

**Please Note:** The Council Meeting will be conducted at Rolla City Hall but physical participation will be limited per CDC guidelines. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSQqtuhOAVkCCyieA>

**COUNCIL PRAYER**

Ministerial Alliance

**AGENDA OF THE ROLLA CITY COUNCIL**

**Monday, August 1st, 2022; 6:30 P.M.**

**City Hall Council Chambers**

**901 North Elm Street**

**PRESIDING: MAYOR LOUIS J. MAGDITS, IV**

**COUNCIL ROLL: MORIAH RENAUD, TERRY HIGGINS, MEGAN JOHNSON, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIED HALL, ROBERT KESSINGER, CARROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH**

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**PLEDGE OF ALLEGIANCE**

Councilwoman Tina Balch

**I. CONSENT AGENDA**

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – July 5th, 2022
2. Closed Session Minutes – July 5th, 2022
3. City Council Meeting – July 18th, 2022
4. Closed Session Minutes – July 18<sup>th</sup>, 2022
5. City Council Workshop Minutes – July 25th, 2022

**II. PUBLIC HEARINGS –**

**III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –**

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

- a. Environmental Services Department Monthly Report – June 2022
- b. Building Codes monthly report – June 2022
- c. Police Department Monthly Report – May 2022
- d. Animal Control Division Report – May 2022
- e. RMU monthly reports – June 2022
- f. City of Rolla Financial Reports – June 30<sup>th</sup>, 2022
- g. Rolla Board of Public Works minutes for June 28th, 2022
- h. Municipal Court Division Summary – June 2022
- i. Development Review Committee Minutes for July 5th, 2022
- j. Planning & Zoning Minutes for June 14<sup>th</sup>
- k. The Centre Income Statement ending June 30, 2022

**V. PUBLIC HEARINGS – N o n e**

August 1, 2022

VI. **ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS** – None

VII. **OLD BUSINESS** –

- A. **Ordinance** re-adopting procedure to disclose potential conflicts of interest. (City Administrator John Butz) **Final Reading**
- B. **Ordinance** allowing the Mayor to enter into an agreement with Pierce Asphalt LLC for Project #549 – FY2022 Asphalt Improvements. (City Engineer Darin Pryor) **Final Reading**
- C. **Ordinance** to approve the rezoning of 1702/1704 E. 10<sup>th</sup> Street from the R-3, Multi-family district to the C-O Commercial Office district. (City Planner Tom Coots) **Final Reading**

VIII. **NEW BUSINESS** –

- A. **Ordinance** updating the sewer pretreatment program as approved by MDNR. (City Engineer Darin Pryor) **First Reading**

IX. **CLAIMS and/or FISCAL TRANSACTIONS** –

X. **CITIZEN COMMUNICATION**

XI. **MAYOR/CITY COUNCIL COMMENTS**

- A. Reminder of August 2<sup>nd</sup> Primary Election
- B. Appointment of Nathan Chirban as Council Representative for Planning and Zoning. (1 year term)

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

XIII. **CLOSED SESSION** – Closed Session per RSMo 610.021 (2) Real Estate and (1) Legal

XIV. **ADJOURNMENT** -

**ROLLA CITY COUNCIL MEETING MINUTES  
TUESDAY, JULY 5TH, 2022; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor Louis J. Magdits IV

**Council Members in Attendance via Zoom Videoconferencing:** Lister Florence and Victoria Steen

**Council Members in Physical Attendance:** Moriah Renaud, Megan Johnson, Nathan Chirban, Matt Fridley, Jaired Hall, Rob Kessinger, Stanley Mayberry, Terry Higgins and Tina Balch.

**Council Members Absent:** Carrolyn Bolin

**Department Directors in Attendance via Zoom Videoconferencing:** - Centre Recreation Director Marci Fairbanks

**Department Directors and Other City Officials in Physical Attendance:** City Administrator John Butz, Community Development Director Steve Flowers, City Planner Tom Coots, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Finance Director Steffanie Rogers, Parks Director Floyd Jernigan and City Counselor Carolyn Buschjost.

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Nathan Chirban to lead in the Pledge of Allegiance.

**I. CONSENT AGENDA**

- A. Consider Approval of the City Council Minutes of:
1. City Council Meeting – June 6<sup>th</sup>, 2022
  2. Closed Session Minutes – June 6<sup>th</sup>, 2022
  3. City Council Meeting – June 20<sup>th</sup>, 2022
  4. City Council Workshop Minutes – June 27<sup>th</sup>, 2022

A motion was made by Fridley and seconded by Johnson to accept the minutes. A voice vote revealed 11 Ayes, zero Nays, and 1 Absent.

**II. PUBLIC HEARINGS** – Mayor Magdits announced that item II.B. would first be addressed.

- A. **Public Hearing (Continued)** Proposed text amendment in Chapter 42 of City Code pertaining to homeless shelters and related issues. (City Planner Tom Coots) at 6:52 pm the public hearing was continued. The following citizens voiced concerns or support regarding the proposed text, The Mission, or homeless situation: Patrick Wilson-209 Sooter Lane, Ashley Brooks-Executive Director of The

July 5th, 2022

Mission, Shawn Harris-15600 Meadows Drive, Marsha Ray-Volunteer at Mission, Heather Walls-1908 N. Bishop, Lela Weibbenmeier, Dale Wands, Patti Fleck-501 Dover, Tommy-patron of the Mission, Elaine Grover, Paz Johnson, and Joanne Stiritz-business neighbor of the Mission. At 7:52 pm the public hearing was closed.

Mayor Magdits stated that the proposed text was meant to start a community conversation. Councilwoman Johnson made a motion to amend the text to remove the Commercial zonings from the text amendment. Mayor Magdits and Legal Counsel stated that tonight was intended as a public hearing only and not for taking action. Further discussion would be had during closed session.

- B. **Public Hearing and Ordinance** to allow the rezoning of 1306 Hwy 72 East from the C-1, Neighborhood Commercial district to the C-2, General Retail district ZON22-02 (City Planner Tom Coots) Mayor Magdits opened the hearing at 6:34 pm. Eric Showalter-615 Brighton Court spoke on lighting, erosion, and planting concerns. Polly Scott-Showalter spoke on noise concerns and previous experiences regarding music being played from the car lot. At 6:48 pm the public hearing was closed. City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4683: AN ORDINANCE TO APPROVE THE RE-ZONING OF 1306 HWY 72 EAST FROM THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-2, GENERAL RETAIL DISTRICT. A motion was made by Johnson and seconded by Kessinger to pass the ordinance. A roll call vote showed the following: Ayes: Mayberry, Balch, Chirban, Renaud, Steen, Kessinger, Florence, Hall, Johnson, Fridley, and Higgins. Nays: None. Absent: Bolin.

III. **ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS** – None

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

- a. Environmental Services Department Monthly Report – May 2022
- b. Building Codes monthly report – May 2022
- c. Police Department Monthly Report – May 2022
- d. Animal Control Division Report – May 2022
- e. RMU monthly reports – May 2022
- f. Rolla Board of Public Works minutes for May 24th, 2022
- g. Rolla Board of Public Works Workshop minutes for June 13<sup>th</sup>, 2022
- h. The Centre Income Statement – May 2022
- i. Municipal Court Division Summary – May 2022
- j. Development Review Committee Minutes for June 7th, 2022
- k. Parks & Rec Director's Update

Councilwoman Balch drew attention to the issues in the Directors of Parks and Rec report regarding the homeless.

V. **OLD BUSINESS** –

- A. **Ordinance** authorizing the agreement with Archer-Elgin Engineering for Professional Services and authorizing Task Order Number 1. (Public Works Director Steve Hargis) City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4684: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT FOR PROFESSIONAL SERVICES AND TASK ORDER NUMBER 1 BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C. A motion was made by Higgins and seconded by Fridley to approve the ordinance. A roll call vote showed the following: Ayes: Hall, Mayberry, Chirban, Renaud, Steen, Kessinger, Higgins, Balch, Johnson, Fridley, and Florence. Nays: zero Absent: Bolin.

- B. **Ordinance** approving Enhanced Enterprise Zone Property Tax Abatement – Fairfield Inn by Marriott. (City Administrator John Butz) City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4685: AN ORDINANCE APPROVING AN ENHANCED ENTERPRISE ZONE PROJECT AND AUTHORIZING THE CIT OF ROLLA, MISSOURI TO ENTER INTO AN ENHANCED ENTERPRISE ZONE AGREEMENT WITH KRIS HOTEL LLC. A motion was made by Johnson and seconded by Fridley. A roll call vote showed the following: Ayes: Renaud, Florence, Steen, Higgins, Chirban, Fridley, Johnson, Kessinger, Mayberry, Hall, and Balch. Nays: zero. Absent: Bolin.
- C. **Ordinance** to authorize the vacation of the remainder of Spring Street, north of 13<sup>th</sup> Street; a portion of 13<sup>th</sup> Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and bishop Ave and 13<sup>th</sup> Street and University Dr. (City Planner Tom Coots) City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4686: AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF SPRING STREET, NORTH OF 13<sup>TH</sup> STREET; A PORTION OF 13<sup>TH</sup> STREET, BETWEEN SPRING STREET AND BISHOP AVENUE; AND THE REMAINDER OF AN ALLEY BETWEEN SPRING STREET AND BISHOP AVE AND 13<sup>TH</sup> STREET AND UNIVERSITY DR. A motion was made by Higgins and seconded by Renaud to approve the ordinance. A roll call vote showed the following; Ayes: Fridley, Kessinger, Higgins, Renaud, Steen, Mayberry, Chirban, Balch, Johnson, Hall, and Florence. Nays: zero. Absent: Bolin.
- D. **Ordinance** to authorize the vacation of the remainder of State Street north of 11<sup>th</sup> Street. (City Planner Tom Coots) City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4687: AN ORDINANCE APPROVING THE VACATION OF THE REMAINDER OF STATE STREET NORTH OF 11<sup>TH</sup> STREET. A motion was made by Hall and seconded by Johnson to approve the ordinance. A roll call vote showed the following; Ayes: Steen, Chirban, Higgins, Renaud, Mayberry, Balch, Johnson, Kessinger, Florence, Fridley, and Hall. Nays: zero, Absent: Bolin.
- E. **Ordinance** authorizing a Minor Subdivision Final Plat to reorganize two residential lots into one lot. Wolfe’s Corner: SUB22-05 (City Planner Tom Coots) City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4688: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF WOLFE’S CORNER. A motion was made by Fridley and seconded by Chirban to approve the ordinance. A roll call vote showed the following: Chirban, Balch, Mayberry, Renaud, Steen, Kessinger, Higgins, Hall, Florence, Fridley, and Johnson. Nays: zero. Absent: Bolin.
- F. **Ordinance** authorizing a Minor Subdivision Final Plat to combine six lots into one lot and vacate utility easements. University Fraternity Subdivision NO. 3: SUB22-06 (City Planner Tom Coots) City Counselor Carolyn Buschjost read the ordinance for its final reading; by title: ORDINANCE 4689: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF UNIVERSITY FRATERNITY SUBDIVISION NO. 3 AND VACATING CERTAIN EASEMENTS. A motion was made by Hall and seconded by Higgins. A roll call vote showed the following: Ayes: Higgins, Steen, Fridley, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, and Renaud. Nays: zero. Absent: Bolin.

VI. **NEW BUSINESS** - NONE

VII. **CLAIMS and/or FISCAL TRANSACTIONS** - NONE

**VIII. CITIZEN COMMUNICATION**

- A. Angela Grogg-Owner of O’Doggy: Shared experiences and concerns regarding the negative impact the homeless have had on her business.
- B. Lisa MaCarthy- Introduced herself as a candidate for Missouri State Representative District 122.

**IX. MAYOR/CITY COUNCIL COMMENTS**

- A. Appointment of John Meusch to the Board of Adjustment (term expires July 2027) A motion was made by Fridley and seconded by Stanley. A roll call vote showed the following: Ayes: Balch, Mayberry, Chirban, Renaud, Florenc,e Kessinger, Higgins, Hall, and Fridley. Nays: Johnson and Steen. Absent: Bolin.
- B. Re-appointment of Linda Goff to the Health and Recreation Centre Board (term expires April 2024) A motion was made by Johnson and seconded by Fridley to approve the appointment. A roll call vote showed the following: Ayes: Kessinger, Fridley, Steen, Renaud, Mayberry, Chirban, Balch, Johnson, Florence, Higgins, and Hall. Nays: none. Absent: Bolin
- C. Councilman Mayberry shared that he had forwarded an email with links that had been prepared by a citizen regarding the text verbiage of the shelter.
- D. Councilman Florence praised the efforts of the Lions Club during the carnival and urged all citizens to join a local charitable organization to get involved.
- E. Fire Chief Ron Smith announced that the City of Rolla was under a Burn Ban due to abnormally dry conditions.
- F. Councilman Fridley drew more attention to the Director of Park’s and Rec report and the issues they are dealing with. He urged citizens that if they see something to report it.

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

**XI. CLOSED SESSION – Closed Session per RSMo 610.021 (1) for a legal matter**

At 8:46 pm a motion was made by Johnson and seconded by Fridley to go into closed session. A roll call vote showed the following: Ayes: Florence, Johnson, Chirban, Fridley, Renaud, Steen, Mayberry, Higgins, Hall, Balch, and Kessinger. Nays: none. Absent: Bolin

At 10:46 Council returned to open session. City Counselor Carolyn Buschjost stated that Council had gone into closed session for 1 legal matter with no action taken.

**XII. ADJOURNMENT –**

Before adjourning Councilman Fridley shared a map of traffic flow that was presented to him by a citizen who proposed that one-way traffic be routed south on Pine Street to highlight the proposed fountain park Plaza at 6<sup>th</sup> and Pine.

Having no further business, the meeting adjourned at approximately 10:50 PM  
Minutes respectfully submitted by City Clerk Lorri Thurman.

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CITY CLERK

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MAYOR

July 5th, 2022

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JULY 18TH, 2022; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor Louis J. Magdits IV

**Council Members in Attendance via Zoom Videoconferencing:** None

**Council Members in Physical Attendance:** Moriah Renaud, Megan Johnson, Nathan Chirban, Matt Fridley, Carolyn Bolin, Jaired Hall, Rob Kessinger, Stanley Mayberry, Terry Higgins, Lister Florence, Victoria Steen and Tina Balch.

**Council Members Absent:** None

**Department Directors in Attendance via Zoom Videoconferencing:** - Finance Director Steffanie Rogers

**Department Directors and Other City Officials in Physical Attendance:** Community Development Director Steve Flowers, City Planner Tom Coots, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Parks Director Floyd Jernigan, Centre Recreation Director Marci Fairbanks and City Counselor Lance Thurman.

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Victoria Steen to lead in the Pledge of Allegiance.

**I. PUBLIC HEARINGS –**

- A. Public Hearing and Ordinance to approve the rezoning of 1702/1704 E. 10<sup>th</sup> Street from the R-3, Multi-family district to the C-O Commercial Office district. (City Planner Tom Coots) The applicant seeks to lease some office space for a real estate company. Non-medical offices are not permitted uses in the R-3 district. The applicant seeks to rezone the property to the C-O, Commercial Office district to allow for all types of office uses. At 6:34 p.m. Mayor Magdits opened the public hearing. There were no public comments in favor or against the rezoning and the public hearing was closed at 6:35 p.m. City Counselor Lance Thurman read the ordinance for its first reading by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF 1702-1704 E 10<sup>TH</sup> STREET FROM THE R-3, MULTI-FAMILY DISTRICT TO THE C-O, COMMERCIAL OFFICE DISTRICT.

**II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –**

- A. Chief Fagan presented VIPS member Jim Marcellus with a Distinguished Volunteer Award for his recent involvement in stopping a burglary in progress.

July 18th, 2022

- B. Glenn Gibson Chairman of (SCRVG) South Central Regional Veterans Group, updated Council on the progress of the Veteran’s Memorial Park and the new pavilion and fundraising efforts underway to finish the project. Mr. Gibson also stated a parking lot across from the Armed Forces Pentagon would be very beneficial to both the Veterans Park as well as the Acorn Trail.

III. **OLD BUSINESS** – None

IV. **NEW BUSINESS** –

- A. **Ordinance** re-adopting procedure to disclose potential conflicts of interest. Mayor Magdits explained that as a political subdivision with an annual operating budget over \$1 million, the City has the option of passing an ordinance to establish its own method of disclosing potential conflicts of interest pursuant to RSMo 105.485.4 which the City of Rolla has done for at least 30 years. City Counselor Lance Thurman read the ordinance for its first reading; by title: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF.
- B. Search process for Public Works Director – Mayor Magdits updated Council on the process to search for the next Public Works Director, a process that can either be out-sourced or managed internally by forming a search committee with individuals recommended by the City Administrator. PW Director Steve Hargis anticipates retiring in October of 2022.

V. **CLAIMS and/or FISCAL TRANSACTIONS** –

- A. Award of Bid to Pierce Asphalt LLC for Project #549 – FY 2022 Phase III Asphalt Improvements and Ordinance allowing the Mayor to enter into an agreement with same. (City Engineer Darin Pryor) One bid was received for this project. A motion was made by Kessinger and seconded by Bolin to award the bid to Pierce Asphalt, LLC for \$282,139.86. A voice vote showed 12 Ayes and zero Nays. City Counselor Lance Thurman read the ordinance for its first reading; by title: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT LLC.

VI. **CITIZEN COMMUNICATION**

- A. Randy Barr introduced himself as Candidate for Missouri State Representative District 122.
- B. Suzie Pollock introduced herself as Candidate for Missouri Senate 16.
- C. Zachary Milbrat – 1409 Commercial Drive: Asked about traffic control signage requirements but the Asphalt workers.

VII. **MAYOR/CITY COUNCIL COMMENTS**

- A. Tina Balch reminded everyone to get out August 2<sup>nd</sup> and vote.

VIII. **COMMENTS FOR THE GOOD OF THE ORDER** - NONE



IX. **CLOSED SESSION** – Closed Session per RSMo 610.021 (1) legal and (2) real estate. At 7:35 p.m. Johnson made a motion that was seconded by Renaud to go into closed session. A roll call vote showed the following: Ayes: Balch, Mayberry, Chirban, Bolin, Renaud, Florence, Kessinger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: none.

At 9:15 p.m. Council adjourned from closed session after discussion regarding legal and real estate matters. No final action was taken.

X. **ADJOURNMENT** -

Having no further business, the meeting adjourned at approximately 9:17 p.m. Minutes respectfully submitted by City Clerk Lorri Thurman.

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CITY CLERK

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MAYOR

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**ROLLA CITY COUNCIL WORKSHOP MINUTES**

**Monday, July 25th, 2022; 5:30 P.M.**

**The Centre  
1200 Holloway Street  
Rolla, Mo**

**Presiding: Mayor Louis J. Magdits, IV**

**Council Present: Moriah Renaud, Terry Higgins, Megan Johnson, Nathan Chirban, Lister B. Florence, Jr., Matthew Fridley, Jaired Hall, Robert Kessinger, Carrolyn Bolin, Stanley Mayberry, and Victoria Steen**

**Council Absent: Tina Balch**

**Directors Present: City Administrator John Butz, Parks Director Floyd Jernigan, Centre Recreation Director Marci Fairbanks**

DISCUSSION ON REC CENTRE OPERATIONS:

Mayor Magdits opened the meeting at 5:30 with a brief history of the Centre. He was joined by Bill Moorkamp and Francine Merenghi, respective Chairman and Vice Chairman of the Centre Advisory Board. Josh Carlson, VP of Operations at Power Wellness shared with Council how the Centre was on track to be self-sufficient by FY 2024. Memberships have grown to 2000 with a goal of 2900 billable memberships by 2024 and 3600 billable memberships by 2026. If successful the Centre would cover all operational costs by 2024. Power Wellness took over management of The Centre and all employees of the same in 2020 (during COVID). Since the transfer of management, Power Wellness has supported the original mission of the Centre being a health, wellness, and recreation complex rather than a fitness complex. A medical integration strategy has been adopted and by the end of 2022, will be 50% of the way to completing a process to make The Centre the first and only MFA Certified facility in Missouri by 2024.

