JOPLIN CITY COUNCIL
REGULAR MEETING
MONDAY, DECEMBER 21, 2020
5th FLOOR COUNCIL CHAMBERS
602 S. MAIN ST. JOPLIN MO
6:00 PM
This meeting can be viewed live on KGCS-TV channel 21 and regional cable television systems including Sparklight in Joplin; or livestream at http://www.joplinmo.org/182/Video-Multimedia
In compliance with the social distancing requirement of six feet, the number of guests in the Council Chambers is limited to 45.

AMENDED AGENDA

1. **Call To Order**
   Invocation
   Pledge of Allegiance of the United States of America
2. **Roll Call**
3. **Presentations**
   1. Proclamation To Recognize Judy Stiles On Her Retirement From MSSU.
   2. Resolution To Recognize Linda White Upon Her Retirement From Active Service As Engineering Assistant Within The City Of Joplin Public Works Engineering Department.
   3. Joplin High School Student Council Update.
4. **Finalization Of Consent Agenda**
5. **Reports And Communications**
   1. Quarterly Economic Development Update From Chamber President Toby Teeter.
   2. Health Department Update
   3. News From Public Information Officer Lynn Onstot
6. **Citizen Requests And Petitions**
   1. Abbie Covington Requested To Address Council Regarding Wellness & Disease Prevention.
7. **Public Hearings**
   1. Public Hearing Procedures

      Documents:

      PUBLIC HEARING PROC.PDF
   2. COUNCIL BILL NO. 2020-286
      AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 and including in District C-3 property as described below and located 3507 E 20th Street, City of Joplin, Jasper County, Missouri.

      Documents:

      CB 2020-286 MINUTES.PDF
      CB 2020-286 STAFF REPORT.PDF
      CB 2020-286 SUMMARY.PDF
      CB 2020-286.PDF
8. **Consent Agenda**
   1. Minutes Of The December 7, 2020 City Council Meeting.

      Documents:

      DEC. 7, 2020.PDF
   2. COUNCIL BILL NO. 2020-174

AN ORDINANCE an ordinance approving a work authorization with Allgeier, Martin & Associates Inc. in the not to exceed amount of Four Hundred Thirteen Thousand, Two-Hundred Thirty and no/100 Dollars ($413,230.00) for the Private Side I&I Pilot Project ; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin.

Documents:

CB2020-174.PDF

3. COUNCIL BILL NO. 2020-275

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 7414 E 32nd St., City of Joplin, Newton County, Missouri.

Documents:

CB2020-275.PDF

4. COUNCIL BILL NO. 2020-276

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 4301 S Rangeline Rd., City of Joplin, Newton County, Missouri.

Documents:

CB2020-276.PDF

5. COUNCIL BILL NO. 2020-277

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-O and including in District C-1 property as described below and located 1521 E. 20th St., City of Joplin, Jasper County, Missouri.

Documents:

CB2020-277.PDF

6. COUNCIL BILL NO. 2020-278

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1 and including in District R-2 property as described below and located 1604 E. Central St., City of Joplin, Jasper County, Missouri.

Documents:

CB2020-278.PDF

7. COUNCIL BILL NO. 2020-279

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-2 and including in District C-2-HP property as described below and located 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St., City of Joplin, Jasper County, Missouri.

Documents:

CB2020-279.PDF

8. COUNCIL BILL NO. 2020-280

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Osborne Cemetery, City of Joplin, Newton County, Missouri.

Documents:

CB2020-280.PDF

9. COUNCIL BILL NO. 2020-281

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Parkway Cemetery, City of Joplin, Newton County, Missouri.

Documents:

CB2020-281.PDF

10. COUNCIL BILL NO. 2020-282

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Forest Park Cemetery, City of Joplin, Jasper County, Missouri.

Documents:

CB2020-282.PDF

11. COUNCIL BILL NO. 2020-283

AN ORDINANCE providing the street vacation approximately 120 feet of W. 11th St. lying East of S. Byers Ave. St. in the City of Joplin, Jasper County, Missouri

Documents:

CB2020-283.PDF

12. COUNCIL BILL NO. 2020-285

AN ORDINANCE establishing grades and accepting the Final Plat of Little Acres Subdivision Replat located at 919 N. Sycamore Rd. in the City of Joplin, Jasper County, Missouri.

Documents:

CB2020-285.PDF

13. COUNCIL BILL NO. 2020-530

AN ORDINANCE approving a Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District and setting a date when this Ordinance shall become effective.

Documents:

CB2020-530.PDF

14. COUNCIL BILL NO. 2020-613
AN ORDINANCE approving the applications of Ozark Christian College for marketing their 2021 Conference Series; Active Lifestyles' Joplin Memorial Run; Rufus Racing LLC for the Summer Roundup Triathlon; Elevate the Chains, for their Moving the Chains football clinic and games; JOMO Pride Inc., for JOMO Pride; Four State Trucks, for Guilty by Association; and Carl Junction Chamber of Commerce for the 24th Annual Bluegrass Festival for utilization of FY21 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

Documents:

CB2020-613.PDF

9. Resolutions

1. RESOLUTION NO. 2020-019
A RESOLUTION supporting the adoption of the Joplin City Council vision statement and prioritized goals.

Documents:

RS2020-019.PDF

10. Ordinances - Emergency

1. COUNCIL BILL NO. 2020-179
AN ORDINANCE approving an Agreement with Sage Valuations in the amount of Ninety-Four Thousand and 00/100 dollars ($94,000.00) for appraisal services for the Connecticut Avenue Widening Project, 32nd St. to I-44, and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

Documents:

CB2020-179 CONNECTICUT APPRAISALS SUMMARY SHEET.PDF
CB2020-179 CONNECTICUT APPRAISALS COUNCIL ORDINANCE.PDF
CB2020-179 MAP--CONNECTICUT WIDENING.PDF
CB2020-179 AGREEMENT.PDF

2. COUNCIL BILL NO. 2020-531
AN ORDINANCE adopting and establishing pay rates for certain Unclassified Council Employees; and, containing an emergency clause.

Documents:

CB 2020-531 SUMMARY COUNCIL EMPLOYEE RAISES.PDF
CB 2020-531 COUNCIL EMPLOYEE PAY ADOPTION ORDINANCE.PDF
CB 2020-531 EXHIBIT A COUNCIL EMPLOYEE PAY.PDF

3. COUNCIL BILL NO. 2020-532
AN ORDINANCE amending the Annual Budget of the City of Joplin for the Fiscal Year 2020-2021 as adopted by Ordinance 2020-156 on October 19, 2020, to adjust appropriations and containing an emergency clause.

Documents:

CB 2020-532 SUMMARY BUDGET AMENDMENT.PDF
CB 2020-532 BUDGET AMENDMENT ORDINANCE.PDF
CB 2020-532 SCHEDULE A BUDGET AMENDMENT.PDF

11. Ordinances - First Reading

1. COUNCIL BILL NO. 2020-178
   AN ORDINANCE approving the City of Joplin to enter into a construction agreement with B3 Contractors LLC, in the amount of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 Dollars ($129,245.00) for construction of the Minor System Improvements 2020 (TSO601) project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin.

   Documents:

   MINOR SYSTEM IMPROVEMENTS SUMMARY SHEET.PDF
   LOCATION MAP.PDF
   BID SUMMARY.PDF
   AGREEMENT.PDF
   MINOR SYSTEM IMPROVEMENTS CB.PDF

12. **Ordinances - Second Reading And Third Reading**

13. **Unfinished Business**

14. **New Business**

    1. Vote To Go Into Closed Session, Which Shall Pertain To Leasing, Purchasing Or Sale Of Real Estate By A Public Governmental Body Where Public Knowledge Of The Transaction Might Adversely Affect The Legal Consideration Therefore As Set Forth In Section 610.021 (2) RSMo, As Amended, 2019. This Meeting, Record, And Vote To Be Closed To The Extent Provided By Law. The City Council Shall Adjourn At The End Of The Session.

Anyone wishing to address the Council should step to the podium and state his/her name and address. If the matter is not a Public Hearing, a request to speak to the Council should be prepared prior to the meeting. Speaking time will be limited to five (5) minutes.

Sound enhancement units are available for hearing impaired customers who provide a form of identification as security, which will be returned to the customer upon the return of the unit.

Those in need of disability-related auxiliary aids or services should contact the City Clerk's office at (417) 624-0820, ext. 220 no later than 48 hours prior to the meeting.

Notice posted at ____ p.m. on this the __ day of ____, ____. (RSMo 610.020)

PUBLIC HEARING PROCEDURES

Persons wishing to testify before the City Council are requested to follow these rules:

1. Proponents of the issue will be asked to present their information, then the opponents will be asked to testify and then rebuttal testimony may be allowed by the Council.

2. Approach the podium and state your name clearly for the record.

3. Please give your testimony as briefly and completely as possible. By the rules of the City Council you have five (5) minutes within which to give your testimony. Please follow the clock on the dais in front of you. You must complete your testimony within the 5-minute time limit.

4. Please do not repeat testimony that has been given previously. We want you to state your facts but limit your information to only new information.

5. Everyone is invited to speak, however, if you have a spokesperson please allow them to speak without interrupting for applause or other demonstrations.

6. When the Public Hearing is closed by the Mayor, no additional testimony is allowed except when invited by the Mayor or other members of the Council.

7. Remember that this is a Public Hearing and all sides have a right to give testimony. Please respect their right to do so.

8. The City Council of the City of Joplin through this introduction, accepts into evidence the 2012 Comprehensive Plan, the Zoning Code of the City of Joplin, the Subdivision Regulations of the City of Joplin, the Telecommunications Ordinance, and the Stormwater Management Regulations of the City of Joplin being Appendices 29-A, 29-B, 29-D, 29-E and 29-F of the Joplin Municipal Code. Report of the Planning and Zoning Commission, recommendations of the City's staff, and other written documentation presented as that information applies to each public hearing.

Thank you for your consideration and understanding.

CB 2020-286

Case 049-20: 3507 E. 20th St. – A request to remove from District M-2 (Heavy Industrial) and include in District C-3 (Commercial) for future restaurant development – Josh Comer.

Andrew Spieker, 710 S. College Street, Webb City, MO, a realtor representing Mr. Josh Comer. This needs to be rezoned to build the restaurant on that piece of property. M-2 will not allow for that, so he is requesting to rezone to C-3.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Spieker. They did not. Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MR. EASTMAN MOVED, SECONDED BY MR. KIMBLE THAT CASE 049-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, MR. EASTMAN, AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 2 ABSENT).

Z&P Meeting: December 14, 2020
City Council Meeting: December 21, 2020

STAFF PLANNING REPORT
Rezoning

CASE 049-20 A request to rezone from M-2 (Heavy Industrial) to C-3 (Commercial)

LOCATION 3507 E. 20th St.

APPLICANT Josh Comer

EXISTING CONDITIONS

Zoning	Land Use	Property Size
M-2	Heavy Industrial	Approx. 3.5 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	M-2	M-2	C-3	C-3
Land Use	Big Box Retail	Vacant	Big Box Retail	Used Car Sales

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 20th St.	Arterial	80'

UTILITIES

Utilities currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of M-2 is somewhat suitable in this area. This area of Joplin has historically been industrial and manufacturing uses, however as Rangeline Rd. has developed into a major commercial corridor, development pressures have extended further East along 20th St. There are no longer any heavy industrial uses along this part of 20th St. as Joplin's industrial and manufacturing has relocated to other areas of town.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-3 will not be detrimental to the nearby property. The majority of lots that surround this property and are along the corridor are zoned C-3 (Commercial) or M-2 (Heavy Industrial) and will not be affected by the change.

DISCUSSION

This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. C-3 zoning is consistent with the gradual transition of this area over time and reinforces the Comprehensive Plan and Future Land Use Map.

Staff recommends approval of Case 049-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 04/9-20
Filing Fee: $550.00
Date Advertised: 11-29-20
Date Notices Sent 12-1-20
Public Hearing Date: 12-21-20

APPLICANT: Josh Comer PHONE: 918-591-5197
ADDRESS: P.O. Box 7102 Williston, ND ZIP: 58803

OWNER: Ali Hammad PHONE: 417-669-4855
ADDRESS: 1406 E. Quincy St. Pittsburg KS ZIP: 66762

LOCATION/ADDRESS OF PROPERTY: 3507 East 20th Street

Present Zoning M2 Requested Zoning: C3 Acreage: ~3.5
Present Use of Property: Vacant Land

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Retail	M2
South	Retail	C3
East	Vacant	M2/M1
West	Auto Sales	C3

Character of the Neighborhood: Commerical

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes
   If yes, explain: We want to put in a restaurant.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: East 20th Street
2. Classification of Street(s):
   Arterial _____ Collector _____ Local _____
3. Right-of-Way Width: 80
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? _____
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
   - Electricity? _____
   - Gas? _____
   - Sewers? _____
   - Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

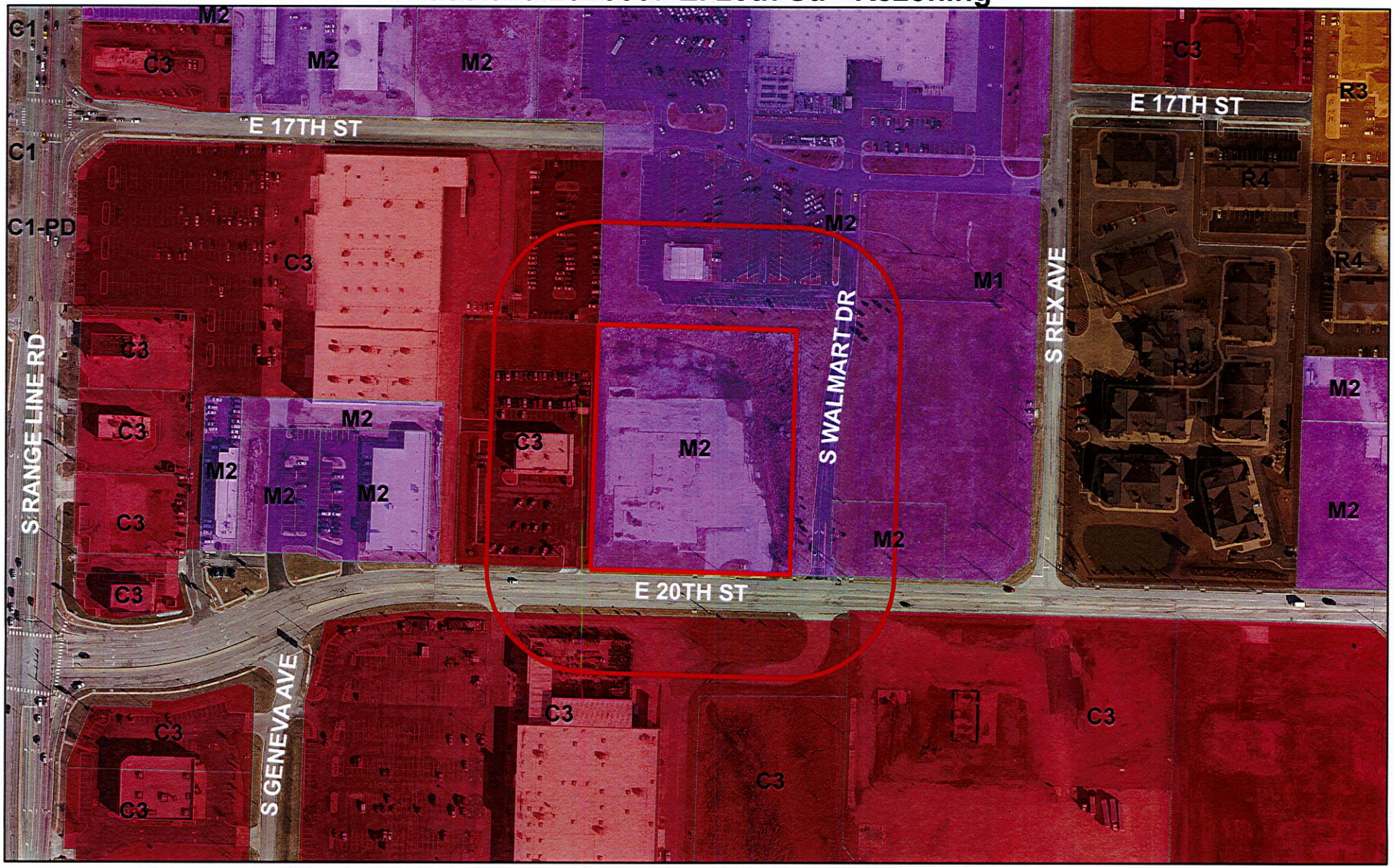
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Josh Comer DATE: 11-18-20

EMAIL: joshua_111@live.com

TITLE: N/A

Case 049-20: 3507 E. 20th St. - Rezoning



Case 049-20: 3507 E. 20th St. – A request to remove from District M-2 (Heavy Industrial) and include in District C-3 (Commercial) for future restaurant development – Josh Comer.

