

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
Tuesday, January 3rd, 2023; 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, CAROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH

PLEDGE OF ALLEGIANCE
Councilman Stanley Mayberry

I. CONSENT AGENDA

- A. Consider Approval of the City Council Minutes of:
 - 1. City Council Meeting – December 5, 2022
 - 2. City Council Meeting – December 19th, 2022
 - 3. Closed Session Minutes – December 19th, 2022

II. PUBLIC HEARINGS – None

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 – November 2022
- b. Building Codes monthly report – November 2022
- c. Police Department Monthly Report – November 2022
- d. Animal Control Division Report – November 2022
- e. City of Rolla Financial Reports – November 30, 2022
- f. RMU Financial report for November 2022
- g. The Centre Income Statement ending November, 2022
- h. Development Review Committee Minutes for December 20th, 2022
- i. Rolla Planning and Zoning Commission Meeting for November 15, 2022
- j. Park Advisory Commission Minutes for November 16th, 2022

V. **OLD BUSINESS** –

- A. **Ordinance** to Consider April 2023 Prop P (Parks) Sales Tax Reauthorization (City Administrator John Butz) **Final Reading**

VI. **NEW BUSINESS** –

- A. **Resolution** to allow the application for a Transportation Alternatives Grant (TAP) to construct approximately 75 ADA compliant curb ramps. (Interim Public Works Director Darin Pryor) **Motion**
- B. **Ordinance** to correct an error with program agreement TAP-9901(532) which will install sidewalks along State Route E. (Interim Public Works Director Darin Pryor) **First & Final Reading Requested**
- C. **Discussion** on Amendment 3 (recreational marijuana) and Impacts. (City Administrator John Butz)

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

- A. **Informational:** The unbudgeted replacement purchase of RMU Line Truck #22. (RMU GM Rodney Bourne)

VIII. **CITIZEN COMMUNICATION**

IX. **MAYOR/CITY COUNCIL COMMENTS**

- A. **Motion** to appoint Gary Mobley to the Rolla Housing Authority (4 year term ending Dec 2026)

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

XI. **CLOSED SESSION** – I. Closed Session per RSMo 610.021- (3) Personnel

XII. **ADJOURNMENT** -

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

Presiding: Mayor Louis J. Magdits IV

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

Council Members Absent: Carrolyn Bolin

Council Members in Attendance via Zoom: Victoria Steen

Department Directors and Other City Officials in Physical Attendance: Community Development Director Steve Flowers, Interim PW Director Darin Pryor, Police Chief Sean Fagan, Interim Fire Chief Jeff Breen, Environmental Services Director Brady Wilson, Park Director Floyd Jernigan, Finance Director Steffanie Rogers and City Counselor Lance Thurman.

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

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – November 7th, 2022
2. Closed Session Minutes – November 7th, 2022
3. City Council Meeting – November 21st, 2022
4. Closed Session Minutes – November 21st, 2022

A motion was made by Johnson and seconded by Renaud to accept the minutes. A voice vote showed 11 Ayes, zero Nays and 1 Absent (Bolin).

II. PUBLIC HEARINGS – None

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. Presentation of RMU Quarterly Report – Rodney Bourne GM of RMU
General Manager of RMU, Rodney Bourne advised that 4th quarter revenues increased \$959,600 from last year. Council was updated on current projects, the replacement of aging water mains, completion of the Lion Club Drive lighting project, and fleet supply struggles.
- B. Sam McGill with Fidelity updated Council on upcoming planned projects to increase the reliability and speed of internet service. Letters will be mailed out to cable customers after Christmas explaining a time line and options as the traditional cable boxes will be retired.

December 5, 2022

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

- a. Environmental Services Department Monthly Report – October 2022
- b. Building Codes monthly report – October 2022
- c. Police Department Monthly Report – October 2022
- d. Animal Control Division Report – October 2022
- e. City of Rolla Financial Reports – October 31, 2022
- f. Rolla Board of Public Works minutes for October 25th, 2022
- g. The Centre Income Statement ending October 31, 2022
- h. Development Review Committee Minutes for November 15th, 2022
- i. Rolla Planning and Zoning Commission Meeting for October 11, 2022
- j. Board of Adjustment Minutes for October 13th, 2022
- k. Municipal Court Summary for September 2022

V. OLD BUSINESS –

- A. **Ordinance** allowing a Map Amendment to rezone 1000 and 1006 N Oak St; and 204-208 E 11th St from R-3, Multi-family district; C-1, Neighborhood Commercial district; and M-1, Light Manufacturing district to a PUD, Planned Unit Development district. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading by title: ORDINANCE 4711: AN ORDINANCE TO APPROVE THE RE-ZONING OF 1000 AND 1006 OAK STREET; AND 204-208 E 11TH STREET FROM THE R-3, MULTI-FAMILY; C-1, NEIGHBORHOOD COMMERCIAL; AND M-1, LIGHT MANUFACTURING DISTRICTS TO A PUD, PLANNED UNIT DEVELOPMENT. A motion was made by Chirban and seconded by Kessinger to allow the rezoning. A roll call vote showed the following: Ayes: Hall, Mayberry, Chirban, Renaud, Steen, Kessinger, Higgins, Balch, Johnson, Fridley, and Florence. Nays: none. Absent: Bolin
- B. **Ordinance** to allow a PUD subdivision to combine parcels into one platted lot: Campus Fellowship Addition. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading by title: ORDINANCE 4712: AN ORDINANCE TO APPROVE THE FINAL PLAT OF CAMPUS FELLOWSHIP ADDITION. A motion was made by Chirban and seconded by Balch to approve the final plat. A roll call vote showed the following: Ayes: Renaud, Florence, Steen, Higgins, Chirban, Fridley, Johnson, Kessinger, Mayberry, Hall, and Balch. Nays: none. Absent: Bolin.
- C. **Ordinance** to enter into an agreement with MDOC for a Work Release Program with SCCC. (Interim Public Works Director Darin Pryor) City Counselor Lance Thurman read the ordinance for its final reading by title: ORDINANCE 4713: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI DEPARTMENT OF CORRECTIONS. A motion was made by Fridley and seconded by Higgins to authorize the agreement. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Renaud, Steen, Mayberry, Chirban, Balch, Johnson, Hall, and Florence. Nays: none. Absent: Bolin.
- D. **Ordinance** to enter into an agreement with MoDOT for ADA curb ramp improvements. (Interim Public Works Director Darin Pryor) City Counselor Lance Thurman read the ordinance for its final reading by title: ORDINANCE 4714: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A

CERTAIN MUNICIPAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PROJECT J5P3490. A motion was made by Kessinger and seconded by Johnson to authorize the agreement. A roll call vote showed: Ayes: Chirban, Balch, Mayberry, Renaud, Steen, Kessinger, Higgins, Hall, Florence, Fridley, and Johnson. Nays: none. Absent: Bolin.

VI. **NEW BUSINESS** –

- A. **Ordinance** to allow the vacation of an easement at 700 Aldi Drive. City Planner Tom Coots explained the applicant wishes to vacate an easement which crosses the subject property, running through the existing building. City Counselor Lance Thurman read the ordinance for its first reading: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF AN EASEMENT LOCATED ON 700 ALDI DRIVE.
- B. **Ordinance** to Consider April 2023 Prop P (Parks) Sales Tax Reauthorization (City Administrator John Butz) A portion of the ¼ cent sales tax established in 2015 (Prop P) will sunset on September 2023 unless reauthorized. Prop P has been vital in maintaining the park system for the last eight years but has also provided critical capital improvements. Council requested extra time for public input and a first reading at the December 19th meeting City Council meeting.
- C. **Ordinance** to approve an amendment of Section 27-66 of the City of Rolla Code concerning speed limits. Interim Public Works Director Darin Pryor explained the proposed changes were due to the street name changes approved at the last council meeting. City Counselor Lance Thurman the ordinance for its first reading: AN ORDINANCE REPEALING SECTION 27-66 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING A NW SECTION 27-66 IN LIEU THEREOF PERTAINING TO REGULATION OF SPEED.
- D. **Ordinance** to return unneeded ROW back to Investments Realty. Interim Public Works Director Darin Pryor explained that this right-of-way was acquired in 2010 in anticipation of the Highway 72 extension connecting at the Kingshighway and Bryant Drive intersection. The project is now complete with the primary alignment at a different location and the unused ROW to be returned, to the current owners, Investments Realty (formerly MACO Management Co). City Counselor Lance Thurman read the ordinance for its first reading: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN CORPORATION WARRANTY DEED BETWEEN THE CITY OF ROLLA, MISSOURI AND INVESTMENTS REALTY LLC.
- E. **Ordinance** to return unneeded ROW back to MOI. Interim Public Works Director Darin Pryor explained that this right-of-way was acquired in 2010 in anticipation of the Highway 72 extension connecting at the Kingshighway and Bryant Drive intersection. The project is now complete with the primary alignment at a different location and the unused ROW to be returned to, the current owners, MOI Rolla Prop LLC (formerly Fairground Chevrolet). City Counselor Lance Thurman read the ordinance for its first reading: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A

CERTAIN CORPORATION WARRANTY DEED BETWEEN THE CITY OF ROLLA, MISSOURI
AND MOI ROLLA PROP LLC.

VII. **CLAIMS and/or FISCAL TRANSACTIONS** – None

VIII. **CITIZEN COMMUNICATION** - None

IX. **MAYOR/CITY COUNCIL COMMENTS**

- A. Candidate filing opens 8:00 AM, Tuesday December 6th, 2022 for the April 4th, 2023 Municipal Election in the office of the City Clerk, 3rd floor of the Rolla City Hall. Filing ends on December 27, 2022. Candidates will need to provide a picture ID.
- B. Councilwoman Balch – Wednesday is the last Wednesday Food Distribution of the year at the Dream Center.
- C. Councilman Hall – Shared his experience with the new food delivery robot.
- D. Councilwoman Johnson – Christmas in the Park at Rolla Lions Club Park begins Wednesday December 7th –December 22nd
- E. Councilman Florence – Shared his delight at the turnout of Lichternacht and the Christkindl Markt.
- F. Councilman Kessinger – Kudos to RPD for their involvement in a recent drug bust.

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

- A. Invitation to Breakfast with Santa – Marci Fairbanks, Recreation Centre Director shared an invite to have a pancake breakfast with Santa on Wednesday, December 7th from 4pm to 7pm for \$5 a person. She also encouraged everyone to help fulfill requests off their Grace Giving Tree, located in the lobby of the Centre.

XI. **CLOSED SESSION** – Closed Session per RSMo 610.021- None

XII. **ADJOURNMENT** -

Having no further business, the meeting adjourned at approximately 7:46 p.m.
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 19th, 2022; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits IV

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

Council Members Absent: Carrolyn Bolin

Department Directors and Other City Officials in Physical Attendance: Community Development Director Steve Flowers, Interim PW Director Darin Pryor, Police Chief Sean Fagan, Interim Fire Chief Jeff Breen, Environmental Services Director Brady Wilson, Park Director Floyd Jernigan, MIS Coordinator Brian Kinsey, City Planner Tom Coots and City Counselor Carolyn Buschjost.

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

I. PUBLIC HEARINGS –

- A. **Postponement** of Public Hearing regarding the re-adoption and revision of Chapter 42. (City Planner Tom Coots) P&Z held a public hearing on December 13th regarding a complete overhaul of the zoning and subdivision codes. The discussion has been continued to January 10, 2023 and it has been recommended that the City Council postpone the public hearing to the January 17th, 2023 meeting or later, to allow for the P&Z Commission to conclude their discussion and make a recommendation.

II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. Recognition for retired Fire Chief Ron Smith – Plaques of appreciation were presented to Ron Smith by Representative Don Mayhew and Mayor Louis Magdits.
- B. Representative Don Mayhew Report/Appreciation – Due to redistricting, Rolla will no longer be in Don Mayhew’s district. Mr. Mayhew expressed appreciation for all that Rolla has to offer. Mayor Magdits expressed appreciation for Rep. Mayhew’s service.

III. OLD BUSINESS –

- A. **Ordinance** to allow the vacation of an easement at 700 Aldi Drive. (City Planner Tom Coots) City Counselor Carolyn Buschjost read the ordinance for its final reading by title: ORDINANCE 4715: AN

December 19, 2022

ORDINANCE APPROVING THE VACATION OF A PORTION OF AN EASEMENT LOCATED ON 700 ALDI DRIVE. A motion was made by Johnson and seconded by Higgins to approve the ordinance. A roll call vote showed the following: Ayes: Renaud, Florence, Steen, Higgins, Chirban, Fridley, Johnson, Kessinger, Mayberry, Hall, and Balch. Nays: None Absent: Bolin.

- B. **Ordinance** to Consider April 2023 Prop P (Parks) Sales Tax Reauthorization (City Administrator John Butz) City Counselor Carolyn Buschjost read the ordinance for its first reading: AN ORDINANCE AUTHORIZING SUBMISSION TO THE VOTERS OF THE CITY OF ROLLA, MISSOURI, AT THE NEXT ELECTION DAY, APRIL 4, 2023, “PROPOSITION P” IMPOSING A MUNICIPAL SALES TAX OF ONE-SIXTEENTH OF ONE PERCENT BEGINNING OCTOBER 1, 2023 FOR TEN YEARS FOR THE PURPOSE OF PROVIDING FUNDING FOR LOCAL PARKS AND RECREATION, INCLUDING, CONSTRUCTION, OPERATION AND MAINTENANCE OF PARKS.
- C. **Ordinance** to approve an amendment of Section 27-66 of the City of Rolla Code concerning speed limits. (Interim Public Works Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading by title: ORDINANCE 4716: AN ORDINANCE REPEALING SECTION 27-66 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING A NEW SECTION 27-66 IN LIEU THEREOF PERTAINING TO REGULATION OF SPEED. A motion was made by Johnson and seconded by Kessinger to amend the Tenth Street section to read as “Between Fairground Road and Bishop Avenue (U.S. Highway 63), thirty miles per hour; between Elm Street and Holloway Street, thirty miles per hour; between Holloway Street and Forum Drive, thirty-five miles per hour.” A voice vote showed 11 Ayes, zero Nays, and 1 Absent. City Counselor Buschjost read the ordinance for its final reading as amended. A motion was made by Higgins and seconded by Balch 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: none. Absent: Bolin.
- D. **Ordinance** to return unused ROW along Kingshighway back to Investments Realty, formerly MACO Management Co. (Interim Public Works Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading by title: ORDINANCE 4717: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN CORPORATION WARRANTY DEED BETWEEN THE CITY OF ROLLA, MISSOURI AND INVESTMENTS REALTY LLC. A motion was made by Balch and seconded by Johnson to approve the ordinance. A roll call vote showed the following: Chirban, Balch, Mayberry, Renaud, Steen, Kessinger, Higgins, Hall, Florence, Fridley, and Johnson. Nays: none. Absent: Bolin
- E. **Ordinance** to return unused ROW along Kingshighway back to MOI Rolla Prop LLC, formerly Fairgrounds Chevrolet. (Interim Public Works Director Darin Pryor) ORDINANCE 4718: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN CORPORATION WARRANTY DEED BETWEEN THE CITY OF ROLLA, MISSOURI AND MOI ROLLA PROP LLC. A motion was made by Johnson and seconded by Higgins to approve the ordinance. A roll call vote showed the following: Ayes: Higgins, Steen, Fridley, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, and Renaud. Nays: zero. Absent: Bolin

IV. NEW BUSINESS –

- A. **Motion** to award bid for Sewer Flow Metering Services to Dukes Root control Inc. (Interim Public Works Director Darin Pryor) This service to provide inflow and infiltration sewer micro detection metering. This will be for minimum of one month in the spring during the rainy season. A motion was made by Kessinger and seconded by Johnson to approve the services. A voice vote showed 11 Ayes, zero Nays, and 1 Absent.

V. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to award bid to Octane Forklifts, Inc for a 2023 Octane FY30 Forklift. (Environmental Services Director Brady Wilson) A motion was made by Chirban and seconded by Higgins to award the bid to Octane Forklifts for \$40,503. A voice vote showed 11 Ayes, zero Nays, and 1 Absent.
- B. **Motion** to award bid for Animal Control Truck to Hutcheson Ford. (Police Chief Sean Fagan) A motion was made by Fridley and seconded by Balch to award the bid to the sole bidder, Hutcheson Ford for a 2023 ½ ton truck for \$43,230. A voice vote showed 11 Ayes, zero Nays, and 1 Absent.
- C. **Motion** to award bid for RPD Network rewiring project to Advanced Telephone LLC. (MIS Coordinator, Brian Kinsey) a motion was made by Steen and seconded by Higgins to award the bid for the network wiring project at RPD to Advanced Telephone LLC for \$35,256. A voice vote showed 11 Ayes, zero Nays, and 1 Absent.

VI. CITIZEN COMMUNICATION

VII. MAYOR/CITY COUNCIL COMMENTS

VIII. COMMENTS FOR THE GOOD OF THE ORDER

- A. Councilman Fridley asked Police Chief Fagan to remind citizens on how to apply for a Vacation check on their home while they are away on Holiday. Chief Fagan stated a citizen need only fill out a form in person at the department and the house will be checked twice a day until the home owners return.
- B. Mayor Magdits wished all a Merry Christmas.

IX. CLOSED SESSION – Closed Session per RSMo 610.021- (3) Personnel

At 7:53 a motion was made by Johnson and seconded by Higgins to enter into closed session. A roll call vote showed the following: Ayes: Mayberry, Balch, Chirban, Renaud, Steen, Kessinger, Florence, Hall, Johnson, Fridley, and Higgins. Nays: none. Absent: Bolin.

At 8:00, council returned from closed session where a personnel issue was discussed. No final action was taken.

X. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 8:00 p.m.
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR

This page is intentionally left blank

NOVEMBER MATERIALS COLLECTED & SHIPPED FROM RECYCLING CENTER

(Based on Calendar Year)

Material	Nov 2022	Oct 2022	Nov 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Cardboard	130.0 ton	102.0 ton	146.0 ton	1,374.4 ton	1,526.5 ton	1,649.0 ton
Newspaper	38.5 ton	34.0 ton	35.1 ton	420.6 ton	490.6 ton	527.1 ton
High Grade Paper	21.5 ton	0.0 ton	0.0 ton	63.5 ton	65.5 ton	65.5 ton
Aluminum	2.5 ton	0.0 ton	1.7 ton	16.1 ton	18.0 ton	19.7 ton
Steel Cans/Scrap Metal	9.0 ton	2.6 ton	4.2 ton	55.7 ton	60.1 ton	63.7 ton
Plastic	17.0 ton	0.0 ton	0.0 ton	98.2 ton	102.1 ton	122.6 ton
Glass	0.0 ton	20.0 ton	0.0 ton	201.7 ton	238.2 ton	260.2 ton
Batteries	0.0 ton	0.7 ton	0.0 ton	2.1 ton	0.3 ton	0.3 ton
Electronic Waste	2.8 ton	4.0 ton	4.3 ton	35.8 ton	44.6 ton	47.8 ton
Household HW	0.0 ton	0.0 ton	0.0 ton	0.0 ton	0.3 ton	0.3 ton
TOTAL	221.3 ton	163.3 ton	191.3 ton	2,268.1 ton	2,546.0 ton	2,756.0 ton

SERVICES PROVIDED

Type of Service	Nov 2022	Oct 2022	Nov 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Special Pick-ups	44	39	42	596	674	732
Paper Shredding	4.5 hours	4.5 hours	3.0 hours	55.0 hours	60.8 hours	64.3 hours
Reported Trash Nuisances	0	0	0	0	0	0
Households Dropping Off Hazardous Waste	67	78	78	881	704	762

DISPOSAL TONNAGE

(Sanitation Division)

Material	Nov 2022	Oct 2022	Nov 2021	Year-to-Date 2022	Year-to-Date 2021	Yearly Total 2021
Refuse	1,243.5 ton	1,269.4 ton	1,779.5 ton	15,137.4 ton	17,177.9 ton	18,681.1 ton

Management Report
FISCAL YEAR 2023

November 2022

BUILDING PERMITS ISSUED	NOVEMBER FY 2023		NOVEMBER FY 2022		YTD FY 2023		YTD FY 2022		Δ CHANGE FY 22 - FY 23	
	#	Value	#	Value	#	Value	#	Value	# ISSUED	\$ VALUE
PERMITS ISSUED	23	\$ 690,500	27		59		73		-19.2%	
Electric, Plumbing, etc. Only	16	\$ -	8	\$ -	32	\$ -	21	\$ -	52.4%	
Single Famil Detached	-	\$ -	2	\$ 494,727	1	\$ 290,000	4	\$ 1,332,927	-75.0%	-78.2%
Single Family Attached	-	\$ -	-	\$ -	-	\$ -	4	\$ 869,000	-100.0%	-100.0%
Duplexes	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
3-or-4 family	1	\$ 540,000	-	\$ -	1	\$ 540,000	5	\$ 2,131,000	-80.0%	-74.7%
5-or-more family	-	\$ -	-	\$ -	-	\$ -	-	\$ -	#DIV/0!	#DIV/0!
Hotels, Motels	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Other nonhousekeeping shelter	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Amusement, social, recreational	-	\$ -	1	\$ 141,500	-	\$ -	1	\$ 141,500	-100.0%	-100.0%
Churches, other religious	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Industrial	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Parking garages	-	\$ -	-	\$ -	2	\$ 25,383	-	\$ -		
Service stations, repair garages	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Hospitals, institutional	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Offices, banks, professional	-	\$ -	-	\$ -	1	\$ 1,100,000	-	\$ -		
Public Works, utilities	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Schools, other educational	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Stores, customer	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Towers, antennas	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Signs, attached and detached	4	\$ 18,500	8	\$ 62,700	8	\$ 29,200	12	\$ 93,700	-33.3%	-68.8%
Residential addition, remodel	1	\$ 20,000	4	\$ 38,000	6	\$ 222,684	13	\$ 173,500	-53.8%	28.3%
Commercial addition, remodel	1	\$ 112,000	3	\$ 305,000	7	\$ 744,000	8	\$ 1,422,500	-12.5%	-47.7%
Residential garage, carport	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Demolition, single family	-	\$ -	1	\$ -	1	\$ -	3	\$ -	-66.7%	#DIV/0!
Demolition, 2-family	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Demolition, 3-or-4 family	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Demolition, 5-or-more family	-	\$ -	-	\$ -	-	\$ -	-	\$ -		
Demolition, all other	-	\$ -	-	\$ -	-	\$ -	2	\$ -	-100.0%	
Total Residential Units	4	\$ 540,000.00	2	\$ 494,727	5	\$ 830,000	25	\$ 4,332,927	-80.0%	-80.8%
EST. CONSTRUCTION COSTS		\$ 690,500		\$ 1,041,927		\$ 2,951,267		\$ 6,164,127	#DIV/0!	-52.1%
Building Permit Fees		\$ 3,958		\$ 5,288		\$ 12,433		\$ 24,779	#DIV/0!	-49.8%
FEEs		\$ 7,708		\$ 14,638		\$ 24,433		\$ 51,804	#DIV/0!	-52.8%

INSPECTIONS PERFORMED	NOVEMBER FY 2023	NOVEMBER FY 2022	YTD FY 2023	YTD FY 2022	FY FY 22 - FY 23
Building Inspections	95	145	214	309	-31%
Electrical Inspections	71	85	129	148	-13%
Excavation Inspections	0	0	0	0	#DIV/0!
Plumbing Inspections	42	48	84	83	1%
Mechanical Inspections	20	20	35	41	-15%
Code Inspections	170	248	356	469	-24%
Nuisance Inspections	106	44	197	116	70%
Business License Inspections	7	9	19	14	36%
TOTAL INSPECTIONS	511	599	1034	1180	-12%

November 2022

	Building	Elec.	Plumb	Mech.	Gen Com	Nuis.	BL	Daily #	N/R	30 Day P	30 Day F	Grass P	Grass F	Trash P	Trash F	Abate Grass	Abate Trash	Summons	# of Inspect.
11/1	5	4	3	0	9	22	1	44	0	0	7	0	0	0	0	0	0	0	2
11/2	4	4	2	0	10	1	1	22	0	0	2	0	0	1	0	0	0	1	2
11/3	5	2	2	1	7	6	0	23	0	2	1	0	0	1	0	0	0	0	2
11/4	1	6	4	1	8	4	0	24	0	0	1	0	0	0	0	0	0	0	2
11/7	4	2	1	1	4	4	1	17	0	1	0	0	0	0	1	0	0	0	3
11/8	7	6	1	2	12	3	0	31	0	0	2	0	0	0	0	0	0	0	3
11/9	7	5	1	0	11	7	0	31	0	1	0	0	0	0	0	0	0	0	3
11/10	4	4	0	1	7	3	0	19	0	0	1	0	0	0	0	0	0	1	2
11/14	6	4	0	1	9	0	0	20	0	0	0	0	0	0	0	0	0	0	1
11/15	8	2	2	1	10	10	2	35	0	0	4	0	0	0	0	0	0	0	3
11/16	4	1	2	0	7	6	0	20	0	0	1	0	0	1	0	0	0	0	3
11/17	3	4	3	0	8	3	1	22	0	1	0	0	0	0	0	0	0	0	2
11/18	7	3	0	2	8	4	0	24	0	1	1	0	0	0	0	0	0	0	3
11/21	9	6	7	5	11	3	0	41	0	1	1	0	0	1	1	0	0	0	2
11/22	3	3	1	0	7	4	0	18	0	2	0	0	0	0	0	0	0	0	3
11/23	5	4	4	0	11	4	0	28	0	0	0	0	0	0	0	0	0	0	2
11/28	5	2	3	0	10	3	1	24	0	0	2	0	0	0	0	0	0	0	3
11/29	6	5	5	5	14	15	0	50	0	5	2	0	0	0	0	0	0	0	3
11/30	2	4	1	0	7	4	0	18	0	1	0	0	0	0	0	0	0	0	3
								0											
								0											
								0											
								0											
	95	71	42	20	170	106	7	511	0	15	25	0	0	4	2	0	0	2	

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 Homicide</u>	<u>Rape</u>	<u>Robbery</u>	<u>Felony Assault</u>	<u>Burglary</u>	<u>Larceny</u>	<u>Auto Theft</u>	<u>Arson</u>	<u>Total</u>	<u>Change from Previous Yr</u>
November	0	0	2	7	8	44	2	1	64	
YTD 2022	0	9	5	81	101	499	40	3	738	
2021	1	15	9	68	119	565	36	1	814	-21.28%
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>
November	5	1	0
YTD 2022	126	40	10
2021	140	58	13

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	26	27	27	17	23		230	200	15.00%
Abandoned Vehicle	13	16	20	28	15	9	26	27	28	28	12		222	226	-1.77%
Accident - Fatality	0	0	0	0	0	0	0	0	0	0	0		0	1	-100.00%
Accident - Injury	19	13	22	20	22	11	16	24	15	21	16		199	182	9.34%
Accident - Leave The Scene	13	14	10	18	17	10	15	9	23	22	21		172	170	1.18%
Accident - No Injury	45	48	46	51	37	42	36	34	31	46	63		479	432	10.88%
Accident - Private Property	23	22	28	24	24	20	22	32	28	20	21		264	270	-2.22%
Accident - Road Blocked	5	5	3	9	7	2	6	5	7	6	10		65	80	-18.75%
Adult Abuse	0	0	0	0	0	0	1	1	1	0	0		3	4	-25.00%
Alarm LE	75	80	61	66	61	76	63	70	55	80	74		761	688	10.61%
Animal Bite/Attack	2	3	8	2	3	4	5	5	3	1	5		41	34	20.59%
Animal Control	88	91	101	98	142	147	145	163	153	129	97		1,354	1,341	0.97%
Arson	0	0	0	0	0	0	0	0	0	0	0		0	0	#DIV/0!
Assault	13	13	13	17	20	18	9	11	28	20	9		171	114	50.00%
Assist Agency Non-LEA	85	69	73	58	83	63	79	77	60	86	57		790	879	-10.13%
Assist Citizen	4	10	8	3	13	5	9	6	2	9	8		77	94	-18.09%
Assist LEA	16	9	19	19	10	20	21	15	9	20	7		165	191	-13.61%
Assist Motorist	24	40	22	28	18	27	28	23	30	23	24		287	328	-12.50%
Bomb Threat	0	0	2	0	0	1	0	0	0	1	0		4	0	#DIV/0!
Building Lockout	0	0	0	0	1	0	1	2	1	1	1		7	4	75.00%
Burglary	14	12	14	17	16	23	11	18	14	14	10		163	193	-15.54%
Business/Building Check	410	191	157	224	150	284	516	309	224	264	279		3,008	2,228	35.01%
Call for Police	73	60	82	71	86	76	40	58	63	66	36		709	1,080	-34.35%
Check Well Being	96	102	102	118	128	160	136	119	133	113	101		1,308	1,127	16.06%
Child Abuse	2	1	1	1	3	3	2	6	2	5	4		30	27	11.11%
Child Exploitation/Pornography	0	0	0	0	0	0	0	0	0	0	0		0	2	-100.00%
Confidential Investigation	0	2	0	0	0	0	0	0	0	0	0		2	1	100.00%
Conservation Violation	0	1	0	0	0	0	0	0	0	0	0		1	2	-50.00%
Court	8	8	7	15	11	7	7	8	10	10	20		111	147	-24.49%
Crossing Guard (Officer coverage)	5	7	8	7	20	0	0	1	3	0	3		54	94	-42.55%
CWB 911 Hangup	251	209	229	174	215	154	163	185	199	210	160		2,149	2,880	-25.38%
Death	1	3	2	2	2	0	0	3	1	2	0		16	13	23.08%
Destruction of Property	13	20	11	23	17	20	27	24	12	23	12		202	204	-0.98%
Disturbance-Fireworks	1	1	1	0	1	5	22	1	4	1	1		38	36	5.56%
Disturbance-Liquor	0	0	1	0	1	1	2	0	1	3	1		10	11	-9.09%
Disturbance-Other	73	53	63	67	85	86	54	68	69	82	58		758	858	-11.66%
Domestic Violence	39	45	46	42	49	40	44	49	26	33	40		453	431	5.10%
Driving While Intoxicated	13	10	9	14	5	8	11	9	9	9	5		102	110	-7.27%
Drown/Water Rescue	0	0	0	1	0	0	0	0	0	0	0		1	2	-50.00%
Drug Paraphernalia	5	2	17	7	12	12	15	9	13	7	8		107	80	33.75%
Escort - Bank	0	1	0	0	0	0	0	0	0	0	0		1	2	-50.00%
Escort - Courtesy	7	11	4	5	1	4	3	6	6	5	8		60	99	-39.39%
Escort - Funeral	7	7	6	6	6	8	5	6	10	2	8		71	86	-17.44%
Exparte Violation	2	6	8	6	10	7	8	7	9	4	9		76	85	-10.59%
Field Interview	38	28	24	46	68	88	105	69	55	57	51		629	625	0.64%
Fight	4	4	7	3	5	10	6	1	1	6	3		50	66	-24.24%
Fingerprints	6	11	8	10	5	1	3	5	2	4	5		60	82	-26.83%
Follow-up	141	87	110	111	145	119	147	122	113	116	117		1,328	1,432	-7.26%
Foot Patrol	0	0	1	0	2	1	2	5	1	0	0		12	11	9.09%
Forgery-Counterfeiting	1	1	1	0	1	2	1	0	1	2	0		10	10	0.00%
Found Body	0	0	1	0	0	0	0	0	0	0	0		1	2	-50.00%
Fraud - Checks/Credit Card	13	16	32	18	13	27	23	25	18	15	20		220	208	5.77%
Harassment	16	20	18	24	25	25	29	29	38	26	30		280	200	40.00%
Hotel/Motel Check	0	0	0	0	0	0	0	0	0	0	0		0	1	-100.00%
Identity Theft	0	2	2	2	2	1	0	2	1	0	2		14	5	180.00%
Information Request	202	205	257	268	292	321	313	304	270	350	327		3,109	2,461	26.33%
Intoxicated Person	11	7	20	9	16	4	9	9	4	11	9		109	109	0.00%
Jail Incident	0	0	0	0	0	0	0	1	0	0	0		1	0	#DIV/0!
Juvenile Complaint	12	15	13	10	23	9	8	9	18	19	13		149	91	63.74%
Keep the Peace/Standby	22	13	14	11	9	8	19	12	12	16	20		156	131	19.08%

Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	2021 YTD	% Increase
Kidnapping	1	0	0	0	0	0	1	0	0	1	0	0	3	3	0.00%
Leave without Pay	0	1	0	0	1	3	0	1	0	0	0	0	6	11	-45.45%
Liquor Violation	0	0	2	0	0	0	0	0	0	0	0	0	2	3	-33.33%
Littering/Dumping	2	2	3	0	9	11	8	3	3	6	5	0	52	33	57.58%
Loitering	9	7	8	4	8	16	12	12	7	7	7	0	97	125	-22.40%
Lost or Stolen Property	7	6	7	4	5	4	6	7	8	6	10	0	70	54	29.63%
Loud Noise Complaint	19	28	42	25	36	25	16	17	21	32	13	0	274	235	16.60%
Malicious Mischief	3	1	2	2	0	0	1	2	2	0	2	0	15	7	114.29%
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	4	-100.00%
Mental Health	35	25	31	20	30	28	46	28	31	31	24	0	329	306	7.52%
Missing Person	3	15	8	9	7	7	7	12	6	5	7	0	86	88	-2.27%
Narcotics Violation	14	18	29	29	39	18	22	19	15	24	21	0	248	310	-20.00%
Negotiation Callout	0	0	1	0	0	0	1	0	0	0	0	0	2	n/a	#VALUE!
No Business License	1	0	0	0	0	0	0	0	0	0	0	0	1	0	#DIV/0!
Open Door	6	10	4	14	5	10	3	13	4	10	8	0	87	96	-9.38%
Overdose	5	11	9	12	11	7	14	8	8	10	5	0	100	107	-6.54%
Paper Service	30	27	43	27	23	19	19	19	21	24	25	0	277	285	-2.81%
Prisoner Transport	1	3	2	2	2	2	1	1	2	2	1	0	19	33	-42.42%
Property Damage-Non Criminal	0	1	1	2	1	2	3	1	2	0	1	0	14	14	0.00%
Prostitution	0	0	0	0	1	1	0	1	0	0	0	0	3	1	200.00%
Prowler	1	3	2	4	5	5	5	7	6	4	4	0	46	37	24.32%
Public Indecency	0	0	0	0	0	4	3	2	2	0	0	0	11	10	10.00%
Public Relations	4	1	9	6	13	4	18	21	21	17	10	0	124	91	36.26%
Pursuit	1	0	0	0	1	0	0	0	0	1	0	0	3	9	-66.67%
Rape/Sexual Assault	0	1	1	2	1	1	2	0	0	1	0	0	9	10	-10.00%
Robbery	0	1	0	0	0	0	1	1	0	0	1	0	4	3	33.33%
Runaway	7	7	9	4	12	6	8	4	6	11	11	0	85	53	60.38%
Search Warrant	0	0	0	1	1	1	0	3	1	0	0	0	7	4	75.00%
Vacation/Security Check	32	17	23	19	23	18	35	21	30	10	7	0	235	119	97.48%
Selective Enforcement	0	0	0	1	0	0	0	0	0	0	0	0	1	5	-80.00%
Sewer Alarm	0	0	0	2	0	0	1	1	0	0	0	0	4	1	300.00%
Sex Offenses	11	3	5	9	4	5	3	2	4	7	2	0	55	36	52.78%
Shots Fired	2	2	2	3	0	0	5	11	5	6	7	0	43	36	19.44%
Smoking Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	2	-100.00%
Soliciting	1	1	1	1	3	3	2	3	1	1	4	0	21	11	90.91%
Stabbing	0	0	0	0	0	0	0	1	0	0	0	0	1	1	0.00%
Stabbing or Shooting with Injury	0	0	0	0	1	1	1	0	2	2	0	0	7	7	0.00%
Stalking	0	0	0	0	0	1	1	1	0	1	1	0	5	3	66.67%
Stealing	54	38	75	73	98	94	100	83	95	82	83	0	875	904	-3.21%
Stolen Vehicle	10	5	7	5	6	17	9	4	11	6	2	0	82	108	-24.07%
Suicide	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0.00%
Suspicious Activity	80	78	63	102	123	121	95	108	100	85	79	0	1,034	1,060	-2.45%
Suspicious Package/Item	0	0	1	1	0	0	1	0	0	0	0	0	3	5	-40.00%
SWAT Callout	0	0	1	0	1	0	1	0	0	0	1	0	4	3	33.33%
Tampering	3	8	3	4	9	8	10	7	8	3	3	0	66	64	3.13%
Telephone Harassment	8	4	6	9	13	9	8	25	9	6	19	0	116	110	5.45%
Tow Sticker Expired	11	7	16	28	17	22	17	17	11	9	14	0	169	101	67.33%
Traffic Complaint	122	160	150	168	163	161	118	160	152	156	109	0	1,619	1,477	9.61%
Traffic Stop	291	379	465	272	385	424	374	279	361	448	299	0	3,977	4,049	-1.78%
Trespassing	36	38	32	42	81	84	77	74	68	55	67	0	654	338	93.49%
Try to Contact	14	12	16	16	14	18	11	12	10	21	23	0	167	142	17.61%
Vehicle Identification	60	55	42	61	41	58	47	47	55	48	38	0	552	687	-19.65%
Vehicle Lockout	1	1	1	1	3	5	1	5	5	1	3	0	27	41	-34.15%
Vehicle Repossession	6	5	2	8	4	2	6	4	6	6	3	0	52	35	48.57%
Veterinary Call	7	3	5	5	4	10	7	11	6	6	2	0	66	81	-18.52%
Weapons Violation	4	2	6	4	10	6	3	4	7	5	6	0	57	24	137.50%
Totals	2,832	2,591	2,864	2,773	3,135	3,231	3,369	3,070	2,955	3,161	2,735	0	32,716	31,853	2.71%