ADJOURNMENT:

With nothing further, the meeting was adjourned at 7:30 P.M.

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Mayor Louis J. Magdits IV

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City Clerk Lorri M. Thurman

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## ***JUNE MATERIALS COLLECTED & SHIPPED FROM RECYCLING CENTER***

(Based on Calendar Year)

<b>Material</b>	<b>Jun 2022</b>	<b>May 2022</b>	<b>Jun 2021</b>	<b>Year-to-Date 2022</b>	<b>Year-to-Date 2021</b>	<b>Yearly Total 2021</b>
Cardboard	137.0 ton	123.9 ton	140.5 ton	815.9 ton	860.5 ton	1,649.0 ton
Newspaper	35.0 ton	69.7 ton	56.5 ton	245.7 ton	312.0 ton	527.1 ton
High Grade Paper	22.0 ton	0.0 ton	0.0 ton	42.0 ton	43.5 ton	65.5 ton
Aluminum	0.0 ton	2.0 ton	2.5 ton	8.9 ton	10.5 ton	19.7 ton
Steel Cans/Scrap Metal	6.0 ton	5.4 ton	2.5 ton	34.8 ton	33.1 ton	63.7 ton
Plastic	0.0 ton	20.5 ton	10.3 ton	51.9 ton	61.6 ton	122.6 ton
Glass	44.5 ton	0.0 ton	22.5 ton	135.0 ton	144.5 ton	260.2 ton
Batteries	0.0 ton	0.0 ton	0.0 ton	0.8 ton	0.3 ton	0.3 ton
Electronic Waste	6.7 ton	0.0 ton	3.6 ton	21.1 ton	26.0 ton	47.8 ton
Household HW	0.0 ton	0.0 ton	0.0 ton	0.0 ton	0.3 ton	0.3 ton
<b>TOTAL</b>	<b>251.2 ton</b>	<b>221.4 ton</b>	<b>238.4 ton</b>	<b>1,356.1 ton</b>	<b>1,492.2 ton</b>	<b>2,756.0 ton</b>

### ***SERVICES PROVIDED***

<b>Type of Service</b>	<b>Jun 2022</b>	<b>May 2022</b>	<b>Jun 2021</b>	<b>Year-to-Date 2022</b>	<b>Year-to-Date 2021</b>	<b>Yearly Total 2021</b>
Special Pick-ups	92	70	107	340	393	732
Paper Shredding	4.8 hours	5.8 hours	12.5 hours	34.0 hours	43.5 hours	64.3 hours
Reported Trash Nuisances	0	0	0	0	0	0
Households Dropping Off Hazardous Waste	97	73	98	485	445	762

### ***DISPOSAL TONNAGE***

(Sanitation Division)

<b>Material</b>	<b>Jun 2022</b>	<b>May 2022</b>	<b>Jun 2021</b>	<b>Year-to-Date 2022</b>	<b>Year-to-Date 2021</b>	<b>Yearly Total 2021</b>
Refuse	1,396.6 ton	1,555.8 ton	1,612.2 ton	8,501.0 ton	8,805.2 ton	18,681.1 ton

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**Management Report  
FISCAL YEAR 2022**

**June 2022**

BUILDING PERMITS ISSUED	JUNE FY 2022		JUNE FY 2021		YTD FY 2022		YTD FY 2021		Δ CHANGE FY 21 - FY 22	
	#	Value	#	Value	#	Value	#	Value	# ISSUED	\$ VALUE
<b>PERMITS ISSUED</b>	44	\$ 2,106,865	44		307		284		8.1%	
Electric, Plumbing, etc. Only	15		9	\$ 5,000	116	\$ 100,000	96	\$ 59,000	20.8%	69.5%
Single Famil Detached	-	\$ -	1	\$ 239,200	11	\$ 3,152,895	8	\$ 1,815,503	37.5%	73.7%
Single Family Attached	-	\$ -	-	\$ -	8	\$ 1,437,000	-	\$ -		
Duplexes	-	\$ -	-	\$ -	1	\$ 291,800	-	\$ -		
3-or-4 family	-	\$ -	-	\$ -	9	\$ 3,818,490	4	\$ 1,434,700	125.0%	166.2%
5-or-more family	-	\$ -	-	\$ -	1	\$ 2,057,200	-	\$ -	#DIV/0!	#DIV/0!
Hotels, Motels	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Other nonhousekeeping shelter	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Amusement, social, recreational	-	\$ -	-	\$ -	2	\$ 291,500	-	\$ -		
Churches, other religious	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Industrial	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Parking garages	2	\$ 1,400,000	3	\$ 700,250	5	\$ 1,486,500	4	\$ 710,250	25.0%	109.3%
Service stations, repair garages	-	\$ -	-	\$ -	1	\$ 1,204,750	-	\$ -		
Hospitals, institutional	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Offices, banks, professional	1	\$ 250,000	-	\$ -	2	\$ 1,245,000	1	\$ 614,100	100.0%	102.7%
Public Works, utilities	-	\$ -	-	\$ -	1	\$ 500,000	-	\$ -		
Schools, other educational	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Stores, customer	-	\$ -	2	\$ 1,192,500	1	\$ 1,850,000	2	\$ 1,192,500	-50.0%	55.1%
Towers, antennas	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Signs, attached and detached	18	\$ 99,750	11	\$ 38,450	52	\$ 569,200	38	\$ 200,612	36.8%	183.7%
Residential addition, remodel	7	\$ 57,115	9	\$ 156,600	50	\$ 1,294,865	48	\$ 1,014,250	4.2%	27.7%
Commercial addition, remodel	1	\$ 300,000	9	\$ 1,363,000	23	\$ 3,524,216	41	\$ 4,125,500	-43.9%	-14.6%
Residential garage, carport	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Demolition, single family	-	\$ -	-	\$ -	17	\$ -	31	\$ -	-45.2%	#DIV/0!
Demolition, 2-family	-	\$ -	-	\$ -	-	\$ -	1	\$ -	-100.0%	
Demolition, 3-or-4 family	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Demolition, 5-or-more family	-	\$ -	-	\$ -	-	\$ -	1	\$ -	-100.0%	
Demolition, all other	-	\$ -	-	\$ -	6	\$ -	9	\$ -	-33.3%	
Total Residential Units	-	\$ -	-	\$ 1	24	\$ 10,757,385	22	\$ 2,737,585	9.1%	293.0%
<b>EST. CONSTRUCTION COSTS</b>		<b>\$ 2,106,865</b>		<b>\$ 3,692,000</b>		<b>\$ 22,823,416</b>		<b>\$ 11,163,365</b>	#DIV/0!	104.4%
Building Permit Fees		\$ 11,808		\$ 13,475		\$ 85,712		\$ 54,715	#DIV/0!	56.7%
<b>FEES</b>		<b>\$ 18,158</b>		<b>\$ 28,625</b>		<b>\$ 181,212</b>		<b>\$ 127,165</b>	#DIV/0!	42.5%

INSPECTIONS PERFORMED	JUNE FY 2022	JUNE FY 2021	YTD FY 2022	YTD FY 2021	FY FY 21 - FY 22
Building Inspections	201	210	1499	1,229	22%
Electrical Inspections	78	100	638	644	-1%
Excavation Inspections	0	0	0	0	#DIV/0!
Plumbing Inspections	55	43	428	429	0%
Mechanical Inspections	30	35	190	283	-33%
Code Inspections	274	275	2226	1,776	25%
Nuisance Inspections	259	108	1335	493	171%
Business License Inspections	26	23	126	103	22%
<b>TOTAL INSPECTIONS</b>	<b>923</b>	<b>794</b>	<b>6442</b>	<b>4,957</b>	<b>30%</b>

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# Rolla Police Department Monthly Report

YTD 2022

## Calls for Service

"Calls for Service" refers to the general daily activity of the officers - and dispatchers, in some situations - of the Rolla Police Department, as recorded in the Computer Aided Dispatch (CAD) system. Each incident handled by one or more of those individuals, whether in response to a citizen's request for assistance, self-initiated by an officer, or scheduled, is recorded as a single "Call for Service". Call types are assigned based on the initial circumstances presented to the dispatcher and, therefore, should not be considered a reflection of the full nature of the call. "Calls for Service" should also not be mistaken for "Reports Taken".

Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	2021 YTD	% Increase
Abandoned/Recovered Property	18	11	17	19	24	21							110	110	0.00%
Abandoned Vehicle	13	16	20	28	15	9							101	106	-4.72%
Accident - Fatality	0	0	0	0	0	0							0	0	#DIV/0!
Accident - Injury	19	13	22	20	22	11							107	113	-5.31%
Accident - Leave The Scene	13	14	10	18	17	10							82	93	-11.83%
Accident - No Injury	45	48	46	51	37	42							269	241	11.62%
Accident - Private Property	23	22	28	24	24	20							141	128	10.16%
Accident - Road Blocked	5	5	3	9	7	2							31	50	-38.00%
Adult Abuse	0	0	0	0	0	0							0	1	-100.00%
Alarm LE	75	80	61	66	61	76							419	394	6.35%
Animal Bite/Attack	2	3	8	2	3	4							22	20	10.00%
Animal Control	88	91	101	98	142	147							667	699	-4.58%
Arson	0	0	0	0	0	0							0	0	#DIV/0!
Assault	13	13	13	17	20	18							94	52	80.77%
Assist Agency Non-LEA	85	69	73	58	83	17							385	453	-15.01%
Assist Citizen	4	10	8	3	13	5							43	56	-23.21%
Assist LEA	16	9	19	19	10	66							139	125	11.20%
Assist Motorist	24	40	22	28	18	27							159	189	-15.87%
Bomb Threat	0	0	2	0	0	1							3	0	#DIV/0!
Building Lockout	0	0	0	0	1	0							1	2	-50.00%
Burglary	14	12	14	17	16	23							96	106	-9.43%
Business/Building Check	410	191	157	224	150	284							1,416	1,280	10.63%
Call for Police	73	60	82	71	86	76							448	586	-23.55%
Check Well Being	96	102	102	118	128	160							706	591	19.46%
Child Abuse	2	1	1	1	3	3							11	21	-47.62%
Child Exploitation/Pornography	0	0	0	0	0	0							0	1	-100.00%
Confidential Investigation	0	2	0	0	0	0							2	0	#DIV/0!
Conservation Violation	0	1	0	0	0	0							1	0	#DIV/0!
Court	8	8	7	15	11	7							56	75	-25.33%
Crossing Guard (Officer coverage)	5	7	8	7	20	0							47	22	113.64%
CWB 911 Hangup	251	209	229	174	215	154							1,232	1,554	-20.72%
Death	1	3	2	2	2	0							10	7	42.86%
Destruction of Property	13	20	11	23	17	20							104	97	7.22%
Disturbance-Fireworks	1	1	1	0	1	5							9	5	80.00%
Disturbance-Liquor	0	0	1	0	1	1							3	8	-62.50%
Disturbance-Other	73	53	63	67	85	86							427	486	-12.14%
Domestic Violence	39	45	46	42	49	40							261	243	7.41%
Driving While Intoxicated	13	10	9	14	5	8							59	40	47.50%
Drown/Water Rescue	0	0	0	1	0	0							1	1	0.00%
Drug Paraphernalia	5	2	17	7	12	12							55	46	19.57%
Escort - Bank	0	1	0	0	0	0							1	1	0.00%
Escort - Courtesy	7	11	4	5	1	4							32	68	-52.94%
Escort - Funeral	7	7	6	6	6	8							40	44	-9.09%
Exparte Violation	2	6	8	6	10	7							39	39	0.00%
Field Interview	38	28	24	46	68	88							292	296	-1.35%
Fight	4	4	7	3	5	10							33	38	-13.16%
Fingerprints	6	11	8	10	5	1							41	47	-12.77%
Follow-up	141	87	110	111	145	119							713	782	-8.82%
Foot Patrol	0	0	1	0	2	1							4	8	-50.00%
Forgery-Counterfeiting	1	1	1	0	1	2							6	3	100.00%
Found Body	0	0	1	0	0	0							1	0	#DIV/0!
Fraud - Checks/Credit Card	13	16	32	18	13	27							119	106	12.26%
Harassment	16	20	18	24	25	25							128	108	18.52%
Hotel/Motel Check	0	0	0	0	0	0							0	1	-100.00%
Identity Theft	0	2	2	2	2	1							9	4	125.00%
Information Request	202	205	257	268	292	321							1,545	1,315	17.49%
Intoxicated Person	11	7	20	9	16	4							67	57	17.54%
Juvenile Complaint	12	15	13	10	23	9							82	39	110.26%
Keep the Peace/Standby	22	13	14	11	9	8							77	49	57.14%
Kidnapping	1	0	0	0	0	0							1	0	#DIV/0!

<b>Description</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>YTD</b>	<b>2021 YTD</b>	<b>% Increase</b>
Leave without Pay	0	1	0	0	1	3							5	4	25.00%
Liquor Violation	0	0	2	0	0	0							2	2	0.00%
Littering/Dumping	2	2	3	0	9	11							27	12	125.00%
Loitering	9	7	8	4	8	16							52	54	-3.70%
Lost or Stolen Property	7	6	7	4	5	4							33	29	13.79%
Loud Noise Complaint	19	28	42	25	36	25							175	144	21.53%
Malicious Mischief	3	1	2	2	0	0							8	4	100.00%
Other	0	0	0	0	0	0							0	4	-100.00%
Mental Health	35	25	31	20	30	28							169	157	7.64%
Missing Person	3	15	8	9	7	7							49	41	19.51%
Narcotics Violation	14	18	29	29	39	18							147	178	-17.42%
No Business License	1	0	0	0	0	0							1	0	#DIV/0!
Open Door	6	10	4	14	5	10							49	45	8.89%
Overdose	5	11	9	12	11	7							55	70	-21.43%
Paper Service	30	27	43	27	23	19							169	135	25.19%
Prisoner Transport	1	3	2	2	2	2							12	17	-29.41%
Property Damage-Non Criminal	0	1	1	2	1	2							7	7	0.00%
Prostitution	0	0	0	0	1	1							2	0	#DIV/0!
Prowler	1	3	2	4	5	5							20	15	33.33%
Public Indecency	0	0	0	0	0	4							4	5	-20.00%
Public Relations	4	1	9	6	13	4							37	38	-2.63%
Pursuit	1	0	0	0	1	0							2	5	-60.00%
Rape/Sexual Assault	0	1	1	2	1	1							6	3	100.00%
Robbery	0	1	0	0	0	0							1	3	-66.67%
Runaway	7	7	9	4	12	6							45	24	87.50%
Search Warrant	0	0	0	1	1	1							3	1	200.00%
Vacation/Security Check	32	17	23	19	23	18							132	41	221.95%
Selective Enforcement	0	0	0	1	0	0							1	2	-50.00%
Sewer Alarm	0	0	0	2	0	0							2	0	#DIV/0!
Sex Offenses	11	3	5	9	4	5							37	22	68.18%
Shots Fired	2	2	2	3	0	0							9	19	-52.63%
Smoking Violation	0	0	0	0	0	0							0	2	-100.00%
Soliciting	1	1	1	1	3	3							10	4	150.00%
Stabbing	0	0	0	0	0	0							0	0	#DIV/0!
Stabbing or Shooting with Injury	0	0	0	0	1	1							2	4	-50.00%
Stalking	0	0	0	0	0	1							1	1	0.00%
Stealing	54	38	75	73	98	94							432	491	-12.02%
Stolen Vehicle	10	5	7	5	6	17							50	60	-16.67%
Suicide	1	0	0	0	0	0							1	0	#DIV/0!
Suspicious Activity	80	78	63	102	123	121							567	533	6.38%
Suspicious Package/Item	0	0	1	1	0	0							2	3	-33.33%
SWAT Callout	0	0	1	0	1	0							2	1	100.00%
Tampering	3	8	3	4	9	8							35	40	-12.50%
Telephone Harassment	8	4	6	9	13	9							49	60	-18.33%
Tow Sticker Expired	11	7	16	28	17	22							101	54	87.04%
Traffic Complaint	122	160	150	168	163	161							924	754	22.55%
Traffic Stop	291	379	465	272	385	424							2,216	2,063	7.42%
Trespassing	36	38	32	42	81	84							313	148	111.49%
Try to Contact	14	12	16	16	14	18							90	68	32.35%
Vehicle Identification	60	55	42	61	41	58							317	371	-14.56%
Vehicle Lockout	1	1	1	1	3	5							12	27	-55.56%
Vehicle Repossession	6	5	2	8	4	2							27	21	28.57%
Veterinary Call	7	3	5	5	4	10							34	26	30.77%
Weapons Violation	4	2	6	4	10	6							32	16	100.00%
<b>Totals</b>	<b>2,832</b>	<b>2,591</b>	<b>2,863</b>	<b>2,773</b>	<b>3,135</b>	<b>3,231</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17,425</b>	<b>16,834</b>	<b>3.51%</b>

## Rolla Police Department Monthly Report YTD 2022

### Part I Crimes

Calls that result in written reports are processed through the department's Records Management System (RMS) and ultimately reported to the MSHP and FBI. Beginning in 2020, we transitioned from the FBI's Uniform Crime Report (UCR) method, which counted only the most serious crime from each incident, to the National Incident-Based Reporting System (NIBRS), which counts each of the offenses per incident separately. NIBRS is now considered the FBI's standard method of reporting. The FBI has historically classified eight of the most serious offenses as "Part I Crimes" (these totals are somewhat fluid as investigations and report processing are not limited to monthly time frames):

	<u>Criminal</u> <u>Homicide</u>	<u>Rape</u>	<u>Robbery</u>	<u>Felony</u> <u>Assault</u>	<u>Burglary</u>	<u>Larceny</u>	<u>Auto Theft</u>	<u>Arson</u>	<u>Total</u>	<u>Change from</u> <u>Previous Yr</u>
June	0	2	0	7	10	48	9	0	76	
YTD 2022	0	6	1	39	53	243	21	0	363	
2021	1	13	9	68	119	563	36	1	810	-21.66%
2020	1	11	1	93	156	712	59	1	1034	11.42%
2019	0	16	6	87	164	604	46	5	928	14.71%
2018	0	30	7	84	102	547	34	5	809	-5.49%
2017	0	18	14	80	114	593	32	5	856	11.31%

### Overdoses

The following data pertain to calls for service responded to by the Rolla Police Department in which an overdose was known or suspected. It is not an accurate representation of all overdoses occurring in Rolla, as these incidents aren't always reported since Narcan is available over-the-counter. Also, in many circumstances, law enforcement may not be called on to respond, as an overdose could be reported as a medical call, or the patient could be transported to the hospital by family/friends. Note the "Narcan Administered" column is ONLY for Narcan administered by RPD. Therefore, it cannot be used as a representation of the # of Narcan uses per overdose incident, as many times another responding agency (Fire, EMS, other LE) administers the Narcan. We do not have statistics for those agencies. Overdose Deaths are those deaths in which it is immediately known an overdose was involved. There is potential for this total to change as death investigations and/or lab results are finalized.