0 125 250 500 750 1,000 Feet

N

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-286-Rezone to District C-3

MEETING DATE:
December 21, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 049-20: 3507 E. 20th St. – A request to remove from District M-2 (Heavy Industrial) and include in District C-3 (Commercial) for future restaurant development – Josh Comer.

BACKGROUND:
This area of Joplin has historically been industrial and manufacturing uses, however as Rangeline Rd. has developed into a major commercial corridor, development pressures have extended further East along 20th St. The majority of lots that surround this property and are along the corridor are zoned C-3 (Commercial) or M-2 (Heavy Industrial) and will not be affected by the change.

PLANNING & ZONING COMMISSION TESTIMONY:

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in Favor, 2 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-286, Staff Planning Report, P&Z Commission Minutes

P & Z Case 049-20
Josh Comer
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-286 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 and including in District C-3 property as described below and located 3507 E 20th Street, City of Joplin, Jasper County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District C-3:

All that part of the Southwest Quarter of Section 7, Township 27, Range 32 City of Joplin, Jasper County, Missouri, described as follows: beginning at a found iron pin on the North right-of-way of 20th Street said point being 30 feet North and 1004.67 East of the Southwest Corner of said Southwest Quarter, thence N01°48'41"E a distance of 436.67 feet to a found iron pin; thence S88°26'21"E a distance of 174.00 feet; thence S01°48'40"W a distance of 436.67 feet to a set iron pin and cap on said North right-of-way line; thence N88°26'21"W along said North right-of-way line a distance of 174.00 feet to the point of beginning. Containing 1.7 acres more or less. Subject to any easements or restrictions of record. And all that part of the Southwest Quarter of Section 7, Township 27, Range 32, City of Joplin, Jasper County, Missouri, described as follows: beginning at a found iron pin and cap on the North right-of-way of 20th street said point being 30 feet North and 1178.67 East of the Southwest Corner of said Southwest Quarter, thence N01°48'40"E a distance of 436.67 feet; thence S88°26'21"E a distance of 174.00 feet to a set iron pin and cap; thence 01°49'10"W a distance of 436.67 feet to a found iron pin on said North right-of-way line; thence N88°26'21"W along said North right-of-way line a distance of 173.94 feet to the point of beginning. Containing 1.7 acres more or less.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

JOPLIN CITY COUNCIL
DECEMBER 7, 2020
MEETING MINUTES

CALL TO ORDER

The December 7, 2020 regular meeting of the Joplin City Council was called to order at 6:00 p.m. by Mayor Ryan Stanley.

INVOCATION was read by Assistant City Clerk Roschelle Forsythe.

PLEDGE OF ALLEGIANCE to the United States of America was led by Mr. Cortez.

ROLL CALL

Answering Roll Call were Council Members: Charles Copple, Keenan Cortez, Doug Lawson, Anthony Monteleone, Diane Reid Adams, Gary Shaw, Mayor Ryan Stanley, Phil Stinnett (via phone), and Christina Williams. Also, in attendance were City Manager Nick Edwards and City Attorney Peter Edwards.

PRESENTATIONS

Recognition and Appreciation of Service for outgoing volunteer board members who have completed their terms during 2020. Mayor Stanley presented plaques to the following board members who were in attendance:

Harvey Hutchinson - Capital Improvements	2014-2020
Ryan Jackson - Capital Improvements	2014-2020
Doug Glynn - Library	2011-2020
Alicia Rodriguez - Solid Waste	2014-2020
Eric Wood - Traffic	2014-2020

Those not in attendance but were recognized included:

Dewayne Patton - Capital Improvements	2014-2020
William Harding - Airport	2014-2020
Wendi Douglas - Joplin Sports Authority	2011-2020
Heather Arnold - JSA	2014-2020
Jeff Yarnall - Personnel	2014-2020
Seth Dermott - P&Z	2014-2020
Mike McGavran - Police & Fire	2015-2020
Jason Grossman - City Tree	2014-2020
Mike Wilson - Convention &Visitors Bd.	2014-2020
Lane Clevenger-Tax Increment Finance	2012-2020

Mayor Stanley presented a proclamation to Tony Robyn, Melissa Smith and Jasen Jones recognizing Jasper County as an ACT Work Ready Community.

FINALIZATION OF CONSENT AGENDA

There being no further business to come before the Council, the Consent Agenda was finalized.

REPORTS AND COMMUNICATIONS

Chairman Morris Glaze presented the Capital Improvement and Public Safety Sales Tax Oversight Committee Semi-Annual Report. He stated the board is made up of 9 members appointed by the City Council. The Oversight Committee is required to meet at least quarterly: February, May, August and November to review collection and expenditure of revenue from the ¼-cent parks and stormwater sales tax, the 3/8-cent capital improvements sales tax, the ½-cent public safety sales tax, the ½-cent pension sales tax, as well as the progress towards completion of the voter-approved projects funded by these taxes. Additionally, the Oversight Committee is required to make a written, public report to the Council twice each year. As of the Oversight Committee's last meeting on August 19, 2020, it is agreed that the revenues from the ¼-cent parks and stormwater sales tax, the 3/8 cent capital improvements sales tax, the ½-cent public safety sales tax, and the ½-cent pension sales tax are being collected above the projected level for the 2020 fiscal year. The projects under Phase I of the Parks/Stormwater Sales Tax have been completed as promised. The projects under Phase II of the Parks/Stormwater Sales Tax are in progress as set forth to the voters. The projects under Phase I of the Capital Improvements Sales Tax are all complete as promised, except one which is the Traffic Signal Upgrades. This project is expected to be completed during the 2020 fiscal year. The projects under Phase II of the Capital Improvements Sales Tax are in progress as set forth to the voters. For the public safety sales tax, all capital items have been completed as promised except for the remaining Eastside fire station. All operational items have been completed except the staffing for the remaining Eastside fire station and the remaining streetlights. For the pension sales tax, collections have been paid to the closed pension plan or reserved in compliance with the ballot language. Three recommendations from the committee: to endorse renewal of parks and stormwater tax, Use Tax to be on the ballet, and improvement of street lights; E 32nd Gateway off I-44 & I-49 into the city, Highlands subdivision, Cedar Ridge Subdivision, Wildwood Ranch, Silver Creek, NE Joplin and new bridge over Shoal Creek.

Health Department Update / Projected COVID mitigation efforts-Dan Pekarek

Dan stated as of Sunday the hospitalization total was at 106, 20 Joplin residents. 281 active cases, 67 deaths and case per day is at 38.7, 7-day average. The most affected age group is ages from 20-29, the people that are out and about. CARES ACT fund expires the end of the month, we are looking at where we go once it expires. A question was asked by Mr. Copple as far as extra staffing for case investigations; where the funding is coming from? Mr. Pekarek stated from the CARES ACT. The only other recommendation from Dan was to be careful and mindful going into the holiday season, especially with those that are high risk.

News from the Public Information Officer, (Presented by CVB Director Patrick Tuttle)

The Residential Leaf Pick Up program has completed its first week. To help residents know when we will be in their area, we have a map on our website and will provide weekly updates on our Facebook page and website.

The City has two crews working on this service, and the crew from Parks & Rec has completed P1 section in SW Joplin and is now working in P2, in central area of south Joplin. Households in south Joplin to 32 Street and between Main Street and Range Line Road are included in P2. The Streets Crew is picking leaves up in S1, which is entire area east of Range Line.

They're currently completing the northern part of S1, which is the area near Missouri Southern. With good weather, crews should move into S2 the latter part of this week. S2 includes residences in north Joplin to 15th Street and between Range Line Road to St. Louis Avenue.

A reminder that crews are delayed during wet conditions. For weekly updates go to the News section of the City's website Joplinmo.org or the City's Facebook page.

The Roll-n-Stroll is an inclusive activity challenge open to anyone who wants to participate. We challenge everyone to roller skate, use your wheelchair, push your stroller, or simply walk or run your way into the new year!

There is no charge to participate in the Roll-n-Stroll challenge.
To Participate:
- Register with Joplin Parks & Recreation
- Track at least 5 activities from November 24 - December 31
- Return completed activity tracker to Joplin Parks and Recreation by January 8
Those who track 5 or more activities by December 31 and return their trackers on-time to the Parks and Recreation Department will receive a Roll-n-Stroll t-shirt.

CITIZEN REQUESTS AND PETITIONS
Jennifer Shotwell would like to present an update on the Area Agency on Aging, Region X (specifically the Joplin Senior Center) services during COVID-19.

Christopher Rouse requested to speak on the mask mandate.

Brian Evans requested to speak on COVID-19, was not in attendance.

Rodney Noran requested to speak on the mask mandate.

PUBLIC HEARINGS
Public Hearing Procedures read by Assistant City Clerk Roschelle Forsythe

Public Hearing for Council Bill No. 2020-275
Mayor Stanley opened the Public Hearing.

Michael Wicklund appeared in favor of this item.

No one appeared in opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-275
Mr. Shaw introduced Council Bill No. 2020-275- an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 7414 E 32nd St., City of Joplin, Newton County, Missouri. Motion by Mr. Shaw, second by Mr. Cortez to pass Council Bill No. 2020-275 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stinnett, Stanley and Williams, 8. Nays: 0. Abstention 1: Stinnett. The Council Bill was read as **Council Bill No. 2020-275.**

Public Hearing for Council Bill No. 2020-276
Mayor Stanley opened the Public Hearing.

Marcie King appeared in favor of this item.

No one appeared in opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-276
Mr. Shaw introduced Council Bill No. 2020-276-an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 4301 S Rangeline Rd., City of Joplin, Newton County, Missouri. Motion by Mr. Shaw, second by Mr. Monteleone to pass Council Bill No. 2020-276 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-276.**

Public Hearing for Council Bill No. 2020-277
Mayor Stanley opened the Public Hearing.

Tom Herrod appeared in favor of this item.

No one appeared in opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-277
Mr. Cortez introduced Council Bill No. 2020-277 an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-O and including in District C-1 property as described below and located 1521 E. 20th St., City of Joplin, Jasper County, Missouri. Motion by Mr. Cortez, second by Mr. Copple to pass Council Bill No. 2020-277 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-277.**

Public Hearing for Council Bill No. 2020-278
Mayor Stanley opened the Public Hearing.

Terry Mitchell appeared in favor of this item.

No one appeared in opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-278
Mr. Lawson introduced Council Bill No. 2020-278 an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1 and including in District R-2 property as described below and located 1604 E. Central St., City of Joplin, Jasper County, Missouri. Motion by Mr. Lawson, second by Mr. Cortez to pass Council Bill No. 2020-278 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-278.**

Public Hearing for Council Bill No. 2020-279
Mayor Stanley opened the Public Hearing.
No one appeared in favor or opposition to this item.
The Public Hearing was closed.

COUNCIL BILL NO. 2020-279
Mr. Lawson introduced Council Bill No. 2020-279-an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-2 and including in District C-2-HP property as described below and located 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St., City of Joplin, Jasper County, Missouri. Motion by Mr. Lawson, second by Mr. Monteleone to pass Council Bill No. 2020-279 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-279.**

Public Hearing for Council Bill No. 2020-280
Mayor Stanley opened the Public Hearing.

No one appeared in favor or opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-280
Mr. Lawson introduced Council Bill No. 2020-280-an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Osborne Cemetery, City of Joplin, Newton County, Missouri. Motion by Mr. Lawson, second by Mr. Cortez to pass Council Bill No. 2020-280 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-280.**

Public Hearing for Council Bill No. 2020-281
Mayor Stanley opened the Public Hearing.

No one appeared in favor or opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-281
Mr. Cortez introduced Council Bill No. 2020-281-an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Parkway Cemetery, City of Joplin, Newton County, Missouri. Motion by Mr. Cortez, second by Mr. Copple to pass Council Bill No. 2020-281 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as

Council Bill No. 2020-281.

Public Hearing for Council Bill No. 2020-282
Mayor Stanley opened the Public Hearing.

No one appeared in favor or opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-282
Mr. Lawson introduced Council Bill No. 2020-282- an ordinance amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Forest Park Cemetery, City of Joplin, Jasper County, Missouri. Motion by Mr. Lawson, second by Mr. Copple to pass Council Bill No. 2020-282 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-282.**

Public Hearing for Council Bill No. 2020-283
Mayor Stanley opened the Public Hearing.

Audie Dennis appeared in favor of this item.

No one appeared in opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-283
Mr. Copple introduced Council Bill No. 2020-283-an ordinance providing the street vacation approximately 120 feet of W. 11th St. lying East of S. Byers Ave. St. in the City of Joplin, Jasper County, Missouri. Motion by Mr. Copple, second by Mr. Monteleone to pass Council Bill No. 2020-283 on First Reading and advance to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-283.**

Public Hearing for Council Bill No. 2020-529
Mayor Stanley opened the Public Hearing.

No one appeared in favor or opposition to this item.

The Public Hearing was closed.

COUNCIL BILL NO. 2020-529 - an ordinance approving an Amended Petition to Amend Boundaries and Add Property to the 32nd Street Place Community Improvement District.
This Council Bill will be voted on under Emergency Ordinances.

Public Hearing for Council Bill No. 2020-530
Mayor Stanley opened the Public Hearing.

No one appeared in favor or opposition to this item.

The Public Hearing was closed.
COUNCIL BILL NO. 2020-530 – an ordinance approving a Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District and setting a date when this Ordinance shall become effective. This Council Bill will be voted on under First Reading.

CONSENT AGENDA
Motion by Mr. Shaw, second by Mr. Cortez to approve the Consent Agenda. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0.