ANIMAL CONTROL MONTHLY TOTALS

November 2022

ANIMALS IMPOUNDED

	Canine	Feline	Other	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
	Domestic						
City of Rolla	14	2	0	7	23	428	424
Rolla Area	2	0	0	0	2	13	34
City of Newburg	0	0	0	0	0	0	3
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	8	1
Ft. Leonard Wood	0	0	0	0	0	0	1
Monthly Total	16	2	0	7	25		
2022 YTD Total	232	78	1	139		450	
2021 YTD Total	219	97	1	146			463
Total Phelps County	2	0	0	0	2	18	34

ANIMAL DISPOSITION

	Canine	Feline	Other	Wildlife	Monthly Total	2022 YTD Total	2021 YTD Total
	Domestic						
Animals Adopted ①	8	3	0	0	11	130	106
Animals Claimed	7	0	0	0	7	90	103
Euthanized(Ill/Injured)	0	0	0	1	1	10	11
Euthanized(Dangerous)	1	0	0	0	1	38	47
Euthanized(Un-Placed)②	0	0	0	0	0	0	0
Deceased on Arrival	0	0	0	0	0	75	77
Transferred to Rescue ③	0	0	0	0	0	8	20
Wildlife Relocated	0	0	0	0	0	50	72
Other (died at shelter)	0	0	0	0	0	2	5
Monthly Total	16	3	0	1	20		
2022 YTD Total	213	80	1	109		403	
2021 YTD Total	208	98	1	134			441

ADDITIONAL STATISTICS

	Monthly Total	2022 YTD Total	2021 YTD Total
Adoption Rate (① + ③) ÷ (① + ② + ③)	100.00%	100.00%	100.00%
PR Programs	0	11	10
Calls for Service	97	1,247	1,450
Written Warnings	0	0	0
Citations	2	22	29
Total Incinerator Hours	0	159	717

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

GENERAL FUND

CASH IN BANK	\$	27,372.93
NIB GENERAL FUND	\$	8,898.47
CASH - BAIL BONDS	\$	-
ROLLA MUNICIPAL COURT	\$	4,991.50
ASI FLEX 125	\$	21,293.34
CASH - HEALTH ACCOUNT	\$	-
TIF ACCOUNT - EATS	\$	83,350.90
TIF ACCOUNT - PILOT	\$	33.82
CASH - PAID UNDER PROTEST	\$	-
INVESTMENTS - GENERAL FUND	\$	1,230,074.95
USE TAX MMA	\$	1,108,321.80
MMA - GENERAL FUND RESERVE REBUILD	\$	1,307,547.79
POLICE EVIDENCE FUNDS	\$	18,894.48
CITY SEIZURES & FORFEITURES	\$	21,705.73
TASKFORCE SEIZURES & FORFEITURES	\$	522,731.71
ANIMAL CONTROL SHELTER COMM PARTNER	\$	131,829.74
ANIMAL CONTROL SHELTER RESERVE	\$	391,336.29
PROPERTY FIRE DAMAGE ACCOUNT	\$	15.05
ANIMAL CONTROL SHELTER COMM PARTNER - ENDOW	\$	-
DISASTER RESPONSE	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	157,799.00
US BANK ESCROW	\$	-
INVESTMENTS - CDS	\$	-
EAC ACCOUNT	\$	-
GENERAL FUND TOTALS	\$	5,036,197.50

SEWER FUND

CASH IN BANK	\$	392,446.83
NIB GENERAL FUND	\$	105.00
SEWER FUND MMA	\$	1,763,451.24
SEWER FUND DEPREC & RESERVE	\$	504,820.16
INVESTMENTS - GENERAL FUND	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	511.00
US BANK ESCROW	\$	-
INVESTMENT - CDS	\$	-
SEWER FUND TOTALS	\$	2,661,334.23

ENVIRONMENTAL SERVICES FUND

CASH IN BANK	\$	37,245.31
NIB ENV SVS FUND	\$	-
INVESTMENTS - GENERAL FUND	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	185.71
MMA PCB	\$	1,636,264.20
ENV SVS CC	\$	67,015.88
INVESTMENT - CDS	\$	-
ENV SVS FUND TOTALS	\$	1,740,711.10

ARPA FUNDING

CASH IN BANK	\$	-
ARPA FUNDING MMA	\$	1,494,058.47
AIRPORT FUND TOTALS	\$	1,494,058.47

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

<u>AIRPORT FUND</u>	
CASH IN BANK	\$ (94,471.79)
NIB GENERAL FUND	\$ 416.68
GENERAL FUND CREDIT CARD ACCOUNT	\$ 2,137.19
INVESTMENTS - MMA	\$ 7,140.65
INVESTMENTS - MMA (BREWER LEASE AGREE)	\$ 27,300.00
AIRPORT FUND TOTALS	\$ (57,477.27)
<u>CEMETERY FUND</u>	
CASH IN BANK	\$ -
CASH - MMA	\$ 334,185.98
INVESTMENTS - RESTRICTED	\$ -
CEMETERY FUND TOTALS	\$ 334,185.98
<u>STREET FUND</u>	
CASH IN BANK	\$ 418,089.56
NIB GENERAL FUND	\$ -
GENERAL FUND MMA	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 4,520.00
CASH - MMA	\$ 1,221,969.59
MODOT RESERVE	\$ 1,511,665.83
INVESTMENT - CDS	\$ -
STREET FUND TOTALS	\$ 3,156,244.98
<u>RECREATION FUND</u>	
CASH IN BANK	\$ 172,821.70
INVESTMENTS - GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ -
DEPR RES & EQUIP - MMA	\$ -
RECREATION FUND TOTALS	\$ 172,821.70
<u>HEALTH INSURANCE FUND</u>	
HEALTH INSURANCE RESERVE	\$ 502,654.70
CASH - HEALTH ACCOUNT	\$ 108,311.17
GENERAL FUND CREDIT CARD ACCOUNT	\$ 2,749.98
HEALTH FUND TOTALS	\$ 613,715.85
<u>PARK FUND</u>	
CASH IN BANK	\$ 89,239.07
NIB GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ -
INVESTMENTS - PARK SALES TAX	\$ 189,219.28
PARKS CC	\$ 32,263.69
PARK FUND TOTALS	\$ 310,722.04
<u>PARK LAND RESERVE FUND</u>	
CASH IN BANK	\$ 55,984.68
PARK LAND RESERVE ACCOUNT	\$ 18,634.91
PARK LAND RESERVE FUND TOTALS	\$ 74,619.59
GRAND TOTAL ALL FUNDS	\$ 14,043,075.70

ANY AND ALL FINANCIAL RECORDS ARE OPEN TO THE PUBLIC

CITY OF ROLLA
REVENUE/EXPENDITURE REPORT - UNAUDITED
November 30, 2022
17% of Year

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<u>GENERAL FUND</u>				
REVENUES	\$14,212,885.00	\$ 1,437,892.85	\$ 12,774,992.15	10.1%
EXPENDITURES				
GENERAL ADMINISTRATIVE	\$ 709,485.00	\$ 160,258.66	\$ 549,226.34	22.6%
ADMINISTRATION	\$ 308,055.00	\$ 36,794.89	\$ 271,260.11	11.9%
LIBRARY	\$ 318,850.00	\$ 41,788.50		13.1%
FINANCE	\$ 729,200.00	\$ 105,662.58	\$ 623,537.42	14.5%
LEGAL	\$ 70,700.00	\$ 9,802.27	\$ 60,897.73	13.9%
COURT	\$ 133,450.00	\$ 14,398.07	\$ 119,051.93	10.8%
TELECOMMUNICATIONS	\$ 1,498,835.00	\$ 154,241.16	\$ 1,344,593.84	10.3%
ANIMAL CONTROL	\$ 335,740.00	\$ 22,628.18	\$ 313,111.82	6.7%
POLICE	\$ 4,993,225.00	\$ 671,571.55	\$ 4,321,653.45	13.4%
FIRE	\$ 4,655,462.00	\$ 462,635.21	\$ 4,192,826.79	9.9%
ROLLA RURAL FIRE	\$ -	\$ 72,211.00	\$ (72,211.00)	#DIV/0!
BUILDING SERVICES	\$ 105,715.00	\$ 13,859.15	\$ 91,855.85	13.1%
COMMUNITY DEVELOPMENT	\$ 518,500.00	\$ 62,704.03	\$ 455,795.97	12.1%
ECONOMIC DEVELOPMENT	\$ 57,075.00	\$ -	\$ 57,075.00	0.0%
TOTAL EXPENDITURES	<u>\$14,434,292.00</u>	<u>\$ 1,828,555.25</u>	<u>\$ 12,328,675.25</u>	12.7%
REVENUES OVER/UNDER EXPENDITURES	\$ (221,407.00)	\$ (390,662.40)	\$ 446,316.90	
<u>SEWER FUND</u>				
REVENUES	\$ 5,902,917.00	\$ 569,926.85	\$ 5,332,990.15	9.7%
EXPENDITURES	<u>\$ 5,874,432.00</u>	<u>\$ 477,728.51</u>	<u>\$ 5,396,703.49</u>	8.1%
REVENUES OVER/UNDER EXPENDITURES	\$ 28,485.00	\$ 92,198.34	\$ (63,713.34)	
<u>ENVIRONMENTAL SERVICES FUND</u>				
REVENUES	\$ 4,291,200.00	\$ 348,556.59	\$ 3,942,643.41	8.1%
EXPENDITURES				
RECYCLING	\$ 428,375.00	\$ 58,924.69	\$ 369,450.31	13.8%
SANITATION	\$ 3,072,950.00	\$ 321,550.08	\$ 2,751,399.92	10.5%
VEHICLE MAINTENANCE	\$ 496,230.00	\$ 73,960.67	\$ 422,269.33	14.9%
TOTAL EXPENDITURES	<u>\$ 3,997,555.00</u>	<u>\$ 454,435.44</u>	<u>\$ 3,543,119.56</u>	11.4%
REVENUES OVER/UNDER EXPENDITURES	\$ 293,645.00	\$ (105,878.85)	\$ 399,523.85	
<u>ARPA FUNDING</u>				
REVENUES	\$ 750.00	\$ 355,540.28	\$ (354,790.28)	47405.4%
EXPENDITURES	<u>\$ 1,635,000.00</u>	<u>\$ 350,000.00</u>	<u>\$ 1,285,000.00</u>	21.4%
REVENUES OVER/UNDER EXPENDITURES	\$ (1,634,250.00)	\$ 5,540.28	\$ (1,639,790.28)	

CITY OF ROLLA
REVENUE/EXPENDITURE REPORT - UNAUDITED
November 30, 2022
17% of Year

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<u>AIRPORT FUND</u>				
REVENUES	\$ 605,728.00	\$ 94,544.94	\$ 511,183.06	15.6%
EXPENDITURES	\$ 794,560.00	\$ 137,846.13	\$ 656,713.87	17.3%
REVENUES OVER/UNDER EXPENDITURES	\$ (188,832.00)	\$ (43,301.19)	\$ (145,530.81)	
<u>CEMETERY FUND</u>				
REVENUES	\$ 10,500.00	\$ 3,410.31	\$ 7,089.69	32.5%
EXPENDITURES	\$ 10,000.00	\$ -	\$ 10,000.00	0.0%
REVENUES OVER/UNDER EXPENDITURES	\$ 500.00	\$ 3,410.31	\$ (2,910.31)	
<u>STREET FUND</u>				
REVENUES	\$ 6,910,000.00	\$ 2,100,108.41	\$ 4,809,891.59	30.4%
EXPENDITURES				
STREET	\$ 5,443,085.00	\$ 493,140.66	\$ 4,949,944.34	9.1%
TDD	\$ 1,660,000.00	\$ 15,578.63	\$ 1,644,421.37	0.9%
ENGINEERING	\$ 926,750.00	\$ 115,792.22	\$ 810,957.78	12.5%
TOTAL EXPENDITURES	\$ 8,029,835.00	\$ 624,511.51	\$ 7,405,323.49	
REVENUES OVER/UNDER EXPENDITURES	\$ (1,119,835.00)	\$ 1,475,596.90	\$ (2,595,431.90)	
<u>RECREATION FUND</u>				
REVENUES	\$ 450,000.00	\$ 350,200.00	\$ 99,800.00	77.8%
EXPENDITURES				
AQUATICS	\$ -	\$ (433.09)	\$ 433.09	#DIV/0!
ADMINISTRATION	\$ 459,025.00	\$ 201,204.12	\$ 257,820.88	43.8%
MAINTENANCE	\$ -	\$ 20,746.23	\$ (20,746.23)	#DIV/0!
TOTAL EXPENDITURES	\$ 459,025.00	\$ 221,517.26	\$ 237,507.74	48.3%
REVENUES OVER/UNDER EXPENDITURES	\$ (9,025.00)	\$ 128,682.74	\$ (137,707.74)	
<u>PARK FUND</u>				
REVENUES	\$ 1,973,900.00	\$ 250,740.68	\$ 1,723,159.32	12.7%
EXPENDITURES				
ADMINISTRATION	\$ 238,075.00	\$ 38,494.26	\$ 199,580.74	16.2%
PARKS	\$ 1,135,145.00	\$ 138,563.22	\$ 996,581.78	12.2%
SPLASHZONE	\$ 254,420.00	\$ 15,541.04	\$ 238,878.96	6.1%
OUTDOOR RECREATION	\$ 184,410.00	\$ 8,119.82	\$ 176,290.18	4.4%
TOTAL EXPENDITURES	\$ 1,812,050.00	\$ 200,718.34	\$ 1,611,331.66	11.1%
REVENUES OVER/UNDER EXPENDITURES	\$ 161,850.00	\$ 50,022.34	\$ 111,827.66	

CITY OF ROLLA
REVENUE/EXPENDITURE REPORT - UNAUDITED
November 30, 2022
17% of Year

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<u>PARK LAND RESERVE FUND</u>				
REVENUES	\$ 40.00	\$ 30.73	\$ 9.27	76.8%
EXPENDITURES	\$ 25,000.00	\$ -	\$ 25,000.00	0.0%
REVENUES OVER/UNDER EXPENDITURES	\$ (24,960.00)	\$ 30.73	\$ (24,990.73)	