	<u>Overdose Calls for Service</u>	<u>Narcan Administered by RPD</u>	<u>Overdose Deaths</u>
June	13	3	0
YTD 2022	72	22	6
2021	140	58	13

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# ANIMAL CONTROL MONTHLY TOTALS

June 2022

## ANIMALS IMPOUNDED

	Canine	Feline	Other Domestic	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
City of Rolla	23	5	0	25	53	227	204
Rolla Area	0	0	0	0	0	5	24
City of Newburg	0	0	0	0	0	0	2
Newburg Area	0	0	0	0	0	0	0
Edgar Springs Area	0	0	0	0	0	1	0
Other Agencies	0	0	0	0	0	0	0
St. James Area	0	0	0	0	0	7	1
Ft. Leonard Wood	0	0	0	0	0	0	0
<b>Monthly Total</b>	<b>23</b>	<b>5</b>	<b>0</b>	<b>25</b>	<b>53</b>		
<b>2022 YTD Total</b>	<b>136</b>	<b>34</b>	<b>0</b>	<b>70</b>		<b>240</b>	
<b>2021 YTD Total</b>	<b>118</b>	<b>46</b>	<b>0</b>	<b>67</b>			<b>231</b>
<b>Total Phelps County</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>23</b>

## ANIMAL DISPOSITION

	Canine	Feline	Other Domestic	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
Animals Adopted ①	7	3	0	0	10	67	39
Animals Claimed	0	0	0	0	0	49	69
Euthanized(III/Injured)	0	1	0	0	1	4	6
Euthanized(Dangerous)	4	0	0	0	4	22	30
Euthanized(Un-Placed)②	0	0	0	0	0	0	0
Deceased on Arrival	1	2	0	7	10	47	43
Transferred to Rescue ③	0	0	0	0	0	7	13
Wildlife Relocated	0	0	0	0	0	8	22
Other	0	0	0	0	0	1	1
<b>Monthly Total</b>	<b>12</b>	<b>6</b>	<b>0</b>	<b>7</b>	<b>25</b>		
<b>2021 YTD Total</b>	<b>124</b>	<b>36</b>	<b>0</b>	<b>45</b>		<b>205</b>	
<b>2020 YTD Total</b>	<b>119</b>	<b>43</b>	<b>0</b>	<b>61</b>			<b>223</b>

## ADDITIONAL STATISTICS

	Monthly Total	2022 YTD Total	2021 Total
Adoption Rate (① + ③) ÷ (① + ② + ③)	100.00%	100.00%	100.00%
PR Programs	2	7	5
Calls for Service	150	628	720
Written Warnings	0	0	0
Citations	2	13	17
Total Incinerator Hours	51	129	407

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FINANCIAL STATEMENT  
JUNE 2022

<b>RECEIPTS:</b>	
Electric, Water, Tax, Sewer and Refuse Charge	\$2,873,908.50
Accounts Receivable - Miscellaneous	\$34,657.16
Customer's Deposits - Refundable	\$62,720.00
Misc Non-Operating Revenue	<u>\$3,517.94</u>
Total Receipts	\$2,974,803.60
FSCB Super-Now Account Interest (May 31, 2022)	\$2,501.39
FSCB Money Market Account Interest (May 31, 2022)	\$0.00
FSCB Electronic Payment Account Interest (May 31, 2022)	\$548.78
FSCB ISC Sweep Account Interest (May 31, 2022)	\$17,776.20
PCB Super-Now Account Interest (May 31, 2022)	\$0.25
Public Utility Cash In Bank (May 31, 2022)	<u>\$31,941,615.44</u>
Total Receipts and Cash In Bank	<u><b>\$34,937,245.66</b></u>
<b>DISBURSEMENTS:</b>	
Power Purchased	\$1,427,560.93
Operating Expenses	\$257,733.79
Administrative and General Expenses	\$116,652.91
Payroll	\$199,537.71
Capital Expenditures	\$11,853.92
Construction in Progress	\$28,201.97
Stock Purchases (Inventory)	\$40,988.58
Balance of Customer's Deposits after Finals	\$60,751.28
Medical, Dental, Vision and Life Insurance Paid by Employees	\$14,072.21
Support Payments	\$1,641.86
457 Plan Employee Contributions	\$9,190.40
Flexible Spending Account Contributions	\$1,002.45
U.S. Withholding Tax	\$26,817.64
Missouri Dept. of Revenue (Sales Tax)	\$39,440.90
Missouri Dept. of Revenue (Income Tax)	\$11,316.00
First State Community Bank (Social Security)	\$40,543.94
Sewer Service Charge	\$333,775.15
Refuse Service Charge	\$205,061.92
PILOT to City of Rolla	\$137,572.50
Purchase U.S. Treasury Bill / Certificates of Deposit	\$0.00
Standpipes Lease/Purchase	\$694.07
Utility Incentives	\$0.00
Unclaimed Deposits to State	\$0.00
Primacy Fees	<u>\$0.00</u>
Total Disbursements	\$2,964,410.13
Cash in Bank (June 30, 2022)	<u>\$31,972,835.53</u>
Total Disbursements and Cash In Bank	<u><b>\$34,937,245.66</b></u>
<b>BALANCE OF OTHER FUNDS:</b>	
<b>PUBLIC UTILITY ACCOUNTS:</b>	
Citizens Bank of Newburg, Ck#1278 for \$436.20	\$2,133.67
First State Community Bank-Electronic Payment Account, Ck#1067 for \$1,802,652.32	\$117,042.05
First State Community Bank-Money Market	\$0.00
First State Community Bank-ICS Sweep Account	\$373,556.52
First State Community Bank-General Fund, Checks #36024 thru #36170 for \$2,964,410.13	\$3,482,012.34
PCB-Super Now, Check #26358 for \$23,679.72	\$2,000.25
Town & Country Bank	<u>\$2,000.00</u>
Total Public Utility Accounts	\$3,978,744.83
<b>ELECTRIC RESERVES:</b>	
Certificates of Deposit	\$0.00
Money Market Account	\$10,195,583.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Electric Reserves	\$10,195,583.00
<b>RESTRICTED ELECTRIC RESERVES:</b>	
Certificates of Deposit	\$0.00
Money Market Account	\$14,250,000.00 FY21 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Electric Reserves	\$14,250,000.00
<b>WATER RESERVES:</b>	
Certificates of Deposit	\$0.00
Money Market Account	\$3,548,209.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Water Reserves	\$3,548,209.00
<b>TOTAL RESERVES:</b>	<u><b>\$27,993,792.00</b></u>
<b>TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:</b>	<u><b>\$31,972,536.83</b></u>



STATISTICS

June 2022

PRODUCTION

Date of Demand	06/13/2022
Time of Demand	06:00 PM
Scada Demand	57,200.00
kWh Purchased	26,687,800
Total Cost	\$1,979,375.99 *
Cost per kWh	0.074168 *
Load Factor	64.0%

Pumped #2 Well	0
Pumped #3 Well	0
Pumped #4 Well	2,619,000
Pumped #5 Well	3,030,000
Pumped #6 Well	2,888,000
Pumped #7 Well	1,973,000
Pumped #8 Well	864,000
Pumped #9 Well	2,619,000
Pumped #10 Well	3,708,000
Pumped #11 Well	0
Pumped #12 Well	2,664,000
Pumped #13 Well	6,799,000
Pumped #14 Well	7,400,000
Pumped #15 Well	2,501,000
Pumped #16 Well	6,938,000
Pumped #17 Well	5,000,000
Pumped # 1 Ind Park Well	4,574,000
Pumped # 2 Ind Park Well	2,930,000
Total Gallons	<u>56,507,000</u>

METERS IN SERVICE

	Electric	Water
Residential - Single Phase	7,985	6,353
Residential - Three Phase	22	20
Commercial - Single Phase	928	512
Commercial - Three Phase	493	309
Power Service	100	90
Industrial	6	2
Area Lighting	15	7
Street Lighting	28	1
Missouri S&T	0	6
PWSD #2	0	565
Net Metering	0	0
Total	9,577	7,865

ELECTRIC SALES

Residential - Single Phase kWh	6,026,656
Residential - Three Phase kWh	81,674
Commercial - Single Phase kWh	1,184,259
Commercial - Three Phase kWh	2,960,102
Power Service kWh	5,902,060
Industrial kWh	5,333,780
Area Lighting kWh	24,911
Street Lighting kWh	25,066
Rental Lights kWh	78,141
Net Metering kWh	5,200
Total kWh Sold	21,621,849
Demand kW	27,107
Revenue	\$1,939,514.45
Monthly Loss	18.98%
Fiscal Year to Date Loss	4.69%

WATER SALES

Residential - Single Phase Gallons	23,345,000
Residential - Three Phase Gallons	155,000
Commercial - Single Phase Gallons	5,068,000
Commercial - Three Phase Gallons	5,144,000
Power Service Gallons	9,850,000
Industrial Gallons	1,439,000
Missouri S&T Gallons	3,378,000
PWSD #2 Gallons	1,661,000
Total Gallons Sold	50,040,000
Revenue	\$268,214.33
Pumping Cost, Electric	\$29,246.22 **
Monthly Unidentified Loss	5.81% ***
Fiscal Year to Date Unidentified Loss	8.43%

Sewer Service Charge	\$359,582.22
Refuse Service Charge	\$205,485.45

Gross Payroll	\$283,881.15
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\* Energy losses are not included in this statistic and are estimated at an additional 12%.

\*\* Loss includes 3,185,000 gallons per water main flushing records.

\*\*\* FY loss includes 22,554,500 gallons per water main flushing records.



**CITY OF ROLLA  
CASH ANALYSIS REPORT  
June 30, 2022**

**GENERAL FUND**

CASH IN BANK	\$	123,554.29
NIB GENERAL FUND	\$	10,039.79
CASH - BAIL BONDS	\$	-
ROLLA MUNICIPAL COURT	\$	4,163.91
ASI FLEX 125	\$	20,480.35
CASH - HEALTH ACCOUNT	\$	-
TIF ACCOUNT - EATS	\$	90,095.64
TIF ACCOUNT - PILOT	\$	33.71
CASH - PAID UNDER PROTEST	\$	-
INVESTMENTS - GENERAL FUND	\$	1,166,165.71
USE TAX MMA	\$	707,335.91
MMA - GENERAL FUND RESERVE REBUILD	\$	1,003,524.59
POLICE EVIDENCE FUNDS	\$	16,730.64
CITY SEIZURES & FORFEITURES	\$	17,651.74
TASKFORCE SEIZURES & FORFEITURES	\$	562,921.66
ANIMAL CONTROL SHELTER COMM PARTNER	\$	130,805.45
ANIMAL CONTROL SHELTER RESERVE	\$	551,057.66
PROPERTY FIRE DAMAGE ACCOUNT	\$	15.00
ANIMAL CONTROL SHELTER COMM PARTNER - ENDOW	\$	-
DISASTER RESPONSE	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	24,856.28
US BANK ESCROW	\$	-
INVESTMENTS - CDS	\$	-
EAC ACCOUNT	\$	-
<b>GENERAL FUND TOTALS</b>	<b>\$</b>	<b>4,429,432.33</b>

**SEWER FUND**

CASH IN BANK	\$	520,898.22
NIB GENERAL FUND	\$	105.00
SEWER FUND MMA	\$	922,666.63
SEWER FUND DEPREC & RESERVE	\$	503,202.49
INVESTMENTS - GENERAL FUND	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	1,241.89
US BANK ESCROW	\$	-
INVESTMENT - CDS	\$	-
<b>SEWER FUND TOTALS</b>	<b>\$</b>	<b>1,948,114.23</b>

**ENVIRONMENTAL SERVICES FUND**

CASH IN BANK	\$	138,689.75
NIB ENV SVS FUND	\$	-
INVESTMENTS - GENERAL FUND	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	969.48
MMA PCB	\$	1,531,071.15
ENV SVS CC	\$	32,527.83
INVESTMENT - CDS	\$	-
<b>ENV SVS FUND TOTALS</b>	<b>\$</b>	<b>1,703,258.21</b>

**ARPA FUNDING**

CASH IN BANK	\$	-
ARPA FUNDING MMA	\$	54,453.96
<b>AIRPORT FUND TOTALS</b>	<b>\$</b>	<b>54,453.96</b>

**CITY OF ROLLA  
CASH ANALYSIS REPORT  
June 30, 2022**

**AIRPORT FUND**

CASH IN BANK	\$ (227,963.79)
NIB GENERAL FUND	\$ 625.02
GENERAL FUND CREDIT CARD ACCOUNT	\$ 3,831.38
INVESTMENTS - MMA	\$ 10,933.78
INVESTMENTS - MMA (BREWER LEASE AGREE)	\$ 27,300.00
<b>AIRPORT FUND TOTALS</b>	<b>\$ (185,273.61)</b>

**CEMETERY FUND**

CASH IN BANK	\$ -
CASH - MMA	\$ 332,300.48
INVESTMENTS - RESTRICTED	\$ -
<b>CEMETERY FUND TOTALS</b>	<b>\$ 332,300.48</b>

**STREET FUND**

CASH IN BANK	\$ 659,463.33
NIB GENERAL FUND	\$ -
GENERAL FUND MMA	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 4,500.00
CASH - MMA	\$ 2,389,391.71
MODOT RESERVE	\$ 1,506,821.79
INVESTMENT - CDS	\$ -
<b>STREET FUND TOTALS</b>	<b>\$ 4,560,176.83</b>

**RECREATION FUND**

CASH IN BANK	\$ 121,418.88
INVESTMENTS - GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ -
DEPR RES & EQUIP - MMA	\$ -
INVESTMENT - CDS	\$ -
INVESTMENTS - SALES TAX	\$ -
CENTRE CC	\$ -
<b>RECREATION FUND TOTALS</b>	<b>\$ 121,418.88</b>

**HEALTH INSURANCE FUND**

HEALTH INSURANCE RESERVE	\$ 501,043.97
CASH - HEALTH ACCOUNT	\$ 641,188.37
GENERAL FUND CREDIT CARD ACCOUNT	\$ 4,549.99
<b>HEALTH FUND TOTALS</b>	<b>\$ 1,146,782.33</b>

**PARK FUND**

CASH IN BANK	\$ 121,531.76
NIB GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ -
INVESTMENTS - PARK SALES TAX	\$ 198,172.97
PARKS CC	\$ 44,014.64
<b>PARK FUND TOTALS</b>	<b>\$ 363,719.37</b>

**PARK LAND RESERVE FUND**

CASH IN BANK	\$ 55,984.68
PARK LAND RESERVE ACCOUNT	\$ 18,575.19
<b>PARK LAND RESERVE FUND TOTALS</b>	<b>\$ 74,559.87</b>

<b>GRAND TOTAL ALL FUNDS</b>	<b>\$ 14,494,488.92</b>
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ANY AND ALL FINANCIAL RECORDS ARE OPEN TO THE PUBLIC

**CITY OF ROLLA**  
**REVENUE/EXPENDITURE REPORT - UNAUDITED**  
**June 30, 2022**  
**75% of Year**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<b><u>GENERAL FUND</u></b>				
REVENUES	\$14,359,238.00	\$ 10,274,731.66	\$ 4,084,506.34	71.6%
<b>EXPENDITURES</b>				
GENERAL ADMINISTRATIVE	\$ 676,855.00	\$ 518,892.53	\$ 157,962.47	76.7%
ADMINISTRATION	\$ 312,932.00	\$ 219,949.29	\$ 92,982.71	70.3%
LIBRARY	\$ 300,750.00	\$ 231,441.40		77.0%
FINANCE	\$ 679,960.00	\$ 537,105.86	\$ 142,854.14	79.0%
LEGAL	\$ 67,300.00	\$ 58,656.59	\$ 8,643.41	87.2%
COURT	\$ 92,990.00	\$ 72,820.45	\$ 20,169.55	78.3%
TELECOMMUNICATIONS	\$ 1,438,550.00	\$ 936,698.64	\$ 501,851.36	65.1%
ANIMAL CONTROL	\$ 831,455.00	\$ 368,076.50	\$ 463,378.50	44.3%
POLICE	\$ 5,522,076.00	\$ 3,671,259.52	\$ 1,850,816.48	66.5%
FIRE	\$ 3,990,300.00	\$ 2,403,614.27	\$ 1,586,685.73	60.2%
ROLLA RURAL FIRE	\$ -	\$ 417,001.86	\$ (417,001.86)	#DIV/0!
BUILDING SERVICES	\$ 92,165.00	\$ 54,677.71	\$ 37,487.29	59.3%
COMMUNITY DEVELOPMENT	\$ 513,925.00	\$ 336,078.17	\$ 177,846.83	65.4%
ECONOMIC DEVELOPMENT	\$ 53,000.00	\$ 52,927.16	\$ 72.84	99.9%
TOTAL EXPENDITURES	<u>\$14,572,258.00</u>	<u>\$ 9,879,199.95</u>	<u>\$ 4,623,749.45</u>	67.8%
REVENUES OVER/UNDER EXPENDITURES	\$ (213,020.00)	\$ 395,531.71	\$ (539,243.11)	
<b><u>SEWER FUND</u></b>				
REVENUES	\$ 9,294,965.01	\$ 7,793,573.53	\$ 1,501,391.48	83.8%
EXPENDITURES	<u>\$ 8,607,349.00</u>	<u>\$ 8,696,668.30</u>	<u>\$ (89,319.30)</u>	101.0%
REVENUES OVER/UNDER EXPENDITURES	\$ 687,616.01	\$ (903,094.77)	\$ 1,590,710.78	
<b><u>ENVIRONMENTAL SERVICES FUND</u></b>				
REVENUES	\$ 3,760,750.00	\$ 2,577,385.87	\$ 1,183,364.13	68.5%
<b>EXPENDITURES</b>				
RECYCLING	\$ 582,720.00	\$ 345,802.64	\$ 236,917.36	59.3%
SANITATION	\$ 2,822,900.00	\$ 1,863,440.02	\$ 959,459.98	66.0%
VEHICLE MAINTENANCE	\$ 448,560.00	\$ 354,236.03	\$ 94,323.97	79.0%
TOTAL EXPENDITURES	<u>\$ 3,854,180.00</u>	<u>\$ 2,563,478.69</u>	<u>\$ 1,290,701.31</u>	66.5%
REVENUES OVER/UNDER EXPENDITURES	\$ (93,430.00)	\$ 13,907.18	\$ (107,337.18)	
<b><u>ARPA FUNDING</u></b>				
REVENUES	\$ -	\$ 2,030,908.24	\$ (2,030,908.24)	#DIV/0!
EXPENDITURES	<u>\$ -</u>	<u>\$ 2,028,096.24</u>	<u>\$ (2,028,096.24)</u>	#DIV/0!
REVENUES OVER/UNDER EXPENDITURES	\$ -	\$ 2,812.00	\$ (2,812.00)	

**CITY OF ROLLA**  
**REVENUE/EXPENDITURE REPORT - UNAUDITED**  
**June 30, 2022**  
**75% of Year**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<b><u>AIRPORT FUND</u></b>				
REVENUES	\$ 661,206.00	\$ 554,313.20	\$ 106,892.80	83.8%
EXPENDITURES	\$ 663,425.00	\$ 639,250.08	\$ 24,174.92	96.4%
REVENUES OVER/UNDER EXPENDITURES	\$ (2,219.00)	\$ (84,936.88)	\$ 82,717.88	
<b><u>CEMETERY FUND</u></b>				
REVENUES	\$ 13,200.00	\$ 17,427.04	\$ (4,227.04)	132.0%
EXPENDITURES	\$ 20,000.00	\$ 1,337.50	\$ 18,662.50	6.7%
REVENUES OVER/UNDER EXPENDITURES	\$ (6,800.00)	\$ 16,089.54	\$ (22,889.54)	
<b><u>STREET FUND</u></b>				
REVENUES	\$14,707,990.50	\$ 5,438,469.96	\$ 9,269,520.54	37.0%
EXPENDITURES				
STREET	\$ 6,459,175.00	\$ 4,525,503.11	\$ 1,933,671.89	70.1%
TDD	\$ 4,869,228.00	\$ 1,856,312.73		
ENGINEERING	\$ 883,150.00	\$ 626,409.24	\$ 256,740.76	70.9%
TOTAL EXPENDITURES	\$12,211,553.00	\$ 7,008,225.08	\$ 2,190,412.65	
REVENUES OVER/UNDER EXPENDITURES	\$ 2,496,437.50	\$ (1,569,755.12)	\$ 7,079,107.89	
<b><u>RECREATION FUND</u></b>				
REVENUES	\$ 815,000.00	\$ 851,553.47	\$ (36,553.47)	104.5%
EXPENDITURES				
AQUATICS	\$ -	\$ 6,863.14	\$ (6,863.14)	#DIV/0!
ADMINISTRATION	\$ 750,205.00	\$ 562,334.75	\$ 187,870.25	75.0%
MAINTENANCE	\$ -	\$ 16,260.18	\$ (16,260.18)	#DIV/0!
TOTAL EXPENDITURES	\$ 750,205.00	\$ 585,458.07	\$ 164,746.93	78.0%
REVENUES OVER/UNDER EXPENDITURES	\$ 64,795.00	\$ 266,095.40	\$ (201,300.40)	
<b><u>PARK FUND</u></b>				
REVENUES	\$ 1,760,942.00	\$ 1,410,358.94	\$ 350,583.06	80.1%
EXPENDITURES				
ADMINISTRATION	\$ 226,125.00	\$ 180,580.27	\$ 45,544.73	79.9%
PARKS	\$ 1,168,790.00	\$ 765,862.11	\$ 402,927.89	65.5%
SPLASHZONE	\$ 232,250.00	\$ 121,615.89	\$ 110,634.11	52.4%
OUTDOOR RECREATION	\$ 199,935.00	\$ 116,408.79	\$ 83,526.21	58.2%
TOTAL EXPENDITURES	\$ 1,827,100.00	\$ 1,184,467.06	\$ 642,632.94	64.8%
REVENUES OVER/UNDER EXPENDITURES	\$ (66,158.00)	\$ 225,891.88	\$ (292,049.88)	

**CITY OF ROLLA**  
**REVENUE/EXPENDITURE REPORT - UNAUDITED**  
**June 30, 2022**  
**75% of Year**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<b><u>PARK LAND RESERVE FUND</u></b>				
<b>REVENUES</b>	\$ 1,000.00	\$ 1,313.96	\$ (313.96)	131.4%
<b>EXPENDITURES</b>	\$ 39,500.00	\$ -	\$ 39,500.00	0.0%
<b>REVENUES OVER/UNDER EXPENDITURES</b>	\$ (38,500.00)	\$ 1,313.96	\$ (39,813.96)	

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**REGULAR SESSION - June 28, 2022**

~ Meeting was held in the Board Room at RMU's Tucker Professional Center at 4:30 p.m. ~

The meeting was called to order at 4:35 p.m. by Rolla Board of Public Works ("RBPW" or "Board") President, Nick Barrack presiding. The following were present:

Board members: Vice President, Albert Crump, Jr.  
Secretary, Dr. Wm. E. Showalter  
Vice Secretary, Ted Read

RMU Staff: General Manager, Rodney P. Bourne, P.E.