Minutes of the November 16, 2020 City Council meeting.
Minutes of the November 19, 2020 Special City Council meeting

COUNCIL BILL NO. 2020-163 – an ordinance authorizing the City of Joplin, Missouri, to enter into an Agreement with Ledford Construction & Development Company, L.L.C., a Missouri Limited Liability Company, for the purpose of providing sanitary sewer service; and authorizing the City Manager or his designee to execute said Agreement by and on behalf of the City of Joplin. **Ordinance No. 2020-177**

COUNCIL BILL NO. 2020-170 – an ordinance authorizing the City of Joplin, Missouri, to enter into an Agreement with Molandco, Inc., a Missouri Corporation, for the purpose of relocating a sanitary sewer easement for the not to exceed price of $38,303.20; and authorizing the City Manager or his designee to execute said Agreement by and on behalf of the City of Joplin.
Ordinance No. 2020-178

COUNCIL BILL NO. 2020-171 – an ordinance approving the City of Joplin to enter into a construction agreement with D&E Plumbing and Heating Inc., in the amount of Eight Hundred Fifty-Three Thousand, Six Hundred Forty-Five and 00/100 Dollars ($853,645.00) for construction of the Baker's Branch Interceptor Improvement Project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin. **Ordinance No. 2020-179**

COUNCIL BILL NO. 2020-172 –an ordinance approving an amendment to a work authorization with Olsson, Inc. in the not to exceed amount of Fifty-Six Thousand and 00/100 Dollars ($56,000.00) for the Glendale Parallel Interceptor Improvements Project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin. **Ordinance No. 2020-180**

COUNCIL BILL NO. 2020-173 – an ordinance approving an occupancy agreement by and between the City of Joplin and Missouri & Northern Arkansas Railroad Company, Inc, as it pertains to construction of an underground storm sewer pipeline crossing and parallelism related to the 10th and Main Stormwater Project (TS0601) and establishing certain obligations regarding the continuation of the occupancy; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin. **Ordinance No. 2020-181**

COUNCIL BILL NO. 2020-175 - AN ORDINANCE approving the City of Joplin to enter into a construction agreement with Hutchens Construction Company LLC an Emery Sapp & Sons Company in the amount of One Million, Two Hundred Twenty-Seven Thousand, Ninety-Seven

and 92/100 Dollars, ($1,227,097.92) for the Mill and Overlay 2021 project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin.
Ordinance No. 2020-182

COUNCIL BILL NO. 2020-407 – an ordinance approving an Agreement between the City of Joplin, Missouri, and the Economic Security Corporation that pertains to 2020 CDBG public service grant funds; authorizing the City Manager to execute same on behalf of the City.
Ordinance No. 2020-183

COUNCIL BILL NO. 2020-408 – an ordinance approving an Agreement between the City of Joplin, Missouri, and the Homeless Coalition that pertains to 2020 CDBG public service grant funds; authorizing the City Manager to execute the same on behalf of the City.
Ordinance No. 2020-184

COUNCIL BILL NO. 2020-612 – an ordinance approving an Agreement allowing Stealth Creative, LLC to serve as the Print & Digital Media Buyer for the Joplin Convention & Visitors Bureau; authorizing the City Manager to execute the same by and on behalf of the City of Joplin. **Ordinance No. 2020-185**

RESOLUTIONS

ORDINANCES – EMERGENCY
COUNCIL BILL NO. 2020-012
Mr. Cortez introduced Council Bill No. 2020-012 - an ordinance employing Charles Lonardo as an Associate Municipal Judge for the City of Joplin and approving an Agreement with Charles Lonardo for Municipal Judge services; authorizing the Mayor to execute said Agreement by and on behalf of the City of Joplin, Missouri; and containing an emergency clause. Motion by Mr. Cortez, second by Mr. Copple that Council Bill No. 2020-012 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-186**

COUNCIL BILL NO. 2020-177
Mr. Copple introduced Council Bill No. 2020-177- an ordinance authorizing the acceptance of a Missouri Highways and Transportation Commission Public Transit Operating Assistance Grant Agreement for state funds to be used for operating assistance for the Metro Area Public Transit System (MAPS) and containing an emergency clause. Motion by Mr. Copple, second by Mr. Lawson that Council Bill No. 2020-177 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-187**

COUNCIL BILL NO. 2020-372
Mr. Lawson introduced Council Bill No. 2020-372- an ordinance approving the contract by and between the City of Joplin and Gator Industrial for the demolition of the structure(s) and clearing of lot area located at 123 S. Oak Ave. in the City of Joplin, Missouri, for Four Thousand Five Hundred and 00/100 Dollars ($4,500.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause. Motion by Mr. Lawson, second by Mr. Cortez that Council Bill No. 2020-372 be approved on an emergency basis.

Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-188**

COUNCIL BILL NO. 2020-373

Mr. Copple introduced Council Bill No. 2020-373- an ordinance approving the contract by and between the City of Joplin and Gator Industrial for the demolition of the structure(s) and clearing of lot area located at 1034 Kentucky Ave. in the City of Joplin, Missouri, for Three Thousand Three Hundred Forty-Nine and 00/100 Dollars ($3,349.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause. Motion by Mr. Copple, second by Mr. Cortez that Council Bill No. 2020-373 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-189**

COUNCIL BILL NO. 2020-374

Mr. Cortez introduced Council Bill No. 2020-374-an ordinance approving the contract by and between the City of Joplin and Big John's for the demolition of the structure(s) and clearing of lot area located at 116 N. Moffet Ave. in the City of Joplin, Missouri, for Six Thousand Nine Hundred and 00/100 Dollars ($6,900.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause. Motion by Mr. Cortez, second by Mr. Lawson that Council Bill No. 2020-374 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-190**

COUNCIL BILL NO. 2020-409

Mr. Shaw introduced Council Bill No. 2020-409- an ordinance authorizing the City council to issue the abatement of ad valorem taxes on improvements to real property located in the Joplin Area Enhanced Enterprise Zone; generally described as located at 3502 Enterprise Ave., Joplin, MO and owned by Cliffstar, LLC/Refresco North America; and containing an emergency clause.
Motion by Mr. Shaw, second by Mr. Cortez that Council Bill No. 2020-409 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-191**

COUNCIL BILL NO. 2020-410

Mr. Lawson introduced Council Bill No. 2020-410- an ordinance authorizing the City council to issue the abatement of ad valorem taxes on the existing building and improvements to real property located in the Joplin Area Enhanced Enterprise Zone; generally described as located at 8125 E. 26th St, Joplin, MO and owned by Aesir Technologies, LLC and containing an emergency clause.
Motion by Mr. Lawson, second by Mr. Copple that Council Bill No. 2020-410 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-192**

COUNCIL BILL NO. 2020-529

Mr. Shaw introduced Council Bill No. 2020-529- an ordinance approving an Amended Petition to Amend Boundaries and Add Property to the 32nd Street Place Community Improvement

District; and, containing an emergency clause. Motion by Mr. Shaw, second by Mr. Cortez that Council Bill No. 2020-529 be approved on an emergency basis. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was declared adopted and entitled **Ordinance No. 2020-193**

ORDINANCES – FIRST READING

COUNCIL BILL NO. 2020-174

Mr. Copple introduced Council Bill No. 2020-174- an ordinance approving a work authorization with Allgeier, Martin & Associates Inc. in the not to exceed amount of Four Hundred Thirteen Thousand, Two-Hundred Thirty and no/100 Dollars ($413,230.00) for the Private Side I&I Pilot Project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin. Motion by Mr. Copple, second by Mr. Cortez that Council Bill No. 2020-174 be passed on First Reading and advanced to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-174**

COUNCIL BILL NO, 2020-285

Mr. Cortez introduced Council Bill No. 2020-285- an ordinance establishing grades and accepting the Final Plat of Little Acres Subdivision Replat located at 919 N. Sycamore Rd. in the City of Joplin, Jasper County, Missouri. Motion by Mr. Cortez, second by Mr. Copple that Council Bill No. 2020-285 be passed on First Reading and advanced to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-285**

COUNCIL BILL NO. 2020-530

Mr. Shaw introduced Council Bill No. 2020-530- an ordinance approving a Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District and setting a date when this Ordinance shall become effective. Motion by Mr. Shaw, second by Mr. Lawson that Council Bill No. 2020-530 be passed on First Reading and advanced to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-530**

COUNCIL BILL NO. 2020-613

Mr. Cortez introduced Council Bill No. 2020-613-an ordinance approving the applications of Ozark Christian College for marketing their 2021Conference Series; Active Lifestyles' Joplin Memorial Run; Rufus Racing LLC for the Summer Roundup Triathlon; Elevate the Chains, for their Moving the Chains football clinic and games; JOMO Pride Inc., for JOMO Pride; Four State Trucks, for Guilty by Association; and Carl Junction Chamber of Commerce for the 24th Annual Bluegrass Festival for utilization of FY21 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds. Motion by Mr. Cortez, second by Mr. Copple that Council Bill No. 2020-613 be passed on First Reading and advanced to Second and Third Reading. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0. The Council Bill was read as **Council Bill No. 2020-613**

ORDINANCES – SECOND AND THIRD READING

COUNCIL BILL NO. 2020-176

Mr. Stinnett introduced Council Bill No. 2020-176 -an ordinance approving an agreement with Waste Corporation of Missouri LLC. (WCA) to provide curbside trash and recycling pick-up for single-family and duplex residential living units and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin. Motion by Mr. Stinnett, second by Mr. Cortez that Council Bill No. 2020-176 be **denied**. Voting in favor were Council Members: Copple, Cortez, Lawson, Reid Adams, Shaw, Stinnett and Williams, 7. Nays: Monteleone and Stanley. **Council Bill No. 2020-176 was denied**

John Fogg requested to speak on the contract for sanitation trash pickup.
Jennifer Fagan requested to speak on the solid waste and recycling contract.
Mary Price requested to speak on trash service.
Abbie Covington requested to speak on the trash service contract.
Alana Thomas requested to speak on trash service change.
Don Collins requested to speak on waste collection contract.
Deborah Furgeson requested to speak on trash.

UNFINISHED BUSINESS

NEW BUSINESS

Additional Requests to Address Council:

Brian Jones requested to address Council to give an update on the Civil Air Patrol.
Frank Thompson requested to address Council concerning mandate.
Eileen Donnelly requested to address Council on small business relief package.

Vote to go into closed session, which shall pertain to the hiring, firing, disciplining, or promotion of an employee or particular employees of a governmental body involving personal information as set forth in Section 610.021(3) RSMo, as amended, 2019, more specifically for the purpose of evaluating certain Council employees. This meeting, record, and vote to be closed to the extent provided by law. The City Council shall adjourn at the end of the session. Motion by Mr. Monteleone, second by Mr. Lawson to go into closed session. Voting in favor were Council Members: Copple, Cortez, Lawson, Monteleone, Reid Adams, Shaw, Stanley, Stinnett and Williams, 9. Nays: 0.

There being no further business, the meeting adjourned at 10:23 p.m.

Respectfully,

Roschelle Forsythe, Assistant City Clerk

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
CB 2020-174 - Work Authorization with Allgeier, Martin & Associates Inc. for the Private Side I&I Pilot Project

MEETING DATE
December 7, 2020

ORIGINATING DEPT
Public Works/Engineering

ATTACHMENTS
Exhibit Maps (2); CB 2020-174 Ordinance; Work Authorization AMA-I&I RP-004

REVIEWED BY
Director of Public Works – David Hertzberg, Director of Finance – Leslie Haase, City Attorney – Peter C. Edwards, City Manager – Nicholas Edwards

SUMMARY
This Council Bill approves a work authorization with Allgeier, Martin & Associates Inc. for the Private Side I&I Pilot Project in the not to exceed amount of Four Hundred Thirteen Thousand, Two-Hundred Thirty and no/100 Dollars ($413,230.00)

BACKGROUND
As part of the City's Operating Permits from the Missouri Department of Natural Resources (DNR) for its wastewater treatment facilities, the City is required to seek out sources of inflow and infiltration (I&I) within the collection system and submit annual reports of progress. To date, the City's focus has been on the public portion of the sanitary sewer collection system, reconstructing defective sewer mains and manholes. This work not only increases the reliability of the system, but also serves to remove sources of I&I from the publicly owned and maintained infrastructure. However, roughly half of I&I entering the system comes from the private side—i.e., the service lateral pipes which allow individual properties to connect to the City's public mains. Over time, the condition of the laterals deteriorates, allowing groundwater to enter the public sewer mains. The cumulative effect of such lateral pipes is further magnified by any downspout or sump pump connections onto the sewer system, which were generally allowed by municipalities for most of the 20th century. Having direct connections of rainfall into the sanitary sewer system causes wet weather flows to exceed the carrying pipe's capacity, resulting in sanitary sewer overflows; also, too much flow reaching a treatment plant can cause untreated wastewater to bypass the plant—both of which are not permitted by DNR. Within Missouri, some municipalities are finding that removing a gallon of water from the private side costs a fraction of what it takes to remove the same quantity from the public side. During a Work Session with City Council on Oct. 12, City staff, along with Allgeier, Martin & Associates (AMA) and TREKK Design Group, presented the benefits of implementing a private-side I&I reduction program. Citing successes from the City of Springfield's program, the consultants explained how removing sources of I&I from privately owned sewer laterals can be done in a cost-effective manner.

Springfield's private-side program has resulted in significant reductions in both dry- and wet-weather flows after removing sources of I&I, along with the added benefit of avoiding capacity improvement expenditures. At the end of the work session, City Council authorized City staff to develop a pilot project within two basins; the Council also determined that the City should pay 100% of the private-side I&I removal work in order to maximize participation of property owners within each basin.

In October of 2016, the City published a Request for Qualifications (RFQ), in accordance with the City's procurement policy, for a consultant to develop a targeted program aimed at eliminating unpermitted discharges within the City's wastewater collection and treatment system. Of the three consulting teams that responded, the team of Allgeier, Martin & Associates (AMA), Burns & McDonnell, and TREKK Design Group was selected to provide professional engineering services for this program. This 4th work authorization (WA) under the subsequent contract with AMA covers the engineering fees for the entirety of the pilot project. Initially, the consultant team will review Joplin's ordinances and make any recommended changes deemed necessary for the success of the program, coordinating such efforts with the Legal and Finance Departments. Also, the WA authorizes the AMA team to procure pre-qualified plumbers, participate in public meetings with affected property owners, to perform plumbing evaluations of each participating property, and to assist City staff with inspecting the repair work and administering the contract. At the end of the pilot project, flow metering will be done to determine the cost-effectiveness of the work. The attached exhibit maps show defects discovered during smoke testing within the basins. The consultant's fees are within industry standards for this type of consulting work. The largest portion of the fees is for evaluating the plumbing for each of the 1,061 properties located within the two basins. The quantity of disconnections to the sewer system will be determined through the plumbing evaluation work. During the work session, the estimated construction costs totaling $201,000 were based on known defects found on 75 properties during smoke testing. Public Works intends to participate with the consultants as their staff perform plumbing evaluations and oversee the disconnection efforts in the field. City staff envision supplying as much of these services as possible, should council authorize a future continuation of the program. The consulting fees for future work will be much more proportional to the size of the basins than this WA, whose fees include developing the private-side I&I reduction program.

FUNDING SOURCE

FY 2020-21 budget of the Wastewater fund

RECOMMENDATION

Staff recommends adoption of this Council Bill on First Reading and moving it to Second and Third Reading.

CITY		ENGINEER	
CITY OF JOPLIN 602 S. MAIN STREET JOPLIN, MO 64801		Name: Allgeier, Martin and Associates, Inc. Address: 7231 East 24th Street, P.O. Box 2627 Joplin, MO 64804	
Attention: Mr. Chris Parker, P.E. Sanitary Sewer Engineer		Attention: Chris Erisman, P.E.	
Department: Public Works		Phone: 417-680-7200	Fax: 417-680-7300
Phone: 417-624-0820, ex 584	Fax: 417-625-4738	Project: Private Side I/I WA4	

WORK AUTHORIZATION NUMBER AMA-I&I RP-004
TO AGREEMENT FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES

City and Engineer agree to amend their Agreement for Professional Engineering Consulting Services, dated September 20, 2020, to include a scope of work and fees for engineering services, by adding the following terms to their Agreement.

1. Services. The City agrees to engage the services of the Engineer and the Engineer agrees to perform the services hereinafter set forth in connection with projects described in *Exhibit A*.

2. Addition to Services. The City may add to the Engineer services or delete therefrom activities of a similar nature to those set forth in *Exhibit A*, provided that the total cost of such work does not exceed the total cost allowance as specified in Paragraph 5 hereof. The Engineer shall undertake such changed activities only upon the direction of the City. All such directives and changes shall be in written form and prepared and approved by the City and shall be accepted and countersigned by the Engineer.

3. Term. The services of the Engineer shall commence as soon as practicable after the execution of this contract, unless otherwise directed in writing, and shall be undertaken and completed in such sequence as to assure their expeditious completion in the light of the purposes of the contract, but in any event, all of the services required hereunder shall be completed as set forth in the schedule for the project which is attached hereto as *Exhibit A*.

4. Costs not to Exceed. The City of Joplin is limited by law with respect to the amount of money it can pay. Therefore, the City has established a fixed sum for this contract, which cannot be exceeded unless this contract is amended. The Engineer providing services hereunder shall be required to keep track of the amount of hours billable under this contract at all times; and any work in excess of the fixed sum shall not be eligible for payment. The Engineer shall notify the City if Engineer anticipates that the contract amount may be exceeded, in order to determine whether or not the City is prepared to increase the total compensation. The Engineer shall establish a billing system showing the amount of money remaining on the contract, which shall be shown in each monthly billing.

5. Payment.

a. Conditioned upon acceptable performance. The City agrees to pay the Engineer in accordance with the terms set forth in *Exhibit A*, which shall constitute complete compensation for all services to be rendered under this contract; provided, that where payments are to be made periodically to Engineer for services rendered under this contract, the City expressly reserves the right to disapprove in whole or in part a request for payment where the services rendered during the period for which payment is claimed are not performed in a timely and satisfactory manner in accordance with the schedule and description of services set forth in *Exhibit A*.

b. Total compensation not to exceed. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the Engineer under the terms of this work Authorization Number AMA-I&I RP-004 exceed the sum of Four Hundred Thirteen Thousand, Two-Hundred Thirty and no/100 Dollars ($413,230.00).