**FINANCIAL STATEMENT
NOVEMBER 2022**

RECEIPTS:		
Electric, Water, Tax, Sewer and Refuse Charge	\$3,097,417.43	
Accounts Receivable - Miscellaneous	\$126,258.26	
Customer's Deposits - Refundable	\$29,841.25	
Misc Non-Operating Revenue	<u>\$5,361.56</u>	
Total Receipts	\$3,258,878.50	
Southern Bank ICS Sweep Account Interest (October 31, 2022)	\$38,715.83	
Southern Bank Money Market Account Interest (October 31, 2022)	\$0.00	
Southern Bank Electronic Payment Account Interest (October 31, 2022)	\$1,034.06	
Southern Bank General Fund Account Interest (October 31, 2022)	\$4,308.26	
Southern Bank Payroll Account Interest (October 31, 2022)	\$25.07	
FSCB Super-Now Account Interest (October 31, 2022)	\$112.79	
FSCB Electronic Payment Account Interest (October 31, 2022)	\$347.00	
PCB Super-Now Account Interest (October 31, 2022)	\$0.31	
Miscellaneous Interest	-\$1.32	
Public Utility Cash In Bank (October 31, 2022)	<u>\$32,587,411.87</u>	
Total Receipts and Cash In Bank		<u>\$35,890,832.37</u>
DISBURSEMENTS:		
Power Purchased	\$1,622,753.11	
Operating Expenses	\$188,661.86	
Administrative and General Expenses	\$110,677.22	
Payroll	\$201,876.85	
Capital Expenditures	\$2,875.00	
Construction in Progress	\$17,027.72	
Stock Purchases (Inventory)	\$42,024.64	
Balance of Customer's Deposits after Finals	\$66,204.30	
Medical, Dental, Vision and Life Insurance Paid by Employees	\$15,479.86	
Support Payments	\$1,331.68	
457 Plan Employee Contributions	\$9,266.48	
Flexible Spending Account Contributions	\$884.12	
U.S. Withholding Tax	\$27,777.20	
Missouri Dept. of Revenue (Sales Tax)	\$47,069.10	
Missouri Dept. of Revenue (Income Tax)	\$11,618.00	
First State Community Bank (Social Security)	\$40,716.06	
Sewer Service Charge	\$438,198.57	
Refuse Service Charge	\$206,360.76	
PILOT to City of Rolla	\$134,981.92	
Standpipes Lease/Purchase	\$90,694.07	
Utility Incentives	\$0.00	
Unclaimed Deposits to State	\$0.00	
Primacy Fees	\$0.00	
Void General Fund Check:	\$0.00	
Void Working Fund Check: Cks#58747	-\$157.04	
		<u>\$3,276,321.48</u>
Cash in Bank (November 30, 2022)	<u>\$32,614,510.89</u>	
Total Disbursements and Cash In Bank		<u>\$35,890,832.37</u>
BALANCE OF OTHER FUNDS:		
PUBLIC UTILITY ACCOUNTS:		
Citizens Bank of Newburg, Ck#1283 for \$186.25	\$2,000.00	
First State Community Bank-Electronic Payment Account, Ck#1074 for \$446,086.22	\$50,834.97	
First State Community Bank-General Fund, Ck#36443/44 for \$12,303.37	\$2,838.33	
Southern Bank-General Fund, Cks#37505-37639 for \$3,276,321.48	\$3,773,409.73	
Southern Bank-Electronic Payment Account, Ck #1253 for \$1,253,125.89	\$270,062.10	
Southern Bank-Money Market	\$0.00	
Southern Bank-ICS Sweep Account	\$517,215.09	
Southern Bank-Payroll Account	\$25.07	
PCB-Super Now, Check #26363 for \$32,592.49	\$2,333.60	
Town & Country Bank, Ck# for \$	<u>\$2,000.00</u>	
Total Public Utility Accounts		\$4,620,718.89
ELECTRIC RESERVES:		
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	
RESTRICTED ELECTRIC RESERVES:		
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	
WATER RESERVES:		
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	
TOTAL RESERVES:		<u>\$27,993,792.00</u>
TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:		<u>\$32,614,510.89</u>



STATISTICS

November 2022

PRODUCTION

Date of Demand	11/19/2022
Time of Demand	07:45 AM
Scada Demand	54,870.00
kWh Purchased	26,257,400
Total Cost	\$1,812,719.08 *
Cost per kWh	0.069037 *
Load Factor	67.2%

Pumped #2 Well	0
Pumped #3 Well	0
Pumped #4 Well	3,034,000
Pumped #5 Well	2,447,000
Pumped #6 Well	3,485,000
Pumped #7 Well	1,165,000
Pumped #8 Well	2,019,000
Pumped #9 Well	3,238,000
Pumped #10 Well	3,468,000
Pumped #11 Well	0
Pumped #12 Well	2,935,000
Pumped #13 Well	6,695,000
Pumped #14 Well	10,259,000
Pumped #15 Well	1,890,000
Pumped #16 Well	9,244,000
Pumped #17 Well	3,535,000
Pumped # 1 Ind Park Well	5,441,000
Pumped # 2 Ind Park Well	3,018,000
Total Gallons	61,873,000

METERS IN SERVICE	Electric	Water
Residential - Single Phase	8,034	6,422
Residential - Three Phase	22	20
Commercial - Single Phase	934	511
Commercial - Three Phase	495	312
Power Service	104	90
Industrial	6	2
Area Lighting	15	7
Street Lighting	27	1
Missouri S&T	0	5
PWSD #2	0	583
Net Metering	0	0
Total	9,637	7,953

ELECTRIC SALES

Residential - Single Phase kWh	5,814,793
Residential - Three Phase kWh	115,287
Commercial - Single Phase kWh	1,007,660
Commercial - Three Phase kWh	2,523,222
Power Service kWh	5,723,660
Industrial kWh	5,212,120
Area Lighting kWh	8,101
Street Lighting kWh	30,849
Rental Lights kWh	78,141
Total kWh Sold	20,513,833
Demand kW	28,324
Revenue	\$1,886,152.44
Monthly Loss	21.80%
Fiscal Year to Date Loss	9.97%

WATER SALES

Residential - Single Phase Gallons	24,313,000
Residential - Three Phase Gallons	394,000
Commercial - Single Phase Gallons	5,185,000
Commercial - Three Phase Gallons	5,097,000
Power Service Gallons	11,125,000
Industrial Gallons	2,027,000
Missouri S&T Gallons	2,771,000
PWSD #2 Gallons	2,170,000
Total Gallons Sold	53,082,000
Revenue	\$278,849.63
Pumping Cost, Electric	\$30,402.15
Monthly Unidentified Loss	14.21% **
Fiscal Year to Date Unidentified Loss	6.67% ***

Sewer Service Charge	\$403,640.15
Refuse Service Charge	\$215,521.37

Gross Payroll	\$287,999.84
---------------	--------------

* Energy losses are not included in this statistic and are estimated at an additional 12%.

** Loss includes 2,130,000 gallons per water main flushing records.

*** FY loss includes 5,999,000 gallons per water main flushing records.

**The Centre Rolla's Health & Recreation Complex
Operations Report
November 2021 - November 2022**

Members - Trend

	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022
New Members	171	113	222	154	123	102	174	142	161	144	154	149	100
Net New & Reactivated Bridge/Freeze	(29)	(24)	(11)	(3)	(3)	(3)	(22)	(6)	(50)	(6)	(12)	(9)	(12)
Cancellations	62	74	80	69	72	90	119	89	84	196	93	133	91
Net Gain/Loss	80	15	131	82	48	9	33	47	27	(58)	49	7	(3)
Total Members	1,675	1,690	1,821	1,903	1,951	1,960	1,993	2,040	2,067	2,009	2,058	2,065	2,062

Member Breakdown

Community	44%	43%	43%	42%	42%	41%	41%	41%	41%	42%	42%	42%	41%
Employers	19%	18%	18%	18%	18%	18%	18%	18%	17%	18%	18%	20%	20%
Senior	20%	20%	20%	19%	19%	19%	19%	19%	19%	19%	18%	19%	20%
Youth/Child	17%	18%	20%	20%	22%	22%	23%	22%	23%	21%	22%	19%	19%

Financials

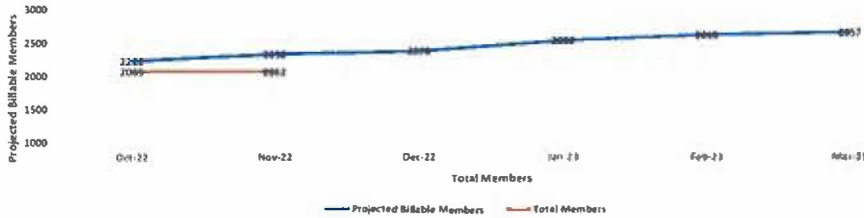
	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022
Total Revenue	\$ 63,801	\$ 65,777	\$ 80,167	\$ 79,637	\$ 90,086	\$ 94,983	\$ 91,197	\$ 88,425	\$ 80,798	\$ 88,567	\$ 82,105	\$ 83,248	\$ 86,265
Total Operating Expenses	\$ 122,520	\$ 115,448	\$ 111,417	\$ 140,075	\$ 127,181	\$ 128,782	\$ 125,115	\$ 123,081	\$ 144,846	\$ 129,107	\$ 129,957	\$ 133,637	\$ 139,339
Net Operating Income	\$ (58,719)	\$ (49,671)	\$ (31,250)	\$ (60,438)	\$ (37,095)	\$ (33,799)	\$ (33,918)	\$ (34,656)	\$ (64,048)	\$ (40,540)	\$ (47,852)	\$ (50,389)	\$ (53,074)
Membership Dues	\$ 39,625	\$ 40,810	\$ 46,816	\$ 46,028	\$ 48,771	\$ 49,459	\$ 51,177	\$ 50,504	\$ 49,138	\$ 51,061	\$ 50,746	\$ 52,505	\$ 53,581
Guest Fees	\$ 5,191	\$ 7,042	\$ 7,357	\$ 8,682	\$ 8,339	\$ 7,909	\$ 12,118	\$ 7,044	\$ 6,824	\$ 5,918	\$ 3,794	\$ 3,258	\$ 5,343
Personal Training Revenue	\$ 2,249	\$ 2,130	\$ 6,900	\$ 3,381	\$ 5,014	\$ 4,487	\$ 4,788	\$ 4,908	\$ 4,263	\$ 5,015	\$ 7,498	\$ 7,114	\$ 8,020
Swim Revenue	\$ 6,007	\$ 5,095	\$ 9,546	\$ 9,616	\$ 14,162	\$ 16,463	\$ 13,685	\$ 10,714	\$ 8,404	\$ 7,501	\$ 9,020	\$ 8,142	\$ 5,142
Recreation Revenue	\$ 9,608	\$ 7,228	\$ 6,185	\$ 8,383	\$ 8,736	\$ 11,161	\$ 4,688	\$ 8,708	\$ 7,625	\$ 10,068	\$ 3,855	\$ 6,386	\$ 8,134
Medical Integration	\$ -	\$ -	\$ -	\$ -	\$ 496	\$ 397	\$ 348	\$ 347	\$ 198	\$ 731	\$ 1,064	\$ 743	\$ 149
Special Programs	\$ 434	\$ 115	\$ 875	\$ 221	\$ 421	\$ 418	\$ 730	\$ 559	\$ 174	\$ 3,077	\$ 1,326	\$ 1,103	\$ 1,256

Ancillary Services

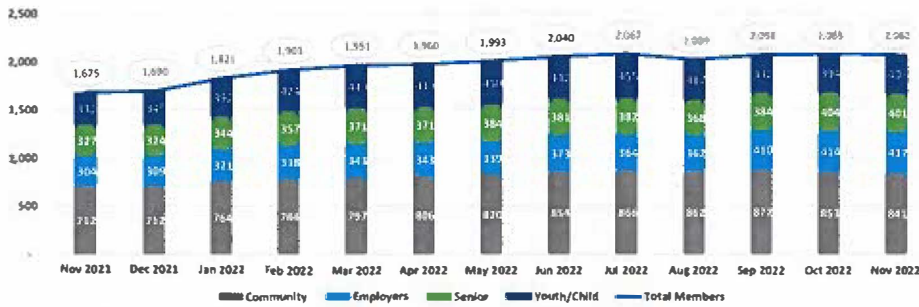
	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022
Personal Training Sessions	124	102	228	141	207	172	198	202	159	190	265	256	201
Swim Sessions	40	82	25	45	48	82	84	98	97	76	53	40	34
MI Enrollees	-	-	-	-	6	5	5	4	2	10	11	9	2
NPS Score	-	-	67	74	82	64	56	55	56	76	56	78	55
Total Visits	7,449	7,268	8,743	7,416	9,798	8,987	9,051	9,246	9,699	9,398	8,643	8,994	9,450
Visits per Member	4.4	4.3	4.8	3.9	5.0	4.6	4.5	4.5	4.7	4.7	4.2	4.4	4.6
Monthly Attrition	3.89%	4.47%	4.73%	3.79%	3.78%	4.61%	6.07%	4.47%	4.12%	9.48%	4.63%	6.46%	4.41%
Dues per Billable Member	\$ 23.7	\$ 24.1	\$ 25.7	\$ 24.2	\$ 25.0	\$ 25.2	\$ 25.7	\$ 24.8	\$ 23.8	\$ 25.4	\$ 24.7	\$ 25.4	\$ 26.0

Member Breakdown	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022	Mar 2022	Apr 2022	May 2022	Jun 2022	Jul 2022	Aug 2022	Sep 2022	Oct 2022	Nov 2022
Community	675	693	712	712	764	784	797	806	820	854	866	862	872	853	841
Employers	293	290	304	309	321	338	343	343	339	371	364	362	410	414	417
Senior	306	323	327	324	344	357	371	371	384	381	382	368	384	404	401
Youth/Child	220	289	332	345	392	424	440	440	450	432	455	417	392	394	403
Total Members	1,544	1,595	1,675	1,690	1,821	1,903	1,951	1,960	1,993	2,040	2,067	2,009	2,058	2,065	2,062
Center Visits	6,944	7,262	7,449	7,268	8,743	7,416	9,798	8,987	9,051	9,246	9,699	9,398	8,643	8,994	9,450
Visits per Member	4.6	4.5	4.6	4.4	4.3	4.8	5.0	4.6	4.5	4.5	4.7	4.7	4.2	4.4	4.6
Total Revenue	\$ 56,801	\$ 59,714	\$ 63,801	\$ 65,777	\$ 80,167	\$ 79,637	\$ 90,086	\$ 94,983	\$ 91,197	\$ 88,425	\$ 80,798	\$ 88,567	\$ 82,105	\$ 83,248	\$ 86,265
Total Operating Expenses	\$ 134,411	\$ 114,093	\$ 122,520	\$ 115,448	\$ 111,417	\$ 140,075	\$ 127,181	\$ 128,782	\$ 125,115	\$ 123,081	\$ 144,846	\$ 129,107	\$ 129,957	\$ 133,637	\$ 139,339
Net Operating Income	\$ (77,610)	\$ (54,379)	\$ (58,719)	\$ (49,671)	\$ (31,250)	\$ (60,438)	\$ (37,095)	\$ (33,799)	\$ (33,918)	\$ (34,656)	\$ (64,048)	\$ (40,540)	\$ (47,852)	\$ (50,389)	\$ (53,074)
Net Operating Income Budget	\$ (42,185)	\$ (38,760)	\$ (49,145)	\$ (48,457)	\$ (47,509)	\$ (42,605)	\$ (43,035)	\$ (40,909)	\$ (40,687)	\$ (36,771)	\$ (35,133)	\$ (33,497)	\$ (33,471)	\$ (36,108)	\$ (31,514)
Dues per Billable Member	\$28.0	\$25.0	\$24.2	\$24.4	\$27.9	\$24.2	\$25.0	\$25.2	\$25.7	\$24.8	\$23.8	\$25.4	\$24.7	\$25.4	\$26.0
Swim Revenue	\$ 6,956	\$ 7,901	\$ 6,007	\$ 5,095	\$ 9,546	\$ 9,616	\$ 14,162	\$ 16,463	\$ 13,685	\$ 10,714	\$ 8,404	\$ 7,501	\$ 9,020	\$ 8,142	\$ 5,142
Membership Dues	\$ 38,529	\$ 38,597	\$ 39,625	\$ 40,810	\$ 46,816	\$ 46,028	\$ 48,771	\$ 49,459	\$ 51,177	\$ 50,504	\$ 49,138	\$ 51,061	\$ 50,746	\$ 52,505	\$ 53,581

Membership Projections



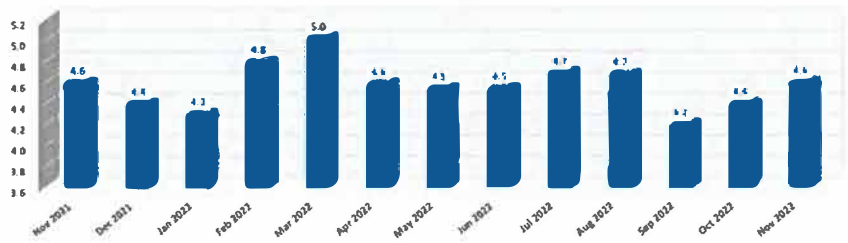
Members by Type



Total Center Visits



Average Visits per Member



Revenues vs Operating Expenses



Average Dues per Billable Member



Swim Revenue



Membership Dues Revenue



Projected Billable Members	Oct-22 2222	Nov-22 2330	Dec-22 2370	Jan-23 2530	Feb-23 2613	Mar-23 2657
Total Members	2065	2062				

**DEVELOPMENT REVIEW COMMITTEE MINUTES
TUESDAY, DECEMBER 20 @ 1:30 P.M.
MEMBERS AND OTHERS IN ATTENDANCE**

Tom Coots, Com. Dev.
Steve Flowers, Com. Dev.
Jeff Breen, Fire

Sarah West, Com. Dev.
Simon Yoakum, Parks & Rec
Dale Brown, RMU

NEW BUSINESS:

1. **SUB22-09:** Final Plat of Blue's Lake No. 12 and vacation of Joan Dr and certain easements.

Coots need an exhibit showing what the applicant plans on vacating. They are proposing to vacate the ROW for Joan Drive; that will need a legal description.

Flowers the proposed easements don't extend all the way to Bridge School Road.

Brown the plat document shows they are vacating all existing easements and maintaining an easement in the northwest corner of the lot. The applicant is proposing a 20 foot water easement to the north and south, and sewer easements all the way around the park from north to south.

Brown the plat is showing overhead electric with no easements. There will have to be an easement if RMU maintains it. The applicant needs to meet with RMU about the water meter locations.

2. **PUD22-02:** Final PUD of Blue's Lake RV Park.

Coots still need more information from the applicant.

Breen will the sketch for the hydrant locations be in the new plan? **Coots** the applicant hasn't spoken with RMU yet, so the locations are not confirmed. The applicant has not decided if the water line will be public or private. **Coots** advised them there would be more requirements if it was privately maintained.