Minutes submitted, according to Agenda, by RMU's Administrative Assistant, Megan Saylor.

\* \* \* \* \*

**I. APPROVAL OF MINUTES**

Read made a motion, seconded by Showalter, the minutes of the May 24, 2022 Board meeting Regular session and the minutes from the June 13, 2022 Board workshop be approved as presented. Motion passed unanimously.

**II. CITIZEN COMMUNICATION****A. Public Hearing for FY2023 Proposed Budget**

- Bourne noted the FY2023 budget had been updated since the May meeting. Bourne reported sale projections for water and electric usage are similar for FY2023, but weather can always impact sales. Power production and grid constraints regionally and nationally could impact power costs. Bourne mentioned the FY2023 budget includes funds to hire an Electrical Engineer position and salary for a City employee for Right-of-Way management. Additionally, the budget shows \$500,000 grant income from MoPEP and \$3 million for water main projects supported by the State Budget Appropriation with a \$1.5 million reimbursement from the State. Bourne mentioned a new item to the budget was on Page 18 concerning the ARPA Grant for water infrastructure projects. This is a potential \$6 million project with 20% matching funds depending on how RMU is scored. Bourne also noted that the vacuum trailer was moved from Unfunded to the Capital list and PTO funds were removed from Employee Benefits and re-allocated but this change does not affect the bottom line.
- For the record, Barrack stated no public in attendance and closed the public hearing.

**III. SPECIAL PRESENTATION (None)****IV. STAFF REPORTS****A. FINANCE MANAGER'S REPORT'S (Cresswell absent, presented by Bourne)**

- The Board received the Statement of Income & Expenses reports for May 2022 (FY22). Bourne reviewed May reports (FY22):

Month-to-Date comparison of May 2022 to May 2021

- May Operating Income was \$2,240,357 which was a decrease of over \$78,000 from May 2021. Year-to-date operating income is \$20,24,927 which is an increase of over \$357,000 from this time last year.
  - Purchased power expenses were \$1,452,958 which is a decrease of over \$199,000 from the previous May. The year-to-date purchased power was \$14,139,214 which is a decrease of over \$4.7 million from this time last year, a large portion of this decrease is due to winter storm Uri last February.
  - Total operating expenses were \$2,534,183 for May and \$20,599,104 year-to-date. This puts the year-to-date operating expenses down over \$4 million from last year at this time.
  - We are showing a net loss of \$228,404 for May and net income for the year of \$626,922. Last year at this time, if you exclude the large asset sale, we were showing a net loss of over \$3.8 million.
- Bourne presented RMU's Financial Statement, Statistics report, and the Disbursement Summary for May 2022.

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

**B. BUSINESS MANAGER'S REPORT (Grunloh absent, presented by Bourne)****1. Social Media Update.**

Bourne reported that social media comments are being monitored and we are creating flyers to post on RMU's Facebook page to clarify or correct any misleading comments. Bourne noted that if someone posts incorrect

information about RMU, we do not engage in a war of words, but counteract by posting correct information. Examples of posts included a brief history of municipally owned RMU, summer season energy saving tips, and signs of leaky toilet.

**C. OPERATIONS MANAGER'S REPORT** *(Davis absent, presented by Bourne)*

1. **Updates on:**

a. **Development Review Committee Meeting (DRC).**

Bourne highlighted upcoming projects from the DRC which include:

- Christian Campus Fellowship Women's House at Oak Street and 204-208 E. 11<sup>th</sup> Street
  - Scooter's Coffee
  - Budget Delux Motel Sign

A summary of these projects were included in the Board packet.

b. **Current RMU projects**

Bourne highlighted current projects on the Operations Manager's Report. Complete details were included in the Board packet.

**D. GENERAL MANAGER'S REPORT** *(Bourne)*

1. **MoPEP /MPUA Update.**

Bourne reported highlights from the June Board Meeting. The most significant item in the MPUA Board packet continues to be discussion over MISO and SPP market forecasts. Fossil fuel plants are being retired faster than they can be replaced with alternative resources. Prices for new wind generated power have declined and capacity factors have increased but there continue to be constraints to more utilization of wind. All factors indicate overall prices will continue to rise.

2. **USO Plaques**

Bourne noted that a draft for the USO Plaque was included in the Board packet for review. Dr. Slider provided the language, has made minor corrections and wanted the Board to review to make sure everyone is in agreement with the language for the plaque. There were no comments from the Board.

3. **APPA Award**

Bourne announced that RMU received an award for Excellence in Reliability from APPA along with a gold level RP3 Award. The first award acknowledges that RMU's reliability is above average nationwide. Pictures will be taken next month with the Board and RMU Staff.

**V. OLD BUSINESS**

**A. RFB #22-120: Truck 34**

Bourne reported that Hutcheson Ford submitted a bid for a 2023 Ford Transit cargo van with bulkhead. Putnam Chevrolet could not provide a firm price.

Read made a motion, seconded by Crump, to award the bid for the van to Hutcheson Ford. Motion passed unanimously.

**B. RFB #220-119: Pickup Trucks**

Bourne noted that after a brief window of opportunity was opened for ordering vehicles, RMU was able to place an order for four 3/4 ton pickup trucks with Putnam Chevrolet. The final price per vehicle is \$36,293.

Read made a motion, seconded by Crump, to accept the updated price for the trucks. Motion passed unanimously.

**VI. NEW BUSINESS**

**A. FY2023 Proposed Budget (discussion only)**

Bourne noted that the proposed FY2023 Budget does not include any rate adjustments. Bourne invited discussion and comments from the Board. The Board noted that the rate study conducted by Toth and Associates was good work and thoroughly done. Final approval for the FY2023 budget will take place at the July meeting.

**VII. EXECUTIVE SESSION** *(None)*

**VIII. ADJOURNMENT**

With no further business appearing, Showalter made a motion, seconded by Read, to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 5:15 p.m.



  
\_\_\_\_\_  
Nick Barrack, President

\_\_\_\_\_  
Dr. Wm. Eric Showalter, Secretary

*The Board's next meeting is scheduled for Tuesday, July 26, 2022 at 4:30 p.m.*

**Operation Manager's Report - Aesthetic Changes  
RMU Board of Public Works Meeting  
July 26, 2022**

**ELECTRIC**

**Immanuel Lutheran Church (801 West 11th Street)**

Removal of 2 overhead spans and 1 pole. Installation of 1 overhead span to supply adjacent customers from a different direction.

Started: June 29, 2022

RMU changes completed: June 30, 2022

Final Completion pending work by others attached to RMU poles.

**13th and Poole**

Street light on wood pole supplied by overhead secondary was removed. Installation of new aluminum street light pole supplied by underground.

Started: June 29, 2022

Ongoing

**8th Street: Elm Street to North south alley west of Rolla Street**

Removed overhead primary electric and associated poles.

Started: July 14, 2022

Completed: July 14, 2022

Final removal of some poles pending completion of work by others attached to RMU poles.

**907 East 6th Street**

Added one pole and one span of overhead so that angle of overhead service to a residence could be changed to allow improvements by an adjacent property owner.

Started: July 13, 2022

Completed: July 13, 2022

**Removal of old poles**

13th and Spring (July 6, 2022): One pole

Farrar Drive and Old St James Road (July 6, 2022): 2 poles

**Operation Manager's Report - Current Projects**  
**RMU Board of Public Works Meeting**  
**July 26, 2022**

**ELECTRIC**

- E1. 1600 Old Wire Outer Road (EJ Holdings) - Installation of new pole and underground electric distribution system extension to allow for commercial redevelopment.  
Started: May 13, 2021  
Ongoing
- E2. Country Trace Subdivision (Sunny Drive between Christy Drive and Victoria Lane on South Rolla Street) - Reconfiguration of some overhead electric distribution to underground distribution and installation of new underground electric to serve new residential subdivision.  
Started: September 28, 2021  
Ongoing
- E3. Lions Club Drive - Installation of street lighting.  
a. Hwy 72 to 1000 E Lions Club Dr - Completed  
b. 1000 E Lions Club Dr to Sycamore - Completed  
c. Sycamore to Rolla Street - Completed: June 21, 2022  
d. Rolla Street to Hwy 63 - Started: March 29, 2022
- E4. Missouri Science and Technology: Removal of 2400 volt system - New connection and metering at 10th Street and Bishop Avenue.  
Started: June 22, 2022  
Completed: June 24, 2022
- E5. Missouri Science and Technology: Removal of 2400 volt system - New connection and metering at Collegiate Blvd.  
Started: June 24, 2022  
Completed: June 29, 2022
- E6. Missouri Science and Technology: Removal of 2400 volt system - New connection and metering at Residential College.  
Started: July 7, 2022  
Completed: July 19, 2022
- E7. City of Rolla: Public Works Building (2303 McCutchen Drive) - New transformer and metering.  
Started: June 24, 2022  
Completed: June 30, 2022

**WATER**

- W1. Cedar Street: 7th Street to 10th Street - Replacement of 4", 6" and 8" watermains with new 12" PVC main in conjunction with Rolla High School improvements.  
Started: May 20, 2022  
Ongoing

**Operation Manager's Report - Upcoming Projects**  
**RMU Board of Public Works Meeting**  
**July 26, 2022**

<b>ELECTRIC</b>	
Aintree Road (East and West sides)	Replacement of underground primary
Steeplechase Road (East side)	Replacement of underground primary
Lariat Lane (North side, East of Rolla Street)	Replacement of underground primary
Fox Creek Road (West side between Soest Road and Whitehall Road)	Replacement of underground primary, including installation of new conduit
Rolla Apartments (1101 McCutchen)	Replacement of underground primary
Brighton Court (West side)	Replacement of underground primary
Greenbrier and Wakefield area	Convert to 12 kV
Adrian Street south of Strobach	Reconfigure and possibly upgrade to 12 kV
Alley west of Rolla St between 8th and 9th Streets	Reconfiguration pending development project
Pine Street: 16th Street to Bishop Avenue	Reconfigure existing system to minimize amount of overhead distribution system in conjunction with City of Rolla street project
Residential subdivision adjacent to Vichy Road	New distribution system.
Connectivity between Old St James Road and Nagogami Road Substations	Distribution system extension to provide improved redundancy for Nagagomi and shift some load from Tower to Old St James Road
18th Street: McCutchen Drive to Forum Drive	Relocate existing overhead 34 kV sub-transmission to 18th Street right-of-way and construct new 12 kV overhead distribution
18th Street: Farrar Drive to Forum Drive	Relocate existing overhead 34 kV sub-transmission and 12 kV overhead distribution to same poles
McCutchen Drive: 18th Street to Harvey Lane	Relocate existing overhead 34 kV sub-transmission and 12 kV overhead distribution and rebuild some overhead distribution
Carmel Court, Malibu Court, San Fernando Court, and Monterey Court	Convert 8 spans of overhead electric distribution system to underground distribution
MO S&T: General Services Building	New service
MO S&T: Protoplex	New service
712 South Bishop	New service
250 Lanning Lane	New service
2184 Farrar Drive	New service
1010 Forum Drive	New service
602 North Cedar	New service
500 South Bishop	Reconfigure from two services to one
521 South Bishop	Reconfigure service for redevelopment
801 West 11th Street	Removing overhead
Net metering	213 Dana Rene, 605 Wakefield, 303 Dana Rene
<b>FIBER</b>	
18th Street: West of Forum Drive	Rewire new cabinet
Well 3	Rewire cabinet
Rolla Public Schools: RTC	Rewire
MO S&T: General Services Building	New Service
Martin Springs Road	Possible extension for customer

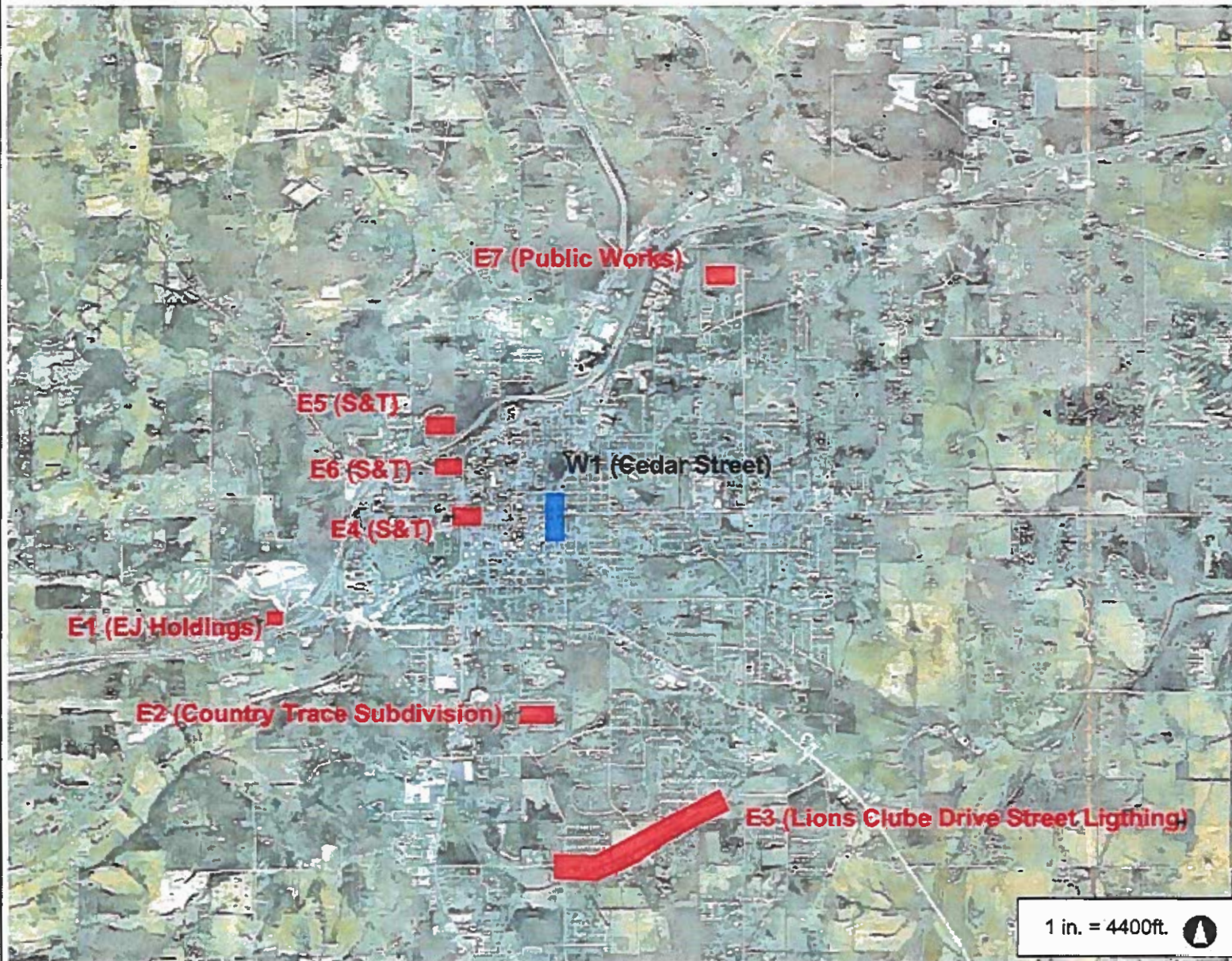
**Operation Manager's Report - Upcoming Projects**  
**RMU Board of Public Works Meeting**  
**July 26, 2022**

HyPoint Industrial Park	Possible extension for customer
<b>WATER</b>	
MO S&T: State Street water meter	Relocation by MO S&T contractor
18th Street: Old St James Road to Truman Elementary School	Replacement of old water main
18th Street: Truman Elementary School to Maxwell Street	Installation of new water main
Main Street: 9th Street to 10th Street	Replacement of old water main
10th Street: Main Street to Rolla Street	Replacement of old water main
Rolla Street: 10th Street to 11th Street	Replacement of old water main
10th Street: Rolla Street to State Street	Abandonment of old water main
Residential subdivision adjacent to Vichy Road	New watermain to new development
<b>ARPA Projects</b>	
Highway 63: I-44 north to City Limits	Replacement of old water mains
Highway 63: Williams Road to Little Oaks Road	Replacement of old water mains
Highway 72: Faulkner Street to Highway O	Replacement of old water mains
10th Street: Hollway Street to Forum Drive	Replacement of old water mains
<b>State Allocation Funding for Water and Wastewater Infrastructure Projects</b>	
MO S&T Protoplex and Fraternity Circle	Replacement of old water mains and system extension
Old St James Road	Replacement of old water mains and system extension



# Operation Manager's Report

## July 26, 2022



Legend

Notes

8,800.0 0 4,400.0 8,800.0 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



## MUNICIPAL DIVISION SUMMARY REPORTING FORM

*Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.*

<b><u>I. COURT INFORMATION</u></b>		Municipality: Rolla Municipal	Reporting Period: Jun 1, 2022 - Jun 30, 2022	
Mailing Address: 901 NORTH ELM, ROLLA, MO 65401				
Physical Address: 901 NORTH ELM, ROLLA, MO 65401			County: Phelps County	Circuit: 25
Telephone Number: (573)3648590		Fax Number:		
Prepared by: RELAUUN SMITH		E-mail Address:		
Municipal Judge: James T. Crump				
<b><u>II. MONTHLY CASELOAD INFORMATION</u></b>				
		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations/informations) pending at start of month		12	954	196
B. Cases (citations/informations) filed		1	285	9
C. Cases (citations/informations) disposed				
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0
2. court/bench trial - GUILTY		0	0	0
3. court/bench trial - NOT GUILTY		0	0	0
4. plea of GUILTY in court		2	32	7
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	146	0
6. dismissed by court		0	0	0
7. <i>nolle prosequi</i>		0	56	17
8. certified for jury trial (not heard in Municipal Division)		0	0	0
<b>9. TOTAL CASE DISPOSITIONS</b>		<b>2</b>	<b>234</b>	<b>24</b>
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		11	1,005	181
E. Trial de Novo and/or appeal applications filed		0	0	0
<b><u>III. WARRANT INFORMATION (pre- &amp; post-disposition)</u></b>		<b><u>IV. PARKING TICKETS</u></b>		
1. # Issued during reporting period	69	1. # Issued during period	<i>184</i>	
2. # Served/withdrawn during reporting period	56	<input type="checkbox"/> Court staff does not process parking tickets		
3. # Outstanding at end of reporting period	1,141			

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

<b>COURT INFORMATION</b>	Municipality: Rolla Municipal	Reporting Period: Jun 1, 2022 - Jun 30, 2022
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<b>V. DISBURSEMENTS</b>			
<b>Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)</b>		<b>Other Disbursements:</b> Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$3,168.50	Court Automation	\$633.44
Clerk Fee - Excess Revenue	\$365.89	Law Enf Arrest-Local	\$162.00
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$11.29	Overpayment-E/R	\$5.00
Bond forfeitures (paid to city) - Excess Revenue	\$0.00	Overpayments Detail Code	\$63.00
<b>Total Excess Revenue</b>	<b>\$3,545.68</b>	<b>Total Other Disbursements</b>	<b>\$863.44</b>
<b>Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)</b>		<b>Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited</b>	<b>\$13,868.09</b>
		<b>Bond Refunds</b>	<b>\$392.50</b>
		<b>Total Disbursements</b>	<b>\$14,260.59</b>
Fines - Other	\$7,577.09		
Clerk Fee - Other	\$720.00		
Judicial Education Fund (JEF) <input checked="" type="checkbox"/> Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$90.49		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$645.19		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$22.20		
Law Enforcement Training (LET) Fund surcharge	\$182.00		
Domestic Violence Shelter surcharge	\$182.00		
Inmate Prisoner Detainee Security Fund surcharge	\$0.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$40.00		
Bond forfeitures (paid to city) - Other	\$0.00		
<b>Total Other Revenue</b>	<b>\$9,458.97</b>		



**DEVELOPMENT REVIEW COMMITTEE MINUTES  
TUESDAY, JULY 5TH @ 1:30 P.M.  
MEMBERS AND OTHERS IN ATTENDANCE**

Tom Coots, Com. Dev.  
Brady Wilson, Environmental Services

Sarah West, Com. Dev.  
Floyd Jernigan, Parks & Rec.

