fax: (573) 426-6947
E-Mail: parks@rollacity.org
Website: www.rollamoparks.org

Rules & Regulations For
Rolla Cemetery

Effective Date:
January 1, 2020
SECTION I -- LOTS

A. Lots in Rolla Cemetery are conveyed by special deed for burial purposes only, and subject at all time to the Statutes of the State of Missouri, and all amendments thereto, now or hereafter at any time in force. Also subject to all laws, ordinances and regulations of the City of Rolla, and all municipal authorities having jurisdiction of said cemetery, now or at any time hereafter in force; and also subject to all bylaws, rules and regulations of Rolla Cemetery and all amendments thereto now or at any time hereafter in force.

B. The City of Rolla reserves the right to sell to its lot and grave owners, any article, appliance, appurtenance, equipment, decoration, etc., used within the cemetery and in accordance with the accepted customs of burial and memorial perpetuation and maintenance.

C. The City of Rolla reserves the right to prohibit the bringing into the grounds of all objects or articles of a nature not deemed proper, or articles of perishable nature.

D. The City of Rolla reserves the right to do all work upon lots by its own workmen.

E. The transfer of a lot is a privilege that may be extended in special cases. No transfer or assignment of a lot or any part of it shall be valid unless approved and recorded by the City of Rolla and the Rolla City Clerk.

F. All transfers must be made on approved forms and through the Parks and Recreation office and recorded in the cemetery records.

G. No easement or right of interment is granted to any lot owner in any road, drive, alley, or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery, to private lots, or buildings as long as the City of Rolla devotes it to that purpose.

H. The City of Rolla reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over all lots for passage to and from other lots.

PERSONS PERMITTED ON LOT

J. Rolla Cemetery perpetual care funds are deposited in an interest-bearing account, with such interest income being used solely for the continual upkeep,
care, maintenance, and beautification of the Rolla Cemetery.

K. Rolla Cemetery only maintains the grounds (grass, earth, trees and any other city-installed structure or plants).

SECTION II – DISCLAIMER

A. The City of Rolla will take reasonable precaution to protect persons properly within the cemetery, and to protect the property of lot and grave owners, properly within the cemetery, from injury, loss or damage; but it distinctly disclaims responsibility for injury, loss or damage, whether direct or collateral, from the acts of thieves, vandals, rioters, strikes, and malicious mischief-makers; from all acts of providence including wind, tornadoes, cyclones, hail, snow, frost, explosion, or lightning; and from all causes beyond its reasonable control.

B. Persons remaining after the closing time do so at their own risk and will be subject to trespassing charges. (City of Rolla Codes Sec. 7-2 (Ord. 2217, §§ 1, 2).

C. The City of Rolla will use reasonable care in examining trees and removing those apparently in unsound and dangerous condition or unsound and dangerous limbs and branches of trees, but it expressly disclaims responsibility for damage either to person or property resulting from falling trees or parts of trees.

D. The City of Rolla will not be responsible for loss or damage to any portable articles left upon any lot, grave, or other part of the cemetery.

E. Every effort will be made to finish work ordered at the time promised for completion, but the City of Rolla will not be responsible for the completing of work of any nature whatsoever if delayed by unfavorable weather conditions, strike, riots, or other causes beyond its control.

F. Persons within the cemetery grounds shall use only the avenues, walks, alleys, blacktop and chip & seal roads, and any person injured while walking on the grass, unless that be the only way to reach his/her plot, or while on any portion of the cemetery including avenues, walks, alleys, or roads, shall in no way hold the City of Rolla liable for any injuries sustained.

SECTION III – OVERVIEW

A. The rules herein are necessary for the protection of lot and grave owners, and for the proper conduct and good order of the cemetery. These rules and regulations may sometimes seem arbitrary but they are written for the protection of all lot owners and there are invariably excellent reasons for each.
B. The management of every cemetery desires to have the finest cemetery under its charge and it constantly works toward that end. Therefore, it must view the cemetery as a whole whereas the lot owner is apt to see only his lot. The individual lot must be in harmony with the whole and it is the City of Rolla's duty to blend each lot into such a plan.

C. Frequent management problems of concern are: who has the right of interment on a lot, who has the right to direct interments on a lot, and who has the right to sell or transfer the unused portions of a lot. Rules concerning these issues are necessary, because often lot owners give this no consideration until death occurs and a grave must be opened. To follow the normal procedures of law concerning inheritance rights after a death has occurred, is impossible because of the time element, because strip or fractional division of a cemetery lot would often make the lot unusable or undesirable, and because often it would not accomplish the desires of the purchaser. The rules herein concerning this simply carry out the wishes of the owner in nearly all cases. If a purchaser or owner has desires contrary to this portion of these rules, they need simply record them with the cemetery office. For the small percentage of lot owners within whose family there is disagreement, the rules clearly establish the rights of its various members. They allow the cemetery to inter in spite of the disagreement, and when the rules are fairly written, they are actually doing a service for these families.

D. It is indeed noteworthy that only a small percentage of the cemetery’s lot owners will ever become too involved with these rules. For most lot owners, they simply provide protection. For the cemetery, they provide a legal basis of procedure.

E. These rules and regulations, as well as cemetery prices, are subject to change without notice. Rolla City Council action, as recorded in their minutes, is authorized for change or amendment. Memorandums prepared and distributed by the Parks & Recreation Department to funeral homes, monument dealers, etc., concerning prices and policy, are a part of the rules and regulations of the Rolla Cemetery.

F. The rules and regulations herein contained are effective April 1, 2009.

SECTION IV -- THE MANAGEMENT

A. It shall be the duty of the Parks & Recreation Department to control and supervise all work; to plat and landscape; to purchase or contract for such work or materials as they deem necessary; to appraise from time to time all unsold lots; to expend cemetery funds as necessary; to establish rules and regulations deemed necessary; to
properly maintain and perpetuate the cemetery in the best possible manner; and, to cause to be removed any unsightly or improper enclosure, monument and fixtures.