Breen there is not enough information for the Fire Department to comment. The applicant has to meet with RMU first.

Flowers will all sites be metered individually? **Brown** RMU will not meter them separately. **Flowers** mentioned there are also sites and other buildings that need to be serviced as well. **Brown** RMU has to meet with the applicant to find out what they will need.

Flowers comments if there is enough detail to take before the Planning and Zoning and City Council meetings as the PUD report submitted is incomplete. The applicant needs to have a landscaping plan. **Coots** they are unsure about how many trees they will need to remove.

Flowers since the land is over an acre, they will need a land disturbance permit.

Breen the road widths are not a problem, but the hydrant locations are. **Coots** the roads are proposed to be 20 feet wide. **Breen** there is no issue with using gravel as long as it will hold a firetruck.

Yoakum will fire pits be allowed? **Breen** Rolla has a fire pit ordinance, the park will fall under that.

Minutes Prepared By: Sarah West

NEXT MEETING:

Tuesday, January 17, 2023 @ 1:30 P.M.

**MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, NOVEMBER 15, 2022**

Presiding: Don Brown, Chairperson

Commission Members Present: Robert Anderson, Monty Jordan, Janece Martin, Russell Schmidt, Kevin Crider, Nathan Chirban

Commission Members Absent: Monte Shields

I. APPROVE MINUTES: Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, October 11, 2022. **Chairperson Don Brown approved the minutes as printed and distributed.**

II. REPORT ON RECENT CITY COUNCIL ACTIONS:

1. **SUB22-08 – Frueh Addition:** A Minor Subdivision to combine two residential lots at 3 Lewis Lane.
2. **VAC22-03 – Vacation of Alley:** Vacation of a portion of the alley between 10th, 11th, Cedar, and Maple Streets.

III. OLD BUSINESS: NONE

IV. NEW BUSINESS: NONE

V. PUBLIC HEARING:

1. **ZON22-04:** Rezoning from the R-R, Rural Residential district to the C-3, Highway Commercial district at property addressed as 821 Hwy O; SE corner of Hwy O/Lions Club Dr

Tom Coots presents the staff report. **Brown** mentioned there is residential property adjacent to RMU's office at 811 Highway O. **Nathan Chirban** asks if the proposed warehouse will be used only for storage. **Coots** states it would be best to let the applicant answer.

Brown opens the public hearing.

Doug Lane, at 102 Maple Avenue in Licking, is the CEO of Intercounty Electric. He states there will be about 15 employees but will all work in the field, and the proposed warehouse will only be used for storage. They plan to leave a 300 foot buffer between the project and Highway O as well as plan for landscaping.

There is only one proposed entrance off Lions Club Drive to minimize traffic concerns for the adjacent neighborhood. On peak days, the traffic flow will be about 125 residential vehicles. The applicant intends to leave at least a 50 foot buffer from the south side of the property near Huntleigh Drive.

Lane states all lighting will be faced away from the existing neighborhood and there will be no construction work going on in the warehouse so little to no noise will be made. If they needed to expand, he states they would extend westward and not south toward the neighborhood.

Russell Schmidt asks why this location was chosen for the warehouse and pole yard. **Lane** states that area of the property is fairly level. **Schmidt** asks if those buildings can be moved north to be further from Huntleigh Drive. **Lane** mentions it could be possible. **Janece Martin** asks about the proposed fence. **Lane** states it is a privacy fence that will be 6 ½ feet tall. He mentions there will be little noise coming from the site, except for the trucks loading up in the mornings for about 30 to 40 minutes.

Brown mentions there is a hill between the proposed storage yard and the houses on Huntleigh Drive. **Lane** states the proposed fence will be placed where the hill begins, and have no intention of removing the existing trees and landscaping.

Amber Garcia, located at 1505 Huntleigh Drive, presents a letter to the Commission. It states concerns about the noise and for the wildlife in the area. She comments that the line of trees mentioned earlier are not fully developed.

John Boeringa, is located at 1417 Huntleigh Drive. He states he purchased his house because of the surrounding residential areas. He comments if the property gets rezoned and Intercounty does not need the property, he is concerned for what now can go into a commercially zoned property next door. He expressed concerns about the noise and seeing a warehouse area.

Melissa Dillon, located at 1423 Huntleigh, states she is working on a protest petition. She mentions the second story rooms of her house would see over the fence and be exposed to the lights.

David Reynolds, located at 1511 Huntleigh, spoke in opposition to the rezoning. He mentioned concerns with environmental issues.

Mack Henley, is located at 1416 Huntleigh. He states that the Commission voted down this case three years ago. He comments that the projected amount of traffic flow will be loud in their quiet neighborhood. He is concerned about what the property could be used for if rezoned and not used by Intercounty.

Bryce Crowley, located at 1510 Huntleigh, states the previous body voted against this rezoning. He expresses concern about a heavy commercial zone affecting the property values of the neighborhood. He mentions that Mr. Woessner has commercial properties for sale at other locations.

Rob Cummings, located at 1414 Huntleigh, spoke in opposition to the rezoning. He mentioned traffic and noise concerns.

Becky Hoffman is located at 1422 Huntleigh. She expresses concern about the traffic flow with young drivers.

Brown closes the public hearing.

Chirban asks if anything has changed since the last application for the Commission to take into consideration. **Coots** states he is unsure, but the applicant could provide that information.

Brown asks what could be developed on the lot. **Coots** states a developer would have to get access to public sewer. In general, lots adjacent to arterial roads can have an amount of commercial use make sense. A residential subdivision would fit with the area and be about the limits of the expected use of this lot. **Brown** asks if the City had plans to extend Iverness road to meet Lions Club Drive. **Coots** says the City would not build the road, but a developer could extend the road to give Huntleigh Drive another point of egress/ingress.

Schmidt asks if the Commission can make a condition to keep the south side of the lot residential. **Coots** confirms this and states 150 feet would be the minimum length that would allow for a row of residential lots. **Schmidt** asks if this would still be enough area for the applicant. **Lane** comments it would be close, but it might be possible. **Schmidt** comments this would help move lighting and noise issues away from the neighborhood.

Chirban asks if there was a precedent for a C-3 zoning being adjacent to R-1. **Coots** confirms this occurs all over town. He states with proper screening and landscaping the two zones can fit together. The applicant is proposing a greater buffer than what the code requires.

Lane mentions they purchase transformers with environmentally friendly oil. **Schmidt** asks if Intercounty sells their properties. **Lane** states once Intercounty purchases a property, they do not sell. **Schmidt** asks about keeping a portion of the lot residential. **Lane** confirms it could be possible.

Chirban expresses concern with the applicant not needing the property once it has been rezoned and now being open to a C-3 development adjacent to this neighborhood. **Coots** confirms if the property is rezoned and the applicant does not get the property, it could be sold to anyone for any use that is allowed in the C-3 district.

A motion was made by Russell Schmidt, seconded by Monty Jordan, to add a condition that the south side of the lot be kept as R-R from 150 feet of the south property line. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, Martin, and Schmidt. Nays: None. The motion passes unanimously.

A motion was made by Monty Jordan, seconded by Robert Anderson, to recommend approval to the City Council to rezone the subject property from R-R to C-3 with the condition that the southern 150 feet stays zoned R-R. A roll call vote on the motion showed the following: Ayes: Anderson and Schmidt. Nays: Chirban, Crider, Jordan, and Martin. The motion does not pass.

A motion was made by Monty Jordan, seconded by Kevin Crider, to recommend denial to the City Council to rezone the subject property from R-R to C-3. A roll call vote on the motion showed the following: Ayes: Chirban, Crider, Jordan, and Martin. Nays: Anderson and Schmidt. The motion passes.

2. **PUD22-01:** Rezoning from the R-2, Two-family district; C-1, Neighborhood Commercial district; and M-1, Light Manufacturing district to a PUD, Planned Unit Development district at properties addressed as 1000 and 1006 N Oak St; and 204-208 E 11th St, Final Development Plan review, and associated Final Plat

Coots presents the staff report. **Brown** asks about the current buildings on the lot. **Coots** states the houses will be demolished and the storage building will be remodeled.

Brown opens the public hearing.

Cameron Schweiss, with Archer Elgin, presents the project. **Chirban** asks about outreach to the public for this type of development. **Coots** states letters were sent out to property owners within 300 feet, a sign was posted on site, and an ad was published in the newspaper.

Brown closes the public hearing.

A motion was made by Nathan Chirban, seconded by Russell Schmidt, to recommend approval to the City Council to rezone the subject property from R-2, C-1 and M-1, to a PUD, planned Unit Development. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, Martin, and Schmidt. Nays: None. The motion passes unanimously.

3. **PUD22-02:** PUD, Planned Unit Development Preliminary Development Plan review for a potential development at property addressed as 550 and 650 Joan Dr.; west of Blue's Lake Parkway on Bridge School Rd

Coots presents the staff report. **Anderson** asks about the site having gravel. **Coots** states at bare minimum the space between Bridge School Road and the property line has to be paved. The rest of the site is proposed to be gravel, but the Commission could make a condition to change that.

Brown asks about access. **Coots** states there are two driveways off Bridge School Road. **Schmidt** asks if the lots were hooked up to City utilities. **Coots** confirms this. **Schmidt** asks about the sidewalk around Blues Lake. **Coots** confirms the public aren't prevented from using

the sidewalk. **Chirban** expresses concern about the gravel spilling onto the roadway. **Coots** may be appropriate to extend the length of pavement into the site.

Brown asks if Joann Drive will be vacated. **Coots** confirms this, but it will need to be a separate application.

Brown asks if the Fire Department or Environmental Services had any issues. **Coots** comments those departments were comfortable with the gravel roads, but fire hydrants would need to be added. **Chirban** asks if the code prohibits large recreational vehicles. **Coots** states it would be best for the applicant to answer.

Brown comments that the project comes close to Columbia College's back parking lot, and asks if a buffer is required. **Coots** states there is no buffer required since it is adjacent to another commercial lot, but the Commission could impose one. **Chirban** asks if any surrounding properties reached out in concern. **Coots** says only Royal Canin reached out with questions.

Brown asks if the pull in sites are allowed right up to the lot line. **Coots** states there is nothing that prohibits this, but conditions could be imposed.

Brown opens the public hearing.

Jaden Gurney, located in Utah, is the developer and summarizes his project. He states the staff would clean off Bridge School Road, and that the gravel would not be an issue. He is willing to extend pavement further into the site, but would still want a majority of the site to be gravel. He mentions the sites would be 30 feet wide and the roads would be wide enough for emergency vehicles. The site itself has two entrances and exits and multiple amenities and recreational places.

Brown asks if each site will have utilities. **Gurney** confirms this. **Brown** asks about lighting. **Gurney** states he intends to have adequate lighting throughout the park. **Chirban** asks if the amenities provided will be open to the public. **Gurney** states these will only be open to park guests for liability reasons.

Chirban asks about the code having a maximum length for the recreational vehicles. **Gurney** states he is unsure about the length of the vehicles themselves, but the length of stay is only 7 days, and he is proposing that to be changed to 6 months.

Brown closes the public hearing.

Coots clarifies the code concern brought up by Chirban. He states the code being referenced mentions the definition for a travel trailer can be no longer than 42 feet. He comments this is not relevant to this case.

A motion was made by Russell Schmidt, seconded by Monty Jordan, to approve the preliminary development plan at 550 and 650 Joan Drive off Bridge School Road. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan, Martin, and Schmidt. Nays: None. The motion passes unanimously.

VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:

- 1. Update on Zoning Code Rewrite: Presentation of proposed Zoning Map and public outreach**
- 2. Don Brown announces his retirement from the Commission after 18 years of service.**

VII. CITIZEN COMMENTS:

NONE

Meeting adjourned: 7:56 p.m.

Minutes prepared by: Sarah West

NEXT MEETING:

Tuesday, December 13, 2022

Park Advisory Commission Meeting Minutes

November 16, 2022

Zoom/City Hall, 3rd Floor Conference Room

Members Present: Larry Thomas, Sue Arnold, and Andrew Meggitt

Members Present by Zoom: Susan Wrasmann

Absent: Ken Kwantes and Mike Fleishhauer

Others Present: Floyd Jernigan, Andrew Smith, Recreation Manager, and Julie Rodgers

1. Call to Order

- Andrew Meggitt called the meeting to order at 5:11 p.m.

2. Approval of Minutes

- Larry Thomas made a motion to approve the Sept. 28 and Oct. 24, 2022, minutes. Sue Arnold seconded approval. All were in favor; the motion passed with no opposition.

3. New Business

- Recreation Manager, Andrew Smith

Mr. Jernigan introduced our new Recreation Manager, Andrew Smith. He comes here from Nixa Parks & Recreation, but he is from Rolla and his parents still live here.

He is new to the department, but has been tasked with jumping right in to run the Christmas Train event.

- ARPA Community Revitalization Grant

Update on the other grant. We received approval from City Council to file an application for the LWCF Grant. Unfortunately, with this one, we won't know until late 2023 if we were awarded the grant.

We have applied for another grant. ARPA grants are a maximum of \$500,000, with a minimum 50% match. Meramec Regional Planning Commission is working with staff on this application.

With the ARPA grant, it is retroactive to March 2021, so we can use grant money for projects such as Larry Wilson Field, widening out the sidewalks, and the BerJuan All Inclusive Playground that are already completed.

Mr. Jernigan said we will need another letter of support for this one, like we had for the LWCF Grant. We will ask for letters of support from the Health Dept., ABLE, the senior group, and local schools.

It has to be put together by the end of November. The good thing is that we will know by January 2023 if we are awarded the grant.

Larry Thomas made a motion to authorize staff to apply for grant. Sue Arnold seconded the motion. All were in favor; motion passed.

- Prop P reauthorization support from Commission

Prop P passed in 2015 with focus on maintaining and improving existing facilities. The current tax is $\frac{1}{4}$ of one percent, to be reduced to $\frac{3}{16}$ of one percent beginning Oct. 2023.

Mr. Jernigan proposed a few questions to the Park Commission. Should we ask voters to reauthorize the continuation of the municipal sales tax of $\frac{1}{16}$ of one percent? The $\frac{1}{16}$ portion has been critical, paying for our big ticket items. Without the $\frac{1}{16}$, it would put at risk future projects like the replacement of the existing tennis court surface with a new structure, replacement of the ballfield lighting systems from 1967, and continued replacement of the aging playgrounds.

Sue Arnold, Andrew Meggitt, and Larry Thomas were in favor of continuing the $\frac{1}{16}$ of one percent, stating that it will be easy to show the improvements to the parks that have been done in the last several years.

Mr. Jernigan also raised the length of the continuation – either to be an eight or 10-year extension. Mr. Jernigan said he believes people are primarily supportive of the parks. Larry Thomas said that two years should not make a difference.

We would have to go to City Council in late December or early January for authorization. Sue Arnold made a motion to propose to City Council that we ask the voters of the City of Rolla to extend the $\frac{1}{16}$ of the one percent of the Prop P tax for 10 years. Larry Thomas seconded the motion. All members were in favor, so the motion passed unanimously.

Mr. Jernigan spoke to the group regarding efforts on how to accomplish this. City of Rolla employees can't advocate for tax proposals, but can provide education. There are basically three ways we can get the information to the citizens of Rolla: the City of Rolla can inform through educational efforts, through an open house, and via media; a group of people can form a citizen's committee through the state treasurer, filed through the state; or there can be a combination of the two in which the City would educate and a citizen's committee would do the campaigning.

Andrew Meggitt asked about measures taken back in 2015 for Prop P. Mr. Jernigan shared a few ways the 2015 campaign was carried out. Larry Thomas asked about steps necessary to create a committee. He asked how Lonna Sowers put together a proposal for a downtown fountain. Mr. Jernigan said Lonna has been working on grants and donations. He said there is a filing fee to form a citizen's committee.

Andrew Meggitt asked about our existing playground equipment and the expected lifespan. Seven play structures have been replaced and/or added since Prop P's passage. Eight more are in varying stages of need. The existing ones have lasted 30 years.

The group talked about which parks might get new equipment. Mr. Jernigan cited inspections that show Wedgewood and Barnitz would likely be the next in line, barring unforeseen circumstances.

4. Financials

- Financials for July, August, and September are included in the packet. Mr. Jernigan asked the group if there were any questions.

5. Director's Narrative

- The November Director's narrative is included in the packet.
- Renewal of the Tree City application is in progress.

- Renewal of the Mayor's Monarch Butterfly Pledge project is in progress.
- Council approved the Musco bid for new lighting at Morgan field. Work should begin next month to replace the aging system that was impacted by the fall storms.
- Installation of Buehler Park playground is in its final phase. A ribbon cutting aided by the Chamber of Commerce will take place upon completion.
- The annual Christmas Train event is coming up in the first half of December.

6. Adjournment

- Larry Thomas made a motion to adjourn. Sue Arnold seconded. All were in favor, with no opposition. The meeting adjourned at 5:53 p.m.

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz City Administrator

ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Ordinance to Consider April 2023 Prop P (Parks) Sales Tax Reauthorization

BUDGET APPROPRIATION: \$350,000 +/-

DATE: January 3, 2023

COMMENTARY:

In 2015 the Rolla voters approved Prop P (for local parks and recreation) - a ¼ cent sales tax – by a margin of 68%. The successful tax initiative established a 3/16th cent tax for parks maintenance in perpetuity and included 1/16th cent tax for eight years “unless reauthorized by Rolla voters for capital improvements in the park system”. That portion of the Park sales tax will cease on September 2023 unless reauthorized.

Prop P has been vital in maintaining the park system for the last eight years but has also provided critical capital improvements such as new (replaced) playgrounds, permanent public restrooms, parks maintenance equipment, parking lot repairs and paving, ballfield repairs, Pickleball courts, Splashzone pool repairs, etc. Capital improvements have cost an average of \$300,000 per year for the last 8 years.