6. Insurance. Without limiting any of the other obligations or liabilities of the Engineer, the Engineer shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Joplin, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Joplin against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Joplin. Regardless

of such approval, it shall be the responsibility of the Engineer to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Engineer to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City at the time that this contract is signed by the Engineer. All insurance policies shall provide thirty (30) days written notice to be given by the insurance company in question prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Joplin - Public Works, 602 S. Main, Joplin, MO 64801; and

Such policies shall name the City as an additional insured with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo.
(See, http://insurance.mo.gov/industry/sovimmunity.php).

As of January 1, 2020, the minimum coverage for the insurance referred to herein shall be as set out below:

a. Workers' Compensation....Statutory coverage per RSMo 287.010 et seq.
Employer's Liability..... $1,000,000.00

b. Commercial General Liability Insurance, including coverage for Contractual Liability and Independent Contractors Liability. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of Two Million Nine Hundred Five Thousand Six Hundred Sixty-four and no/100 Dollars ($2,905,664.00 for all claims arising out of a single accident or occurrence and at least Four Hundred Thirty-five Thousand Eight Hundred Forty-Nine and no/100 Dollars ($435,849.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least $1,000,000 for all claims to property arising out of a single occurrence and at least $100,000 to any one owner with respect to damages to property. Engineer agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys fees of Engineer, its employees, officers or agents. Engineer agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Nine Hundred Five Thousand Six Hundred Sixty-four and no/100 Dollars ($2,905,664.00 for all claims arising out of a single accident or occurrence and at least Four Hundred Thirty-five Thousand Eight Hundred Forty-Nine and no/100 Dollars ($435,849.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

d. Errors and Omissions Insurance. The Engineer shall maintain a professional liability insurance policy in the amount of $1,000,000.00. This policy shall remain in full force and effect for a period of one year after completion and acceptance by the City of the construction of the project.

e. Subcontracts. In case any or all of this work is sublet, the Engineer shall require the subcontractor to procure and maintain all insurance required in subparagraphs (A), (B) and (C) hereof and in like amounts. Engineer shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Joplin through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

f. Notice. The Engineer and/or subcontractor shall furnish the City prior to beginning the work satisfactory proof of carriage of all the insurance required by this contract, with the provision that policies shall not be canceled, modified or non-renewed without thirty (30) days written notice to the City of Joplin.

g. Legislative or Judicial Changes. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Engineer, upon 10 days written notice, to execute a contract addendum whereby the Engineer agrees to provide, at a price not exceeding Engineer's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

7. All other terms and conditions of the original Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

REVIEWED FOR APPROVAL

_____
Name & Title of Staff Project Manager

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefore.

_____
Leslie Haase, Director of Finance

APPROVED AS TO FORM

_____
Peter Edwards, City Attorney

Engineer: Allgeier, Martin and Associates, Inc.

By: _____

Printed Name: Chris Erisman

Title: First Vice President

Date: _____

CITY OF JOPLIN, MISSOURI

By: _____
David Hertzberg, P.E.
Public Works Director

Date: _____

ATTACHMENT NUMBER ONE
EXHIBIT A TO WORK AUTHORIZATION NUMBER AMA-I&I RP-004 TO AGREEMENT FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES
(Between the City of Joplin, Missouri and Allgeier, Martin and Associates, Inc.)

1. SERVICES

Engineer shall provide the City of Joplin (OWNER) with the following services:

1.1 General

1.1.1 ENGINEER shall perform professional planning, evaluation and computer modeling services for the sanitary sewer collection system as hereinafter stated which include customary civil, structural, and mechanical engineering services.

1.1.2 Coordinate the planning, evaluation, data collection and design of components of the proposed City of Joplin Inflow and Infiltration (I/I) Reduction Program.

1.1.3 In general, the Project consists of the following:

1.1.3.1 Overall project management of the City of Joplin Sanitary Sewer I/I Reduction Program.

1.1.3.1.1 The Allgeier Martin (AMA) team working on this project will consist of Allgeier, Martin and Associates and TREKK Design Group. Burns and McDonnell (BMcD) serves as the assistant Program Manager for the Overall I/I program and may be consulted on an as-needed basis.

1.1.3.2 Assist the OWNER with public outreach and education in association with the Private Side I/I program.

1.1.3.2 Private I/I Pilot Area Development and Internal/External Building Evaluations withing this area.

1.1.3.3 Development and Implementation of a Private Side I/I Disconnect Program.

1.1.3.4 Post Private Side I/I Abatement Assessment for the Specified Pilot Area.

1.1.3.5 Analysis and Reporting of the Pilot Program.

2.1 Project Management and Administration: Manage and administer scope and allocate resources to complete the project within schedule and budget limitations.

2.1.1 Work Authorization Kickoff Meeting: Participate in a kickoff meeting for the work contained within this Work Authorization with the ENGINEER's team and the City. Discussions shall be held to review and confirm the project/program goals, objectives, and schedule; evaluate basic concerns on objectives and implementation of the Work; establish field building evaluation procedures, discuss public involvement, confirm responsibilities and the scope of services assign project team contacts and communication protocols.

2.1.2 Progress Meetings: Attend project progress meetings, up to 3, with the OWNER to discuss items such as coordination of work and responsibilities, risk management, schedules, and project progress and implementation.

2.1.3 The AMA team will prepare a community outreach and education statement for use on the OWNER's social media outlets. The education statement will provide a description of inflow and infiltration, typical sources and what inspections are being conducted to

identify I/I sources. The AMA team will provide the statement to the OWNER for social media outlet use. TREKK Design Group's marketing department can assist the City's Public Information Office (PIO) officer/department in the design and implantation of a SSES brochure informational website for collaboration of the Public and Private Educational Outreach.

2.1.4 The AMA team shall provide an information letter template to the OWNER to be mailed to the residents on City letterhead to all residence and property owners located within the project area explaining the City's request to allow the TREKK/AMA crews to perform the building evaluations of their property. TREKK will begin the process by sending a letter to each property owner requesting the homeowner schedule an appointment for an evaluation. A total of two letters and one follow-up phone call to non-responsive property owners will be completed. After three attempts, non-responses will be addressed by a field visit to the residence to request an evaluation of the property.

3.1 Pilot Area Internal and External Building Evaluations

3.1.1 Smoke testing has been completed in the pilot areas but cannot locate and confirm every possible I/I defect on private property. In an attempt to further identify possible I/I defects, an external building evaluation will be conducted. If a building/residence is built on a basement foundation – an internal evaluation will be attempted. An external building evaluation will include the investigation of storm water connections from down spouts, uncapped/damaged clean outs, area drains and/or stairwell drains. Internal building evaluations will include the investigation of sump pits and sump pumps located within the basement foundation

3.1.2 The OWNER shall provide property owner information for the Pilot Study Areas. A two (2) person crew comprised of (1) TREKK personnel and (1) AMA personnel will complete the work. It is estimated that 1061 external structure inspections will be conducted within the study area. All data collected through the building evaluations process will be recorded in a GIS collection platform, which will also include photos of all defects found and a GPS location will be provided for each defect located on a property. This scope of work allows for the following number of building evaluations in each respective pilot area:

3.1.2.1 Cleveland Avenue Basin: 493 Properties

3.1.2.2 Baker's Branch Basin: 568 Properties

4.1 Private I/I Disconnect Program

4.1.1 Pilot Abatement Program Set-Up: The AMA team will continue working with the OWNER to develop and implement a pilot-scale Private I/I Abatement Program within the identified priority sub-basin(s). The team will build upon and evaluate existing ordinances and identify the need for modifications that was initiated in the previous work authorization. The Consultant will assist the City with the Request for Qualifications (RFQ) process for the purpose of procuring 3-5 qualified plumbing contractors to perform the remediation of the illicit connections to the sanitary sewer. This RFQ selection work builds upon the Plumbing contractor RFQ scope of work contained within previous Work Authorizations.

4.1.2 Pilot Abatement Program Implementation: The building evaluations and smoke testing conducted previously by the AMA team will identify illicit connections to the sanitary sewer. TREKK Design Group will notify the identified property owners on up to three (3) separate occasions in an effort to facilitate the disconnection the illicit connections. The Property Owner's Agreement, Addendums, Disconnect Letters, Disconnect Completion Letters and information packet will be developed by TREKK and approved by the OWNER's legal department. In addition, TREKK shall make up to 3 attempts to reach the property owners by phone to discuss the program and provide information to the property owners and assist the plumbing contractors with scheduling an onsite consultation. TREKK and AMA will assist the authorized plumbing contractors by providing contact information and detailed information pertaining to the disconnection of the illicit connections as identified through building evaluations and deemed to be cost

effective. TREKK and AMA shall conduct verification of the final disconnection and ensure that the property owner is completely satisfied with the remediation efforts. TREKK will utilize electronic forms to update and track the Private I/I disconnect program as the work progresses. The OWNER shall be responsible for all plumber repair costs associated with the disconnection of the illicit plumbing connections. All costs for the repairs shall be agreed to by the Engineer, the City and the Plumbing Contractors before any repairs proceed, and directly invoiced to the City for payment. This scope of work allows for the following number of disconnections of illicit connections in each respective pilot area:

4.1.2.1 Cleveland Avenue Basin: 35 Properties

4.1.2.2 Baker's Branch Basin: 40 Properties

5.1 Post Private I/I Abatement Assessment

5.1.1 Following the completion of the Pilot Private I/I Disconnect Program, the AMA team will conduct a review of the work flow processes, success rates of plumbing evaluations, density and severity of I/I defects and success rates of defect disconnections. In addition, team will reach out to all plumbing contractors near the completion of Pilot Phase to gain input and feedback on the Program's repair process. Questions will be asked regarding the overall Program, repair process, public perception, and ideas/recommendations for improvement. A summary report of the findings will be prepared along with recommendations for future work

6.1 Analysis and Reporting

6.1.1 The AMA team will provide electronic records of all building evaluations completed, and compile a list of each defect identified. Defects shall then be prioritized based upon severity, structural integrity, safety and projected volume of I/I removed. A summary listing of each defect will be completed. A summary report of the results from the building evaluations and remediation recommendations will be provided.

2. TERMS

2.1 Schedule: The services of the Engineer shall commence as soon as practicable after the execution of this contract, unless otherwise directed in writing, and shall be undertaken and completed in such sequence as to assure their expeditious completion in the light of the purposes of the contract, but in any event, all of the services required hereunder for this Work Authorization scope of work shall be completed no later than October 31, 2021.

2.1.1 Utilizing information supplied by Engineer, the OWNER shall make final engineering and planning decisions in a timely manner to support the Engineer's ability to complete the Services according to the project schedule.

2.2 Distribution of compensation between individual tasks indicated in Section 3 may be altered as necessary to be consistent with services actually rendered, but shall not exceed the total estimated compensation amount unless approved in writing by the OWNER.

3. PAYMENT

3.1 Payment to Engineer shall be at the hourly labor Rates and Non-Labor Rates set forth in the attachment Number Two to Exhibit A: "RATE SCHEDULE 2020-2021" for Allgeier, Martin and Associates; and 2021 Compensation for Professional Engineering Services for TREKK Design Group, LLC (TREKK) with a total compensation ceiling of $413,230, as set forth in Work Authorization Number AMA – I&I RP - 004 to the Agreement for Professional Engineering Consulting Services, Section 5.b. with the estimated maximum fees broken down for respective services in more detail as follows:

Task	Estimated Fee
Project Management and Administration (Item 2.1.1 and 2.1.2)	$26,222
Public Outreach (Item 2.1.3 and 2.1.4)	$23,852
Pilot Area Internal and External Building Evaluations (Item 3.1)	
Cleveland Avenue Basin (Item 3.1.2.1)	$142,832
Baker's Branch Basin (Item 3.1.2.2)	$161,300
Private I/I Disconnect Program (Item 4.1)	$43,224
Post Private I/I Abatement Assessment (Item 5.1)	$6,668
Analysis and Reporting (Item 6.1)	$9,132
Total Estimated Maximum Fee	$413,230

ATTACHMENT NUMBER TWO

ALLGEIER, MARTIN and ASSOCIATES, INC.

Consulting Engineers and Surveyors

RATE SCHEDULE
2020 and 2021

LABOR RATES

Classification	Hourly Billing Rate 01/01/2020 thru 12/31/2020	01/01/2021 thru 12/31/2021
Principal/Engineer V	$224	$232
Principal/Engineer IV	$203	$210
Principal/Engineer III	$187	$194
Project Manager/Engineer II	$166	$172
Project Manager/Engineer I	$151	$156
Technician III/GIS Specialist	$137	$142
Technician III	$116	$120
Technician II	$104	$108
Technician I	$98	$101
Two-Man GPS Survey Crew	$192	$199
One-Man GPS Survey Crew	$151	$156
Three-Man Survey Crew	$209	$216
Two-Man Survey Crew	$166	$172
Registered Land Surveyor II	$177	$183
Registered Land Surveyor I	$156	$161
Survey Crew Member	$79	$82
Right of Way Specialist	$121	$125
Project Representative III	$116	$120
Project Representative II	$104	$108
Project Representative I	$96	$99
Secretary/Assistant	$79	$82
Print Specialist	$79	$82

Note: All pre-approved overtime hours shall be invoiced at 1 ½ times the hourly billing rates shown above

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NON-LABOR RATES

Item	Rate
Travel	$0.57 per mile (or current IRS rate)
Subsistence	Actual Cost
Lodging	Actual cost
Special Postage or Shipping	Actual cost
Printing	Actual cost
Surveying Materials	Actual cost
Subcontract Specialty Services	Cost + 10%
Deposition & Court Testimony	Standard Hourly Billing Rate x 2

A D/WBE, SBA 8(A), WOSB Certified
Civil Engineering Firm

2021 Compensation for Professional Engineering Services[1]
TREKK Design Group, LLC (TREKK)

The **OWNERS**'s payment to the **ENGINEER** shall be due and payable as follows:

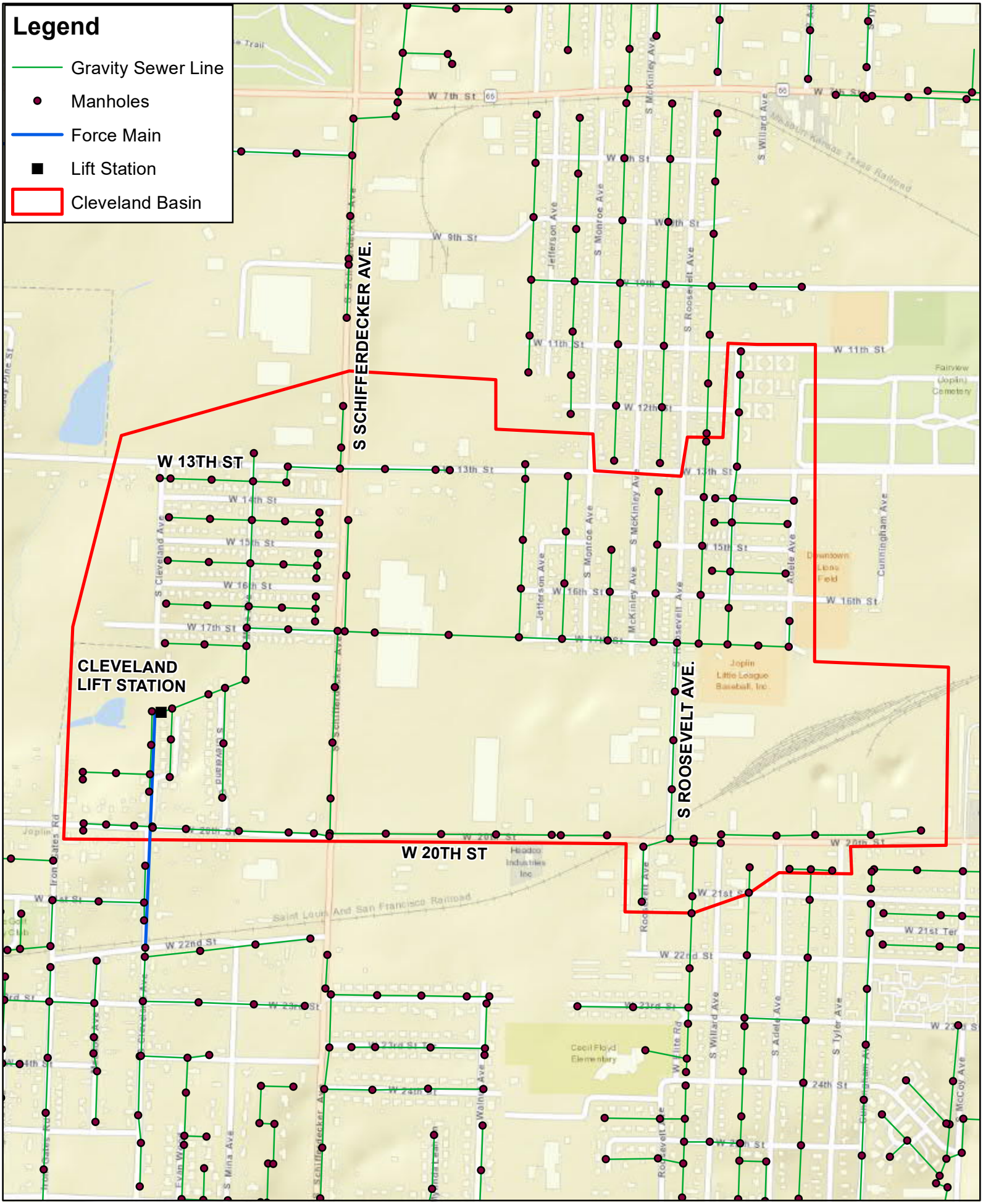
I. For Professional Engineering Services, when authorized and agreed upon in writing, an amount based upon hourly rates plus expenses, in accordance with Section III below, or a negotiated amount as agreed upon.