B. The Rolla City Council shall have the control, charge, and superintendence of the cemetery and its appurtenances.

LOCATION

C. The cemetery business office is at Rolla City Hall (901 N. Elm Street.) The cemetery's mailing address is P.O. Box 979, Rolla, MO. 65402. The phone number is (573) 426-6901.

D. Rolla Cemetery is at the corner of Highway 72 and Rolla Street in Rolla, Missouri.

E. The main cemetery entrance located at Elm Street and Highway 72 will remain open at all times.

HOURS

F. The cemetery shop office, located in the Rolla Cemetery, is open only upon request. These requests and all correspondence will be handled at Rolla City Hall, 901 N. Elm. Office hours are Monday through Friday, 9:00 a.m. - 5:00 p.m.; except for legal holidays. For burial permit fee assessment purposes, the following hours and days are defined below.

- A regular city weekday burial is a burial that takes place on a regular city weekday - Monday through Friday - between the hours of 8:00 a.m. and 3:30 p.m. Any grave not closed before 3:30 p.m. will pay a burial fee determined by the Parks & Recreation Department not to exceed the maximum burial rate (holiday/holiday). If any staff members are needed to act as pallbearers an additional charge of $75 per person will be administered.

- A weekend burial is a burial that takes place on a Saturday or Sunday that does not contain or is not adjacent to a legal city holiday.

- A holiday or holiday weekend burial is a burial that takes place on a legal city holiday or on a weekend that contains or is adjacent to a legal city holiday. The following is a list of legal city holidays:

  New Year’s Day
  Martin Luther King Day
  President’s Day
  Memorial Day
  Independence Day
  Labor Day
  Columbus Day
  Veterans Day
  Thanksgiving Day & the Friday after Christmas Eve
  Christmas Day
4. No burials will be made December 24 & 25.

G. The cemetery is open to the public from 7:00 a.m. to dusk. Anyone who enters the cemetery after dusk without written permission from the Parks & Recreation Department will be subject to trespassing charges. (City of Rolla Codes Sec. 7-2 (Ord. 2217, §§ 1, 2)

SECTION V -- GENERAL REGULATIONS

A. The certificate of ownership, rules and regulations, and any amendments thereto shall be the sole agreement between the City of Rolla and the lot owner. A verbal statement of any sales agent or employee shall in no way bind the City of Rolla to that verbal statement.

B. Rolla Cemetery is non-sectarian and is maintained for every race, creed or color.

C. The Parks & Recreation Department is responsible for the development, good order and conduct of the cemetery. The Parks & Recreation Department may take such action as it may deem to be necessary to protect the property of lot and grave owners, or to preserve peace and good order and for the safety of all persons within the cemetery.

D. The City of Rolla shall always have supervision and control of all persons in the cemetery, including

the conduct of funerals, traffic, employees, visitors, lot and grave owners, employees or workers to whom the privilege has been extended of conducting work on the ground, and all other persons within the grounds.

E. The City of Rolla reserves to itself the right to alter or change any walk, entrance, fence, drive, street, alley, grade, drain, lake, or unsold vacant lot.

F. If anything is placed on or in any lot or grave deemed offensive, improper, injurious, or unsuitable, or not in keeping with the rules of the City of Rolla, it will be removed without notice and the City of Rolla assumes no responsibility for the return of such articles.

G. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardships. The City of Rolla, therefore, reserves to itself the right, without notice, to temporarily suspend or modify any rule or regulation, and such temporary suspension or modification shall not be construed as effecting the general application or enforcement of such rule.

H. It is the duty of each lot owner to notify the Parks & Recreation Department of any change in address. Notice sent to a lot or grave owner at the last address on file in the cemetery will be considered sufficient and proper legal notification. (See Section III. - Paragraph C.)
SECTION VI -- THE RIGHT OF INTERMENT, OR DIRECTION, SALE OR TRANSFER

A. Normally there is no problem when the owner is living or is to be interred. When the owner is deceased, however, it becomes important who has the right of interment, the right of designation, and the right to sell or transfer the unused portions of the lot. The most difficult problems arise in the cases of remarriage or a surviving spouse when there is discord between the second spouse and children by the first marriage, or when two or more of the most direct heirs (with equal kinship) want to use the remaining spaces for their burial and for members of their family. To avoid being a party to family feuds, we herein set out who will be recognized as having the right of interment, the right to direct interments, and the right to sell or transfer unused graves on a family lot.

B. The cemetery will assume, at all times, that the lotowner (or owners) acquired the lot for interment of himself and members of his family unless he has otherwise stipulated by “Will,” by “Notarized Affidavit,” or by indicating “Exceptions in the Deed.” The cemetery will also assume that it is proper for a husband and wife to be buried on the same lot should this be the desire of the survivor, so that the surviving husband or wife of any individual interred on a lot has the right of interment if space is available, whether the survivor is a direct heir or an in-law. Unless this office is legally directed to act otherwise by an owner or owners or by the legal heirs or personal representative of any owner or owners after death, the cemetery will allow interments at the request of any interested person or any funeral home in accordance with the foregoing and the following rules and regulations.

C. RIGHTS OF OWNER AND SPOUSE: All plots conveyed to an individual are presumed to be the sole and separate property of the owner named in the instrument of conveyance and the owner shall have the first right of interment, he shall have the right of direction for relatives or friends, and he shall have the right of sale or transfer, except that the spouse of an owner of any plot containing more than one interment space has a vested right of interment of his (or her) remains in the plot, and any person thereafter becoming the spouse of the owner has a vested right of interment of his (her) remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner, and no conveyance or other action of the owner without the written consent or joiner of the spouse of the owner divests the spouse of a vested right of interment; provided, however, that a final decree of divorce between owner and spouse terminates the vested right of interment of said spouse unless otherwise provided in the decree, but the cemetery is obligated to reserve graves for those
parties with a vested right of interment only when notified by a notarized affidavit signed by the party with the vested right which affidavit shall state the kinship and the space desired.