If the 1/16th sales tax is reauthorized public input will be sought for the next round of improvements which could include such projects as additional Pickleball courts. Tennis courts, ballfield and soccer field improvements, additional playground replacements, trail system upgrades, Splashzone improvements and/or a splash pad, skate park improvements, etc.

The City would need to call for the April election with the ordinance calling for an April election by January, 2023.

Recommendation: Final Reading

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING SUBMISSION TO THE VOTERS OF THE CITY OF ROLLA, MISSOURI, AT THE NEXT ELECTION DAY, APRIL 4, 2023, "PROPOSITION P" IMPOSING A MUNICIPAL SALES TAX OF ONE-SIXTEENTH OF ONE PERCENT BEGINNING OCTOBER 1, 2023, FOR TEN YEARS FOR THE PURPOSE OF PROVIDING FUNDING FOR LOCAL PARKS AND RECREATION, INCLUDING, CONSTRUCTION, OPERATION AND MAINTENANCE OF PARKS.

Recitals:

A. Section 644.032 RSMo, authorizes the City to impose, by ordinance or order, a sales tax not to exceed one-half of one percent sales tax on all retail sales made in the City, which are subject to taxation under the provisions of Sections 144.010 to 144.525 RSMo, for the purpose of providing funding for local parks.

B. Section 644.032, RSMo, further provides that the authorized tax shall be in addition to any and all other sales taxes allowed by law; but that no ordinance imposing a sales tax and no other provisions of the enabling section shall be effective unless the City submits to its voters at a municipal or state general, primary or special election, a proposal to authorize the City to impose such tax.

C. The City has determined it is proper for it to promote and provide for the common good, health and recreation of its citizens and that these purposes can be served by construction, operation and maintenance of local parks.

D. The 1998 park sales tax that expired in 2013 funded the construction and operations of the Centre and SplashZone. Operations at the Centre will continue to be separate from Park Funding and not receive any funds from Proposition P for Parks.

E. On April 7, 2015 by a vote of 1,594 for and 744 against the Rolla voters approved a one-quarter cent sales tax to support the Parks Fund. While 3/16th cent of the Parks sales tax remains in perpetuity for traditional park maintenance (including the Rolla Cemetery) 1/16th cent would sunset unless reauthorized after eight years for park system capital improvements.

F. In order to provide additional funding for local parks, the City desires to submit to the qualified voters a proposition that, if approved, will implement a sales tax under Section 644.032 RSMo for ten (10) years from October 1, 2023, unless reauthorized by Rolla voters for additional capital improvements in the park system.

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

Section 1: At the next general Election Day scheduled for April 4, 2023, there shall be submitted to the qualified voters of said City the following Proposition, to-wit:

SALES TAX "PROPOSITION P" FOR LOCAL PARKS

Shall the municipality of Rolla, Missouri impose a sales tax of one-sixteenth of one percent, for ten years, beginning October 1, 2023 for the purpose of providing capital funding for local parks?

The City will use this sales tax solely for local parks, in order to maintain, improve and manage parks, trails, playgrounds, parking lots, bathrooms, pool, cemetery and natural lands for recreational purposes. These funds are prohibited for support of The Centre.

YES

NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, darken the oval next to the word “YES.” If you are opposed to the question, darken the oval next to the word “NO.”

Section 2: The City Clerk shall provide the County Clerk of Phelps County, Missouri, (County Clerk), as election authority for Phelps County, Missouri, with a copy of this Ordinance and shall provide such notice of the aforesaid election as may be by law required. The ballots to be used at said election shall contain the information in substantially the form set forth above, subject to such revisions and modifications as to form, but not content, as may be required for use of the voting system selected by the County Clerk. The qualified voters of the City residing in the election precincts located within the City shall vote at such polling places at such times as are otherwise established in connection with the general Election Day scheduled for April 4, 2023.

Section 3: The County Clerk shall conduct the election herein provided for and shall perform the duties required as the election authority for said election under the provisions of Chapter 115, RSMo.

Section 4: The County Clerk, as election authority for the election herein provided for, shall give the notice of said election required by law, shall appoint the election judges for the polling places at which said election is to be held, and shall apply all voting equipment, ballot boxes, ballots, tally sheets, precinct registers, and other supplies necessary for the conduct of said election.

Section 5: All ordinances or parts of ordinances in conflict with this Ordinance shall be and the same are repealed hereby insofar as they may so conflict. This ordinance shall be in force and take effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 3rd DAY OF JANUARY 2023.

APPROVED:

ATTEST:

LOUIS J. MAGDITS, IV, MAYOR

LORRI THURMAN, CITY CLERK

APPROVED AS TO FORM:

LANCE THURMAN, CITY COUNSELOR

COPY

ORDINANCE NO. 4183

AN ORDINANCE AUTHORIZING SUBMISSION TO THE VOTERS OF THE CITY OF ROLLA, MISSOURI, AT THE NEXT ELECTION DAY, APRIL 7, 2015, "PROPOSITION P" IMPOSING A MUNICIPAL SALES TAX OF ONE-QUARTER OF ONE PERCENT BEGINNING OCTOBER 1, 2015, FOR EIGHT YEARS, REDUCED TO THREE-SIXTEENTHS OF ONE PERCENT BEGINNING OCTOBER 1, 2023, FOR THE PURPOSE OF PROVIDING FUNDING FOR LOCAL PARKS AND RECREATION, INCLUDING, CONSTRUCTION, OPERATION AND MAINTENANCE OF PARKS.

Recitals:

A. Section 644.032, RSMo., authorizes the City to impose, by ordinance or order, a sales tax not to exceed one-half of one percent sales tax on all retail sales made in the City, which are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., for the purpose of providing funding for local parks.

B. Section 644.032, RSMo., further provides that the authorized tax shall be in addition to any and all other sales taxes allowed by law; but that no ordinance imposing a sales tax and no other provisions of the enabling section shall be effective unless the City submits to its voters at a municipal or state general, primary or special election, a proposal to authorize the City to impose such tax.

C. The City has determined it is proper for it to promote and provide for the common good, health and recreation of its citizens and that these purposes can be served by construction, operation and maintenance of local parks.

D. The 1998 park sales tax that expired in 2013 funded the construction and operations of the Centre and SplashZone. During its existence, the City of Rolla did not subsidize or transfer any additional funds to support the Centre. Operations at the Centre will continue to be separate and not receive funds from the General Fund.

E. The General Fund has annually subsidized the Parks Fund. A parks only sales tax will provide savings to the General Fund which will provide additional resources for public safety and employee compensation.

F. In order to provide additional funding for local parks and recreation in general, the City desires to submit to the qualified voters a proposition that, if approved, will implement a sales tax under Section 644.032 RSMo. for eight (8) years from October 1, 2015, which tax shall automatically be reduced to three-sixteenths (3/16) of one percent from and after October 1, 2023 unless reauthorized by Rolla voters for additional capital improvements in the park system.

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

Section 1: At the next general Election Day scheduled for April 7, 2015, there shall be submitted to the qualified voters of said City the following Proposition, to-wit:

SALES TAX "PROPOSITION P" FOR LOCAL PARKS

Shall the municipality of Rolla, Missouri impose a sales tax of one-quarter of one percent, for eight years, then reduced to three-sixteenths of one percent beginning October 1, 2023 for the purpose of providing funding for local parks?

The City will use this sales tax solely for local parks, in order to maintain, improve and manage parks, trails, playgrounds, parking lots, bathrooms, pool, cemetery and natural lands for recreational purposes. These funds are prohibited for support of The Centre.

4183

COPY

Ordinance No. 4183
Page 2

YES ≈ ≡

NO ≈ ≡

Instructions to voters: To vote, complete the arrow(s) pointing to your choice(s) like this ≈---≡. Use marking device provided. If you are in FAVOR of the proposition or question, complete the arrow next to the word YES. If you are OPPOSED to the proposition or question, complete the arrow next to the word NO.

Section 2: The City Clerk shall provide the County Clerk of Phelps County, Missouri, (County Clerk), as election authority for Phelps County, Missouri, with a copy of this Ordinance and shall provide such notice of the aforesaid election as may be by law required. The ballots to be used at said election shall contain the information in substantially the form set forth above, subject to such revisions and modifications as to form, but not content, as may be required for use of the voting system selected by the County Clerk. The qualified voters of the City residing in the election precincts located within the City shall vote at such polling places at such times as are otherwise established in connection with the general Election Day scheduled for April 7, 2015.

Section 3: The County Clerk shall conduct the election herein provided for and shall perform the duties required as the election authority for said election under the provisions of Chapter 115, RSMo.

Section 4: The County Clerk, as election authority for the election herein provided for, shall give the notice of said election required by law, shall appoint the election judges for the polling places at which said election is to be held, and shall apply all voting equipment, ballot boxes, ballots, tally sheets, precinct registers, and other supplies necessary for the conduct of said election.

Section 5: All ordinances or parts of ordinances in conflict with this Ordinance shall be and the same are repealed hereby insofar as they may so conflict. This ordinance shall be in force and take effect from and after its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 5TH DAY OF JANUARY 2015.

APPROVED

LOUIS J. MAGDITS, IV, MAYOR

ATTEST:


CAROL L. DANIELS, CITY CLERK

APPROVED AS TO FORM:


LANCE THURMAN, CITY COUNSELOR

4183

Parks Capital Projects Prop P

Prop P 1/4 cent sales tax: approved April 2015 w 68% of vote

(1/16 cent sales tax for capital improvements to existing parks facilities through Sept. 30, 2023)

Playgrounds	Cost	Year
Playground improvements Breuer, GA, Schuman, Murry	\$ 24,778	2016-2019
Larry May Playground	\$ 90,771	2017
Green Acres playground	\$ 105,509	2018
Ridgeview playground	\$ 19,236	2019
Coventry Playground	\$ 90,000	2020
Inclusive Playground at Ber Juan	\$ 196,347	2021
Buehler Playground	\$ 125,168	2022
Infrastructure		
Ber Juan Lake storm sewer, aerators	\$ 28,453	2016
Eugene Northern Roof	\$ 12,500	2019
Frisco train engine, oil tender, passenger car renovation	\$ 15,008	2020
Pavilions, bk courts, trails, sidewalks, disc golf course	\$ 75,040	2019-2022
Cemetery		
New office/maintenance roof	\$ 10,525	2021
Asphalt overlay roads	\$ 74,600	2021
Splash Zone		
Boiler, water heater, pump	\$ 58,934	2016-2021
Shade, game area, lockers, showers	\$ 65,898	2016-2019
New drain grates	\$ 11,217	2020
Resurface	\$ 47,420	2020
Slide Restoration	\$ 40,198	2021
Glass bead filter media replacement	\$ 11,250	2022
Equipment Valves, chemtroller replacement	\$ 28,934	2020-2022
Funbrellas	\$ 19,968	2021-2022
Ballfields, courts		
Backboards, rims, nets, soccer goals, pitching mounds	\$ 18,740	2015-2021
Resurface tennis courts, rebounder, shelters	\$ 63,707	2017-2022
Bleachers for Schuman, Green Acres, batting cages	\$ 42,778	2017-2020
New scoreboards	\$ 30,071	2018-2021
Ballfied fencing	\$ 54,676	2018-2021
Lighting repairs, remote lights	\$ 19,010	2019
Concession building improvements	\$ 48,064	2020-2021
Pickleball nets, hardware, fencing, resurface 3 courts	\$ 21,395	2020-2021
Ballfield maintenance	\$ 33,788	2020-2021
Parks Bathrooms	\$ 179,736	2017-2020
Park signage	\$ 35,377	2018-2020
Parking Lots	\$ 189,322	2015-2021
Equipment & Vehicles	\$ 434,238	
TOTAL	\$ 2,322,657	

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Darin Pryor ACTION REQUESTED: RESOLUTION

ITEM/SUBJECT: AUTHORIZATION TO APPLY FOR GRANT FUNDING

BUDGET APPROPRIATION (IF APPLICABLE) \$ DATE: 01/03/23

COMMENTARY:

Staff is requesting a resolution to apply for a Transportation Alternatives Grant (TAP). The TAP funds would be utilized to construct approximately 75 ADA compliant curb ramps in the city. A map of the proposed locations is attached. The estimated cost of this project is \$300,000.00 of which \$60,000 (20%) would be required from the City of Rolla for matching funds.

MoDOT requires a resolution authorizing staff to submit an application for grant funding.

Staff recommends approval.

ITEM NO. VI.A.1

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR THE 2018 TRANSPORTATION ALTERNATIVES PROGRAM.

Whereas, the City of Rolla is submitting an application for 2022 Supplemental Missouri Transportation Alternatives Program funds for Rolla ADA Accessibility Improvements with an estimated total cost of \$300,000; and,

Whereas, the City of Rolla is requesting Missouri Transportation Alternatives Program funds in the amount of \$240,000.00 representing 80% of total estimated project costs; and,

Whereas, the City of Rolla acknowledges availability of the required local match of 20% and the availability of funds to pay all costs up front, as Transportation Alternative Program is a cost reimbursement program; and,

Whereas, the City of Rolla agrees to pay any costs that exceed the project amount if the application is selected for funding; and,

Whereas, the City of Rolla agrees to maintain all project(s) constructed with Transportation Alternative Program funding for the useable life of project(s);

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

Section 1. The City of Rolla authorizes the Public Works Director to apply for Missouri Transportation Alternative funds in the amount of \$240,000.00 from the Missouri Department of Transportation on behalf of City of Rolla.

Section 2. That the City of Rolla assures the Missouri Department of Transportation that if funds are awarded, sufficient funding for the local match and for Transportation Alternative Program upfront costs are available, since Transportation Alternative Program is a reimbursement program, and that any costs exceeding the award amount will be paid for by City of Rolla.

Section 3. That the City of Rolla assures the Missouri Department of Transportation that if awarded Transportation Alternative Program funds, sufficient funding for the operation and maintenance of the project will be available for the life of the project.

Section 4. That the City of Rolla assures the Missouri Department of Transportation that the City of Rolla is willing and able to administer all activities associated with the proposed project.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 3rd DAY OF JANUARY 2023.

APPROVED

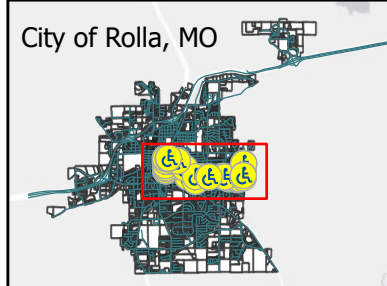
ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR



Project Area

Phelps County, Missouri Dept. of Conservation, Esri, HERE, Garmin, USGS, EPA, NPS, Phelps County, Missouri Dept. of Conservation, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA
 Created By: S. VanBibber

Legend
 Handicap Selection
 Curb Ramp

2022

Coordinate System: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet

N

0 0.05 0.1 Mi

0 0.1 0.2 Km

This page is intentionally left blank

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: Darin Pryor

ACTION REQUESTED: Ordinance First/Final Reading

ITEM/SUBJECT: MoDOT Controlling Agreement for TAP – 9901(532)

BUDGET APPROPRIATION (IF APPLICABLE)

DATE: 1/3/23

COMMENTARY:

Staff was notified by MoDOT that there was a duplicate program agreement executed for TAP-9901(532). To correct this error the MoDOT attorney has requested that the City execute a Controlling Agreement to specify which is the governing agreement. Project TAP-9901(532) was approved by council in September of 2022. This project will install sidewalks along Route E.

Staff is requesting the first and final reading of an ordinance authorizing the mayor execute a Controlling Agreement for TAP-9901(532) to expedite this approval.

ITEM NO. VI.B.1

CCO Form: AD01
Approved: 11/22 (RSV)
Revised:
Modified:

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
IDENTIFICATION OF CONTROLLING AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and City of Rolla (hereinafter, "**City**").

WITNESSETH:

WHEREAS, Commission and **City** (hereinafter "Parties") previously entered into a Program Agreement on October 26, 2022 (hereinafter, "Controlling Agreement"); and

WHEREAS, Parties have agreed to enter into the Controlling Agreement for the purpose of TAP-9901(532) (hereinafter, "Transaction").

WHEREAS, Parties previously entered into a Program Agreement by mutual mistake on October 18, 2022 (hereinafter, "Redundant Agreement") concerning the Transaction; and

WHEREAS, Parties wish to jointly identify one agreement to govern the Transaction.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, Parties agree as follows:

(1) CONTROLLING AGREEMENT: Parties hereby agree that the Transaction between them is fully and accurately memorialized by the Controlling Agreement. The Controlling Agreement shall be the governing document with reference to the rights and obligations of the parties.

(2) REDUNDANT AGREEMENT VOID: Any Redundant Agreement executed by Commission and **City** intending to memorialize the Transaction are void. In referencing a right or obligation involving the Transaction, Parties shall refer to the Controlling Agreement.

(3) NO PREJUDICE: Parties agree that the Controlling Agreement and the Redundant Agreement contain the same or substantially the same terms; accordingly, neither Commission nor **City** are prejudiced or inconvenienced by it controlling the Transaction.

(4) NO EFFECT OF FUTURE AMENDMENTS: This Agreement is executed solely for the purpose of clearly identifying a governing document and in no way prevents

future modifications as allowed under the terms of the Controlling Agreement including but not limited to amendment, cancellation, and renewal.

IN WITNESS WHEREOF, Parties have entered into this Agreement on the date last written below.

Executed by **City** on _____(DATE)

Executed by Commission on _____(DATE)

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

City of Rolla

By _____

Title _____

Title _____

Attest:

Attest:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

By _____

Title _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN CONTROLLING AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PROJECT TAP-9901(532).

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, a Controlling Agreement between the City of Rolla, Missouri and Missouri Highways and Transportation Commission for project TAP-9901(532) 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 3rd DAY OF JANUARY 2023.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY COUNSELOR

copy

ORDINANCE NO. 4694

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN TRANSPORTATION ALTERNATIVE FUNDS PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR APPROXIMATELY 3,000 FEET OF PEDESTRIAN IMPROVEMENTS.