II. For **Other Services**, when authorized and agreed upon in writing, an amount based upon hourly rates plus expenses or unit rates, in accordance with Section III below, or a negotiated amount as agreed upon.

III. Hourly Billing Rates and Expenses:

Project Principal	$180.00/hr - $270.00/hr
Project Manager	$125.00/hr - $240.00/hr
Quality Manager	$125.00/hr - $190.00/hr
Project Coordinator	$ 80.00/hr - $160.00/hr
Industry Specialist	$110.00/hr - $240.00/hr
Asset Manager	$120.00/hr - $190.00/hr
Senior Professional Engineer	$140.00/hr - $240.00/hr
Professional Engineer	$115.00/hr - $220.00/hr
Project Engineer I	$100.00/hr - $175.00/hr
Project Engineer II	$ 90.00/hr - $145.00/hr
Staff Engineer	$ 80.00/hr - $110.00/hr
Project Designer	$ 95.00/hr - $145.00/hr
CADD Technician I	$ 80.00/hr - $125.00/hr
CADD Technician II	$ 55.00/hr - $ 90.00/hr
Office/GIS Technician I	$ 75.00/hr - $130.00/hr
Office/GIS Technician II	$ 60.00/hr - $ 95.00/hr
Office/GIS Technician III	$ 50.00/hr - $ 80.00/hr
Senior Administrator	$ 90.00/hr - $160.00/hr
Administrator	$ 70.00/hr - $ 95.00/hr
Field Manager	$ 80.00/hr - $145.00/hr
Field Technician I	$ 65.00/hr - $115.00/hr
Field Technician II	$ 55.00/hr - $ 95.00/hr
Field Technician III	$ 50.00/hr - $ 80.00/hr
GIS Analyst I	$ 95.00/hr - $160.00/hr
GIS Analyst II	$ 65.00/hr - $110.00/hr
Construction Inspection Manager	$125.00/hr - $190.00/hr
Senior Construction Inspector	$ 90.00/hr - $145.00/hr
Construction Inspector	$ 75.00/hr - $ 95.00/hr
Survey Manager (PLS)	$100.00/hr - $160.00/hr
Professional Land Surveyor (PLS)	$ 90.00/hr - $145.00/hr
Survey Party Chief	$ 75.00/hr - $130.00/hr
LiDAR Technician	$ 75.00/hr - $135.00/hr
Utility Locator	$ 75.00/hr - $130.00/hr
Survey Crew (2 person – 3 person)	$168.00/hr - $228.00/hr
Mobile LiDAR Crew	$1,750.00/hr
Mileage	$00.61.5/mi
Out-of-Pocket Expenses, Supplies, Reproductions, etc	Cost

Note 1: The above hourly rates and unit prices are good through December 31, 2020.


Legend
Gravity Sewer Line
Manholes
Force Main
Lift Station
Cleveland Basin
S SCHIFFERDECKER AVE.
W 13TH ST
CLEVELAND
LIFT STATION
S ROOSEVELT AVE.
W 20TH ST
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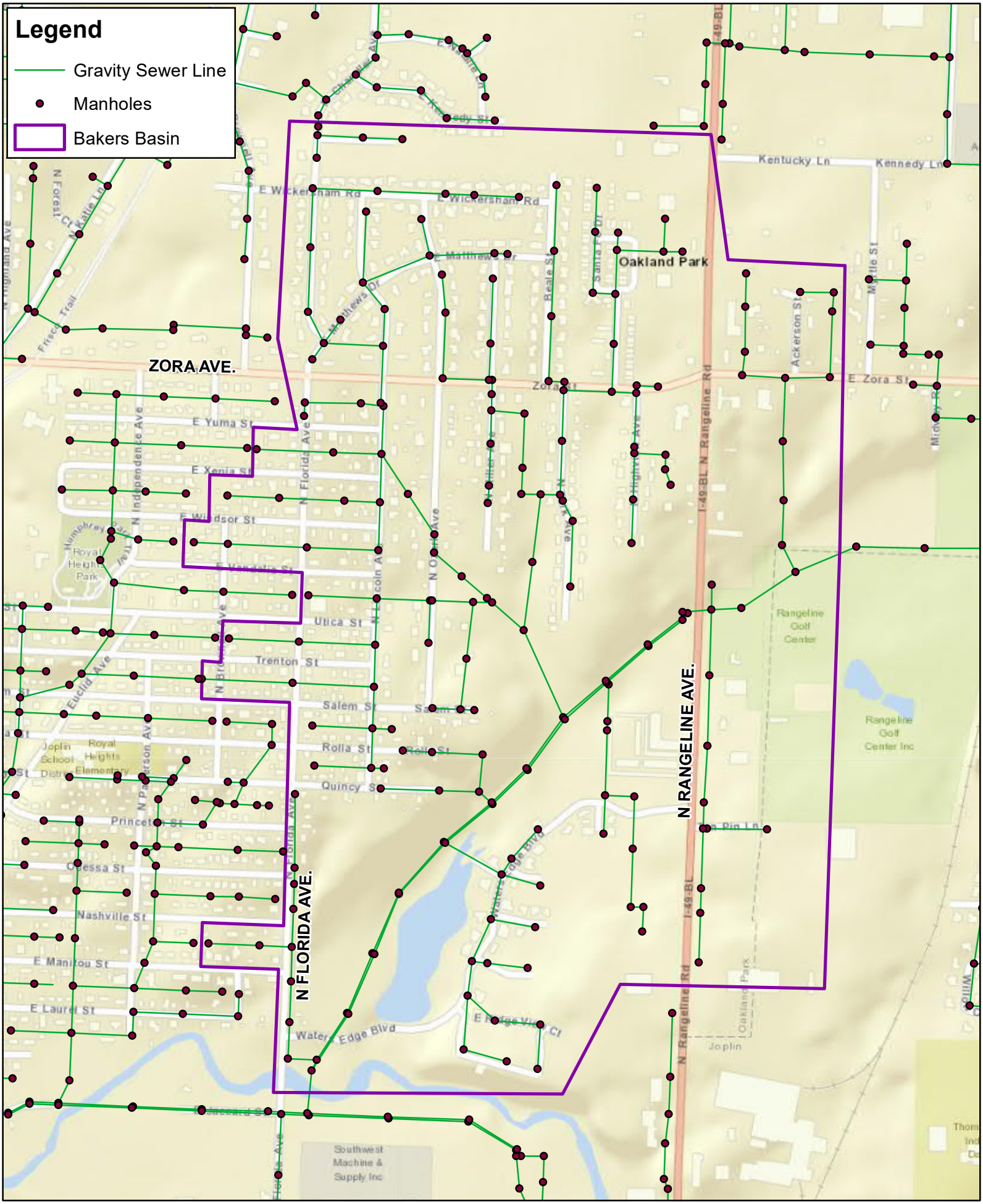
W 23rd St
24th St
S McKinley Ave
S Monroe Ave
Jefferson Ave
S Roosevelt Ave
S Willard Ave
S Cleveland Ave
S Schiffendecker Ave
Adele Ave
Cunningham Ave
S Tyler Ave
McCoy Ave
Saint Louis And San Francisco Railroad
Missouri Kansas Texas Railroad
Fairview (Joplin) Cemetery
Downtown Lions Field
Joplin Little League Baseball, Inc.
Headco Industries Inc
Cecil Floyd Elementary
Joplin Iron Gates Rd


Legend
Gravity Sewer Line
Manholes
Bakers Basin
ZORA AVE.
N FLORIDA AVE.
N RANGELINE AVE.
Oakland Park
E Zora St
Kentucky Ln
Kennedy Ln
E Wickersham Rd
E Yuma St
E Xenia St
E Windsor St
E Vandalia St
Utica St
Trenton St
Salem St
Rolla St
Quincy St
Princeton St
Odessa St
Nashville St
E Manitou St
E Laurel St
Water Edge Blvd
Rangeline Golf Center
Rangeline Golf Center Inc
Royal Heights Park
Joplin School District
Royal Heights Elementary
Southwest Machine & Supply Inc
N Rangeline Rd
I-49-BL
Joplin

COUNCIL BILL NO. 2020-174 **ORDINANCE NO**

AN ORDINANCE approving a work authorization with Allgeier, Martin & Associates Inc. in the not to exceed amount of Four Hundred Thirteen Thousand, Two-Hundred Thirty and no/100 Dollars ($413,230.00) for the Private Side I&I Pilot Project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, as follows:

Section 1. That the said amendment to work authorization by and between the City of Joplin and Allgeier, Martin & Associates Inc. in the not to exceed amount of Four Hundred Thirteen Thousand, Two-Hundred Thirty and no/100 Dollars ($413,230.00), a true and accurate copy of said amendment to work authorization being attached hereto; be and the same is hereby approved.

Section 2. That the City Manager of the City of Joplin, Missouri, or his designee, is hereby authorized and directed to execute said work authorization, or work authorization in substantially similar form, by and on behalf of the City of Joplin.

Section 3. That upon the final approval and acceptance of the consultant's work under said contract, in substantial conformance with the attached work authorization amendment, in writing by the Director of Public Works and his certification to the effect to the Director of Finance, the consultant shall be paid from the Wastewater Maintenance Fund.

Passed by the Council of the City of Joplin, Missouri, this _____ day of

_____, 2020 by a _____ vote.

_____

ATTEST: Ryan D. Stanley, Mayor

_____

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney

COUNCIL BILL 2020-174

I hereby certify that a sufficient amount is available in the Wastewater Maintenance Fund to pay the amounts called for in the referenced Work Authorization amendment.

_____

Leslie Haase, Director of Finance

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-275-Rezone to Commercial District (C-3)

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 037-20: 7414 E. 32nd St. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for office and storage for pest control operations – Rorie & Doug Hansen.

BACKGROUND:
This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. The current zoning of R-1 is not suitable in this area. This area of Joplin is very near to the heart of the industrial park that is just to the North and East of this property. The change in zoning to C-3 will not be detrimental to the nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Michael Wicklund, Pro 100, 2401 E. 32nd Street, Joplin, MO and representing the Hansens. The Request is being made to move this property into commercial as Bug-A-Way is wanting to relocate their operation to this new facility. They own a pest control company and no additional buildings are planned at this time. They are going to use the current residential home as their offices. There is a building in the back where they will park their trucks and any other equipment will be utilized in those outbuildings.

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, 4 In Favor, 1 Absent, 1 Abstain).
Staff recommends approval.

ATTACHMENTS:
CB 2020-275, Staff Planning Report, P&Z Commission Minutes

CB 2020-275

Case 037-20: 7414 E. 32nd St. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for office and storage for pest control operations – Rorie & Doug Hansen.

Mr. Eastman will abstain from this case.

Michael Wicklund, Pro 100, 2401 E. 32nd Street, Joplin, MO and representing the Hansens. The request is being made to move this property into commercial as Bug-A-Way is wanting to relocate their operation to this new facility. They own a pest control company and no additional buildings are planned at this time. They are going to use the current residential home as their offices. There is a building in the back where they will park their trucks and any other equipment will be utilized in those outbuildings.

Mr. Kimble wanted to know how big the house was, and do they speculate that they will have enough space for the offices.

Mr. Wicklund stated that the house is approximately 2,000 square feet. It is currently a three bedroom home now and with minor renovations it will be big enough for the receptionists and office personnel.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Wicklund. They did not. Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MR. MCCULLOUGH MOVED, SECONDED BY MS. STEELE THAT CASE 037-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, AND MR. KIMBLE VOTING "AYE". (4 IN FAVOR, 1 ABSENT, 1 ABSTAIN).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 037-20 A request to rezone from R-1 (Single-family Residential) to C-3 (Commercial)

LOCATION 7414 E. 32nd St.

APPLICANT Rorie & Doug Hansen

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Single-family Residential	Approx. 4.75 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	Outside City Limits	Outside City Limits	Outside City Limits
Land Use	Single-family Residential	Warehouse	Warehouse/vacant	Truck Service

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 32nd St.	Arterial	80'

UTILITIES

Sewer may need to be extended to this property.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of R-1 is not suitable in this area. This area of Joplin is very near to the heart of the industrial park that is just to the North and East of this property. As the park has filled in, more industrial uses have expanded West. Indeed, even the neighboring properties to 7414 E. 32nd St. are industrial uses that are outside our city limits.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-3 will not be detrimental to the nearby property. The majority of lots that surround this property and are along the corridor are zoned C-3 (Commercial) or M-2 (Heavy Industrial) and will not be affected by the change.

DISCUSSION

This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. C-3 zoning is consistent with the gradual transition of this area over time and reinforces the Comprehensive Plan and Future Land Use Map.

Staff recommends approval of Case 037-20.

ATTACHMENTS

- Application
- Map

Michael Wickland
417-529-9166
Pro 100 Realtors

REZONING APPLICATION FORM

RECEIVED 9-29-20

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 037-20
Filing Fee: $550.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: BORIE AND DOUG HANSEN DBA: BUG-A-WAY PEST CONTROL PHONE: 417-317-0599
ADDRESS: 3500 E. 32ND ST. JOPLIN MO. ZIP: 64804

OWNER: THOMAS & VICKI CHRISTENSEN PHONE: 417-437-2915
ADDRESS: 7414 E. 32ND ST. JOPLIN, MO. ZIP: 64804

LOCATION/ADDRESS OF PROPERTY: 7414 E. 32ND ST. JOPLIN MO 64804

Present Zoning R-1 Requested Zoning: C3 Acreage: 5
Present Use of Property: RESIDENTIAL

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	C3 VACANT WITH HOME	C3
South	VACANT LAND	NA (OUTSIDE CITY LIMITS)
East	MARETH PROPERTIES BUSG - VACANT	NA (OUTSIDE)
West	VACANT LAND	NA (OUTSIDE)

Character of the Neighborhood: COMMERCIAL, INDUSTRIAL PARK FOR JOPLIN
SOME VACANT LAND TO WEST AND SOUTH

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   NONE
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: CURRENTLY RESIDENTIAL AND PROPOSED BUYER WISHES TO RUN THEIR BUSINESS OUT OF CURRENT BUILDINGS.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: yes (State Hwy FF)
2. Classification of Street(s):
   Arterial _____ Collector _____ Local _____
3. Right-of-Way Width: State Hwy (unknown)
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   none

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? yes appropriate size
2. Properly Sized Street Right-of-Way? yes appropriate size
3. Drainage Easements? none
4. Utility Easements:
   - Electricity? at street
   - Gas? at street
   - Sewers? none available
   - Water? across street
5. Additional Comments:

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

property was originally Rezoned C-1 with no opposition in 2018.