D. **D. RIGHTS OF SURVIVING SPOUSE:** After interment of the owner, the surviving husband or wife shall have the first right of interment, the right of direction and the right to sell or transfer unused grave spaces; provided, however, that when there are surviving children of the owner by a previous marriage, the surviving husband or wife shall only have the first right interment, and all surviving children of the owner will equally control all other unused graves in accordance with Section III - Paragraph E.

E. **E. RIGHTS OF DIRECT CHILDREN ON DEATH OF OWNER AND SPOUSE:** After the interment of an owner and spouse, the direct children of the owner shall have the right of interment, the right of direction for members of their family, and when unanimously approved by all, the right to sell or transfer; and interment requests from any direct child, or for any direct child, will be honored in the order received until all grave spaces have been used, except that, a second wife or husband of the original owner or the surviving wife or husband of any direct child (or in-law) interred on the lot may designate one vacant grave space to be reserved for herself (or himself), but the responsibility for so designating a grave rests with the individual, and failure to do so divests the surviving wife or husband of this privilege if grave spaces are no longer available.

F. When more than one of the nearest living direct heirs (of equal kinship) make requests for the reservation of the same grave space or grave spaces, the order of need (or death) establishes which party or parties will use the reserved grave space or spaces, and a surviving wife or husband has a first right if space is available although it is reserved for other individuals.

G. **G. JOINT TENANTS - RIGHTS OF INTERMENT AND DESCENT:** In a conveyance for two or more people as joint tenants, the owners may individually direct burials for relatives or friends if spaces are available in excess of the number needed to accommodate all owners and their spouses who have a vested right of interment. The cemetery has the right to recognize the order of any owner. Any owner may be interred without the consent of the surviving owner or owners and the husband or wife of an owner may be interred without the consent of the surviving owner or owners. Upon the death of a joint tenant, all rights are immediately vested in the surviving owner or owners, subject to the vested right of interment of the remains of the deceased joint tenant and his/her husband or wife.
H. **ORDER OF SUCCESSION**: Upon the death and interment of joint tenants or owner and spouse, the nearest living kin shall have the right of interment, the right of direction for members of their family, and when acting jointly, the right to sell or transfer. The nearest living kin in different situations may be parents, brothers, and (or) sisters, nieces and (or) nephews, grandchildren, great-grandchildren, etc. Any party making a request with our office may be asked to sign a notarized affidavit indicating that he or she is the nearest living kin, or one of the nearest living kin. The policy as outlined for “direct children” in Rule IV – Paragraph E also applies for direct heir (or the husband or wife of a direct heir) is interred, this automatically gives the cemetery City of Rolla approval for the interment of the surviving husband or wife, and that this is a first right if the cemetery City of Rolla is properly notified by the survivor that this is his or her desire.

I. **DEVISE BY LAST WILL AND TESTAMENT**: A lot owner not having direct heirs may dispose of his or her lot or lots in their Last Will and Testament and specify who may be interred therein or who shall receive the title thereto. The legal document stating this, however, must be on file in our office before being valid and binding upon the Rolla Cemetery.

J. **RIGHT OF INTERMENT, DIRECTION OR SALE BY AGREEMENT OF HEIRS**: The most direct heirs of a deceased owner may, by a properly executed legal agreement, state who among them shall have the right of interment, direction, and of sale or transfer, which agreement must bear the signature of all the most direct heirs of equal kinship, and which must be recorded in the office of the cemetery before being valid. When there are several owners of a lot, they may designate one or more persons to represent the plot by filing a written notice of designation with the cemetery office which notice must bear the signatures of all owners. In the absence of a properly executed notice, the cemetery is not liable to any owner for interring or permitting an interment in the plot in accordance with these rules.

K. **AFFIDAVITS**: An affidavit properly executed shall remain in force unless a subsequent affidavit is submitted to the cemetery office that must bear the signatures of all the living parties that properly signed and executed the first affidavit. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot, authorization for the cemetery to permit the use of the unoccupied portions of the plot by the persons entitled to the use of it. An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants named in the deed to any plot when filed with the cemetery, is complete.
authorization for the cemetery to permit the use of the unoccupied portion of the plot in accordance with these rules.

L. **VESTED RIGHT OF INTERMENT**: A "vested right" or "first right" of interment may be waived. A "vested right" or "first right" of interment is terminated upon the interment elsewhere of the remains of the person in whom vested. No vested right of interment gives to any person the right to have his/her remains interred in any interment space in which the remains of any deceased person have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of these rules and regulations.

**SECTION V -- INTERMENTS OR REMOVALS**

**INTERMENTS**

A. All interments must be made in sectional concrete crypts or vaults of concrete or metal.

B. All cremains must be placed in a non-biodegradable container (i.e. - plastic), a cremation vault or urn and interred, not scattered.

C. All interments shall be made at such depth as to allow approximately two feet of earth cover.

D. When instructions for opening a grave are indefinite, or, for any reason, the grave cannot be opened in the location specified, the Parks & Recreation Department may order it opened at such location in the lot as may seem best, under the circumstances. The management will not be responsible for any mistakes occurring in orders for the opening of a grave or, similar work, unless order is made in writing over the signature of the lot owner.

E. The management will not be responsible for any mistakes occurring where orders are given by telephone. In the absence of contrary instructions to the cemetery, it is understood that funeral directors are acting in the capacity of agents for the lot owner and with full authority in placing orders with the management for interments.

F. An additional charge may be made in special or unusual cases. Any grave not closed before 3:30 p.m. will pay a burial fee determined by the Parks & Recreation Director not to exceed the maximum burial rate (holiday/holiday). If any staff member is needed to act as pallbearer, an additional charge of $75 per person will be administered.