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

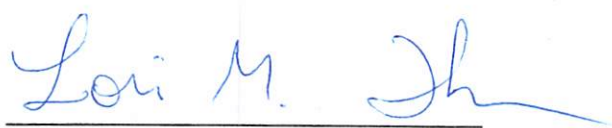
Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri Transportation Alternative Funds Program Agreement between the City of Rolla, Missouri and Missouri Highways and Transportation Commission to construct approximately 3,000 feet of pedestrian improvements, a copy of said agreement being attached hereto and marked Exhibit "A".

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 19th DAY OF SEPTEMBER 2022.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY COUNSELOR

CCO Form: FS25
Approved: 04/95 (MGB)
Revised: 03/17 (MWH)
Modified:

FDA Number: 20.205
CFDA Title: Highway Planning and Construction
Award name/number: TAP – 9901 (532)
Award Year: FY 2022
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ALTERNATIVES FUNDS
PROGRAM AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Rolla (hereinafter, City).

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The United States Congress has authorized, in Fixing America's Surface Transportation Act (FAST); 23 U.S.C. §101, §106 and §213; SAFETEA-LU §1404 funds to be used for transportation alternatives activities. The purpose of this Agreement is to grant the use of such transportation enhancement funds to the (City).

(2) LOCATION: The transportation alternatives funds which are the subject of this Agreement are for the project at the following location:

Construct approximately 3,000 feet of pedestrian improvements in the City of Rolla

The general locations of the project is shown on attachment marked "Exhibit A" and incorporated herein by reference.

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to

the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City. The City may not be eligible for future Transportation Alternatives Funds if the City does not meet the reasonable progress policy.

(4) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(5) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(6) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(7) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, *et seq.*), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, *et seq.*). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (7) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(8) ASSIGNMENT: The City shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(9) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(10) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations by providing the City with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the City.

(11) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the Federal Highway Administration (FHWA) and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(12) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration FHWA 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words

of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(13) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for this project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act.

(14) MAINTENANCE OF DEVELOPMENT: The City shall maintain the herein contemplated improvements without any cost or expense to the Commission. All maintenance by the City shall be done for the safety of the general public and the esthetics of the area. In addition, if any sidewalk or bike trails are constructed on the Commission's right-of-way pursuant to this Agreement, the City shall inspect and maintain the sidewalk or bike trails constructed by this project in a condition reasonably safe to the public and, to the extent allowed by law, shall indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalk or bike trails. If the City fails to maintain the herein contemplated improvements, the Commission or its representatives, at the Commission's sole discretion shall notify the City in writing of the City's failure to maintain the improvement. If the City continues to fail in maintaining the improvement, the Commission may remove the herein contemplated improvement whether or not the improvement is located on the Commission's right of way. Any removal by the Commission shall be at the sole cost and expense of the City. Maintenance includes but is not limited to mowing and trimming between shrubs and other plantings that are part of the improvement.

(15) PLANS: The City shall prepare preliminary and final plans and specifications for the herein improvements. The plans and specifications shall be submitted to the Commission for the Commission's review and approval. The Commission has the discretion to require changes to any plans and specifications prior to any approval by the Commission.

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The federal share for this project will be 80% percent not to exceed four hundred and forty thousand six hundred and seventy-three dollars and 00/100 (\$440,674.00). The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any

costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(17) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. The City shall repay any progress payments which involve ineligible costs.

(18) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(19) PERMITS: The City shall secure any necessary approvals or permits from any federal or state agency as required for the completion of the herein improvements. If this improvement is on the right of way of the Commission, the City must secure a permit from the Commission prior to the start of any work on the right of way. The permits which may be required include, but are not limited to, environmental, architectural, historical or cultural requirements of federal or state law or regulation.

(20) INSPECTION OF IMPROVEMENTS AND RECORDS: The City shall assure that representatives of the Commission and FHWA shall have the privilege of inspecting and reviewing the work being done by the City's contractor and subcontractor on the herein project. The City shall also assure that its contractor, and all subcontractors, if any, maintain all books, documents, papers and other evidence pertaining to costs incurred in connection with the Transportation Enhancement Program Agreement, and make such materials available at such contractor's office at all reasonable times at no charge during this Agreement period, and for three (3) years from the date of final payment under this Agreement, for inspection by the Commission, FHWA or any authorized representatives of the Federal Government and the State of Missouri, and copies shall be furnished, upon request, to authorized representatives of the Commission, State, FHWA, or other Federal agencies.

(21) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, OR SERVICES: A person may offer to donate funds, materials or services in connection with this project. Any donated funds, or the fair market value of any donated materials or services that are accepted and incorporated into this project shall be credited according to 23 U.S.C. §323.

(22) DISADVANTAGED BUSINESS ENTERPRISES (DBE): The Commission will advise the City of any required goals for participation by disadvantaged business enterprises (DBEs) to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(23) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(24) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(25) FINAL AUDIT: The Commission may, in its sole discretion, perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(26) OMB AUDIT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(27) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this day of 2022-10-12 | 12:56 PM CDT .

Executed by the Commission this day of 2022-10-26 | 8:32 AM CDT .

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

DocuSigned by:
Eric E. Schroeter
5F8CCFE9B29E499...

Title Assistant Chief Engineer

CITY OF ROLLA

DocuSigned by:
Louis Magdits
840DA670CDBD466...

By Mayor
Title Mayor

ATTEST:

DocuSigned by:
Brenda Horton
A4000CD7390249B...

Secretary to the Commission

ATTEST:

DocuSigned by:
Lorri Thurman
718DA0E1C5564EA...

By Rolla City Clerk
Title Rolla City Clerk

Approved as to Form:

DocuSigned by:
Megan L. Waters-Hamblin
DA34EE9EF9E5487...

Commission Counsel

Approved as to Form:

DocuSigned by:
Lance Thurman
23EA3741390C481...

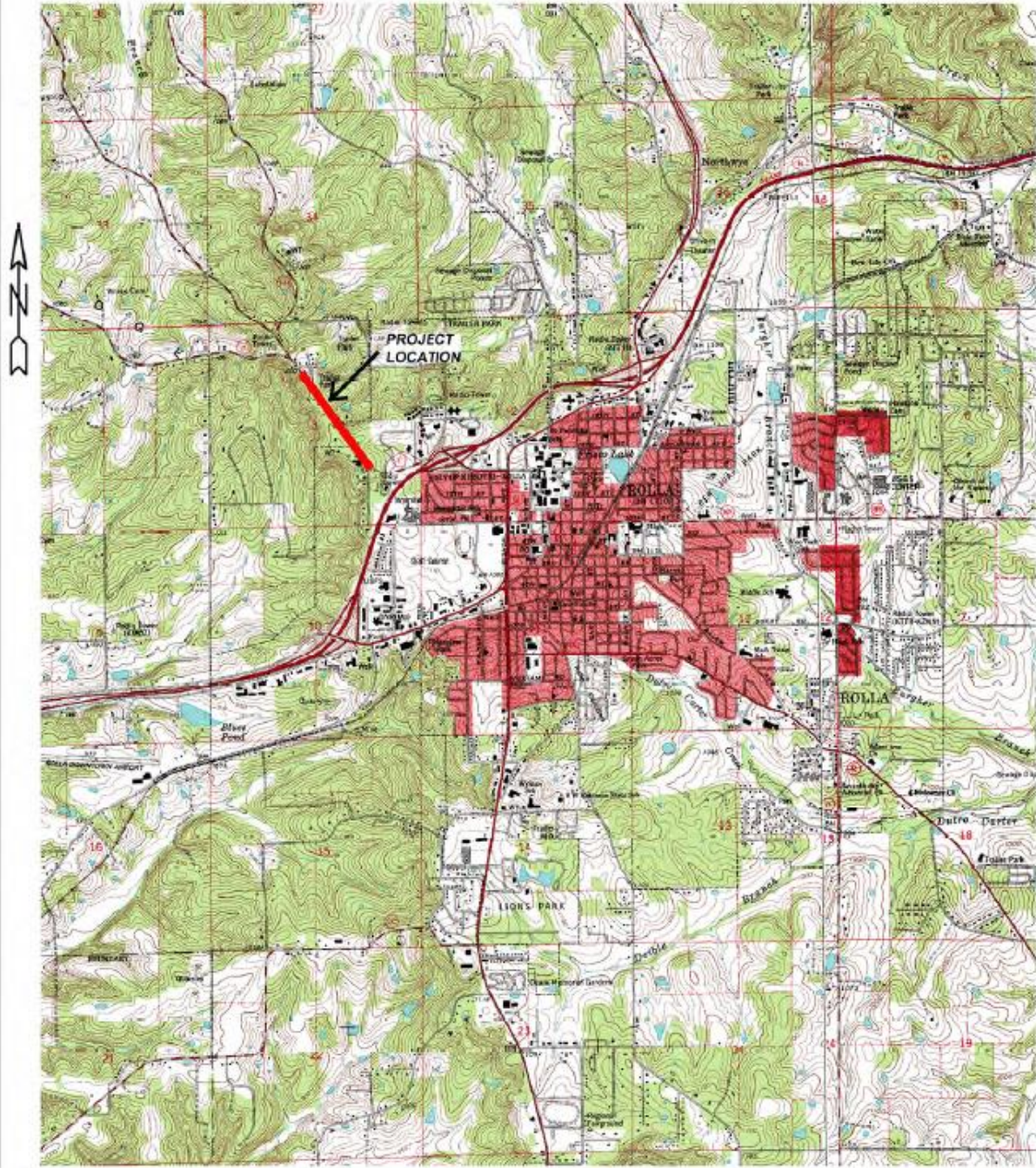
Title City Attorney

Ordinance No 4694

Exhibit A - Location of Project

Attachment B - Project Information

ROUTE E SIDEWALK IMPROVEMENTS QUAD MAP LOCATION



**PHELPS COUNTY, MISSOURI
ROLLA QUADRANGLE - 1992
TOWNSHIP 37 NORTH, RANGE 8 WEST, SECTION 3**

Exhibit B – Project Schedule

Project Description: TAP 9901(532)

Construct approximately 3,000 feet of pedestrian improvements in the City of Rolla

Task	Date
Date funding is made available or allocated to recipient	9/1/2022
Solicitation for Professional Engineering Services (advertised)	10/1/2022
Engineering Services Contract Approved	11/1/2022
Preliminary and Right-of-Way Plans Submittal (if Applicable)	8/1/2023
Plans, Specifications & Estimate (PS&E) Submittal	1/1/2024
Plans, Specifications & Estimate (PS&E) Approval	3/1/2024
Advertisement for Letting	5/1/2024
Bid Opening	6/1/2024
Construction Contract Award (REQUIRED)	8/1/2024

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and a Supplemental Agreement is required to modify this date.

Exhibit C - Required Contract Provisions
Federal-Aid Construction Contracts

Certificate Of Completion

Envelope Id: E2C8275A7AE545FE80FF5E6679F2C954
 Subject: Complete with DocuSign: 2022-09-72746.pdf
 Source Envelope:
 Document Pages: 12
 Certificate Pages: 6
 AutoNav: Enabled
 Envelopeld Stamping: Enabled
 Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Completed
 Envelope Originator:
 Kimberly J. Tipton
 1860 Michael Faraday Drive
 Suite 100
 Reston, VA 20190
 Kimberly.Tipton@modot.mo.gov
 IP Address: 168.166.80.221

Record Tracking

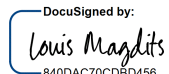
Status: Original
 10/3/2022 9:28:08 AM
 Holder: Kimberly J. Tipton
 Kimberly.Tipton@modot.mo.gov

Location: DocuSign

Signer Events

Louis Magdits
 Imagdits@rollacity.org
 Mayor
 Security Level: Email, Account Authentication (Optional)

Signature

DocuSigned by:

 840DAC70CDBD456...
 Signature Adoption: Pre-selected Style
 Using IP Address: 216.229.95.62


Timestamp

Sent: 10/3/2022 9:36:58 AM
 Viewed: 10/12/2022 12:56:13 PM
 Signed: 10/12/2022 12:56:35 PM

Electronic Record and Signature Disclosure:

Accepted: 10/12/2022 12:56:13 PM
 ID: 6135a2c0-97a8-4ccc-a267-50529eba9d0a

Lance Thurman
 lthurman@teamlex.com
 City Attorney
 Security Level: Email, Account Authentication (Optional)

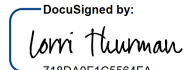
DocuSigned by:

 23EA3741399C481...
 Signature Adoption: Pre-selected Style
 Using IP Address: 67.77.62.253

Sent: 10/12/2022 12:56:37 PM
 Viewed: 10/12/2022 6:05:58 PM
 Signed: 10/12/2022 6:06:25 PM

Electronic Record and Signature Disclosure:

Accepted: 10/12/2022 6:05:58 PM
 ID: 6480a394-127b-47c7-9a53-389fb9d3e332

Lorri Thurman
 lthurman@rollacity.org
 Rolla City Clerk
 Security Level: Email, Account Authentication (Optional)

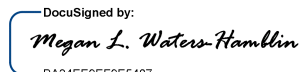
DocuSigned by:

 718DA0F1C5564FA...
 Signature Adoption: Pre-selected Style
 Using IP Address: 216.229.95.62

Sent: 10/12/2022 6:06:27 PM
 Viewed: 10/13/2022 8:04:20 AM
 Signed: 10/13/2022 8:04:46 AM

Electronic Record and Signature Disclosure:

Accepted: 10/13/2022 8:04:20 AM
 ID: adde5659-e55e-48e1-a0a2-937b42053469

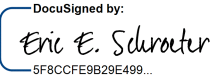
Megan L. Waters-Hamblin
 Megan.Waters-Hamblin@modot.mo.gov
 Senior Administrative Counsel
 Missouri Department of Transportation
 Security Level: Email, Account Authentication (Optional)

DocuSigned by:

 BA34EE9EF9E5407...
 Signature Adoption: Pre-selected Style
 Using IP Address: 168.166.80.221

Sent: 10/13/2022 8:04:48 AM
 Viewed: 10/25/2022 2:06:10 PM
 Signed: 10/25/2022 2:16:59 PM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Signer Events	Signature	Timestamp
<p>Eric E. Schroeter Eric.Schroeter@modot.mo.gov Assistant Chief Engineer Missouri Department of Transportation Security Level: Email, Account Authentication (Optional)</p>	<p>DocuSigned by:  5F80CFE9B29E49B...</p> <p>Signature Adoption: Pre-selected Style Using IP Address: 168.166.80.221</p>	<p>Sent: 10/25/2022 2:17:02 PM Viewed: 10/26/2022 8:04:09 AM Signed: 10/26/2022 8:04:15 AM</p>

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

<p>Pamela J. Harlan - MHTC pamela.harlan@modot.mo.gov Secretary to the Commission Missouri Department of Transportation Security Level: Email, Account Authentication (Optional)</p>	<p>DocuSigned by:  A4666CD7996249B...</p> <p>Signature Adoption: Uploaded Signature Image Using IP Address: 168.166.80.221</p>	<p>Sent: 10/26/2022 8:04:17 AM Viewed: 10/26/2022 8:32:08 AM Signed: 10/26/2022 8:32:13 AM</p>
--	--	--

Electronic Record and Signature Disclosure:
Accepted: 12/22/2021 11:42:38 AM
ID: 2c664348-0ef1-42bb-97b6-7b0938b1e411

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
<p>Dana L. Kaiser Dana.Kaiser@modot.mo.gov Senior Executive Assistant Missouri Department of Transportation Security Level: Email, Account Authentication (Optional)</p>	<div style="border: 2px solid blue; padding: 5px; text-align: center; font-weight: bold; color: blue;">COPIED</div>	<p>Sent: 10/25/2022 2:17:02 PM</p>

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

<p>Jennifer Jorgensen jennifer.jorgensen@modot.mo.gov Asst Secretary to the Commission MoDOT Security Level: Email, Account Authentication (Optional)</p>	<div style="border: 2px solid blue; padding: 5px; text-align: center; font-weight: bold; color: blue;">COPIED</div>	<p>Sent: 10/26/2022 8:04:18 AM</p>
---	---	------------------------------------

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/3/2022 9:36:58 AM
Certified Delivered	Security Checked	10/26/2022 8:32:08 AM
Signing Complete	Security Checked	10/26/2022 8:32:13 AM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	10/26/2022 8:32:13 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

**Missouri Highways and Transportation Commission
DocuSign, Inc. Express Electronic Signature Agreement**

The Missouri Highways and Transportation Commission (hereinafter, Commission), acting by and through the Missouri Department of Transportation (MoDOT) is willing to provide to the Authorized Representative of the Contractor/Vendor/Consultant (Entity) who is duly authorized to act on behalf of said Entity (hereinafter you or I) and accept from you your electronically affixed authorized signature and seal, as required to validate a binding agreement between the Commission and the Entity, on all Commission/MoDOT documents, including but not limited to disclosures, agreements, contracts, notices, purchase orders, change orders, modifications, amendments, supplements, correspondence, and the like, (hereinafter, Commission Documents) that are processed, generated, and exchanged by and between the Commission and you, acting on behalf of the Entity, electronically through the utilization of the DocuSign, Inc. Express (DocuSign) eSignature Application. In consideration of mutual covenants, you agree as follows:

- 1) You are the person duly authorized and designated by the Entity to receive, access and agree to the terms of this agreement on behalf of the Entity by clicking the Agree button below.
- 2) You have the authority to specifically consent and agree that the Commission, in its discretion, provide all disclosures, agreements, contracts, notices, purchase orders, change orders, modifications, amendments, supplements, correspondence, and all other evidence of the transaction between the Commission and the Entity electronically (hereinafter all such documentation is referred to as electronic record(s)).
- 3) The email address, User ID and password authorized to access the electronic agreement via DocuSign are your own and are not shared with any other person.
- 4) All of the required notices and disclosures will be sent to the email address authorized through DocuSign.
- 5) You are duly authorized to receive electronically through DocuSign, access and act upon all electronic records, to provide all required information and electronically affix your signature and seal, as applicable, on behalf of the Entity named in such Commission Documents via DocuSign,.
- 6) The system through which you are accessing DocuSign and its eSignature Application meets the minimum requirements to access DocuSign, view, receive, retrieve, download, print, store, send and transmit all electronic records and any and all other communications sent to you from the Commission through the DocuSign web site.
- 7) All communications in electronic format from the Commission to you through DocuSign are considered in-writing. You have the ability to download and print any documents processed through DocuSign for 30 calendar days after such documents are first sent, as long as you are an authorized user of the DocuSign system. After such time, you may request copies by contacting the Commission through the Secretary to the Commission at mhtc@modot.mo.gov or by telephone at 573-751-2824. You shall print or download for your records a copy of any communication that is important to you to retain.
- 8) You have implemented appropriate security measures to ensure that only you have access through DocuSign to receive, access and electronically affix signatures to electronic records, as applicable, Commission/MoDOT sends to you through DocuSign. It is your sole responsibility to ensure your adequate protection, confidentiality and secrecy of the DocuSign Authentication Code, and any other user ID and/or Password combinations that may be required for you to access the DocuSign eSignature services and any disclosure thereof to any other person or

communication thereof through unsecure medium, such as traditional electronic mail, shall be entirely at your risk. You shall be liable for any unauthorized usage of your ID/Password combination and the DocuSign Authentication Code.