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

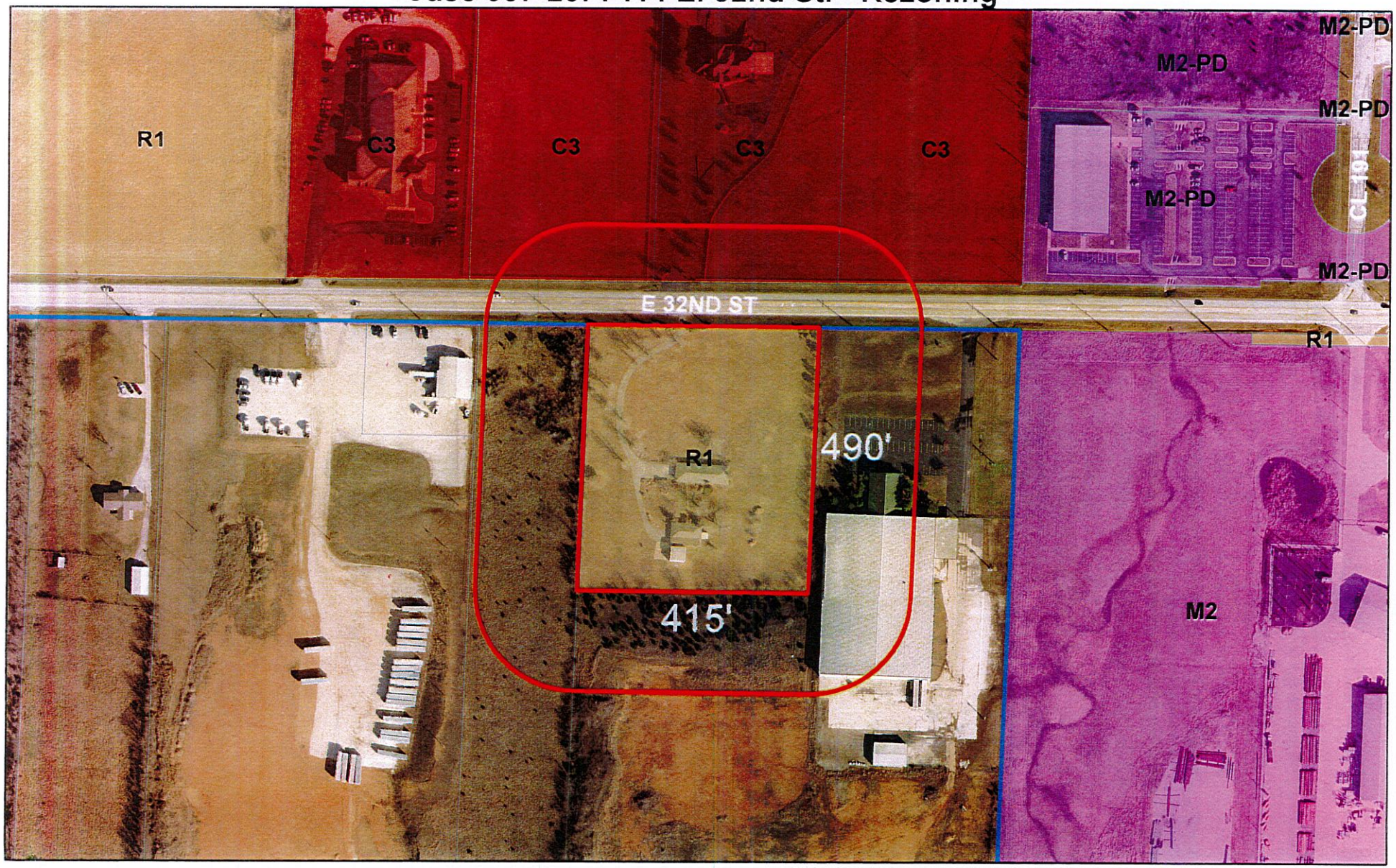
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: _____ DATE: 9-25-2020

EMAIL: administration@bugawaypc.com

TITLE: Owner of Bug-A-Way Pest Control

Case 037-20: 7414 E. 32nd St. - Rezoning



Case 037-20: 7414 E. 32nd St. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for office and storage for pest control operations – Rorie & Doug Hansen.

0 125 250 500 750 1,000 Feet

N

P & Z Case 037-20
Hansen
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-275 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 7414 E 32nd St., City of Joplin, Newton County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District C-3:

> As part of the Northwest Quarter of the Northeast Quarter of Section 22, Township 27, Range 32, Newton County, Missouri, more particularly described as follow: beginning at a point 358.17 feet West and 41.83 feet South of the Northeast Corner of the Northwest Quarter of the Northeast Quarter of Section 22, Township 27, Range 32, Newton County, Missouri, thence South 01 degrees 29 minutes 14 seconds West 490.0 feet, thence North 89 degrees 58 minutes 39 seconds West 418.0 feet, thence North 01 degrees 29 minutes 14 seconds East 490.0 feet to the South Right-of-way line of a road, thence South 89 degrees 58 minutes 39 seconds East 418.0 feet along the South right-of-way line of road to the point of beginning, except any part taken or deeded for road purposes.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-276-Rezone to District C-3 (Commercial)

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 038-20: 4301 S. Rangeline Rd. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for recreational vehicle and parts sales and service – Martin L. Wheelan, Jr.

BACKGROUND:
This property was annexed in with the rest of Silver Creek, which is why this property and most others to the East of Rangeline Rd. in this area are all zoned R-1 Single-family residential. The future land use map does clearly show this corridor of Rangeline Rd. to be retail commercial. Indeed, some of the uses existing here already fall into that category. The change in zoning to C-3 should not be detrimental to the nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Marci King, daughter and realtor for Mr. Wheelan, Keller Williams Realty, 619 S. Florida Ave., Joplin, MO. Based on the use of the land, owned by Wheelan Investments located on the northeast corner of 44th Street and Rangeline Rd. They are requesting that the RV Center and the parcels attached to it be rezoned from R-1 to C-3. The Wheelan's intent is to sell the property.

PUBLIC COMMENT:
Anselee Corkle, her property adjoins with the Wheelan's. She thinks it is fine to change it to C-3. She is not opposed of the change. They have been a good neighbor and their business is an 8am to 6pm, daily operation except on weekends. It has two lights and no night noise. Her concern is the selling of the property potentially to service stations, who are looking at the property. If it becomes a service station, it will be open 365 days, 24 hours a day, with vehicle noise, 18 wheelers, trash blowing around, 24-hour lights, and noise. This is a residential area and want to keep our area clean and quiet for the families that live there.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval for Case 038-20, (4 in Favor, 1 Absent, 1 Abstain).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-275, Staff Planning Report, P&Z Commission Minutes

CB 2020-276

Case 038-20: 4301 S. Rangeline Rd. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for recreational vehicle and parts sales and service – Martin L. Wheelan, Jr.

Mr. Eastman will abstain from this case.

Marci King, daughter and realtor for Mr. Wheelan, Keller Williams Realty, 619 S. Florida Ave., Joplin, MO. Based on the use of the land, owned by Wheelan Investments located on the northeast corner of 44th Street and Rangeline Rd. They are requesting that the RV Center and the parcels attached to it be rezoned from R-1 to C-3. The Wheelan's intent is to sell the property.

Mr. Stanton stated that most of the Rangeline corridor of Silver Creek has not been rezoned. The future land use map shows the Rangeline corridor to be future retail commercial including these properties.

Mr. Ramsour asked the commissioners if they had any other questions for Ms. King. They did not. Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case.

Anselee Corkle, her property adjoins with the Wheelan's. She thinks it is fine to change it to C-3. She is not opposed of the change. They have been a good neighbor and their business is an 8am to 6pm, daily operation except on weekends. It has two lights and no night noise. Her concern is the selling of the property potentially to service stations, who are looking at the property. If it becomes a service station, it will be open 365 days, 24 hours a day, with vehicle noise, 18 wheelers, trash blowing around, 24-hour lights, and noise. This is a residential area and want to keep our area clean and quiet for the families that live there.

Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MS. STEELE MOVED, SECONDED BY MR. KIMBLE THAT CASE 038-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, AND MR. KIMBLE VOTING "AYE". (4 IN FAVOR, 1 ABSENT, 1 ABSTAIN).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 038-20 A request to rezone from R-1 (Single-family Residential) to C-3 (Commercial)

LOCATION 4301 S. Rangeline Rd.

APPLICANT Martin L. Wheelan Jr.

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Single-family Residential	Approx. 7.3 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	C-2-PD
Land Use	Law Firm/Single-family Residential	Single-family Residential	Animal Hospital	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Rangeline Rd.	Arterial	170'
Silver Creek Dr.	Local	70'
Outer Rd.	Local	65'
Keller Dr.	Local	50'
Moorehead Dr.	Local	50'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of R-1 is not suitable in this area. With frontage along S. Rangeline Rd., a major arterial, as well as its proximity to both I-44 and the intersection of S. Rangeline Rd. and E. 44th St., R-1 Zoning, and single-family residential development in general, would not be appropriate at the location of this property.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-3 should not be detrimental to the nearby property. Property that is across Rangeline is already zoned to allow for commercial uses. Additionally, other property that is to the North and South have commercial uses on them, albeit they are not zoned correctly. The properties to the East, which appear to mostly be residential, will be protected by the buffer requirements in the zoning code. In this case of a C-3 district bordering an R-1 district, the C-3 district will be required to provide a buffer that is 20' wide of dense natural landscaping, or a combination of a berm and fencing with landscaping.

DISCUSSION

This property was annexed in with the rest of Silver Creek, which is why this property and most others to the East of Rangeline Rd. in this area are all zoned R-1 Single-family residential. The future land use map does clearly show this corridor of Rangeline Rd. to be retail commercial. Indeed, some of the uses existing here already fall into that category. This request is compatible with the Comprehensive Plan, the Future Land Use Map, and the zoning requested is appropriate for the area. C-3 zoning is consistent with the transportation network and capacity of the area.

Staff recommends approval of Case 038-20.

ATTACHMENTS

- Application

- Map

Call Marci King ✓
(334) 475 0979

REZONING APPLICATION FORM

RECEIVED 10-1-20

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 038-20
Filing Fee: ~~$550.00~~ Waived - annexation (S. Lover Creek)
Date Advertised: _____
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: Martin L. Wheeler, Jr. PHONE: 417-623-3110
ADDRESS: 4301 S. Range Line Rd; Joplin, MO 64804 ZIP: _____

OWNER: Wheeler Investments LLC PHONE: 417-437-4014
ADDRESS: 7001 E. 32nd St; Joplin, MO 64804 ZIP: 417-437-0092

LOCATION/ADDRESS OF PROPERTY: 4301 S. Range Line Rd
Joplin, MO 64804

Present Zoning R-1 Requested Zoning: C3 Acreage: 7.3
Present Use of Property: Recreational Vehicle Sales, Service, Parts Sales

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Attorney office	R-1
South	Veterinary and industrial tarp	R-1
East	Residential	R-1
West	Commercial property zoned C-2 PD	C-2 PD

Character of the Neighborhood: Commercial property, fronts to Range Line Rd.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? yes
   If yes, explain: It is an existing business

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? yes
2. Consistent with Future Land Use Map? yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Range Line Rd; Silver Creek Road; Koller Drive; Outer Road
2. Classification of Street(s):
   Arterial Range Line Collector _____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No.

~~IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:~~

1. ~~Appropriately Sized Lots?~~ _____
2. ~~Properly Sized Street Right-of-Way?~~ _____
3. ~~Drainage Easements?~~ _____
4. ~~Utility Easements:~~
   ~~Electricity?~~ _____
   ~~Gas?~~ _____
   ~~Sewers?~~ _____
   ~~Water?~~ _____
5. ~~Additional Comments:~~ _____

UNIQUE CHARACTERISTIC OF PROPERTY AND /OR ADDITIONAL COMMENT:

Wheeler RV Center is an existing business, ~~no change will be made there~~. We are going to list the 2.54 acres on the South side of property for sale.

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: [signature] DATE: 9-29-2020

EMAIL: marty@wheelerrv.com

TITLE: Owner - Registered Agent

352-13575

3-3

EXHIBIT "A"

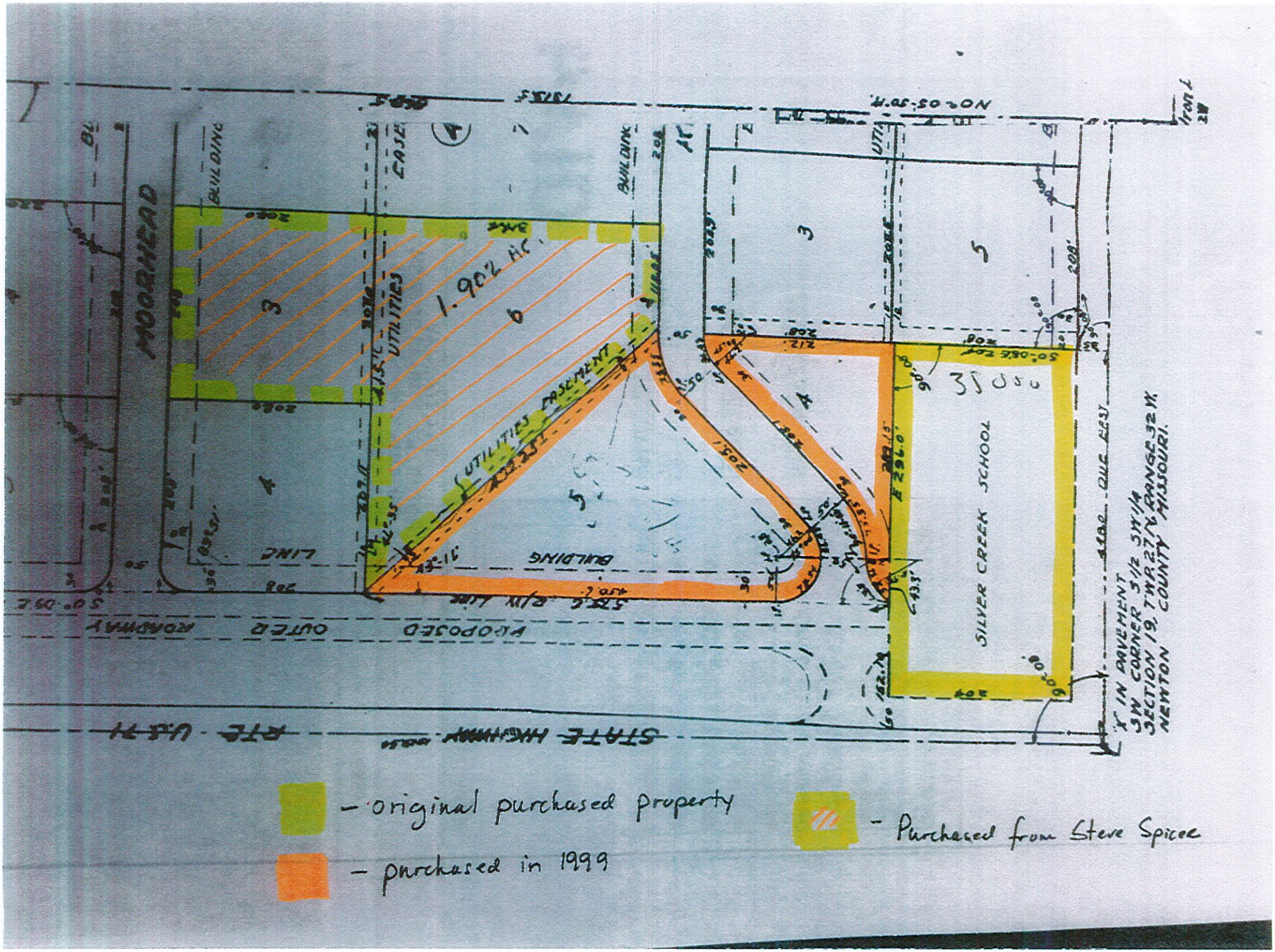
Tract #1: Showroom — All of Lot Numbered Five (5) in Block Four (4) in Silver Creek Park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof.