G. The funeral home or individual in charge of the funeral will schedule a time for the grave side service to begin. A fee will be charged for every 30 minutes past the declared time and this payment will be the responsibility of the funeral home or individual in charge of the funeral. The charged
H. The management, upon request, may allow the burial of cremated remains in the same grave with another body. Only two cremains are allowed on a full burial lot if so desired. However, only one marker per grave is allowed (See Section VI).

I. Interments in crypts of mausoleums must be made in hermetically sealed cases; to facilitate the burial, a licensed and bonded private agency shall be retained to open the mausoleum for the burial. At the end of the burial the same agency shall close and seal the mausoleum. In a lot where a mausoleum is erected, no burial outside the mausoleum will be permitted.

J. No interment of any body, other than the remains of a human, will be permitted.

K. ADVANCE NOTICE OF INTERMENT OR DISINTERMENT: The management reserves the right to insist upon at least forty-eight (48) hour advance notice before any cremation or interment will be permitted, and in the event that a weekend or holiday intervenes between the date of application for service and the date of interment or cremation, to require at least sixty (60) hour advance notice. A minimum three (3) days notice shall be given the Parks & Recreation Department prior to any disinterment or removal. In addition to the foregoing notices, all service and/or other charges incurred or to be incurred thereby shall be paid at least three (3) days in advance. The Parks & Recreation Department may refuse such services for any violation of this rule.

L. CORRECTION OF INTERMENT ERRORS: In the event of errors related to the improper placement of the remains of any person, the City of Rolla reserves, and shall have the right to remove and re-inter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu of the mistaken property.

M. SELECTION OF INTERMENT SPACE BY CITY OF ROLLA UPON OWNER'S FAILURE: When instructions from the plot owner regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the City of Rolla may, in its discretion, open it in such location in the plot as it deems best and proper, so as not to delay the funeral; and the City of Rolla shall not be liable in damages for any error so made.

N. INTERMENT IN LOT FOR REMUNERATION FORBIDDEN: Lot owners shall not allow any interment to be made in their lots for remuneration, and no lot holder will be permitted...
to demand or receive any compensation for interment in his or her lot.

O. The management will be in no way responsible for damage or delay in making interment where satisfactory proof of heirship has not been established.

P. **CASKET OPENING AFTER FUNERAL**: Once a funeral service is completed and the casket is placed on the lowering device, the Parks & Recreation Department reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of a legal family member of the deceased or the funeral director.

**REMOVALS**

Q. No disinterment will be allowed without written permission from the Parks & Recreation Director, and then only upon signature(s) of the next of kin of the person whose body is to be removed.

R. Disinterment or removal may be allowed with the filing with the Parks & Recreation Department of a sworn affidavit(s) by the next of kin of the decedent whose body is to be removed setting forth the kinship of the affiant and the desire of said affiant to disinter or remove the body of the deceased.

S. The removal, by the heirs, of the bodies of their deceased relatives for profit to themselves or change in the expressed or implied wish of their deceased kin, is repugnant to the ordinary sense of decency and is absolutely forbidden.

T. The City of Rolla will exercise the utmost care in making a removal but assumes no liability for damage to any burial case of any nature whatsoever in making the removal.

U. A body removed from the cemetery may require a permit from the Health Department.

**SECTION VI – MONUMENTS**

A. Rolla Cemetery specifically does not maintain monuments of any type. Monuments belong to the individual.

B. Monuments must be in alignment at the foot or head of previously placed monuments on the lot. Only one marker or monument will be allowed per grave. The only exception is a family marker may be installed in accordance with the rules on an eight grave lot owned by one individual.

C. Placement of monuments must be approved by the management. Placement of said monument will only be done by bonded and insured personnel of an approved private monument company. The Parks & Recreation Director reserves the right to
stop any work it deems unsafe or improper. Any monument placed in the Rolla Cemetery shall have a concrete footing at least 2 feet in depth and the concrete pad placed beneath the monument shall be at least 6 inches wider than the monument. This will help prevent the monument from settling, leaning and frost heave. Wooden crosses, if treated as a monument to display names and dates, may be used as grave markers if they are installed within standards approved by the Parks Director or his or her designee. Wooden crosses will be removed once they have begun to deteriorate. If used as a decoration, they will be removed at the next cemetery clean-up.

D. The management of the Rolla Cemetery reserves the right to remove any hazardous or severely damaged monument with notification and documentation to the owner of said monument, if possible.

E. The Parks & Recreation Department retains the right to move any monument to facilitate the completion of any task or work. After that task or work is completed, the monument shall be placed back to its original location. If the city damages a monument when it is moved, the city will repair or replace it.

F. If the Parks & Recreation Department decides that a monument will interfere with a grave opening or will become a hazard due to the opening of the grave, the individual authorizing the burial will be responsible for moving the monument to simplify the grave opening. Movement of said monument will only be done by bonded and insured personnel of an approved private monument company. The Parks & Recreation Director reserves the right to stop any work it deems unsafe or improper.

G. All monument companies must have a City of Rolla business license as well as a permit issued by the Parks & Recreation Department to do work within Rolla Cemetery.

H. The City of Rolla is not responsible for the protection or maintenance of any temporary grave marker. Temporary markers which become damaged, broken or hazardous will be removed from the cemetery. Temporary grave markers should be replaced with a permanent marker, stone, monument or plaque within 60 days from the grave opening. (See Paragraph G above).
SECTION VII -- GROUNDS IMPROVEMENTS

TREES AND SHRUBS

A. The City of Rolla reserves to itself control of every tree, shrub, vine or plant growing within the cemetery enclosure, whether planted by the lot owner or otherwise, including the right of removal when it considers such removal advisable due to hazardous conditions.

B. Before any section of lots is placed on sale; trees are planted in accordance with the general plan for landscape work.

C. Written permission from the Parks & Recreation department shall first be obtained before planting any shrub and no tree or shrub growing within the cemetery shall be removed without the consent of the City of Rolla.