9) You agree and authorize the Commission to respond to and act upon any and all transactions initiated and transmitted by you electronically through DocuSign. Any transaction initiated and transmitted by you to the Commission through DocuSign and its eSignature application shall be deemed to have been authorized by you, and the Commission is entitled to assume that the said transactions are so authorized by you and the Commission shall be protected upon acting thereon.

10) You shall be fully liable to the Commission for every transaction entered into using a valid DocuSign Authentication Code sent to you through certified mail, telephone call or Short Message Service (SMS) text, with or without your knowledge. In no event will the Commission be liable to you for any special, direct, indirect, consequential or incidental loss or damages even if you have advised the Commission/MoDOT of such possibility. The Commission shall not be liable for any misuse, if any, of any data placed on the internet by third parties hacking or accessing the application and hosting server without authorization.

11) The Entity shall take responsibility for all the transactions with the Commission conducted electronically through DocuSign and will abide by the record of the transactions generated by DocuSign or by the Commission/MoDOT through DocuSign. Further such record of transactions shall be conclusive proof and binding for all purposes and may be used as conclusive evidence in any proceedings. All records of the Commission and DocuSign, whether in electronic form, magnetic medium, documents or any other form, with respect to electronic transactions sent or received through use of DocuSign shall be conclusive evidence of such transactions and shall be binding on the Entity.

12) The Commission/MoDOT shall not be liable for any loss or damage whatsoever caused, arising directly or indirectly, in connection with the services and /or this Agreement, including without limitation any: (A) Loss of data; and (B) Interruption or stoppages to your access to DocuSign and its eSignature application and/or processing of electronic transactions due to any operational or technical difficulties/reason beyond our control for any other reason. The Commission, along with its members, employees, agents, executors, successors and assigns shall not be liable for any damages or claims or injuries arising out of or in connection with the use of DocuSign and its eSignature application or its non-use including non-availability or failure of performance, loss or corruption of data, loss of or damage to property (including profit and goodwill), work stoppage, computer failure or malfunctioning or interruption of business, error, omission, deletion, defect, delay in operation or transmission, communication line failure or for any failure to act upon electronic transaction for any cause.

13) You shall keep confidential all information, in whatever form, produced, prepared, observed or received by you to the extent that such information is confidential by law or otherwise required by the Commission.

14) This Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Missouri. It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

15) The terms of this agreement and any amendments thereafter shall remain in full force and effect for as long as DocuSign is active, or by thirty (30) days written notification by either party

of their intent to cancel this agreement.

By checking the I Agree button, I confirm that:

1. I am the person named in the documents to which I will electronically affix my signature; that I am authorized to sign such documents on behalf of the Entity named in the documents; that I will read and know the contents of such electronically signed documents including all exhibits attached thereto, and that the statements made therein are true, and that I will not omit any information needed to make such documents true; and that I will take appropriate security measures to insure that I have sole access to the documents sent to me by the Commission and MoDOT through the email address provided on DocuSign.
2. I and the Entity shall indemnify and save harmless the Commission, its members, employees, officers, successors, assigns, agents and representatives against any and all claims, losses, damages, costs, liabilities and expense actually incurred, suffered or paid by the Commission, its members, employees, officers, successors, assigns, agents and representatives, directly or indirectly, and also against all demands, actions, suits, proceedings made, filed, instituted against the Commission, its members, employees, officers, successors, agents and representatives in connection with, or arising out of, or relating to the Commission accepting and acting or not accepting and not acting for any reason whatsoever pursuant to, in accordance with or relying upon, data received, through DocuSign and its eSignature application you or any unauthorized use of your ID/Password combination, the DocuSign Authentication Code, or the DocuSign eSignature application.
3. I agree to the DocuSign, Inc. Express (DocuSign) Electronic Signature Agreement terms and conditions outlined above.

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: John Butz, City Administrator

ACTION REQUESTED: Discussion

ITEM/SUBJECT: Discussion on Amendment 3 (recreational marijuana) and Impacts

BUDGET APPROPRIATION: NA

DATE: January 3, 2023

COMMENTARY: Cities are just now beginning to understand the implications of Amendment 3. More details will be understood as MO DHSS issues formal regulations.

Summary of Key points from Amendment 3 (recreational marijuana) – passed with 53.1% statewide (14 counties carried); failed in Phelps County with 57.3%.

- 1) Dec. 8th effective date of Amendment 3
- 2) Feb 6th medical marijuana “conversion requests” – have “right” to convert their medical license to comprehensive
- 3) “Comprehensive Marijuana Facilities” – 1/100,000 pop
- 4) Feb 8th – earliest that a conversion from medical to comprehensive (legally able to sell)
- 5) Microbusiness Facilities – seems to be independent/separate from markets with Comprehensive Facilities
 - a. Limited to 250 cultivated flowering plants
 - b. Licenses to individuals with net worth less than \$250,000
 - c. Have been arrested for non-violent marijuana offense prior to 12/8/2022
 - d. Reside in low income census track
 - e. Limited to 18 microbusiness licenses per congressional district (earliest in 10/23)
- 6) DHSS may not require a card/ID to purchase (required to cultivate)
 - a. Plants and marijuana in excess of 3 oz must be locked/not viewable from public space
 - b. Limited to 12 total flowering plants per private residence
- 7) Regulatory Authority
 - a. Cities can ban sale from microbusiness or comprehensive facilities
 - i. Ordinance from Council (forgoes any additional related local tax revenue)
 - ii. Citizen petition signed by 5% of qualified voters
 - iii. Earliest consideration Nov 2024 (60% majority; ban can be reversed at 50%)
 - b. Separation requirements – 1,000’ from school, child care facility or church (unless reduced) – points lawfully traveled by foot
 - i. Free standing facility (wall to property line as you can travel by foot)
 - ii. 4 demarcation points
 - c. Time, place, manner restrictions – can’t prohibit explicitly or implicitly (unduly burdensome) – other than vote of course
 - d. “unduly burdensome” – reasonably prudent businessperson
- 8) Policing – intent is to prevent arrest and penalty for personal possession (not intended to allow for public use, workplace, etc.)
 - a. Protected under 3 ounces; protects “assisting another person”

- b. Can't smoke in a public place not licensed for public smoking (penalty not to exceed \$100)
- c. Under 21 can't possess, use or transport but civil penalty not to exceed \$100 (optional drug counseling)
- d. Operating vehicles under the influence is prohibited (not mere presence); conviction requires evidence beyond presence of THC
- e. Even "arrest" requires sobriety test beyond mere presence
- f. Searches and warrants (44th minute); requires considerable annual reporting requirements

9) Personnel/HR

- a. May not discriminate including "positive drug test" unless situation violates some federal law or requirement
- b. Can stay "drug free" but denial has to specify potential loss of revenue
- c. Can discipline employee for working under the influence (not mere presence)

10) Taxation - can impose an additional 3% of adult use marijuana (medical or recreational)

- a. Election at any election date
- b. Collected by DOR and remitted

Sec. 42-233.01 Standards for Medical Marijuana Dispensaries

No Building shall be constructed, altered or used for a Medical Marijuana Dispensary without complying with the following regulations in this subchapter:

- a. No Medical Marijuana Dispensary shall be located within 500' (five hundred feet) of a then existing elementary or secondary school, child daycare center, or church*. Measurement shall be in a method consistent with the city's existing liquor license measurement standard.
- b. * "Then existing" shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a Medical Marijuana Dispensary first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.
- c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary building.
- d. Hours of Operation*. All sales or distribution of Medical Marijuana and any other products sold to the public through a Medical Marijuana Dispensary shall take place between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. Medical Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Medical Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
- e. Display of License Required. The Medical Marijuana Dispensary license issued by the State of Missouri shall be prominently displayed in a highly visible location, easily seen by patients on the dispensary's sales floor.
- f. Site Plan Review. Any plans for a Medical Marijuana Dispensary shall meet the standard new construction requirements.
- g. Spacing. No Medical Marijuana Dispensary shall be operated or maintained within 500' (five-hundred feet) of another Medical Marijuana Dispensary except when marijuana sales represent less than 5% of the dollar volume of a state or federally licensed pharmacy. (Ord. 4488, §6)

Sec. 42-233.02 Standards for Medical Marijuana-Infused Products Facility

No building shall be constructed, altered or used for a Medical Marijuana-Infused Products Facility without complying with the following regulations:

1. Distance Requirement. No Medical Marijuana-Infused Products Facility using any shall be located within 500' (five-hundred feet) of a then existing elementary or secondary school, licensed child day care center, or church*.
2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the

property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.

3. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Facility during regular business hours.
4. Hours of Operation. All Medical Marijuana-Infused Products Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. Display of License Required. The Medical Marijuana-Infused Products Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
6. Site Plan Review Required. Any plans for a Medical Marijuana-Infused Products Facility shall meet standard new construction requirements. (Ord. 4488, §6)

Sec. 42-233.03 Standards for Medical Marijuana Cultivation Facility

No building shall be constructed, altered or used for a Medical Marijuana Cultivation Facility without complying with the following regulations:

- a. Distance requirement. No Medical Marijuana Cultivation Facility shall be located within 1,000' (one thousand feet) of a then existing elementary or secondary school, state-licensed child daycare center or church*.
- b. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
- c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.
- d. Hours of Operation. All Medical Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e. Display of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
- f. Site Plan Review Required. Any plans for an indoor "Medical Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "Heavy Manufacturing District" outlined in this Title. Any outdoor "Medical Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein. No outdoor

ORDINANCE NO. 4030

AN ORDINANCE REPEALING ORDINANCE NO. 4010 AND ENACTING A NEW ORDINANCE IN LIEU THEREOF PROHIBITING SMOKING IN INDOOR WORKPLACES AND PUBLIC PLACES WITHIN THE CITY OF ROLLA, MISSOURI.

WHEREAS, this Article shall be known as the City of Rolla Indoor Smoke Free Air Act of 2011.

WHEREAS, the City Council of the City of Rolla, Missouri does hereby find that: The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke. A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.)

WHEREAS, the Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

WHEREAS, a significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," *Tobacco Control* 11(3): 220-225. September 2002.)

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", *Tobacco Control* 6(4): 346-353, Winter, 1997.) The Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act." *Nonsmokers' Voice* 15(1): 8-9.)

4030

WHEREAS, given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smokefree in their entirety. (Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke." American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), 2005.)

WHEREAS, hundreds of communities in the U.S., plus numerous states, including Arizona, Delaware, Illinois, Iowa, Massachusetts, New Jersey, New York, Ohio, Utah, and Washington, have enacted laws requiring all workplaces, restaurants, bars, and other public places to be smokefree, as have numerous countries, including Bhutan, France, Iceland, Ireland, New Zealand, Norway, Singapore, Uruguay, and the United Kingdom constituent countries of England, Northern Ireland, Scotland, and Wales.

WHEREAS, the smoking of tobacco is a form of air pollution, a positive danger to health, and a material public nuisance.

WHEREAS, accordingly, the City Council of the City of Rolla, Missouri finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

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

Section 1. Definitions.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- A. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit.
- D. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

4030

- E. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
- F. "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- G. "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a childcare, adult day care, or health care facility.
- H. "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
- I. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, indoor sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.
- J. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
- K. "Service Line" means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- L. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- M. "Smoking" means the burning of tobacco for the purpose of inhaling or exhaling the fumes of that burning substance.

4030

- N. "Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Section 2. Application of Article to City-Owned Facilities.

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Rolla, Missouri, shall be subject to the provisions of this Article.

Section 3. Prohibition of Smoking in Enclosed Public Places.

Smoking shall be prohibited in enclosed public places subject to the exclusions within this ordinance, within the City of Rolla, Missouri, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Childcare and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels, except as otherwise provided.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Public transportation vehicles, including buses and taxicabs, under the authority of the City of Rolla, Missouri, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- O. Restaurants.
- P. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- Q. Retail stores.
- R. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Rolla, Missouri or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Rolla, Missouri.
- S. Indoor service lines.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances (except when the smoking is part of a theatrical production).

4030

Section 4. Prohibition of Smoking in Places of Employment.

- A. Smoking shall be prohibited in all enclosed facilities within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.
- B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Section 5. Prohibition of Smoking in Private Clubs with Employees.

Smoking shall be prohibited in all private clubs during such events or activities utilizing the services of compensated employees. This prohibition shall not apply to private clubs that operate strictly with uncompensated volunteers.

Section 6. Prohibition of Smoking in Enclosed Residential Facilities.

Smoking shall be prohibited in the following enclosed residential facilities:

- A. All private and semi-private rooms in nursing homes.
- B. At least 80% of hotel and motel rooms that are rented to guests.

Section 7. Where Smoking Not Regulated.

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 3 and 4:

- A. Private residences, except when used as a childcare, adult day care, or health care facility, and except as provided in Section 6.
- B. Not more than twenty percent (20%) of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.
- C. Outdoor areas of places of employment.
- D. Private clubs at such time where all labor provided is by means of uncompensated volunteers.

Section 8. Declaration of Establishment as Nonsmoking.

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 9 (A) is posted.

4030

Section 9. Posting of Signs.

- A. Either a "No Smoking" sign or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) at least 6" x 3" in size shall be clearly and visibly posted at each exterior entrance to every building by the owner, operator, or manager of that building within which a public place or place of employment where smoking is prohibited by this Article is located. The purpose of the signs and/or symbols is to inform customers, visitors and employees of this Article.
- B. Every motor vehicle regularly engaged in the business of carrying passengers for hire within the City shall have at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

Section 10. Nonretaliation; Nonwaiver of Rights

- A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 12, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$500 for each violation.
- B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 11. Enforcement.

- A. This Article shall be enforced by the Chief of Police and the City Administrator or their designees. The Phelps/Maries Department of Health Department has agreed to assist with enforcement, data gathering and public education.
- B. Notice of the provisions of this Article shall be given to all applicants for a business license in the City of Rolla, Missouri.
- C. Any citizen who desires to register a complaint under this Article may initiate enforcement with City Administration or the Rolla Police Department.
- D. The Phelps/Maries Department of Health, and Rolla Community Development Department will assist with compliance with this Article while an establishment is undergoing otherwise mandated inspections.
- E. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.
- F. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.
- G. In addition to the remedies provided by the provisions of this Section, the City Administrator or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

4030

Section 12. Violations and Penalties.

- A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).
- B. Except as otherwise provided in Section 10(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:
 - 1. A fine not exceeding one hundred dollars (\$100) for a first violation.
 - 2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
 - 3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.
- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 13. Public Education.

The City of Rolla and the Phelps/Maries County Department of Health shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Section 14. Governmental Agency Cooperation.

The City Administrator shall periodically request other governmental and educational agencies having facilities within the City of Rolla to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, City, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Section 15. Other Applicable Laws.

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 16. Liberal Construction.

This Article shall be liberally construed so as to further its purposes.

4030

Section 17. Severability.

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section 18. Effective Date.

This Article shall be effective on January 1, 2012.


PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 19th DAY OF DECEMBER 2011.

APPROVED:



Mayor Pro-Tempore

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Counselor

Digitally signed by J Lane Robinson
DN: cn=J Lane Robinson, o=William, Robinson, et al,
ou=MSB Legal Services, email=lanerob@tcarter.com,
c=US
Date: 2011.12.20 10:22:12 -0500

4030

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: RMU General Manager, Rodney Bourne

ACTION REQUESTED: For Information

ITEM/SUBJECT: Line Truck #22, Replacement Purchase

TOTAL BUDGET APPROPRIATION: N/A DATE: January 3, 2023

COMMENTARY:

When RMU presented our quarterly report in December, one topic was increasing lead times of purchasing new line trucks, approaching five (5) years. Because of these supply chain issues, the Rolla Board of Public Works is considering purchase of a replacement line truck at their December 29, 2022 Board meeting. We will not be expending funds for several years, and this line truck was not included in our FY2023 budget.

There are two sections of Rolla City Code which discuss when City Council is afforded the opportunity to review the RMU budget for comment or approve certain expenditures. These sections are:

- Sec. 35-158. Budget review, adoption and amendment
- Sec. 35-165. Contracts required for supplies and services; exception; approval of contracts by city council

This situation does not cleanly fit either of these Sections, but to ensure transparency it seems appropriate to disclose this purchase to City Council.

If approved by the RMU Board, we will report the purchase price and planned funding mechanism at the January 3rd City council meeting.

This page is intentionally left blank