**NEW BUSINESS:**

1. **ZON22-03, Blarney Stone Investments:** Rezoning from R-3, Multi-Family District to the C-O, Commercial Office District at 1702 and 1704 East 10<sup>th</sup> Street.

Committee had no comments on the application.

Minutes Prepared By: Sarah West

**NEXT MEETING:**

**Tuesday, July 19th @ 1:30 P.M.**

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**MINUTES**  
**ROLLA PLANNING AND ZONING COMMISSION MEETING**  
**ROLLA CITY HALL COUNCIL CHAMBERS**  
**TUESDAY, JUNE 14, 2022**

**Presiding:** Don Brown, Chairperson

**Commission Members Present:** Robert Anderson, Kevin Crider, Monty Jordan, Janece Martin, Russell Schmidt, Monte Shields

**Commission Members Absent:** Lister Florence Jr.

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 10, 2022. Chairperson Don Brown approved the minutes as printed and distributed.
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:** NONE
- III. OLD BUSINESS:** NONE
- IV. NEW BUSINESS:**

- 1. SUB22-05, Wolfe's Corner:** Minor Subdivision to combine two residential lots into one lot in the R-1, Single-family Residential district at 1220 Devonshire Ln.

Tom Coots presents the staff report.

**A motion was made by Janece Martin, seconded by Monte Shields, to recommend approval to the City Council to combine two residential lots into one lot in the R-1, Single-family Residential district. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.**

- 2. SUB22-06, University Fraternity Subdivision No. 3:** Minor Subdivision to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district on Fraternity Drive.

Coots presents the staff report.

**A motion was made by Russell Schmidt, seconded by Monty Jordan, to recommend approval to the City Council to combine six university-owned lots into one lot and vacate certain easements; located in the GI, Government and Institutional district. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.**

## V. PUBLIC HEARING:

1. **ZON22-02, Car Mart:** Rezoning (map amendment) from the C-1, Neighborhood Commercial district to the C-2, General Retail district at 1306 Hwy 72 East.

**Coots** presents the staff report.

**Russell Schmidt** asks if the existing buffer can be kept for the adjacent R-1 and R-3 districts. **Coots** states that he suggested that the applicant keep and add on to the existing buffer. **Don Brown** asks if a fence is required. **Coots** no.

**Brown** opens the public hearing. Seeing no questions from the audience he closes the public hearing.

**A motion was made by Monte Shields, seconded by Kevin Crider, to recommend approval to the City Council to rezone the subject property from the C-1, Neighborhood Commercial district to the C-2, General Retail district. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.**

2. **VAC22-01, Curators of the University of Missouri:** Vacation of the remainder of Spring Street, north of 13<sup>th</sup> Street; a portion of 13<sup>th</sup> Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Ave and 13<sup>th</sup> Street and University Dr.

**Coots** presents the staff report.

**Robert Anderson** asks how the apartments at 708 East 13<sup>th</sup> Street will get access. **Coots** states the university recently purchased the property and the access will be through the parking lot.

**Brown** asks if these additions will change the plat that was recently approved. **Coots** no.

**Brown** opens the public hearing. Seeing no questions from the audience he closes the public hearing.

**A motion was made by Monty Jordan, seconded by Janece Martin, to recommend approval to the City Council to vacate the remainder of Spring Street, north of 13<sup>th</sup> Street; a portion of 13<sup>th</sup> Street, between Spring Street and Bishop Avenue; and the remainder of an alley between Spring Street and Bishop Avenue and 13<sup>th</sup> Street and University Drive. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.**

**3. VAC22-02, Curators of the University of Missouri:** Vacation of State Street north of 11<sup>th</sup> Street.

**Coots** presents the staff report.

**Jordan** asks if the fire department was okay with the vacation. **Coots** yes, the fire department and university are working together to assure access is provided.

**Schmidt** asks how to keep vehicles off the sidewalk that would be built. **Coots** states locking bollards will be in place.

**Jordan** asks if the fire department was fine with backing out of the vacated street since it was the only access point. **Coots** states he was unsure how far fire needed access, but generally 150 feet is OK.

**Brown** asks if it is possible to have access from the other direction. **Coots** states he is unsure since he has not seen a final plan.

**Brown** asks if once the road is vacated it becomes the university's responsibility and not the City's. **Coots** confirms this.

**Brown** opens the public hearing. Seeing no questions from the audience he closes the public hearing.

**A motion was made by Russell Schmidt, seconded by Monte Shields, to recommend approval to City Council to vacate State Street north of 11<sup>th</sup> Street. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.**

**4. TXT22-01, Homeless Shelters and related uses:** Text Amendments to Sections 42.141, Definition; 42.177, R-3 Multi-family district; 42.189, General Retail districts; 42.192, Highway Commercial districts; 42.194, Center-City districts; 42.196, Light Manufacturing districts; 42.223, Reserved; 42.224, Residential Group Homes; 42.225 and 42.226, Reserved.

**Coots** presents the staff report.

**Anderson** asks what the Rolla Mission would be defined as in the proposed amendment. **Coots** states it would be an overnight shelter based upon their current services.

**Jordan** asks if the City's legal staff had examined the text amendment. **Coots** states the City's legal staff determined this amendment was close to the City's limits of authority.

**Janece Martin** states under sec. 42-141 of the proposed amendment, an emergency shelter, overnight shelter and soup kitchen are all permitted by-right in the C-3 district. However, in sec. 42-192.1, none of those uses are listed. **Coots** states this is because the

C-1 and C-2 districts state those uses, and the C-3 district includes the previous uses. **Martin** states the C-1 district section is not included. **Coots** confirms that there seems to be an error.

**Martin** asks if an overnight shelter could be denied in one district and then reapply under a different district. **Coots** states that anyone can ask for a rezoning of a property.

**Martin** asks if the proposed amendment has been cross-checked with Missouri statues to see if it is applicable. She also asks if a comprehensive committee helped come up with the proposed amendment. **Coots** states there was no committee, but the public hearings are intended to help to gather public input.

**Brown** opens the public hearing.

**Lela Webbmeyer**, residing at 14990 County Road 5190, spoke about the impact the proposed amendment will have on the business owners. She states the definitions are too broad and need more parameters. She states the proposed amendment needs more thought, definition, and a narrower scope or potentially be detrimental to Rolla.

**Ashley Brooks**, residing at 38 Johnson Drive, is the executive director of the Rolla Mission. She states the proposed amendment will only increase the number of homeless and duration they are homeless. This will also limit any organization wishing to help. She suggested both the emergency and overnight shelter definitions be the same, and read: any facility in which the primary purpose is to provide a temporary shelter for the homeless in general; or specific populations of homeless and which does not require occupants to sign leases or occupancy agreements.

She also proposes eliminating the 180 day time limit, and replacing it with text that reads: no individual or family shall reside in an emergency shelter for more than 30 consecutive days without entering into case management to obtain housing. She expresses concern about the vague and discriminatory language in the proposed amendment and wishes it to be removed.

**Mr. Jansen** residing at 11501 County Road 5180, mentions how city planning can infringe upon private individual liberties. He expresses concern that this ordinance overregulates where homeless shelters can go.

**Steven Leevey**, residing at 219 Beamer Lane in Cuba, mentions legal issues with the proposed amendment.

**Ann Murphy**, residing at 1801 Independence, spoke in opposition to the proposed ordinance.

**Dale Wands**, PO Box 977, Rolla. He expresses concerns about more outsiders coming into the Rolla area. He states the priority should be the Rolla residents, businesses and landlords.

**Mary-Sue Sanchez**, residing at 15020 Co Rd 8450, is concerned about the influx of homeless and the impact it will have on Rolla.

**Matt Farrar**, residing at 1502 Forum Drive, implores the Commission to consider the City residents.

**Felicia Richards**, residing at 563 Basswood Drive, is concerned about the language of the proposed amendment and its impact on the businesses and livelihood of Rolla residents.

**Brown**, seeing no further questions from the audience or commissioners, closes the public hearing.

**Schmidt** comments that the proposed ordinance does not take care of the situation.

**Mayor Lou Magdits** comments he was unsure the community has discussed the issue enough to come to a conclusion.

*A motion was made by Russell Schmidt, seconded by Monty Jordan, to recommend the City Council not approve the proposed text amendment in its current form due to inadequacies, inconsistencies, and vagueness. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Jordan, Martin, Schmidt, and Shields. Nays: None. The motion passes unanimously.*

**VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF: NONE**

**VII. CITIZEN COMMENTS:**

**Neno Esparza**, a Rolla resident, is concerned that the rights of the homeless will be infringed upon.

**Meeting adjourned: 7:34 p.m.**

**Minutes prepared by: Sarah West**

**NEXT MEETING:**

**Tuesday, July 12, 2022**

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**The Centre Rolla's Health & Recreation Complex**  
**Income Statement**  
**For the 9 Months Ending**  
**June 30, 2022**

	<u>Period To Date</u>	<u>PTD Budget</u>	<u>Variance</u>	<u>Last Year</u>	<u>Year To Date</u>	<u>YTD Budget</u>	<u>Variance</u>	<u>Last Year</u>
<b>Members:</b>								
New	142	97	46%	171	1,335	1,164	15%	1,109
Net New & Reactivated Bridge/Freezes	(6)			(30)	(95)			(58)
Cancelled	89	75	-19%	86	744	672	-11%	874
Net	47	22	114%	55	496	492	1%	177
<b>Total Members</b>	<b>2,040</b>	<b>2,117</b>	<b>-4%</b>	<b>1,795</b>	<b>2,040</b>	<b>2,117</b>	<b>-4%</b>	<b>1,795</b>
<b>Revenues</b>								
<b>Rental &amp; Other:</b>								
Conference Room & Other Rental	\$250	\$0	\$250	\$0	\$2,285	\$0	\$2,285	\$0
Miscellaneous Income	0	0	0	0	0	0	0	2,706
	250	0	250	0	2,285	0	2,285	2,706
<b>Member Services:</b>								
Membership Dues	50,504	55,042	(4,538)	29,257	411,785	443,395	(31,610)	208,225
Guest Fees	7,044	6,000	1,044	6,088	68,342	54,000	14,342	44,025
Special Programs	0	0	0	1,016	1,990	0	1,990	1,016
Locker Rent	215	0	215	100	847	0	847	400
	57,763	61,042	(3,279)	36,461	482,964	497,395	(14,431)	253,666
<b>Fitness:</b>								
Enrollment Fees/Health Assessments	2,531	2,425	106	979	7,786	29,100	(21,314)	3,534
Special Programs	559	100	459	320	3,835	900	2,935	2,347
	3,090	2,525	565	1,299	11,620	30,000	(18,380)	5,880
<b>Ancillary:</b>								
Swim Programs	10,714	11,000	(286)	10,215	93,189	99,000	(5,811)	57,830
General Medical Integration	347	2,066	(1,719)	0	1,588	12,175	(10,587)	0
Recreation	8,708	10,000	(1,292)	2,816	68,247	34,000	34,247	14,570
Café	433	650	(217)	421	3,190	5,850	(2,660)	2,025
Pro Shop	88	516	(428)	177	752	3,476	(2,724)	671
Personal Training/Pilates	4,908	6,986	(2,078)	2,215	36,013	57,444	(21,431)	1,119
Children's Area	2,125	500	1,625	554	14,002	4,500	9,502	2,165
	27,323	31,718	(4,395)	16,398	216,979	216,445	534	78,379
<b>Total Revenue</b>	<b>88,425</b>	<b>95,285</b>	<b>(6,860)</b>	<b>54,158</b>	<b>713,849</b>	<b>743,840</b>	<b>(29,991)</b>	<b>340,632</b>
<b>Expenses</b>								
Salaries & Burden	81,401	92,608	11,207	81,572	769,641	788,730	19,089	626,521
Other Employee Expenses	1,830	2,000	170	4,166	20,995	18,000	(2,995)	27,138
General Supplies & Services	328	375	47	142	3,120	3,375	255	9,301
Program Supplies	0	500	500	1,057	1,491	1,700	209	2,098
Environmental Supplies	1,710	2,250	540	4,000	12,310	20,250	7,940	15,874
Cost of Goods Sold	53	784	731	93	473	6,239	5,766	322
Minor Equipment	1,560	817	(743)	507	9,085	7,353	(1,732)	3,161
Repairs & Maintenance/Service Contracts	7,745	7,572	(173)	3,869	65,219	68,148	2,929	52,935
Marketing & Collateral	7,421	5,200	(2,221)	2,358	46,309	46,800	491	17,722
Utilities	15,964	15,125	(839)	12,342	141,265	136,125	(5,140)	123,675
Bank Fees & Miscellaneous	3,164	1,387	(1,777)	1,118	18,779	12,483	(6,296)	6,381
CAM, Taxes & Fees	1,904	2,136	232	1,485	19,025	19,224	199	16,922
<b>Total Expenses</b>	<b>123,081</b>	<b>130,754</b>	<b>7,673</b>	<b>112,710</b>	<b>1,107,713</b>	<b>1,128,427</b>	<b>20,714</b>	<b>902,048</b>
<b>Net Operating Income</b>	<b>(34,655)</b>	<b>(35,469)</b>	<b>814</b>	<b>(58,552)</b>	<b>(393,864)</b>	<b>(384,587)</b>	<b>(9,277)</b>	<b>(561,417)</b>
Management Fees	8,000	10,000	2,000	8,000	77,000	90,000	13,000	62,896
<b>Net Income (Loss)</b>	<b>(\$42,655)</b>	<b>(\$45,469)</b>	<b>\$2,814</b>	<b>(\$66,552)</b>	<b>(\$470,864)</b>	<b>(\$474,587)</b>	<b>\$3,723</b>	<b>(\$624,313)</b>
<b>Ancillary Services Net Income (Loss)</b>								
Swim Programs (Net)	\$6,794	\$6,600	\$194	\$1,387	\$55,891	\$59,400	(\$3,509)	(\$21,786)
Recreation (Net)	\$2,440	\$3,000	(\$560)	(\$4,360)	\$40,751	\$10,200	\$30,551	(\$4,168)
Café (Net)	\$433	\$227	\$206	\$421	\$3,190	\$2,043	\$1,147	\$2,025
Pro Shop (Net)	\$35	\$155	(\$120)	\$83	\$279	\$1,044	(\$765)	\$349
Personal Training/Pilates (Net)	\$1,253	\$2,445	(\$1,192)	\$835	\$9,571	\$20,107	(\$10,536)	(\$5,378)
Children's Area (Net)	\$448	(\$995)	\$1,443	(\$533)	\$1,090	(\$8,955)	\$10,045	(\$2,847)
<b>Total Ancillary Services Net Income (Loss)</b>	<b>\$11,403</b>	<b>\$11,432</b>	<b>(\$29)</b>	<b>(\$2,167)</b>	<b>\$110,772</b>	<b>\$83,839</b>	<b>\$26,933</b>	<b>(\$31,805)</b>

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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: John Butz, City Administrator**

**ACTION REQUESTED: Final Reading**

**ITEM/SUBJECT: Consider an Ordinance Re-Adopting Procedure to Disclose Potential Conflicts of Interest.**

**BUDGET APPROPRIATION: NA**

**DATE: August 1, 2022**

\*\*\*\*\*

**COMMENTARY:**

The attached ordinance is one that must be adopted every two years or the more stringent State rules for financial disclosure will apply (RSMo 105.485 (4)). Rather than applying to all City elected officials Rolla's ordinance stipulates the City Administrator, Mayor, Finance Director and RMU General Manager must annually file the financial disclosure statements with the Missouri Ethics Commission. In addition any Council Member would need to disclose any financial transactions with the City in excess of \$500. A certified copy of the ordinance must be submitted to the Missouri Ethics Commission by September 15, 2022.

Recommendation: Final reading of the proposed ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF.

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

Section 1: That Section 2-237 of the Code of the City of Rolla, Missouri, relating to procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials is hereby repealed.

Section 2: That there is hereby enacted Section 2-237 of the Code of the City of Rolla, Missouri, as follows:

Section 2-237. Procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public gave confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City of Rolla.

The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

The Mayor, each City Council member, the City Administrator, the City Finance Director, and the General Manager of the Rolla Municipal Utilities shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year.

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500), if any, that such person had with the political subdivision, other than compensation

received as an employee or payment of any tax, fee or penalty due to the City of Rolla, Missouri and other than transfers for no consideration to the City of Rolla, Missouri; and

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had substantial interest, had with the City of Rolla, Missouri, other than payment of any tax, fee or penalty due to the City of Rolla, Missouri, or transaction involving payment for providing utility service to the City of Rolla, Missouri, and other than transfers for no consideration to the City of Rolla, Missouri.

c. The Mayor, the City Administrator, City Finance Director and General Manager of Rolla Municipal Utilities also shall disclose by May 1 for the previous calendar year the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

The reports, in the attached format, shall be filed with the City Clerk and with the State Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

a. Each person required to file a financial interest statement appointed to office shall file the statement within thirty days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interest acquired after December 31 of the covered year until the date of filing of the financial interest statement.

This Ordinance shall be filed with the State Ethics Commission as follows: The City Clerk shall transmit a certified copy of said Ordinance prior to September 15, 2022.