D. No person shall trim or prune or remove any branches from any tree or shrub in the cemetery, whether on his lot or not without written permission from the Parks & Recreation Department.

E. Trees will not be removed to make additional burial space unless the City of Rolla deems it advantageous to the general appearance of the grounds.

PLANTING, LANDSCAPING AND SIDEWALKS

F. If any planting is done without the written permission of the Parks & Recreation Department, it shall be his duty to have the same removed without notice to the lot holder.

G. If a lot owner wishes to build a sidewalk or walkway around his lot, all plans must be approved in writing from the Parks & Recreation Department.

H. All sidewalks will be constructed of concrete a minimum of 6 inches thick. Sidewalks will be a minimum of 8 inches wide and will have a minimum of 6 inches of gravel below the concrete. All work must be approved in writing by the Parks & Recreation Department. All work must be completed by a contractor who has a City of Rolla business license or the low owner with a written permit from the Parks & Recreation Director.

I. Lot owners may have plans prepared by landscape architects other than those employed by the City of Rolla, but such plans must be approved by the Parks & Recreation Director; and, all work of planting, etc., connected therewith must be done under the supervision of the Parks & Recreation Department.

J. Lot owners, may, with written agreement and approval from the Parks & Recreation Department Director, maintain their own lot space by contracting with a local business that has a license with the city. Such permit will remain on file in the cemetery office located in the parks and recreation
office at city hall, 901 N. Elm. Agreements are for a two-year period and must be renewed with the proper written approvals prior to expiration.

**DECORATIONS**

J. Only two arrangements per grave are allowed on the ground from November 1st to February 28th. All decorations, live or artificial, shall not exceed beyond the width of the monument and must be in-line with the monument. Winter ground decorations will be allowed from November-February. Solar lights, trellises, arbors, glass jars and tin cans are not allowed. Toys and other miscellaneous trinkets are permitted only if placed on the monument or the monument foundation itself. Note that the City of Rolla is not responsible for the protection or maintenance of any these trinkets, toys, or flowers, decorations, wreaths, emblems or any other placements of any kind that are not a permanent part of the monument itself.

K. All decorations placed in the ground and not on the grave markers are subject to immediate removal during the months of March, April, May, June, July, August, September and October (see prior item J). If any person sets out plants or trinkets on a lot in an unsightly manner, or fails to properly care for them, they will be removed without notice.

L. Funeral designs and floral pieces will be removed as soon as they become unsightly. A formal cemetery pickup will be done four (4) times a year:

   A. The last full week of February
   B. The last full week of April
   C. The last full week of July
   D. The last full week of October

Employees will decline to attempt finding them after so removed and the City of Rolla has no responsibility to return such items.

M. Fences, coping, hedges, chairs, bricks, or other enclosures around or within lots or graves will not be allowed. Benches will be allowed in Rolla Cemetery if they conform to the standards set by the City of Rolla (similar to monuments). The bench must have the approval of the lot owner.

N. No plant, flower, slip, or cutting shall be removed from anywhere in the cemetery without written permission from the Parks & Recreation Department.

**SECTION VIII -- IMPROPER CONDUCT**

A. Visitors must keep to the walks and drives, and shall not cross over, occupy or otherwise trespass on any lot or grave, or other property not their own.

B. Boisterous or unseemly conduct will not be permitted in the cemetery, or in any of the buildings.
C. All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery, or plants, or feeding or disturbing the birds, fish or other animal life.

D. Soliciting or passing out of pamphlets, literature, etc., by dealers, salesmen, or others, will not be permitted within the cemetery. No signs, notices, or advertisements of any kind shall be allowed in the cemetery, unless placed by the City of Rolla. Peddling of flowers or plants, or soliciting the sale of any commodity, other than by employees of the association under its direction, is prohibited within the confines of the cemetery.

E. Persons within the cemetery grounds shall use only the avenues, walks and roads. Walking on the grass is permissible to visit cemetery plots. Children under 16 years of age should be accompanied by a parent or guardian when visiting cemetery plots. Children at play, attended or unattended, are not allowed on cemetery grounds, and they shall in no way hold the City of Rolla liable for any injuries sustained.

F. Sod, soil, manure, spades, shovels, tools, etc., will not be removed from any place in the cemetery without special permission.

G. Picnic parties, refreshments, liquor, ATVs, go-carts, pets and bicycles are not allowed in the cemetery.

**FIREARMS**

H. No firearms shall be permitted within the cemetery except on special permit from the City of Rolla or duly constituted authorities.

**THROWING OF RUBBISH**

I. The throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited. Receptacles for waste material are located at convenient places.

**LOITERING**

J. Persons other than plot owners or relatives will not be permitted to loiter in the cemetery, or in any of the buildings.

**AUTOMOBILES**

K. **SPEED AND PARKING OF AUTOS:** Automobiles shall not be driven through the grounds at a greater speed than ten (10) miles per hour, and must always be kept on the right-hand side of the cemetery roadway. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in attendance at the funeral. The City of Rolla reserves the right to exclude automobiles and motorcycles when necessary.

**CONSEQUENCES FOR IMPROPER CONDUCT**

L. State laws subject the offender to severe penalties for the violation, disturbing, destruction, injury to
or removal of any property of whatsoever nature within the boundaries of the cemetery.

K. All persons refusing to be guided by or violating any of the rules and regulations may be expelled from the grounds and thereafter excluded from the cemetery.

SECTION IX -- THE NATIONAL FLAG
A. The City of Rolla believes the flag should be used in the cemetery only on the graves of those who have served in the armed forces of the United States, and then only on Memorial Day and other days of special remembrance.

B. The leaving of the flag in the open overnight, unless the flag is illuminated is a desecration of the flag and is improper. Flags placed in the cemetery will be removed at once if they become in the least soiled or damaged condition, and all flags will be removed in any case immediately after the first Sunday following Memorial Day.