Tract #2: Pie shape w/ — All of Lot Numbered Four (4) Block One (1) in Silver Creek Park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof.

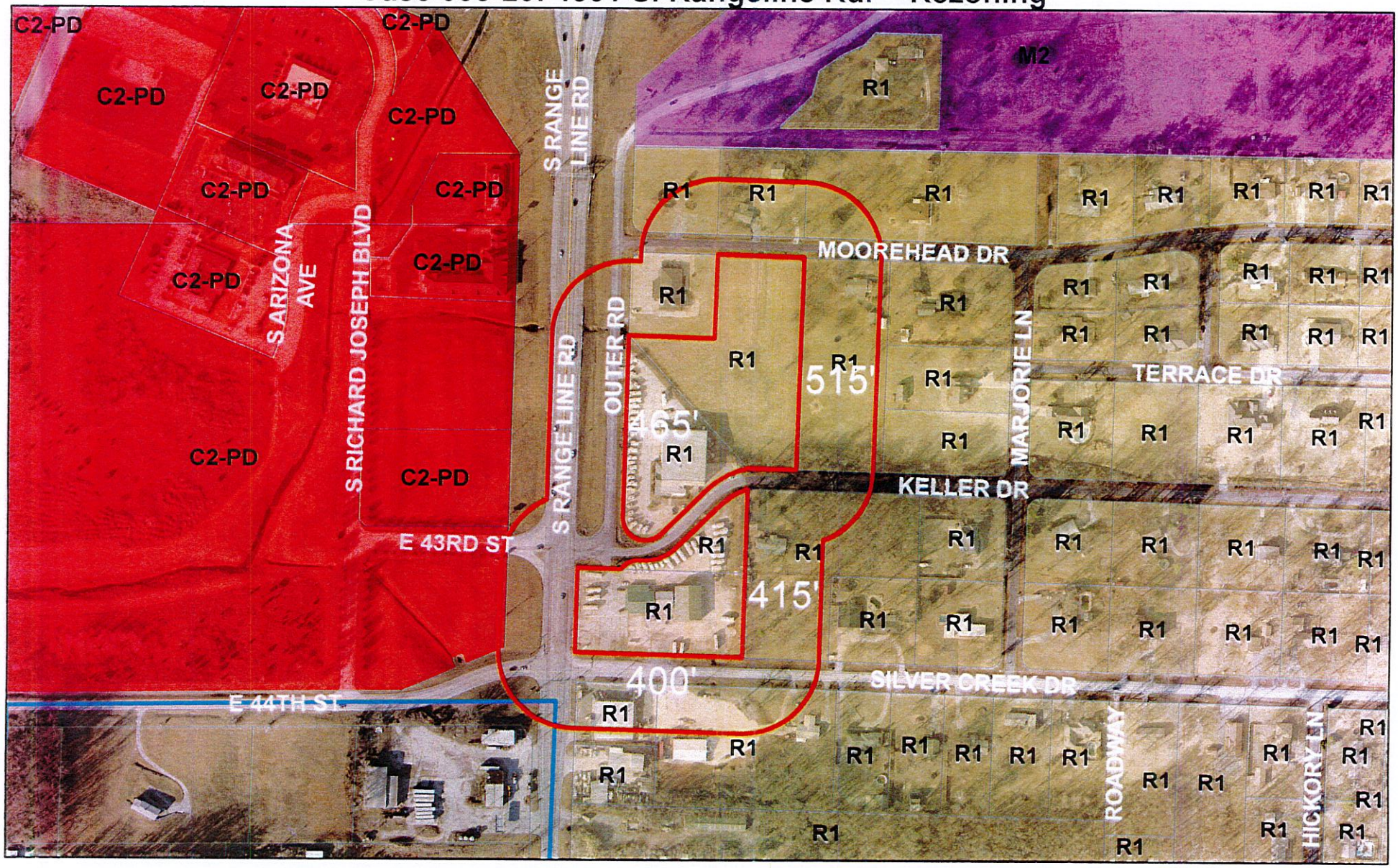
Tract #3: on Moorehead Behind — All of Lots Numbered 3 and 6 in Block 4 in SILVER CREEK PARK, a subdivision of part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, Newton County, Missouri.

Tract #4: Showroom — 2 Acres in the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19, Township 27, Range 32, described as beginning at a point approximately 30 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19 said point being intersection of public road running along West and South sides of said Section 19, thence North along the East line of public road a distance of 209 feet, thence East 418 feet, thence South 209 feet, to the North line of public road, thence West along the North line of said public road 418 feet to point of beginning except road right of ways, in Newton County, Missouri.

Old Silver Creek School


MOORHEAD
1.902 AC.
UTILITIES EASEMENT
SILVER CREEK SCHOOL
PROPOSED OUTER ROADWAY
STATE HIGHWAY
RTE. U.S. 71
- original purchased property
- purchased in 1999
- Purchased from Steve Spicer

Case 038-20: 4301 S. Rangeline Rd. - Rezoning



Case 038-20: 4301 S. Rangeline Rd. – A request to remove from District R-1 (Single-family Residential) and include in District C-3 (Commercial) for recreational vehicle and parts sales and service – Martin L. Wheelan, Jr.

0 170 340 680 1,020 1,360 Feet

N

P & Z Case 038-20
Martin Wheelan Jr.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-276 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located 4301 S Rangeline Rd., City of Joplin, Newton County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District C-3:

All of Lot Numbered Five (5) in Block Four (4) in Silver Creek Park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof; and all of Lot Numbered Four (4) Block (1) in Silver Creek park, a Subdivision of a part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, being an addition to the Village of Silver Creek, Newton County, Missouri, according to the recorded plat thereof; and All of Lots Numbered 3 and 6 in Block 4 in Silver Creek Park, a subdivision of part of the South Half of the Southwest Quarter of Section 19, Township 27, Range 32, Newton County, Missouri; and 2 acres in the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19, Township 27, Range 32, described as beginning at a point approximately 30 feet North of the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 19 said point being intersection of public road running along West and South sides of said Section 19, thence North along the East line of public road a distance of 209 feet, thence East 418 feet, thence South 209 feet, to the North line of public road, thence West along the North line of said public road 418 feet to point of beginning except road right-of-ways, in Newton County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-277-Rezone to District C-1

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 039-20: 1521 E. 20th St. – A request to remove from District C-O (Commercial Office) and include in District C-1 (Neighborhood Commercial) for financial services offices – Thomas D. Herrod.

BACKGROUND:
The change in zoning to C-1 will not be detrimental to the nearby property. C-1 zoning at this location is appropriate considering the existing makeup of the corridor with many existing zoning districts and uses that are compatible with C-1 zoning. In addition, the request is consistent with the Comprehensive Plan and the Future Land Use map. Lastly, C-1 zoning is appropriate along an arterial corridor like E. 20th St.

PLANNING & ZONING COMMISSION TESTIMONY:
Tom Herrod, 5200 Blessing Lane, Joplin, MO. Just requesting a rezoning from C-O to C-1 to accommodate the new office building. The building will be a single unit, professional office building. Sitting in about the same location as the prior building before the tornado and traffic should be minimal.

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-277, Staff Planning Report, P&Z Commission Minutes

CB 2020-277

Case 039-20: 1521 E. 20th St. – A request to remove from District C-O (Commercial Office) and include in District C-1 (Neighborhood Commercial) for financial services offices – Thomas D. Herrod.

Tom Herrod, 5200 Blessing Lane, Joplin, MO. Just requesting a rezoning from C-O to C-1 to accommodate the new office building. The building will be a single unit, professional office building. Sitting in about the same location as the prior building before the tornado and traffic should be minimal.

Mr. Ramsour wanted to know if that is south of the alley?

Mr. Herrod stated it was.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Herrod. They did not. Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MR. EASTMAN MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 039-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 039-20 A request to rezone from C-O (Non-retail Commercial) to C-1 (Neighborhood Commercial)

LOCATION 1521 E. 20th St.

APPLICANT Thomas D. Herrod

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-O	Vacant	Approx. 0.25 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	R-1	C-1	R-3	C-O
Land Use	Single-family Residential	Vacant/Parking	Multi-family	Parking/Office

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 20th St.	Arterial	70'
S. Vermont Ave.	Local	50'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial. This property will also be subject to the 20th Street Corridor Development Standards. When plans are submitted, the development will need to be consistent with policies such as sidewalks, landscaping, and façade treatment, among others.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of R-O is suitable in this area. However, on a quarter acre lot, the setbacks that are required in the C-O district significantly limit not only how large a structure might be on this site, but also the location of the building on the site. One reason the applicant is applying for this rezoning is to address that limitation.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C-1 will not be detrimental to the nearby property. Property that is along the corridor is already a mix of C-O, C-1, and C-2 zoning as well as some high-density multifamily across 20th St. A change to C-1 zoning is an increase in the potential intensity of uses from C-O. The most significant difference from C-O to C-1 will be the low-intensity retail and restaurant uses.

DISCUSSION

C-1 zoning at this location is appropriate considering the existing makeup of the corridor with many existing zoning districts and uses that are compatible with C-1 zoning. In addition, the request is consistent with the Comprehensive Plan and the Future Land Use map. Lastly, C-1 zoning is appropriate along an arterial corridor like E. 20th St.

Staff recommends approval of Case 039-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 039-20
Filing Fee: $550.00
Date Advertised:
Date Notices Sent: 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: THOMAS D. HERROD PHONE: 417-825-3394
ADDRESS: 5200 BLESSINGS LANE JOPLIN ZIP: 64801

OWNER: HERROD DEVELOPMENT Co., LLC PHONE: 417-825-3394
ADDRESS: 5200 BLESSINGS LANE JOPLIN ZIP: 64801

LOCATION/ADDRESS OF PROPERTY: 1521 EAST 20th STREET

Present Zoning: C-O Requested Zoning: C-1 Acreage: .25
Present Use of Property: EMPTY LOT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	EMPTY LOT	R1
South	APARTMENTS	R3
East	EMPTY LOT	C1
West	BUSINESS	C0 OR C1?

Character of the Neighborhood: NEW COMMERCIAL BUSINESS DEVELOPMENTS FROM TORNADO REBUILDING

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? YES
   If yes, explain: IN ORDER TO MAXIMIZE THE SITE POTENTIAL THE CO SETBACKS ARE TO RESTRICTIVE.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 20th STREET & VERMONT
2. Classification of Street(s):
   Arterial_____ Collector_____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO, THE ORIGINAL USE WAS SATISFACTORY

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? NO
3. Drainage Easements? NO
4. Utility Easements:
   Electricity? NO
   Gas? NO
   Sewers? NO
   Water? NO
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:
THE PROPOSED BUILDING PROJECT WILL COMPLEMENT THE 20th STREET DEVELOPMENT, WITH ARCHITECTURAL FEATURES AND COLOR SCHEMES.

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

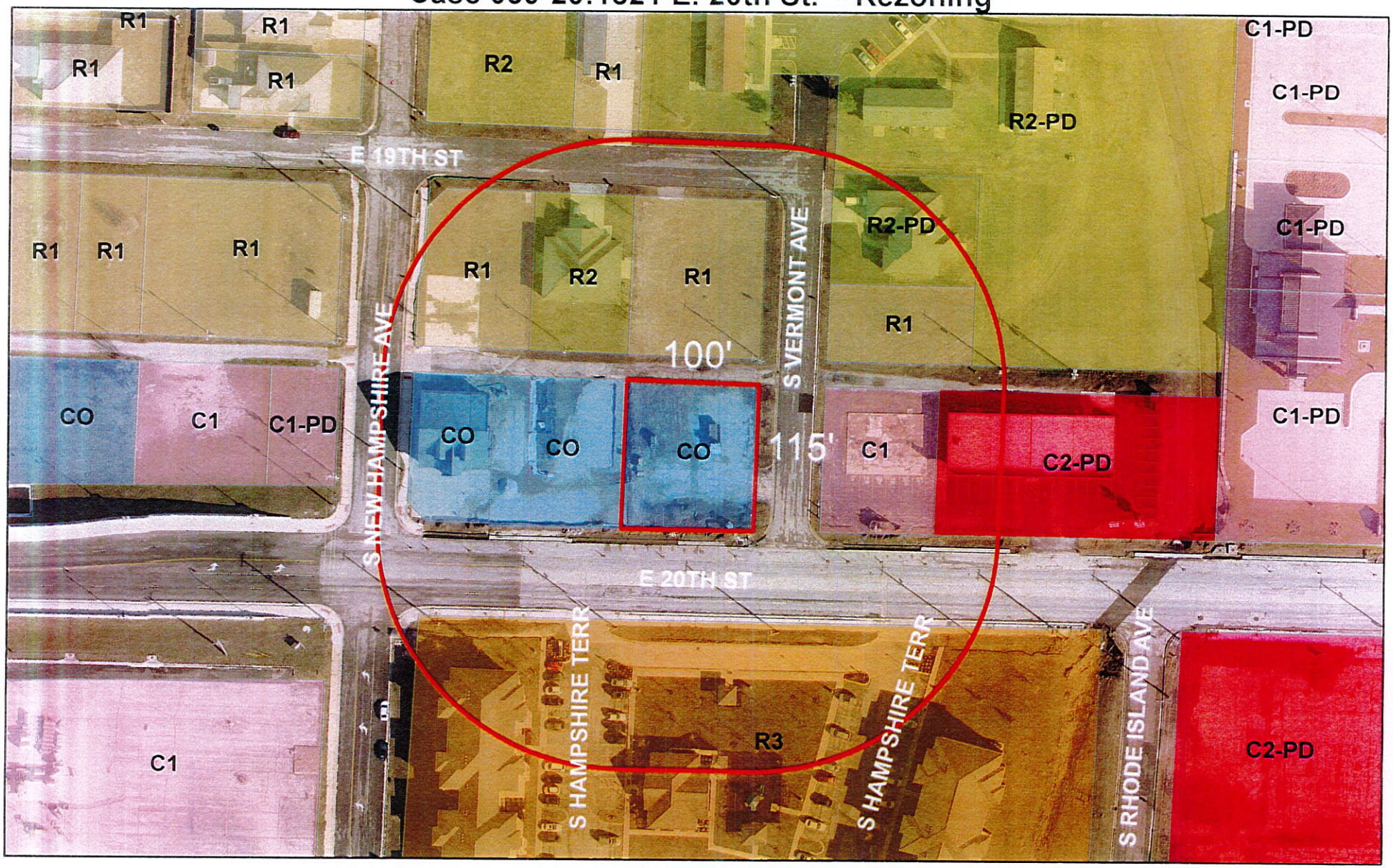
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: [signature] DATE: 10/7/2020

EMAIL: hdc@mchsi.com

TITLE: OWNER OF HERROD DEVELOPMENT CO., LLC

Case 039-20:1521 E. 20th St. - Rezoning



Case 039-20:1521 E. 20th St. – A request to remove from District C-O (Commercial Office) and include in District C-1 (Neighborhood Commercial) for financial services offices – Thomas D. Herrod.

P & Z Case 039-20
Thomas Herrod
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-277 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-O and including in District C-1 property as described below and located 1521 E. 20th St., City of Joplin, Jasper County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District C-1:

All of Lots Numbered Sixteen (16) and Seventeen (17) in J.W. Ratcliffe's Subdivision of Lots 21, 22, 23, and 24 in Banker's 3rd Addition to the City of Joplin, Jasper County, Missouri, According to the recorded plat thereof.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-278-Rezone to District R-2

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 040-20: 1604 E. Central St. – A request to remove from District C-1 (Neighborhood Commercial) and include in District R-2 (Two-family Residential) for future residential development – Schuber Mitchell Homes.

BACKGROUND:
The change in zoning to R-2 will not be detrimental to the nearby property. Property that is along the corridor and in the surrounding neighborhood is already largely zoned R-2. A rezoning to R-2 will also decrease the amount of allowed uses currently allowed in C-1 and which tend to be more intense uses than those allowed in R-2.

PLANNING & ZONING COMMISSION TESTIMONY:
Harry Mitchell, 532 S Ozark, Joplin, MO, representing Schuber Mitchell Homes. He would like to be approved to build two (2) three (3) bedroom houses on those two (2) lots. Everything around it is zoned residential.