This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 1ST DAY OF AUGUST, 2022.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR

**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: Darin Pryor**

**ACTION REQUESTED: Ordinance**

**Final Reading**

**ITEM/SUBJECT: Project #549 – FY 2022 Phase III Asphalt Improvements**

**BUDGET APPROPRIATION: \$875,000**

**DATE: 08/01/22**

**(Phase I - \$260K, Phase II - \$310K, Phase III - \$305K)**

\*\*\*\*\*

**COMMENTARY:**

**City staff received bids for the FY 2022 Phase III Asphalt Improvements project. The bids were as follows:**

**Pierce Asphalt, LLC  
PO Box 1264  
Rolla, MO 65402**

**\$282,139.86**

**This phase overlays several sections of roads listed in the chart below.**

<b>2022 Aspalt Overlays (Project 549)</b>							
LOCATION	FROM	TO	DEPTH	SQ FT	MILLING SY	TACK	TONS
7th Street	Holloway	Murry Lane	1"	40,000	4444	356	275
Dana Renee	Rolla	Thomas Drive	1"	32,200	3578	286	222
Chelsea/Robyn	Dana Renee	Dead End	1"	25,100	2789	223	173
Tracy Dawn	Chelsea	Thomas Drive	1"	23,300	2589	207	161
Thomas Drive	Dead End	Tracy Dawn	1"	15,000	1667	133	104
Murry Lane	7th Street	Grand Sir	1"	10,000	1111	89	69
Grandsir	Murry Lane	Intersection	1"	2,500	278	22	18
S. Walker	72 HWY	45' S. of Strobach	1"	15,500	1722	138	107
Strobach	Spillman	Adrian	1"	27,000	3000	240	186
Spillman	72 Apron	Strobach	1"	18,000	2000	160	125
Fairgrounds RD	Kingshighway	Bryant	2"	47,000	5222	418	588
TOTAL				255,600	28400	2272	2,028

**As a reminder the awards for Phase I and II totaled \$598,455.74 leaving \$276,544.26 in the budget for Phase III. Staff is requesting the final reading of the ordinance authorizing the Mayor to enter into the contract with Pierce Asphalt LLC for \$282,139.86.**

**ITEM NO. \_\_\_\_\_**

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT LLC.

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 and Pierce Asphalt, LLC., a copy of said agreement being attached hereto and marked Exhibit "A".

Section 2: This ordinance will be full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 1ST DAY OF AUGUST 2022.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR



## EXHIBIT A

### CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ Day of \_\_\_\_\_ by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and Pierce Asphalt LLC 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: **FY 2022 Phase III Asphalt Improvements, PROJECT 549**, 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 **FY 2022 Phase III Asphalt Improvements, PROJECT 549**.

## EXHIBIT A

It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

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

ARTICLE III. Occupational Safety and Health Administration (OSHA)

**Safety Training:**

- a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.
- b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.
- c. Contractor acknowledges and agrees that any of Contractor's employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.
- d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

**Notice of Penalties for Failure to Provide Safety Training**

- a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars (\$2,500.00), plus one hundred dollars (\$100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.
- b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.
- c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract

## EXHIBIT A

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 \$282,139.86 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 \$500.00 per calendar day for each full calendar day that the work is not fully completed. Liquidated damages will not be charged for weekends and holidays.

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

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

ARTICLE IX. This Contract will not be binding and effective until confirmed by the Owner.

EXHIBIT A

IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

CONTRACTOR

BY \_\_\_\_\_  
Mayor, Owner, Party of the First Part

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  
of the City of Rolla, Missouri; and the said \_\_\_\_\_ Acknowledged  
said instrument to be the free act and deed of said municipal corporation.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF MISSOURI    )  
SS                            )  
County of Phelps        )

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

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT:** Community Development

**ACTION REQUESTED:** Final Reading

**SUBJECT:** Map Amendment (rezoning): 1702/1704 E 10<sup>th</sup> Street from the R-3, Multi-family district to the C-O, Commercial Office district.

(ZON22-03)

**MEETING DATE: August 1, 2022**

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**Application and Notice:**

Applicant/Owner - Tonie Cahill of Blarney Stone Investments, LLC  
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

**Background:** The property was developed with medical offices, which are a permitted use in the R-3, Multi-family district. The applicant seeks to lease some office space for a real estate company. Non-medical offices are not a permitted use in the R-3 district. The applicant seeks to rezone the property to the C-O, Commercial Office district to allow for all types of office uses.

**Property Details:**

Current zoning - R-4, Multi-family to C-O, Commercial Office  
Current use - Medical Offices  
Proposed use - Offices  
Land area - About 1 acre

**Public Facilities/Improvements:**

Streets - The subject property has frontage on 10<sup>th</sup> Street, a Primary Arterial road.  
Sidewalks - Sidewalks are located adjacent to the property.  
Utilities - The subject property should have access to all needed public utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the property as being appropriate for Medium/High Density Residential uses, however, the adjacent commercial lots are designated as Neighborhood Commercial uses.

**Discussion:** The property is adjacent to a row of commercial properties which are all zoned C-O. The property is also adjacent to a nursing home, which is zoned R-3. No additional development is proposed at this time.

**Planning and Zoning Commission Recommendation:**

The Rolla Planning and Zoning Commission conducted a public hearing on July 12, 2022 and voted 6-0 to recommend the City Council approve the request.

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

**Attachments:** Public Notice Letter; Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO APPROVE THE RE-ZONING OF 1702/1704 E 10<sup>TH</sup> STREET FROM THE R-3, MULTI-FAMILY DISTRICT TO THE C-O, COMMERCIAL OFFICE DISTRICT**

**( ZON22-03)**

**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 Phelps County Focus 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 July 12, 2022 and recommended the City Council approve the rezoning of the subject property; and

**WHEREAS**, the Rolla City Council, during its July 18, 2022 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 R-3 (Multi-family) to C-O (Commercial Office) Zoning described as follows:

Resubdivision of Tract A Eastmeadow subdivision, Tract A-2 and Tract A-3, in 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.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND  
APPROVED BY THE MAYOR THIS 1<sup>ST</sup> DAY OF AUGUST, 2022.**

APPROVED:

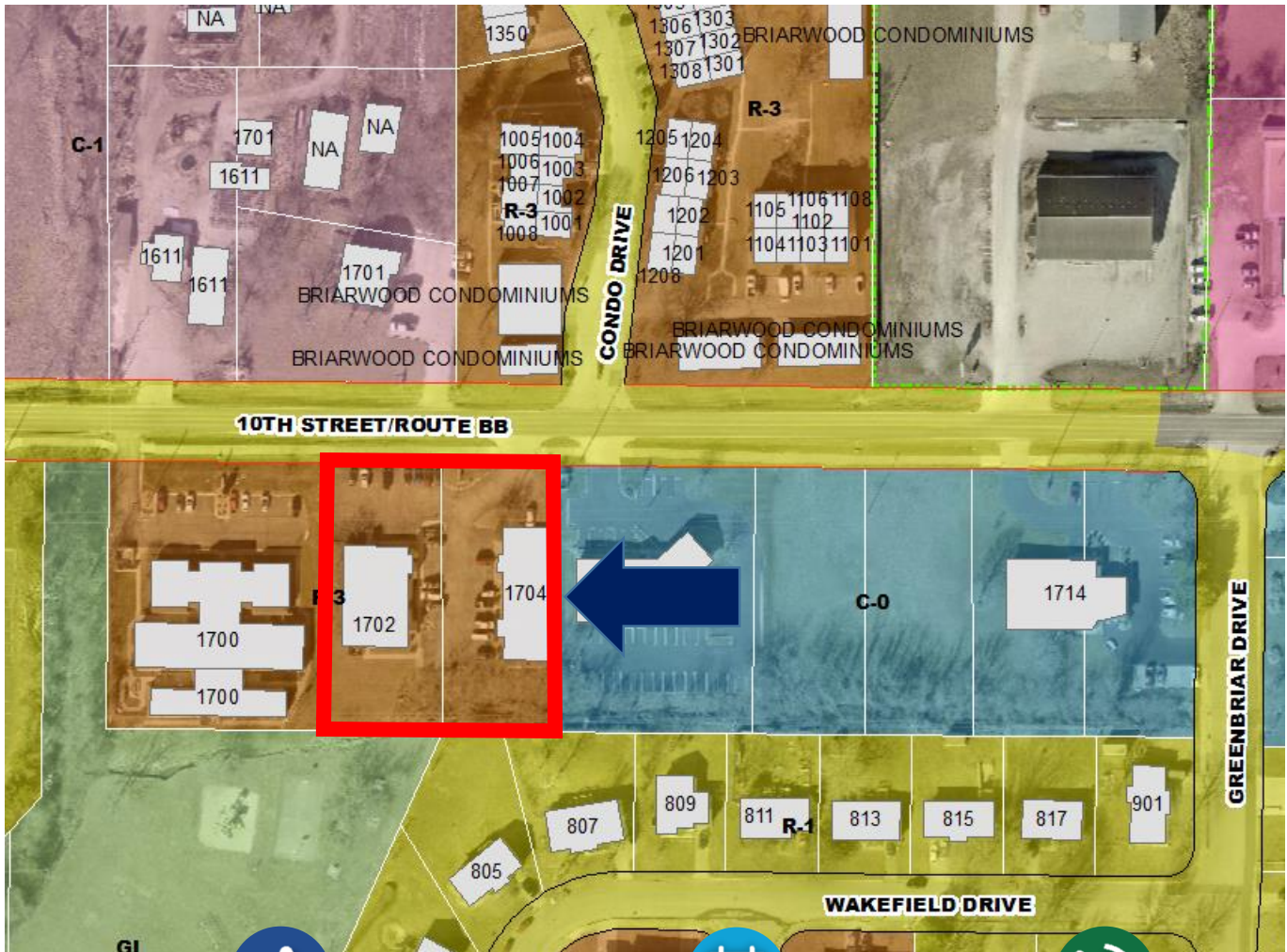
ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



### Project Information:

Case No: ZON22-03  
 Location: 1702/1704 E 10<sup>th</sup> Street  
 Applicant: Blarney Stone Investments  
 Request:  
 Rezoning from R-3 to the C-O, Commercial Office district.



### Public Hearings:

Planning and Zoning Commission  
**July 12, 2022**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**July 18, 2022**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor



### For More Information Contact:

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





**Who and What is the Planning and Zoning Commission?**

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

**What is a Rezoning (Map Amendment)?**

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

**What is Zoning?**

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

**How Will This Impact My Property?**

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

**What If I Have Concerns About the Proposal?**

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

**What If I Cannot Attend the Meeting?**

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

**What If I Have More Questions?**

Please contact the Community Development Office if you have any additional questions.

**LEGAL DESCRIPTION**

Resubdivision of Tract A Eastmeadow subdivision, Tract A-2 and Tract A-3, in Rolla, Phelps County, Missouri.



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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: Darin Pryor**

**ACTION REQUESTED: Ordinance** **1<sup>st</sup> Reading**

**ITEM/SUBJECT: Sewer User Ordinance – Industrial Pretreatment**

**BUDGET APPROPRIATION:** **DATE: 08/01/22**

\*\*\*\*\*

**COMMENTARY:**

City staff received notification from the Missouri Department of Natural Resources (MDNR) in 2018 that we would be required to update our pretreatment program due to Hartmann US being an EPA designated categorical pretreatment industry. This update required us to bring our sewer user ordinance concerning pretreatment into compliance with the 2005 EPA amendments to the general pretreatment regulations, evaluate our wastewater system for possible local limits on industrial discharges, update our enforcement response plan, and conduct surveys of the entire city for other possible significant industrial users. The surveys were conducted in 2018/2019 and no additional significant industrial users were found. The local limits evaluation was completed in early 2022 and this new proposed ordinance establishes local limits for 15 national pollutants of concern. The local limits protects our ability to land apply bio-solids produced at our wastewater plants. The proposed revisions to our sewer user ordinance and enforcement response plan were put on public notice by the MDNR on May 13<sup>th</sup>, 2022. This notice was posted at city hall, on the MDNR website, and in the Phelps County Focus. No comments were received during the 30 day comment period. On July 6<sup>th</sup>, 2022 staff received a letter from MDNR approving our proposed updates to our pretreatment program.

Staff is requesting the first reading of the ordinance to repeal the current pretreatment ordinance and replace with the revised pretreatment ordinance approved by MDNR. Also included in your packet is the proposed enforcement response plan. MDNR suggested that it be approved by a resolution. The resolution to approve the enforcement response plan will be included in the packet for the city council meeting on 8-15-22 along with the request for the final reading of the revised pretreatment ordinance.

ITEM NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING SECTIONS 35-194 THRU 35-275 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS 35-194 THRU 35-275 IN LIEU THEREOF RELATING TO PRETREATMENT FOR INDUSTRIAL WASTEWATER USERS .

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

**Section 1:** That the entirety of Sections 35-194 thru 35-275 of the Code of the City of Rolla, Missouri, pertaining to Pretreatment for Industrial Wastewater Users are hereby repealed.

**Section 2:** That Sections 35-194 thru 35-275 of the Code of the City of Rolla, Missouri, pertaining to Pretreatment for Industrial Wastewater Users is hereby amended by adding the following:

## **ARTICLE XIV PRETREATMENT FOR INDUSTRIAL WASTEWATER USERS**

### **Section 35-194 PURPOSE AND POLICY**

This ordinance sets forth uniform requirements for users of the publicly owned treatment works for the City of Rolla and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (10 CSR 20-6.100(2); 40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatmentworks;
- (c) To protect both publicly owned treatment works personnel from injury who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (f) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state

laws to which the publicly owned treatment works is subject.

This ordinance shall apply to all users of the publicly owned treatment works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

**Section 35-195 ADMINISTRATION**

Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to other City personnel.

### **Section 35-196 ABBREVIATIONS**

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- AHL – Allowable Headworks Loading
- BMP- Best Management Practices
- BOD -Biochemical Oxygen Demand
- CFR -Code of Federal Regulations
- COD -Chemical Oxygen Demand
- CSR –Code State Regulations
- EPA -U.S. Environmental Protection Agency
- gpd -gallons per day
- IU – Industrial User
- MAHL -Maximum Allowable Headworks Loading
- MAIL –Maximum Allowable Industrial Loading
- mg/l -milligrams per liter
- NPDES-National Pollutant Discharge Elimination System
- POTW-Publicly owned treatment works
- RCRA -Resource Conservation and Recovery Act
- SIC -Standard Industrial Classification
- SIU – Significant Industrial User
- SNC – Significant Non-Compliance
- TSS -Total Suspended Solids
- U.S.C. -United States Code

### **Section 35-197 DEFINITIONS**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

(a) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

(b) Allowable Headworks Loading (AHL). The estimated maximum loading of a pollutant that can be received at a POTW's headworks that should not cause a POTW to violate a particular treatment plant or environmental criterion. AHLs are developed to prevent interference or pass through.

(c) Approval Authority. State of Missouri.

(d) Authorized Representative of the User.

1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs

similar policy or decision-making functions for the corporation; or

- (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second- quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- 2) If the user is a partnership or sole proprietorship:

A general partner or proprietor, respectively.

- 3) If the user is a federal, state, or local governmental facility:

A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- 4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.

- (e) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- (f) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (g) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 10 CSR 406-471; 10 CSR 20-6.300(4)(C); 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (h) City. The City of Rolla.
- (i) Control Authority. The City of Rolla
- (j) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (k) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (l) **Grab Sample.** A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (m) **Headworks.** The point at which wastewater enters a wastewater treatment plant. The headworks may consist of bar screens, comminutors, a wet well or pumps.
- (n) **Indirect Discharge or Discharge.** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (o) **Instantaneous Maximum Allowable Discharge Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (p) **Interference.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (q) **Local Limit.** Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (r) **Maximum Allowable Industrial Loading (MAIL).** The estimated maximum loading of a pollutant that can be received at a POTW's headworks from all permitted industrial users and other controlled sources without causing pass through or interference. The MAIL is usually calculated by applying a safety factor to the MAHL and discounting for uncontrolled sources, hauled waste and growth allowance.
- (s) **Maximum Allowable Headworks Loading (MAHL).** The estimated maximum loading of a pollutant that can be received at a POTW's headworks without causing pass through or interference. The most protective (lowest) of the AHLs (see definition) estimated for a pollutant.
- (t) **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (u) **New Source.**



(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- i (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- ii (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- iii (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 35-194 (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

a. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- i. (a) Begun, or caused to begin, as part of a continuous onsite construction program
  - 1. (i) any placement, assembly, or installation of facilities or equipment; or
  - 2. (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- ii. (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual

obligation under this paragraph.

- (v) **Noncontact Cooling Water.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product..
- (w) **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (x) **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (y) **pH.** Measure of the acidity or alkalinity of a solution, expressed in standard units (SU).
- (z) **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor)
- (aa) **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (bb) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (cc) **Pretreatment Standards or Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (dd) **Prohibited Discharge Standards or Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 35- 198 of this ordinance.
- (ee) **Publicly owned treatment works or POTW.** A "treatment Works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (ff) **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (gg) **Sewage.** Human excrement and gray water (household showers, dishwashing operations, etc.)
- (gg) **Significant Industrial User.**
  - a. A user subject to categorical pretreatment standards; or
  - b. A user that:
    - i. (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
    - ii. (b) Contributes a process waste stream which makes up five (5) percent or

more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

- iii. (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

c. Upon finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

- (hh) Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 35-198 of this ordinance.
- (ii) Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (jj) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (kk) Public Works Director. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- (ll) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (mm) User or Industrial User. A source of indirect discharge.
- (nn) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (oo) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord, 3183)

### **Section 35-198 PROHIBITED DISCHARGE STANDARDS**

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other-National, State, or local pretreatment standards or requirements.

(b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (l) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F (60°C) using

the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment

(3) ;Sewer surcharge is applied in conjunction with the standard sewer discharge for BOD (250 mg/L) or TSS (300 mg/L) exceeds the limits established in the Sewer Use Ordinance. The surcharge shall be in effect until the allocated portion of the MAIL value in Section 35-200 for a user is exceeded and when industrial IUs discharge in excess of a Local Limit in their permit, they are subject to enforcement action.

(4) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one- and one-half inches (1.5") or three and eighty one, one hundredth centimeters (3.81 cm) in any dimension. Sanitary Sewer surcharge means the charge imposed herein for the discharge of user's discharge of biochemical oxygen demand and suspended solids into the City's sewer system;

(5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(6) Wastewater having a temperature greater than 140°F (60 °C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; Trucked or hauled pollutants, except at discharge points designated by the Public Works Director in accordance with Section 35-206 of this ordinance;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color: such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff,

subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Public Works Director;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Public Works Director in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l; or

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than one hundred percent (100%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

### **Section 35-199 NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (1) To be eligible for equivalent mass limits, the Industrial User must:
  - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Public Works Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph Section 35-199(1)a. of this Section. Upon notification of a revised production rate, the Public Works Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs Section 35-199(1a) of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Public Works Director:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard or the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 35-202. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.
- (4) The Public Works Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Public Works Director.
- (5) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Public Works Director within two (2) business days after the User has a reasonable basis to

know that the production level will significantly change within the next calendar month. Any User not notifying the Public Works Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

a. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Public Works Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

b. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

### **Section 35-200 LOCAL LIMITS**

In addition to the prohibitions of Section 35-198, no user shall discharge any wastewater containing toxic pollutants that exceed specific local standards to the extent that said local standards are more stringent than State or Federal standards, requirements, or limitations. Specific local standards shall be developed for all SIUs and other users, as appropriate, by the Public Works Director by allocating between those users the total allowable industrial pollutant loads as determined by plant headworks calculations.

(a) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5

(b) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Table:

Pollutants	Maximum Daily Limits MAIL (Lbs) <sup>1</sup>
Silver (Ag)	0.59
Arsenic (As)	0.47
Cadmium (Cd)	0.10
Cyanide (CN)	0.189
Chromium (Cr)	10.72
Copper (Cu)	2.79
Mercury (Hg)	0.03
Molybdenum (Mo)	0.41
Nickel (Ni)	2.85
Lead (Pb)	0.59
Selenium (Se)	0.19
Zinc (Zn)	22.60
<b>Conventional Pollutant<sup>2</sup></b>	
Ammonia as N	366
BOD <sub>5</sub>	1510
TSS	954
pH (SU)	6.0-9.0 <sup>3</sup>
Temperature	140°F <sup>4</sup>
Oil and Grease	100 mg/L

<sup>1</sup>The Local Limits are mass based and a mass allocation method for distributing mass to each CIU/SIU/IU will be used for those in need of an allocation. These mass-based limits are to be applied to those industries requiring a limit and the industries must have the ability to meter their discharge flow.