C. Private flag poles &/or banners will not be permitted.

SECTION X -- ORDERS AND COMPLAINTS
A. All orders for work of any description, and all complaints concerning errors, improper care, etc., must be made at the Parks & Recreation office at the Centre (1200 N. Holloway.) Employees are forbidden to accept orders or instructions except as issued through the Parks & Recreation office.

EMPLOYEE CONDUCT
B. Employees of Rolla Cemetery are forbidden to accept any gratuity or tip. Visitors and lot owners are requested to assist in enforcing this rule by not offering money to employees.

C. Employees are forbidden to loan watering cans, tools or to sell or to give away soil, sod or seed.

D. All bills are payable at the Parks & Recreation office at the Centre (1200 North Holloway, Rolla, MO 65401.) All bills are payable in advance.

Flower Removal Dates
Cemetery workers will be removing funeral designs and floral pieces will be removed as soon as they become unsightly. A formal cemetery pickup will be done four (4) times a year:

- A. The last full week of February
- B. The last full week of April
- C. The last full week of July
- D. The last full week of October

If you have artificial pieces you wish to keep, they need to be removed before these dates. They may be replaced at the end of the week. This procedure enables cemetery personnel to rid the cemetery of old and unsightly arrangements, thus enhancing the appearance of the Rolla Cemetery.
ORDINANCE

AN ORDINANCE REPEALING SECTIONS 7-9 AND 7-26 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PRICES OF GRAVE LOTS, DESIGNATED PORTIONS OF PROCEEDS TO ETERNAL CARE FUND, ENACTING NEW CODE SECTIONS IN LIEU THEREOF, AND TO THE FEES FOR BURIAL PERMITS AND ENACTING NEW CODE SECTIONS IN LIEU THEREOF.

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

Section 1: That Section 7-9 of the General Ordinances of the City of Rolla, relating to the prices of grave lots, designated portions of proceeds to eternal grave funds generally is and the same is hereby repealed.

Section 2: That there is enacted in lieu thereof Code Sections 7-9, as follows:

Sec. 7-9 Prices of grave lots, portion of proceeds designated to eternal care fund.
(a) There is hereby established for use in the sale of grave lots situated in Rolla Cemetery, the following price list:
   (1) A single-grave lot $1,200.00

(b) The above listed grave lot prices include the following amounts to be placed in the eternal care fund:
   (1) Single-grave lot $1,000.00

(c) Payment of the eternal care fee shall relieve the lot owner of any future liability for annual maintenance payments. These eternal care fees shall be placed in the eternal care fund which will be invested in a manner to earn the highest interest return on the investment consistent with city fund investment policies. Interest earned from the investment shall be used only for maintenance purposes at the Rolla Cemetery. At no time shall any portion of the principal of the eternal care fund be used for any purpose other than investment (Ord. 2234, §§3, 4; Ord. 2319, §1; Ord. 2777, §2; Ord. 2965, §2)

Sec. 7-26 Fees
Before the burial permit shall be issued, the applicant therefore shall pay the following fees:

   Section 1: That Section 7-26 of the General Ordinances of the City of Rolla, relating to the fees for burial permits generally be and the same is hereby repealed.

   Section 2: That there is enacted in lieu thereof Code Section 7-26 as follows:

Sec. 7-26 Fees
Before the burial permit shall be issued, the applicant therefore shall pay the following fees:

(a) If the person to be buried is under the age of six years, the fee shall be:
   1. Weekday $220.00
   2. Weekend $440.00

(b) If the person to be buried is of the age of six years and over, the fee shall be:
   1. Weekday $550.00
   2. Weekend $900.00
   3. Holiday/Holiday $1,300.00

(c) If the person to be buried has been cremated, the fee shall be:
   1. Weekday $210.00
   2. Weekend $400.00
   3. Holiday/Holiday $600.00

(d) If the person to be buried is going to be placed in a crypt, mausoleum or crematorium, the fee shall be:
   1. Weekday $210.00
   2. Weekend $400.00
   3. Holiday/Holiday $600.00

Section 3 – This ordinance shall be in full force and effect from and after January 1, 2020

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development  ACTION REQUESTED: First Reading

SUBJECT: QuikTrip #7067 Subdivision: a minor subdivision to combine properties, change lot lines, and vacate easements resulting in two commercial lots located at 4001 Enterprise Drive (SUB19-06)

MEETING DATE: November 18, 2019

Application and Notice:
Applicant - QuikTrip
Owner - Rolla Community Development Corporation
Public Notice - Information available on city website

Background: The subject property is currently owned by the Rolla Community Development Corporation. The RCDC is in negotiations to sell one of the two proposed lots to QuikTrip, who intend to construct a gas station. QuikTrip has also applied for a variance to allow a 135 foot tall pole sign and a rezoning application to rezone one of the proposed lots to the C-3, Highway Commercial district. The minor subdivision zoning requirements are the same for either district.

Property Details:
Current zoning - M-2, Heavy Manufacturing; (C-3, Highway Commercial proposed of one lot)
Current use - Vacant/undeveloped
Proposed use - Gas station on one lot; remainder not disclosed
Land area - About 12.3 acres

Public Facilities/Improvements:
Streets - The subject property has frontage on Hy Point Industrial Drive (State Hwy V); and Old Highway 66 (N I-44 Outer Rd), both collector roads.
Sidewalks - There are no sidewalks currently existing along the either frontage. Sidewalks may be waived for this location since there are no sidewalks anywhere in the vicinity.
Utilities - The subject property should have access to all needed public utilities.
Drainage - Drainage will be reviewed at the time of development, however, based on the initial site plans, on-site detention will be needed.
Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for industrial and commercial uses.

Discussion: The subject property is currently comprised of two platted lots and an unplatted area. The proposed plat would combine the areas together and create two commercial lots. One lot is proposed to be sold to QuikTrip, who would develop the lot with a gas station. The other lot would be retained by RCDC at this time.

The plat appears to meet all applicable zoning, subdivision, and other requirements. No utilities are located in the easements proposed to be vacated. Additional easements are requested to accommodate needed utilities for the property and vicinity.

Planning and Zoning Commission Recommendation:
The Rolla Planning and Zoning Commission conducted a public hearing on November 12, 2019 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Public Notice Letter, Plat, Ordinance
ORDINANCE NO. ________

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF QUIKTRIP #7067 SUBDIVISION AND VACATING CERTAIN EASEMENTS. (SUB19-06)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of QuikTrip #7067 Subdivision in the City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: The location and legal descriptions of the easements to be vacated are shown on the attached exhibits. The easements constitute an area of 35,259 sq. ft., however, the easements do overlap.

SECTION 3: Said vacation will not take effect until the subject subdivision plat which addresses all utility easements is recorded. No building permits will be issued for improvements which encroach into said vacated easements until the subject plat has been recorded.

SECTION 4: That this Ordinance shall be in full force and effect after the its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor
VACATION PLAT
UTILITY EASEMENT
LOT 2
HY POINT INDUSTRIAL PARK SOUTH
(C-179)
City of Rolla and Phelps County, Missouri
DETAIL VACATION PLAT
UTILITY EASEMENT
LOT 2
HY POINT INDUSTRIAL PARK SOUTH
(C-179)
City of Rolla and Phelps County, Missouri

STATE ROUTE V

LOT 2

SCALE: 1" = 100'

Heideman + Associates, Inc. Professional Land Surveying Corp., MO State Cert. of Authority #000281
Boundary Description
Part of HY POINT INDUSTRIAL PARK SOUTH
City of Rolla, Phelps County, Missouri

Part of a Utility Easement created by HY POINT INDUSTRIAL PARK SOUTH, a Subdivision filed for record in Plat Cabinet "C" page 179 filed for record August 12, 1996 in Phelps County, City of Rolla, Missouri and being described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32, Township 38 North, Range 7 West; thence South 88 degrees 46 minutes 40 seconds East along the section line common to sections 29 and 32 a distance of 375.12 feet to a point on the West line of Lot 2 HY POINT INDUSTRIAL PARK SOUTH as previously mentioned; thence leaving said section line South 00 degrees 28 minutes 30 seconds West along the West line of said Lot 2 a distance of 11.75 feet to a point; thence leaving said Lot 2 South 89 degrees 21 minutes 10 seconds East a distance of 347.85 feet to a point; thence North 89 degrees 53 minutes 20 seconds East a distance of 77.45 feet to the point of beginning of the parcel being described; thence North 00 degrees 06 minutes 40 seconds East a distance of 10.00 feet to a point on the north line of a 20 foot utility easement as depicted on the subdivision plat as previously mentioned; thence North 89 degrees 53 minutes 20 seconds East along the North line of said Easement a distance of 256.73 feet to a point; thence North 00 degrees 28 minutes 30 seconds West a distance of 534.56 feet to a point on the South line of a utility easement created by said plat; thence along a curve to the Right having a Radius of 566.74 feet an Arc Length of 25.30 feet the Chord being South 53 degrees 09 minutes 30 seconds East 25.29 feet to a point on the East line of said Lot 2; thence leaving said South line South 00 degrees 28 minutes 50 seconds East along the East line of said Lot 2 and the prolongation thereof a distance of 539.45 feet to a point; thence South 89 degrees 53 minutes 20 seconds West along the South line of the utility easement a distance of 276.97 feet to a point; thence leaving said South line North 00 degrees 06 minutes 40 seconds West a distance of 10.00 feet to the point of beginning and containing 16, 412 square feet.

Subject to Easements, Restrictions and Covenants of Record if any.

Heideman Associates Inc. Professional Land Surveying Corporation,
MO State Cert. of Authority #000281
DEPARTMENT: Community Development  
ACTION REQUESTED: First Reading

SUBJECT: Miner Alumni Addition: a minor subdivision to combine ownership into one platted lot located at 1100 N Pine Street

(MEETING DATE: November 18, 2019)

Application and Notice:
Applicant/Owner - Miner Alumni Association
Public Notice - Information available on city website

Background: The Miner Alumni Association recently purchased an additional property. While specific plans have not yet been finalized, they intend to use the additional property for parking. The property is in the CC, Center City district, which does not allow a stand-alone parking lot. The property combination will allow for the parking lot.

Property Details:
Current zoning - CC, Center City
Current use - Alumni association and vacant residential structure
Proposed use - Alumni association and related parking
Land area - About 1 acre

Public Facilities/Improvements:
Streets - The subject property has frontage on Pine Street, a collector road; and 11th, 12th, and Elm Streets, all local streets.
Sidewalks - There are existing sidewalks along the property frontage on all sides.
Utilities - The subject property should have access to all needed public utilities.
Drainage - Drainage will be reviewed at the time of development.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for center city uses – which includes civic, cultural, and various commercial uses.

Discussion: The proposed plat appears to meet all requirements. The plat will allow for the Alumni Association to increase their on-site parking and/or any needed future development.
Planning and Zoning Commission Recommendation:
The Rolla Planning and Zoning Commission held a meeting on November 12, 2019 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Public Notice Letter, Plat, Ordinance
ORDINANCE NO. ______

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF MINER ALUMNI ADDITION. (SUB19-07)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of Miner Alumni Addition to the City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

______________________________
Mayor

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

SUBJECT: Old Wire Road Plat No. 1: a minor subdivision to combine three platted lots into two commercial lots located at 1630 and 1650 Old Wire Rd

(SUB19-08)

MEETING DATE: November 18, 2019

Application and Notice:

Applicant/Owner: Mike Patel of Dinraj, Inc.
Public Notice: Information available on city website

Background: The applicant owns three platted lots. A hotel has been constructed on two of the lots. The lot lines are proposed to be adjusted to allow for the development of the remainder of the property.