<sup>2</sup>BOD and TSS discharges must not exceed the Sewer Use Ordinance 35-125(a) and/or (b) are surcharge limits until the maximum allocated CIU/SIU mass limit is reached.

<sup>3</sup>pH is not to be averaged and is expressed in standard units (SU).

<sup>4</sup>Temperature is not to be averaged and expressed in Fahrenheit.

### **Section 35-201 CITY'S RIGHT OF REVISION**

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

### **Section 35-202 DILUTION**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

### **Section 35-203 PRETREATMENT FACILITIES**



Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 35-198 of this ordinance within the time limitations specified by EPA, the State, or the Public Works Director, whichever time limitation is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Public Works Director for review, and shall be acceptable to the Public Works Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

### **Section 35-204 ADDITIONAL PRETREATMENT MEASURES**

(a) Whenever deemed necessary, the Public Works Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(b) The Public Works Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Public Works Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **Section 35-205 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS**

At least once every two (2) years, the Public Works Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Public Works Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Public Works Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemical,

(c) Procedures for immediately notifying the Public Works Director of any accidental or slug discharge, as required by Section 35-227 of this ordinance; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plan site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### **Section 35-206 HAULED WASTEWATER**

(a) Septic tank waste may be introduced into the POTW only at locations designated by the Public Works Director, and at such times as are established by the Public Works Director. Such waste shall not violate Section 35-198 of this ordinance or any other requirements established by the City. The Public Works Director may require septic tank waste haulers to obtain wastewater discharge permits.

(b) The Public Works Director shall require haulers of industrial waste to obtain wastewater discharge permits. The Public Works Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Public Works Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the Public Works Director. No load may be discharged without prior consent of the Public Works Director. The Public Works Director may collect samples of each hauled load to ensure compliance with applicable standards. The Public Works Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

### **(d) Section 35-207 WASTEWATER ANALYSIS**

When requested by the Public Works Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The city engineer is authorized to prepare a form for this purpose and may periodically require users to update this information.

### **Section 35-208 WASTEWATER DISCHARGE PERMIT REQUIREMENT**

(a) No significant industrial user shall discharge wastewater into the POTW without first

obtaining a wastewater discharge permit from the Public Works Director, except that a significant industrial user that has filed a timely application pursuant to Section 35-209 of this ordinance may continue to discharge for the time period specified therein.

(b) The Public Works Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 35-239 through 35-255 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

### **Section 35-209 WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS**

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Public Works Director for a wastewater discharge permit in accordance with Section 35-21 I of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Public Works Director.

### **Section 35-210 WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS**

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 35-21 I of this ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

### **Section 35-211 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS**

All users required to obtain a wastewater discharge permit must submit a permit application. The Public Works Director may require all users to submit as part of an application the following information:

- (a) All information required by Section 35-222(b) of this ordinance;
- (b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation.
- (d) Each product produced by type, amount, process or processes, and rate of

- production.
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (g) Time and duration of discharges; and
- (h) Any other information as may be deemed necessary by the Public Works Director to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

### **Section 35-212 APPLICATION SIGNATORIES AND CERTIFICATION**

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the - possibility of penalty and imprisonment for knowing violations."

### **Section 35-213 WASTEWATER DISCHARGE PERMIT DECISIONS**

The Public Works Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Public Works Director will determine whether or not to issue a wastewater discharge permit. The Public Works Director may deny any application for a wastewater discharge permit.

### **Section 35-214 WASTEWATER DISCHARGE PERMIT DURATION**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Public Works Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.

### **Section 35-215 WASTEWATER DISCHARGE PERMIT CONTENTS**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Public Works Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to

the POTW.

(a) Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years not more than five;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 35-218 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control Slug Discharge, if determined by the Public Works Director to be necessary

(b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatmentworks;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Public Works Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### **Section 35-216 WASTEWATER DISCHARGE PERMIT APPEALS**

The Public Works Director shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Public Works Director to reconsider the terms of a wastewater discharge permit within sixty (60) days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(d) If the Public Works Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the municipal court for the twenty fifth Judicial Circuit Court of Missouri within ninety (90) calendar days of the Notice of Issuance.

### **Section 35-217 WASTEWATER DISCHARGE PERMIT MODIFICATION**

The Public Works Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards

- pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- Note: Modification for this purpose may not be allowed unless the permit is transferable as provided in Section 33-218

### **Section 35-218 WASTEWATER DISCHARGE PERMIT TRANSFER**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Public Works Director and the Public Works Director approves the wastewater discharge permit transfer. The notice to the Public Works Director must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

### **Section 35-219 WASTEWATER DISCHARGE PERMIT REVOCATION**

The Public Works Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Public Works Director of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Public Works Director of changed conditions pursuant to Section 35-226 of this ordinance;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application,

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the Public Works Director timely access to the facility premises and records;

- (g) Failure to meet effluent limitations;
- (h) Failure to pay penalties;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

### **Section 35-220 WASTEWATER DISCHARGE PERMIT REISSUANCE**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 35-211 of this ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

### **Section 35-221 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS**

- a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Public Works Director shall enter into an inter-municipal agreement with the contributing municipality.
- b) Prior to entering into an agreement required by paragraph A, above, the Public Works Director shall request the following information from the contributing municipality:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (3) Such other information as the Public Works Director may deem necessary.
- c) An inter-municipal agreement, as required by paragraph a), above, shall contain the following conditions:
  - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are



at least as stringent as those set out in Section 35-222 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Rolla's ordinance or Local Limits;

- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Public Works Director and which of these activities will be conducted jointly by the contributing municipality and the Public Works Director;
- (4) A requirement for the contributing municipality to provide the Public Works Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Public Works Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Public Works Director; and
- (8) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

### **Section 35-222 BASELINE MONITORING REPORTS**

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Public Works Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants. All analysis must be 40 CFR 136 compliant.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Public Works Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 35-222 of this ordinance.

(c) Sampling must be performed in accordance with procedures set out in Section 35-222 of this ordinance.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 35-223 of this ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 35-212 of this ordinance.

### **Section 35-223 COMPLIANCE SCHEDULE PROGRESS REPORTS**

The following conditions shall apply to the compliance schedule required by Section 35-222(b)(7) of this ordinance:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment

standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the Public Works Director no later than fourteen

(14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the Public Works Director.

### **Section 35-224 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Public Works Director a report containing the information described in Section 35-222(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 35-212 of this ordinance.

### **Section 35-225 PERIODIC COMPLIANCE REPORTS**

(a) All significant industrial users shall, at a frequency determined by the Public Works Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Public Works Director or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 35-212 of this ordinance.

(b) All periodic compliance reports must be signed and certified in accordance with this ordinance.

- (c) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (d) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in this ordinance, the results of this monitoring shall be included in the report.

### **Section 35-226 Reports of Changed Conditions**

Each user must notify the Public Works Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

(a) The Public Works Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 35-211 of this ordinance.

(b) The Public Works Director may issue a wastewater discharge permit under Section 35-213 of this ordinance or modify an existing wastewater discharge permit under Section 35-217 of this ordinance in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

### **Section 35-227 Reports of Potential Problems**

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine episodic nature, a noncustomary batch discharge, or a slug discharge or slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Public Works Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the Public Works Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damages to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this ordinance. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a),

above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(c) Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **Section 35-228 Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Public Works Director as the Public Works Director may require.

### **Section 35-229 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicated a violation, the user must notify the Public Works Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Public Works Director within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Public Works Director monitors at the user's facility at least once a month, or if the Public Works Director samples between the user's initial sampling and when the user receives the results of this sampling.

### **Section 35-230 Notification of the Discharge of Hazardous Waste**

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 35-226 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section 35-222, 35-224, and 35-224 of this ordinance. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15)

kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(b) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Public Works Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(c) In the case of any notification made under this section, the user shall certify that it has program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(d) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

### **Section 35-231 Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

### **Section 35-232 Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The monitoring frequency shall be twice per year with one sample being in January-June and second sample to be in July-December.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may

be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director may authorize a lower minimum. For the reports required by this ordinance. (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

### **Section 35-233 Timing**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

### **Section 35-234 Record Keeping**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 35-200. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Public Works Director.

### **Section 35-235 (Reserved)**

### **Section 35-236 Refused Access**

If the Public Works Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public

health, safety and welfare of the community, then the Public Works Director may proceed as outlined in Sec. 35-245 and immediately suspend the user's discharge.

### **Section 35-237 Confidential Information**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Public Works Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Public Works Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 3183)

### **Section 35-238 Publication of Users in Significant Noncompliance**

The Public Works Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d), or (h) of this section and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in this ordinance.
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by this ordinance multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation of a Pretreatment Standard or Requirement as defined by this ordinance (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Public Works Director believes has caused, alone or in combination with



other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or has resulted in the Public Works Director's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) which the Public Works Director determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 3183)

(i) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

### **Section 35-239 Notification of Violation**

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Public Works Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the

Notice of Violation. Nothing in this section shall limit the authority of the Public Works Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. 3183)

### **Section 35-240 Consent Orders**

The Public Works Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 35-242 and 35-243 of this ordinance and shall be judicially

enforceable. (Ord. 3183)

### **Section 35-241 Show Cause Hearing**

The Public Works Director may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Public Works Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 3183)

### **Section 35-242 Compliance Orders**

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violations, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 3183)

### **Section 35-243 Cease and Desist Orders**

When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Public Works Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 3183)

**Section 35-244 Administrative Penalties**

(a) When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director, with City of Rolla Council approval, may penalize such user in an amount not to exceed five hundred dollars (\$500 per violation per day). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalties shall be assessed for each day during the period of violation.

(b) Unpaid charges and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one tenth percent (0.1%) of the unpaid balance, and interest shall accrue thereafter at a rate of three percent (3%) per month. A lien against the user's property will be sought for unpaid charges and penalties.

(c) Users desiring to dispute such penalties must file a written request for the Public Works Director to reconsider the penalty along with full payment of the penalty amount within thirty (30) days of being notified of the penalty. The City of Rolla Council will convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City of Rolla Council may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.

(d) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 3183)

**Section 35-245 Emergency Suspensions**

The Public Works Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonable appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Public Works Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Public Works Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Public Works Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Public Works Director that the period of endangerment has passed, unless the termination proceedings in Section 35-246 of this ordinance are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any show cause or termination hearing under Sections 35-241 or 35-246 of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 3183)

### **Section 35-246 Termination of Discharge**

In addition to the provisions in Section 35-219 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of it discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Section 35-198 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 35-241 of this ordinance why the proposed action should not be taken. Exercise of this option by the Public Works Director shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 3183)

### **Section 35-247 Injunctive Relief**

**When the Public Works Director finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Public Works Director may petition the Municipal Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Public Works Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. Section 35-248 Civil Penalties**

- (a) A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of five

hundred dollars (\$500) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The Public Works Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstance, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **Section 35-249 Prosecution for Violations**

(a) A user who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be in violation of this chapter, punishable by a penalty of not more than five hundred dollars (\$500.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be in violation of this chapter and be subject to a penalty of at least five hundred dollars (\$500.00), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with-, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be subject to a penalty of not more than five hundred dollars (\$500.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

(d) In the event of a second conviction, a user shall be subject to a penalty of not more than five hundred dollars (\$500.00) per violation, per day, or imprisonment for not more than one (1) year(s), or both.

### **Section 35-250 Remedies Nonexclusive**

The remedies provided for in this ordinance are not exclusive. The Public Works Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Public Works Director may take other action against any user when the circumstances warrant. Further, the Public Works Director is empowered to take more than one enforcement action against any noncompliant user.

### **Section 35-251 Performance Bonds**

The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Public Works Director to be necessary to achieve consistent compliance.

### **Section 35-252 Liability Insurance**

The Public Works Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

### **Section 35-253 Water Supply Severance**

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

### **Section 35-254 Public Nuisances**

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director. Any person(s) creating a public nuisance shall be subject to the provisions of the Rolla City Code Chapter 28, Sections 28-1 thru 28-17 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

**Section 35-255 (Reserved)**

**Section 35-256 Upset**

(a) For the purposes of this section, "upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Public Works Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days.

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance;

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof;

(e) Users will have the opportunity for a judicial determination on an claim of upset only in an enforcement action brought of noncompliance with categorical pretreatment standards;

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility i restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **Section 35-257 Prohibited Discharge Standards**

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 35-198(a) of this ordinance or the specific prohibitions in Section 35-198(b)(3) through 35-256(f) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### **Section 35-258 Bypass**

#### **13.3 Bypass**

A. For the purposes of this Section

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs of this Section.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Public Works Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five

(5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Works Director may waive the written report on a case-by-case basis if the oral report has been received within twenty- four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Public Works Director may take an enforcement



- action against a User for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Public Works Director determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

### **Section 35-259 Pretreatment Charges and Fees**

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees and penalties chargeable by the City.
- (f) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

### **Section 35-260 Severability**

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

### **Section 35-261 Effective Date**

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

**Section 35-262 to 35-275 Reserved**

**Section 3:** That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 15<sup>TH</sup> DAY OF AUGUST, 2022.

APPROVED:

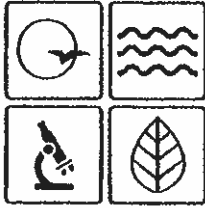
ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

Michael L. Parson  
Governor

Dru Buntin  
Director

July 6, 2022

Steve Hargis, P.E., Public Works Director  
City of Rolla  
P.O Box 979  
901 North Elm Street  
Rolla, MO 65402

RE: Approval of Pretreatment Program Modifications, City of Rolla SE, Wastewater Treatment Facility, MO-0050562

Dear Steve Hargis:

Missouri State Operating Permit number MO-0050562 issued on March 1, 2019, is hereby modified as per the enclosed. This modification is to incorporate the changes to the approved pretreatment program modification (see the factsheet addendum in the modified permit).

The city of Rolla is adopting the U.S. Environmental Protection Agency's (EPA's) 2005 amendments to the federal General Pretreatment Regulation at 40 CFR 403. Modifications to the Article XIV, Pretreatment of its sewer use ordinance (SUO), and enforcement response plan (ERP) incorporate the revisions to a federal rule. The city modified Section 25-200, where no prior local limits were established, with new local limits as maximum allowable industrial loadings (MAILs) for 15 National Pollutants of Concern after completing a detailed reevaluation of local limit analysis that is part of this program modification. The city, additionally, updated the enforcement response plan (ERP) to improve the planning procedures and guide table with additional enforcement actions for specific types of violations.

Please read your permit and enclosed Standard Conditions. They contain important information on monitoring requirements, effluent limitations, sampling frequencies and reporting requirements.

This permit may include requirements with which you may not be familiar. If you would like the Missouri Department of Natural Resources to meet with you to discuss how to satisfy the permit requirements, an appointment can be set up by contacting the Central Field Operations Office at 573-840-9750. These visits are called Compliance Assistance Visits and focus on explaining the requirements to the permit holder.

This permit is both your Federal National Pollutant Discharge Elimination System Permit and your new Missouri State Operating Permit and replaces all previous State Operating Permits issued for this facility under this permit number. In all future correspondence regarding this facility, please refer to your State Operating Permit number and facility name as shown on page one of the permit.





**MISSOURI  
DEPARTMENT OF  
NATURAL RESOURCES  
NOTICE OF INTENT TO APPROVE  
PRETREATMENT PROGRAM MODIFICATION  
CITY OF ROLLA  
MO-0050652**

DATE: May 13, 2022

In accordance with the state Clean Water Law, Chapter 644, RSMo and the Federal Clean Water Act, the city of Rolla has an approved pretreatment program to meet the requirements of 40 CFR Part 403 and 10 CSR 20-6.100. The Missouri Department of Natural Resources (Department), as Approval Authority, has reviewed the proposed program modifications and intends to grant its approval as required by 40 CFR 403.18 and 10 CSR 20-6.100.

The City is proposing to adopt the U.S. Environmental Protection Agency's (EPA's) 2005 amendments to the federal General Pretreatment Regulation at 40 CFR 403. Modifications to the Article XIV, Pretreatment For Industrial Wastewater Users, sewer use ordinance (SUO), and enforcement response plan (ERP) that incorporate the revisions to a federal rule are non-substantial changes, as stated in the publication of the 2005 Streamlining Rule in the Federal Registry at 70 FR 60187 and in 40 CFR 403.18(b)(1). The Department designated the City's pretreatment program modifications as substantial because the City modified Section 25-200, where no prior local limits were established, with new local limits as maximum allowable industrial loadings (MAILs) for 15 National Pollutants of Concern after completing a detailed reevaluation of local limit analysis that is part of this program modification. The City, additionally, updated the enforcement response plan (ERP) to improve the planning procedures and guide table with additional enforcement actions for specific types of violations. These changes could have a significant impact on the operation of the program, pursuant to 40 CFR 403.18(b)(7).

Interested parties may review the proposed program at the Department of Natural Resources, 1101 Riverside Drive, Jefferson City, MO; or at the city of Rolla, City Hall, Department of Public Works, 901 North Elm Street, PO Box 979, Rolla, MO. Copies of the pretreatment program submission and other information including copies of applicable regulations are available for inspection and copying at MDNR's Website: <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/wastewater/construction-engineering/pretreatment>

Persons wishing to comment on the proposed pretreatment program are invited to submit them in writing to: Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102, ATTN: Pretreatment Coordinator. Email comments will be accepted at the following address: [Pretreatment@dnr.mo.gov](mailto:Pretreatment@dnr.mo.gov). **Please include the permit number in all comment letters.**

Comments should be confined to the issues relating to the proposed action. The Department may not consider as relevant comments or objections based on issues outside the authority of the Missouri Clean Water Commission. All comments must be received or postmarked by 5:00 p.m. on , **June 13, 2022**. The Department will consider all written comments, including e-mails, faxes and letters, in the final determinations regarding the approval. The notice of request for approval under §403.11(b)(1) states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change.

## **Enforcement Response Plan**

### **Right of Entry: Inspection and Sampling**

The Public Works Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Public Works Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Public Works Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The Public Works Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The Public Works Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated every six (6) months to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Public Works Director and shall not be replaced. The costs of clearing such access shall be borne by the user.

Unreasonable delays in allowing the Public Works Director access to the user's premises shall be a violation of this ordinance.

#### **(e) Search Warrants**

If the superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Director may seek issuance of a search warrant from the appropriate court.

## 1. GENERAL

- A. The purpose of the Enforcement Response Plan (ERP) is to provide guidance in all phases of enforcement related to the City's Pretreatment Program. General guidance has been provided by Article XIV of the Code of Ordinances of the City of Rolla but specific application of that general guidance to the range of possible enforcement actions is provided in the ERP.
- B. The City reserves the right to escalate enforcement actions as needed to prevent imminent harm to the POTW or the environment. This includes the immediate and effective prevention of any discharge of pollutants to the POTW which reasonably appear to present an imminent endangerment to the health or welfare of persons, pursuant to Code of Ordinances Article XIV

## 2. ENFORCEMENT RESPONSE PLAN

Article XIV of the Code of Ordinances implements the City's Pretreatment Program mandated by the Clean Water Act and the General Pretreatment Regulations. It provides specific limitations in Article XIV Section 35-200. The enforcement philosophy is progressive that is, problems are addressed at the lowest level and with least formality possible consistent with the specific problem. No enforcement procedure is contingent upon the completion of any less formal procedure. For particularly severe violations, a Show Cause Hearing may be scheduled immediately without the need for Notice of Violation, Standards Meeting and compliance schedules.

Article XIV Section 35-208 requires that all significant industrial users obtain a wastewater discharge permit as a condition of discharge. Permits may limit wastewater effluent limitations, may require installation and operation of sampling and monitoring facilities, establish compliance schedules and require submission of periodic reports and notices as needed. The wastewater discharge permit represents the City's first means of controlling the wastewater discharge by significant industrial users since, if permit requirements are met by the permittee, no further enforcement activity should be required.