Property Details:

Current zoning: C-2, General Retail
Current use: Hotel and vacant/undeveloped
Proposed use: Not disclosed for undeveloped lot
Land area: About 4.7 acres in total

Public Facilities/Improvements:

Streets: The subject property has frontage on Old Wire Road (N I-44 Outer Road), a collector road.
Sidewalks: There are not existing sidewalks along the property frontage or in the vicinity. Sidewalks may be required at the time of development.
Utilities: The subject property should have access to all needed public utilities.
Drainage: Drainage will be reviewed at the time of development.

Comprehensive Plan: The Comprehensive Plan designates the subject property as being appropriate for commercial uses.

Discussion: The proposed plat appears to meet all requirements. The plat will allow for the development of the vacant/undeveloped lot.
Planning and Zoning Commission Recommendation:
The Rolla Planning and Zoning Commission held a meeting on November 12, 2019 and voted 6-0 to recommend approval of the request.

Prepared by: Tom Coots, City Planner
Attachments: Public Notice Letter, Plat, Ordinance
OLD WIRE ROAD PLAT NO. 1
A Minor Subdivision of Lots 5, 6 and 7 of UNIVERSITY PARK SUBDIVISION,
Rolla, Phelps County, Missouri
ORDINANCE NO. ________

AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF OLD WIRE ROAD PLAT #1. (SUB19-08)

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

SECTION 1: An ordinance approving the Minor Subdivision Final Plat of Old Wire Road Plat #1 in the City of Rolla, Phelps County, Missouri through the subdivision process.

SECTION 2: That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the revised plat has been filed with the Phelps County Recorder of Deeds.


APPROVED:

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

APPROVED AS TO FORM:

__________________________________
City Counselor
CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Darin Pryor

ACTION REQUESTED: Bid Award / Ordinance Motion / 1st Reading

ITEM/SUBJECT: Project #501 – Centre Basketball Court Refinishing

BUDGET APPROPRIATION: $42,000 DATE: 11/18/19

COMMENTARY:

City staff asked for and received bids for the Centre Basketball Court Refinishing. The bids were as follows:

Lankford Enterprises, Inc. $23,800.00
20635 S. Metcalf
Bucyrus, KS 66013

Charles Luebbert Hardwood Floor, Inc. $29,758.00
3205 Wardsville Rd.
Jefferson City, MO 65101

Missouri Floor Co. $43,100.00
2438 Northline Ind.
Maryland Heights, MO 63043

A copy of the Bid Tab is attached.

Staff is requesting a motion to award the bid to the low bidder, Lankford Enterprises Inc. and the first reading of the ordinance authorizing the Mayor to enter into the contract with Lankford Enterprises Inc. $23,800.00.
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<th>TOTAL</th>
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Lankford Ent., Inc.  
Donald Walker  
20635 S. Metcalf  
Bucyrus, KS 66013  
Ph: 913-681-2244  
FAX: 913-681-5407  
E-mail: don@lankfordfloors.com

Charles Luebbert  
Hardwood Floor, Inc.  
Jason Luebbert  
3205 Wardsville Rd.  
Jefferson City, MO 65101  
Ph: 573-635-8232  
E-mail: ajluebbert3@gmail.com

Missouri Floor Co.  
Ryan Beilsrith  
2438 Northline Ind.  
Maryland Heights, MO 63043  
Ph: 314-432-2260  
FAX: 314-432-7438  
E-mail: ryanb@mofloor.com
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 LANKFORD ENTERPRISES INC., FOR CENTRE BASKETBALL COURT REFINISHING, PROJECT #501.

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 Lankford Enterprises Inc., for Centre Basketball Court Refinishing, Project #501, a copy of said agreement being attached hereto and marked Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 18th DAY OF NOVEMBER 2019.

APPROVED:

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

APPROVED AS TO FORM:

__________________________
CITY COUNSELOR
CONTRACT AGREEMENT

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

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertised for and in connection with the construction of: Centre Basketball Court Refinish, PROJECT 501, in complete accord with the Contract Documents and the said plans and specifications; and

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

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

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

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner's official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor's proposal, for the construction of Centre Basketball Court Refinish, PROJECT 501.
It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

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

ARTICLE III. Occupational Safety and Health Administration (OSHA) Safety Training:

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

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

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

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

Notice of Penalties for Failure to Provide Safety Training

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

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

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

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, General 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 \$23,800.00 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.

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

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

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

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

CITY OF ROLLA, MISSOURI

BY
Mayor, Owner, Party of the First Part

CONTRACTOR

BY

Printed Name

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

VI A.7.
WHEREAS: The City of Rolla, Missouri celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, and are responsible for 63 percent of net new jobs created over the past 20 years; and

WHEREAS: small businesses employ 48 percent of the employees in the private sector in the United States and small businesses form the backbone of our local economy, generating jobs and improving the quality of life for citizens; and

WHEREAS: Rolla, Missouri issues some 1,220 business licenses each year and supports the efforts of local small businesses and recognizes the critical role they play in our community; and

WHEREAS: Small Business Saturday is a nationwide campaign to cultivate business for small merchants on the Saturday after Thanksgiving. Small Business Saturday will stimulate economic growth for merchants in our community; and

WHEREAS: Rolla, Missouri values its local businesses and celebrates the diversity of the goods and services they provide.

NOW, THEREFORE, I, Louis J. Magdits, IV, Mayor of the City of Rolla, Missouri, do hereby proclaim Saturday, November 30, 2019 as "SMALL BUSINESS SATURDAY"

in the City of Rolla, Missouri, and I encourage all residents to recognize and support small businesses within our community by shopping at these establishments as a way to boost the local economy and strengthen our small business community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Rolla to be affixed this 18th Day of November in the Year of Our Lord, Two-Thousand Nineteen.

[Signature]

MAYOR