The permit also represents a major enforcement tool for the City's use against significant industrial users violating the City's ERP, since the City Council, after a Show Cause Hearing, may direct a revocation of a user's permit which effectively bars discharge of industrial process wastewater to the City's sewers.

## 3. RESPONSIBILITIES

The ERP is administered by the City Engineer (CE) under the general supervision of the Public Works Director and in close coordination with the City Counselor. The CE may delegate certain tasks to subordinates. The CE shall maintain complete, accurate records of activities conducted as part of the ERP and render periodic reports as required. Specific responsibilities are set forth in succeeding sections of this document.

#### 4. COLLECTION AND DISSEMINATION OF INFORMATION

For industrial users, the CE shall determine what data is required or needed to determine compliance with applicable pretreatment standards as well as when and how it can be obtained. The CE shall specify reporting requirements for each industrial user in its permit as required by the United States Environmental Protection Agency and shall then track the submission of reports. If information submitted is deficient or late, the industrial user shall be notified and required to complete the submission as detailed in the appropriate enforcement response.

Baseline monitoring reports, 90-day compliance reports, reports required by the compliance directives and continuing compliance reports as received shall be retained for at least three years under the provisions of 40 CFR 403.112(n).

The CE shall notify significant industrial users of applicable pretreatment standards and any RCRA requirements as described in 40 CFR Part 403.8 (f.2.iii). By reporting the results of City sampling and analysis to industrial users, the CE will provide feedback to users on compliance status and inform industrial users of their compliance with responses to instances of noncompliance.

#### 5. SAMPLING AND INSPECTION OF INDUSTRIAL USERS

The CE shall prepare and continually update an inspection plan for field investigation including sample collection, facility inspections and flow monitoring. Field investigations shall be used to verify compliance status, to monitor industrial self-monitoring activities, to collect samples, to initiate emergency or remedial action and to gather additional information. City personnel may conduct routine compliance monitoring or special monitoring in response to violations, technical problems or support for permit modifications. Routine wastewater sampling shall be conducted for each significant industrial user at least twice annually. The CE shall further develop such checklists and procedures for routine inspections as are necessary to assure that the results of each visit is documented and notify industrial users of any deficiencies found during any inspection. The CE shall advise the Missouri Department of Natural Resources of its routine and special field investigations each year. Joint investigation of industrial users with Environmental Protection Agency or the Missouri Department of Natural Resources may be conducted by mutual agreement.

#### 6. COMPLIANCE SCREENING

Using all available information, the CE shall review and assess compliance with schedules, reporting requirements and applicable pretreatment standards. Reviews completed are designed to identify apparent violations rather than to determine an appropriate enforcement response to such apparent violations. During the screening process, the reviewer shall verify that any required reports are submitted on schedule, that they cover the proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with requirements in the industrial user's permit. Any discrepancy shall be considered to be a violation of the ERP. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

## 7. ENFORCEMENT VIOLATION

Violations and discrepancies identified during the compliance screening process will be reviewed by the CE to evaluate the type of enforcement response required. The enforcement response guide attached to this ERP will be used for this determination.

The CE will set deadlines for industrial users to respond to letters of violation. If contracts and commitments are oral, they will be confirmed in writing to preserve the record.

## 8. SIGNIFICANT NONCOMPLIANCE (SNC)

After completion of the compliance screening, violations will be characterized and a determination made as to whether the user is in Significant Noncompliance (SNC). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations are significant and must be identified as such. Such SNC may be on a long term basis of occurrence. Categorization of industrial users as being in SNC allows the City to establish priorities for enforcement action and provides a means for reporting on significant industrial user performance summary. Instances of SNC are industrial user violations which meet one or more of the following criteria:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;



(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

When an industrial user is in SNC, the City shall;

(1) Report such information to the Missouri Department of Natural Resources as part of the Pretreatment Annual Report;

(2) List the industrial user in the City of Rolla newspaper in accordance with paragraph 9 as having significant violations; and

(3) Address the SNC through appropriate enforcement action.

## 9. PUBLISHING LISTS OF INDUSTRIAL USERS WITH SIGNIFICANT VIOLATIONS

General Pretreatment Regulations require the City to publish at least annually, in the largest daily newspaper within the City, a list of industrial users which were significantly violating applicable pretreatment standards and requirements during the previous twelve months. The procedures for complying the list of such industrial users is as follows:

- A. The CE shall prepare a compliance history from City records for each individual significant industrial user.
- B. The compliance history so obtained for each industrial user shall be reviewed to determine if a pattern of noncompliance exists or if the industry has been or continues to be in SNC. To the extent that an industry meets these criteria, it will be placed on the list for publication.

## 10. INFORMAL AND FORMAL MEANS OF ENFORCEMENT Means

of enforcement available to the City are:

- A. Informal Actions
  - Informal Notice to Industrial User, including verbal warnings by telephone or in person
  - Notice of Violation
  - Review Meetings
- B. Formal Actions
  - Standards Meeting and Compliance Schedule
  - Administrative Order
  - Appearance before the City Council
  - Show Cause Hearing
  - Revocation of Permit
  - Termination of Service
  - Civil Suit for Injunctive Relief of Civil Penalties

- Criminal Prosecution

## 11. DESCRIPTION OF ENFORCEMENT ACTIVITIES

The categories of enforcement activities are described in the succeeding paragraphs.

### A. Informal Actions

1. **Informal Notice to Industrial User.** Informal notice consists of personal contact, telephone calls or reminder letters to an appropriate official of an industrial user. The CE may use such a call or letter to notify industrial users of a minor violation and to seek an explanation, suggest the exercise of more due care or notify the violator that subsequent violations of the same type may be dealt with more severely. Such informal notice may be used to correct minor inadvertent noncompliance. Instances of informal notice shall be reduced to writing to preserve the record.
2. **Notice of Violation.** A Notice of violation is a written notice to the industrial user that the City has observed a violation of pretreatment standards or requirements and expects the noncompliance to be corrected and explained together with a statement that additional enforcement action may be pursued if corrections are not accomplished in a timely manner. A Notice of violation shall also state that an explanation of the violation does not excuse it or any previous violations. Notice of violation shall be sent by certified mail, return receipt requested, with copies maintained in the industrial user's file.
3. **Review Meetings.** Where violations of City ordinances have occurred, or appear to have occurred, the user shall be notified by the CE in writing as to the particulars of the violation and be called for a voluntary meeting with the industrial user. The notice sent to the industrial user shall be sent by certified mail and shall be entitled "Notice of Review". The meeting held shall be called a Review Meeting. Review meetings are intended to provide a voluntary means of preventing future violations of the City's Pretreatment Program.

At such meetings, the CE or a designee shall preside and minutes shall be kept.

The industrial user may be required to respond in writing to the violations and provide an explanation for such violations and describe the means to eliminate such violations in the future.

Neither the informal notice or notice of violation is a precondition for calling a review meeting and no informal procedure is a prerequisite for instituting formal enforcement procedures.

### B. Formal Actions

1. **Standards Meeting.** In cases where, following a review meeting, continued violations occur or where violations of themselves are either of significant magnitude or duration, a user may be required through a Notice of Standards Meeting to attend a Standards Meeting. Notice of such a meeting shall be sent by certified mail, return receipt requested. Attendance is mandatory by the industrial user and failure to comply with such a notice may result in an order for Show Cause Hearing or suit for fines or penalties or such other remedies as are provided by Article XIV Sections 35-247, 35-248, 35-249 of the Code of Ordinances. The Standards Meeting shall establish

procedures, investigations and studies as the CE deems necessary and desirable to determine the cause of such violations and methods to correct them. The City Counselor shall chair the Standards Meeting and minutes shall be kept.

At the conclusion of the Standards Meeting, the industry may be issued a compliance directive specifying actions to be undertaken including studies to identify and solve the problem. Timetables may also be established to complete any such studies as are required and variances, as set forth in paragraph 12, may be issued as required. Failure to comply with terms of the compliance directive or to implement the results of studies to alleviate the cause for violations may result in an order for Show Cause Hearing or Civil Litigation.

2. **Administrative Order.** An Administrative Order is a written document which orders a user to perform a specific act or refrain from an act. Administrative Order shall be sent by certified mail, return receipt requested.
3. **Appearance before City Council.** At any time after a user is issued a compliance directive and thereafter violates the terms of such compliance directive, including any variance issued therewith, or violates City Ordinances in such manner as to warrant such action, the Public Works Director may, by written notice sent by certified mail, return receipt requested, require such user to be present at any regular or special meeting of the City Council to review such violations and for the City Council to take such actions as it is empowered to take without the formality of a Show Cause Hearing. An appearance before the City Council is not a condition precedent for other enforcement action and no previous enforcement action against the user is required before and appearance before the City Council is ordered.
4. **Show Cause Hearing.** The Public Works Director may order any user who causes or allows an unauthorized discharge or violates the City's pretreatment program to show cause before the City Council why the Council should not revoke the user's wastewater discharge permit or take such o t h e r enforcement actions as is dictated by the facts of the case. The Public Works Director shall issue such Orders for Show Cause Hearings and they shall be served upon the user specifying the time and place of a hearing to be held by the City Council regarding the violations, the reason why the action is to be taken, the proposed enforcement action, and shall direct the user to show cause before the Council why such action should not be taken. The notice of hearing shall be served personally or be certified or registered mail. Service may be made on any agent or officer of a corporation or agent of a partnership.

Show Cause Hearings shall be conducted by the City Council. Subpoenas shall be issued by the President of the Council upon request of any party to compel attendance of witnesses at such hearing. All testimony shall be under oath in accordance with rules of procedure and evidence developed by the Council for the conduct to show cause hearing.

Following such hearing, the City Council may take such action as it deems appropriate in the circumstances, including, but not limited to, revocation of permit, direction that discharge be ceased immediately or after a specified period of time, that suit be instituted against the industrial user to collect fines and penalties or to terminate service or for such other purposes as directed by the City Council.

5. Civil Litigation. If a user continues to allow an unauthorized discharge or continues to violate the City's pretreatment program after previous enforcement actions have been taken, the City Council may direct the City Counselor to seek Civil Litigation and/or Criminal Prosecution against the user.

## 12. PERMIT MODIFICATIONS

The Public Works Director may modify a wastewater discharge permit for good cause but in no event shall the director be allowed to alter a federally mandated prohibition to make it less stringent than allowed under applicable federal law. Wastewater discharge permit modifications are specified in Article XIV Section 35-201 of the Code of Ordinances.

## 13. ENFORCEMENT RESPONSE GUIDE

### A. Using the Enforcement Response Guide:

The enforcement response guide is used as follows:

1. Locate the type of noncompliance in the first column and identify the most accurate description of the violation.
2. Assess the appropriateness of the recommended response(s) in column two. First offenders or users demonstrating good faith efforts may merit a more lenient response. Similarly, repeat offenders or those demonstrating negligence may require a more stringent response. Other factors to consider when selecting a response are as follows:
  - a. Compliance history of the user.
  - b. Previous success of enforcement actions taken against the particular user (e.g., if NOV's have not previously succeeded in returning the user to compliance, an administrative order is the more appropriate response).
  - c. Violations effect on the receiving waters.
  - d. Violations effect on the POTW.
3. Apply the enforcement response to the industrial user. Specify corrective action or other response required of the industrial user, if any. Column three indicates personnel to take each response and the time frame in which that response should be taken.
4. Follow-up with escalated enforcement action if the industrial user's response is not received or violation continues.

### B. Descriptions of Terms:

Terms and abbreviations used in the Enforcement Guide are defined as follows: AO

Administrative Order.

Civil Litigation

Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual

	damages.
Criminal Prosecution	Pursuing punitive measures against an individual and/or organization through a court of law.
Fine	Monetary penalty.
I	Inspector.
IU	Industrial User.
Meeting	Informal compliance meeting with the IU to resolve recurring noncompliance.
NOV	Notice of Violation.
CE	City Engineer.
D	Public Works Director.
CC	City Counselor.
SV	Significant Violation.
Show Cause Hearing	Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

## DEFINITIONS

**ADMINISTRATIVE ACTION** (a fine or order) – An enforcement action authorized by the City's legal authority which is taken without the involvement of a court.

**ADMINISTRATIVE FINE** – A punitive monetary charge unrelated to actual treatment costs which is assessed by the City rather than a court.

**ADMINISTRATIVE ORDER** – A document which orders a violator to perform a specific act or refrain from an act. For example, the order may require users to attend a show cause meeting, cease and desist discharging, or undertake activities pursuant to a compliance schedule.

**CEASE AND DESIST ORDER** – An administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

<b>UNAUTHORIZED DISCHARGES (No permit)</b>			
<b><u>NONCOMPLIANCE</u></b>	<b><u>NATURE OF THE VIOLATION</u></b>	<b><u>ENFORCEMENT RESPONSES</u></b>	<b><u>PERSONNEL</u></b>
1. Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	- Phone call - NOV with application form	CE
	IU unaware of requirement; harm to POTW	- NOV with Review Meeting - AO	C E, D D
	Failure to comply continues after notice by the POTW	- Standards Meeting - Appearance before City Council - Show Cause Hearing	D D C C
2. Nonpermitted discharge (failure to renew)	IU has not submitted application within 60 day prior to permit expiration	- Phone call - NOV	CE

<b>DISCHARGE LIMIT VIOLATION</b>			
<b>NONCOMPLIANCE</b>	<b>NATURE OF THE VIOLATION</b>	<b>ENFORCEMENT RESPONSES</b>	<b>PERSONNEL</b>
1. Violation of Pretreatment Standards and Requirements (including permit limits, narrative conditions, Best Management Practices)	Isolated, not significant	- Phone call - NOV	CE
	Isolated, significant (no harm)	- Review Meeting - AO - Standards Meeting	C E, D C E
	Isolated, harm to POTW or environment	- AO - Standards Meeting - Appearance before City Council - Show Cause Hearing - Civil Litigation	D D D D C C
	Recurring; no harm on POTW/environment	- AO - Standards Meeting	C E, D D
	Recurring, significant (harm)	- Show Cause Hearing - Civil Litigation	D C C

**CIVIL LITIGATION** – A lawsuit filed in a civil court. If the court rules that the defendant industrial user violated the law, the court may impose civil penalties, injunctions or equitable remedies and/or cost recovery.

**CIVIL PENALTY** – A punitive monetary award granted by a court to the Control Authority against a non-compliant industrial user.

**COMPLIANCE ORDER** – An administrative order directing a non-compliant industry to achieve or restore compliance by a date specified in the order.

**CONSECT ORDER** – An administrative order embodying a legally enforceable agreement between the Control Authority and the non-compliant industrial user designed to restore the user to compliance status.

**NOTICE OF VIOLATION** – A City document notifying an industrial user that is has violated pretreatment standards and requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.

**ENFORCEMENT RESPONSE GUIDE**

**MONITORING AND REPORTING VIOLATIONS**

<b><u>NONCOMPLIANCE</u></b>	<b><u>NATURE OF THE VIOLATION</u></b>	<b><u>ENFORCMENT RESPONSES</u></b>	<b><u>PERSONNEL</u></b>
1. Reporting violation	Report is improperly signed or certified	- Phone call - NOV	CE
	Report is improperly signed or certified after notice by POTW	- Review Meeting - AO	CE, D CE, D
	Isolated, not significant (e.g., 5 days late)	- Phone call - NOV	CE
	Significant (e.g., report 30 days or more late)	- Review Meeting - AO	CE CE, D
	Reports are always late or no reports at all	- AO - Appearance before City Council - Show Cause Hearing - Civil Litigation	CE, D D D C C



	Failure to report spill or changed discharge ( no harm)	- NOV - Review Meeting	C E C E
	Failure to report spill or changed discharge (results in harm)	- Standards Meeting - AO - Appearance before City Council - Civil Litigation	D CE, D D CC
	Repeated failure to report spills	- Show Cause Hearing - Civil Litigation	D C C
	Falsification	- Show Cause Hearing - Civil Litigation	D C C
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	- NOV - Review Meeting	CE CE, D
	Recurring failure to monitor	- Standards Meeting - Appearance before City Council	CE, D D
3. Improper sampling	Evidence of intent	- Show Cause Hearing - Civil Litigation	D C C

**MONITORING AND REPORTING VIOLATIONS (continued)**

<b><u>NONCOMPLIANCE</u></b>	<b><u>NATURE OF THE VIOLATION</u></b>	<b><u>ENFORCEMENT RESPONSES</u></b>	<b><u>PERSONNEL</u></b>
4. Failure to install monitoring equipment	Delay of less than 30 days	- NOV	CE
	Delay of 30 days or more	- Review Meeting - Standards Meeting - AO	CE CE, D CE,
	Recurring, violation of AO	- Appearance before City Council - Show Cause Hearing - Civil Litigation	D D C C
5. Compliance Schedules (in permit)	Missed milestone by less than 30 days, or will not affect final milestone	- NOV - Review Meeting	CE CE, D
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	- Standards Meeting - AO	D CE, D
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	- Appearance before City Council - Show cause order - Civil Litigation	D D C C
	Recurring violation or violation of schedule in AO	- Show Cause Hearing - Civil Litigation	D C C
<b>OTHER PERMIT VIOLATIONS</b>			
<b><u>NONCOMPLIANCE</u></b>	<b><u>NATURE OF THE VIOLATION</u></b>	<b><u>ENFORCEMENT RESPONSES</u></b>	<b><u>PERSONNEL</u></b>
1. Wastestreams are diluted in lieu of treatment	Initial violation	- Standards Meeting - AO	D CE, D
	Recurring	- Appearance before City Council - Show Cause Hearing - Civil Litigation	D D C C
2. Failure to mitigate	Does not result in harm	- NOV - Review Meeting	CE CE,

noncompliance or halt production	Does result in harm	- Standards Meeting - Appearance before City Council - Show Cause	D D D C C
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		Hearing - Civil Litigation	
3. Failure to properly operate and maintain pretreatment facility	See No. 2 above		

**VIOLATIONS DETECTED DURING SITE VISITS**

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>	<u>PERSONNEL</u>
1. Entry Denial	Entry denied or consent withdrawn. Copies of records denied	- Obtain warrant and return to IU	I, CE, D
2. Illegal Discharge	No harm to POTW or environment	- NOV - Review Meeting	CE CE,
	Discharges causes harm or evidence of	- Standards Meeting - AO	D CE, D
	Recurring, violation of AO	- Appearance before City Council - Show Cause Hearing - Civil Litigation	D D C C
3. Improper Sampling	Unintentional sampling at incorrect location	- NOV - Review Meeting	I, CE
	Unintentionally using incorrect sample	- NOV - Review Meeting	I, CE
	Unintentionally using incorrect sample collection	- NOV - Review Meeting	I, CE
4. Inadequate recordkeeping	Inspector finds files incomplete to missing (no evidence of intent)	- NOV - Review Meeting	I, CE CE,
	Recurring	- Standards Meeting - AO	D CE, D
5. Failure to report additional monitoring	Inspection finds additional	- NOV	I, CE
	Recurring	- Standards Meeting - AO	D CE, D

**TIMEFRAMES FOR RESPONSES**

A. All violations will be identified and documented within fifteen days of receiving compliance information.
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| B. Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative actions(s)) will occur within 15 days of violation detection.             |
| C. Follow up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule. |
| D. Violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.                    |
| E. All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order, in addition to noncompliance publication.   |

**Sec. 42-3. Composition; qualifications and appointment of members.**

The commission shall consist of nine members. Eight of such members shall be citizens and residents of the city and shall be appointed by the mayor with the advice and consent of the city council. **One councilman shall be appointed annually to the commission.** The Mayor shall serve as an ex-officio member of the commission with no voting authority. All members of the commission shall serve without compensation. The term of each of the citizen members shall be for four years. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid.

The council may remove any member for cause stated in writing and after a public hearing. Such removal shall require approval by a majority of all members elected to the city council. (Ord. 2122-A, § 1; Ord. 2224, § 1; Ord. 3374, §1)