Mr. Eastman wanted to know if they had to do R-2?

Mr. Stanton stated they are single family homes as a proposed use, however, that neighborhood is completely zoned R-2, which was done at the time due to the density of the neighborhood. In order to conform with the existing neighborhood in its zoning, we did recommend an R-2 zoning.

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval (5 in Favor, 1 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-278, Staff Planning Report, P&Z Commission Minutes

CB 2020-278

Case 040-20: 1604 E. Central St. – A request to remove from District C-1 (Neighborhood Commercial) and include in District R-2 (Two-family Residential) for future residential development – Schuber Mitchell Homes.

Harry Mitchell, 532 S Ozark, Joplin, MO, representing Schuber Mitchell Homes. He would like to be approved to build two (2) three (3) bedroom unit houses on those two (2) lots. Everything around it is zoned residential.

Mr. Eastman wanted to know if they had to do R-2?

Mr. Stanton stated they are single family homes as a proposed use, however, that neighborhood is completely zoned R-2, which was done at the time due to the density of the neighborhood. In order to conform with the existing neighborhood in its zoning, we did recommend an R-2 zoning.

Mr. Eastman asked what size, square feet are you wanting to do?

Mr. Mitchell stated it was about 1,100 square feet.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Mitchell. They did not.
Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? There was not.
Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MR. KIMBLE MOVED, SECONDED BY MR. EASTMAN THAT CASE 040-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 040-20 A request to rezone from C-1 (Neighborhood Commercial) to R-2 (Two-family residential)

LOCATION 1604 E. Central St.

APPLICANT Schuber Mitchell Homes

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-1	Vacant	Approx. 0.25 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-3	R-2	R-2	C-1
Land Use	Single-family Residential	Two-family Residential	Single-family Residential	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. Central St.	Local	50'
S. St. Louis Ave.	Collector	60'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be future retail commercial. However, it would not be inappropriate for this property to mirror the existing neighborhood and the S. St. Louis corridor to the South by rezoning to R-2, especially given the current neighboring uses are residential in nature.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of C-1 is suitable in this area. While this is an intersection involving a collector-level street, the S. St. Louis corridor is not transitioning to more commercial uses or zoning, nor does it currently consist of much commercial uses or zoning. In addition, the size of the property does limit the number and types of commercial uses that would likely have interest in the property or location.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R-2 will not be detrimental to the nearby property. Property that is along the corridor and in the surrounding neighborhood is already largely zoned R-2. A rezoning to R-2 will also decrease the amount of allowed uses currently allowed in C-1 and which tend to be more intense uses than those allowed in R-2.

DISCUSSION

R-2 zoning at this location is appropriate. While the Future Land Use map does show this property to be future retail commercial, a rezoning to R-2 would be consistent with the existing fabric of the neighborhood as well as the corridor of S. St. Louis Ave. to the South.

Staff recommends approval of Case 040-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

RECEIVED 9-22-20

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 040-20
Filing Fee: $550.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: Schuber Mitchell Homes PHONE: 4172915731
ADDRESS: 3331 Range Line ZIP: 64870

OWNER: PHONE:
ADDRESS: ZIP:

LOCATION/ADDRESS OF PROPERTY: 1604 Central

Present Zoning Commercial Requested Zoning: ~~Residential~~ R-2 Acreage:
Present Use of Property: VACANT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	Residential
South	"	"
East	"	"
West	"	"

Character of the Neighborhood: Older Homes

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: To small for other usage except Res

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? Yes
2. Consistent with Future Land Use Map? Yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: St louis
2. Classification of Street(s):
   Arterial _____ Collector _____ Local _____
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? NO
2. Properly Sized Street Right-of-Way? _____
3. Drainage Easements? NO
4. Utility Easements:
   - Electricity? NO
   - Gas? NO
   - Sewers? NO
   - Water? NO
5. Additional Comments: This was originally zoned R-1 and for no reason anyone knows it was Rezoned

UNIQUE CHARACTERISTIC OF PROPERTY AND /OR ADDITIONAL COMMENT:

In a area of older Homes that could ~~use~~ a Benefit area

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

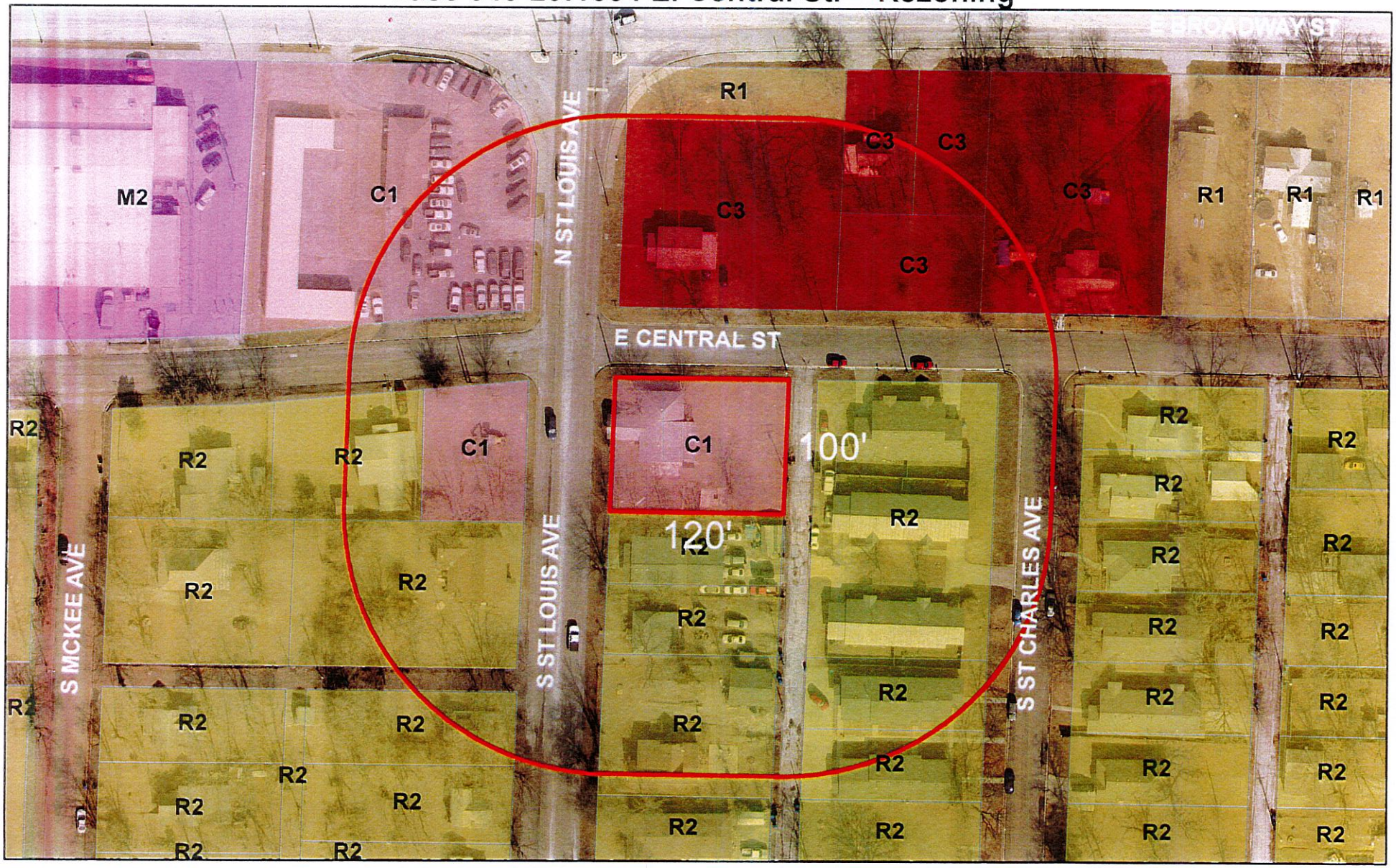
1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: _____ DATE: 9/19/2020

EMAIL: TMitchell@SchuberMitchell.com

TITLE: Land & Purchaser

Case 040-20:1604 E. Central St. - Rezoning



Case 040-20:1604 E. Central St. – A request to remove from District C-1 (Neighborhood Commercial) and include in District R-2 (Two-family Residential) for future residential development – Schuber Mitchell Homes.

P & Z Case 040-20
Schuber Mitchell Homes
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-278 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-1 and including in District R-2 property as described below and located 1604 E. Central St., City of Joplin, Jasper County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District R-2:

> All of Lots Numbered Three-hundred Eighty-three (383) and Three-hundred Eighty-four (384) in Y.M.C.A Addition to the City of Joplin, Jasper County, Missouri, being subject to all easements, rights-of-ways, and reservations of record

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-279-Rezone to District C-2-HP

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 041-20: 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St. – A request to remove from District C-2 (Central Business District) and include in District C-2-HP (Central Business District Historic Preservation) for Sunshine Lamp Historic District expansion – City of Joplin

BACKGROUND:
This is the 6th expansion City is requesting of the Sunshine Lamp Historic District to include portions of the 800 & 900 blocks of Main St. This expansion will help protect current and future investments and offer financial incentives, through the City's Façade Improvement Program, to property owners in the district the make repairs to their building facades. The City will pay for half of the eligible building façade improvement up to $37,500. Written consent has been received by property owners within the proposed expansion and property owners who have not submitted consent to be included are not part of this expansion

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Thomas Walters, 602 S. Main, Joplin, MO, Staff for the Historic Preservation Commission. The property owners of the addresses just mentioned have voluntarily signed to proceed to be added to the local registry, specifically the Sunshine Lamp District Downtown Joplin. To be added to the local listing allows the Historic Preservation Commission to have a limited jurisdiction to review and approve the work done to the exterior of properties to approve prior to building permits being issued by the City of Joplin. This is done with the intent and purpose of maintaining the character and style of the neighborhood.

Mr. Eastman wanted to know how much of the Federal monies are left?

Mr. Walters stated Community Development uses an annual Action Plan allocation. Allocation is limited, as we spend it, we will allocate another funding round. We reimburse 50% up to total cost of $75,000 per store front. Mr. Ramsour stated that if it sits on a corner you might have two (2) store fronts.

PUBLIC COMMENT:
Ms. Diana Gurley representing Souls Harbor. They are excited about this coming up and excited about what is going to happen in the neighborhood. She also mentioned that the addresses, 815, 817, 824, 827 and 915 S Main Street are all in favor of this action and belong to Souls Harbor.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-279, Staff Planning Report, P&Z Commission Minutes

CB 2020-279

Case 041-20: 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St. – A request to remove from District C-2 (Central Business District) and include in District C-2-HP (Central Business District Historic Preservation) for Sunshine Lamp Historic District expansion – City of Joplin

Mr. Thomas Walters, 602 S. Main, Joplin, MO, Staff for the Historic Preservation Commission. The property owners of the addresses just mentioned have voluntarily signed to proceed to be added to the local registry, specifically the Sunshine Lamp District Downtown Joplin. To be added to the local listing allows the Historic Preservation Commission to have a limited jurisdiction to review and approve the work done to the exterior of properties to approve prior to building permits being issued by the City of Joplin. This is done with the intent and purpose of maintaining the character and style of the neighborhood. It also allows for incentives such as the Community Development façade grant programs. Those funds are only available to properties within the district.

Mr. Eastman wanted to know how much of the Federal monies are left?

Mr. Walters stated Community Development uses an annual Action Plan allocation. Allocation is limited, as we spend it, we will allocate another funding round. We reimburse 50% up to total cost of $75,000 per store front. Mr. Ramsour stated that if it sits on a corner you might have two (2) store fronts.

Mr. Ramsour asked if there were any questions from the commissioners? There were not.

Ramsour asked if there was anyone that would like to speak in favor of this case?

Ms. Diana Gurley representing Souls Harbor. They are excited about this coming up and excited about what is going to happen in the neighborhood. She also mentioned that the addresses, 815, 817, 824, 827 and 915 S Main Street are all in favor of this action and belong to Souls Harbor.

Mr. Ramsour asked if there was anyone else that would like to speak in favor of this case? There was not.
Mr. Ramsour asked if there was anyone in opposition to the case? There was not.

MR. EASTMAN MOVED, SECONDED BY MS. STEELE THAT CASE 041-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 041-20 A request to rezone from C-2 (Downtown Commercial) to C-2-HP (Downtown Commercial Historic Preservation)

LOCATION 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St.

APPLICANT City of Joplin

EXISTING CONDITIONS

Zoning	Land Use	Property Size
C-2	Retail Commercial	Approx. 3 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-2	C-2/M-2	C-2	C-2/M-2
Land Use	Retail Commercial	Retail Commercial	Retail Commercial	Retail Commercial/Parking

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future retail commercial.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S. Main St.	Arterial	80'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be used for a retail commercial which is appropriate for Downtown.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of C-2 is suitable in this area. The current and intended future use as a retail commercial is consistent with the zoning.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to C2-HP overlay will not be detrimental to the nearby property. The overlay will not have any changes or restrictions in the use of nearly property.

DISCUSSION

This is the 6th expansion City is requesting of the Sunshine Lamp Historic District to include portions of the 800 & 900 blocks of Main St. This expansion will help protect current and future investments and offer financial incentives, through the City's Façade Improvement Program, to property owners in the district the make repairs to their building facades. The City will pay for half of the eligible building façade improvement up to $37,500. Written consent has been received by property owners within the proposed expansion and property owners who have not submitted consent to be included are not part of this expansion. Inclusion in the Sunshine Lamp District is voluntary.

Staff recommends approval of Case 041-20.

ATTACHMENTS

- Approval Letters from Property Owners
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 041-20
Filing Fee: $550.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: City of Joplin PHONE: 624-0820
ADDRESS: 602 S. Main Street ZIP: 64801

OWNER: See Attachments PHONE:
ADDRESS: ZIP:

LOCATION/ADDRESS OF PROPERTY: 800 & 900 blocks, see attachments

Present Zoning C-2 Requested Zoning: C2-HP Acreage: 4
Present Use of Property:

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	C-2
South	rail road	Rail road right of way
East	Commercial / vacant	M-2
West	Commercial / Parking lot	C-2

Character of the Neighborhood: Downtown Joplin

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? no
   If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? no
2. Consistent with Future Land Use Map? no

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Main Street
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: 75'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   no

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? no
2. Properly Sized Street Right-of-Way? no
3. Drainage Easements? no
4. Utility Easements:
   - Electricity? no
   - Gas? no
   - Sewers? no
   - Water? no
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

Expansion of the Sunshine Camp Historic District

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Thomas Walters DATE: 10-21-20

EMAIL: twalters@joplinmo.org

TITLE: City Planner

HISTORIC JOPLIN PRESERVATION COMMISSION

602 S Main Street, Joplin, MO 64801 (417)624-0820

HISTORIC PRESERVATION COMMISSION OF THE CITY OF JOPLIN

RESOLUTION NO. 20-02

WHEREAS, The Historic Preservation Commission of the City of Joplin is dedicated to preserving the rich history of Joplin for its current and future citizens; and

WHEREAS, The Historic Preservation Commission is dedicated to the revitalization of downtown Joplin, as it harbors the history and heritage of our great city; and

WHEREAS, The Historic Preservation Commission of the City of Joplin has participated in the process of placing downtown properties within the current Sunshine Lamp District on the National Register of Historic Places as a Commercial District; and

NOW THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the City of Joplin, as follows:

That the property on the following described real estate to-wit:

All of Lot Numbered 9 through 20 and 33 through 36 and north twenty five feet of lot 32 and lots 28 and 29 and north half of lot 27 in the Byers and Murphy's Addition to Murphysburg in the City of Joplin, Jasper County, Missouri;

be recommended by this Commission to be designated an "Historic District" under the definitions and requirements of Section 29 of Appendix 29-A (Zoning Code) of the Joplin City Code, and that this Resolution with the report and nomination form be sent to the Zoning and Planning Commission of the City of Joplin, and that the appropriate Ordinance designating above said property Zoning District "H" be adopted by the City Council of the City of Joplin.

PASSED BY THE **HISTORIC PRESERVATION COMMISSION** OF THE CITY OF JOPLIN, MISSOURI, this Fourteenth Day of September, 2020.

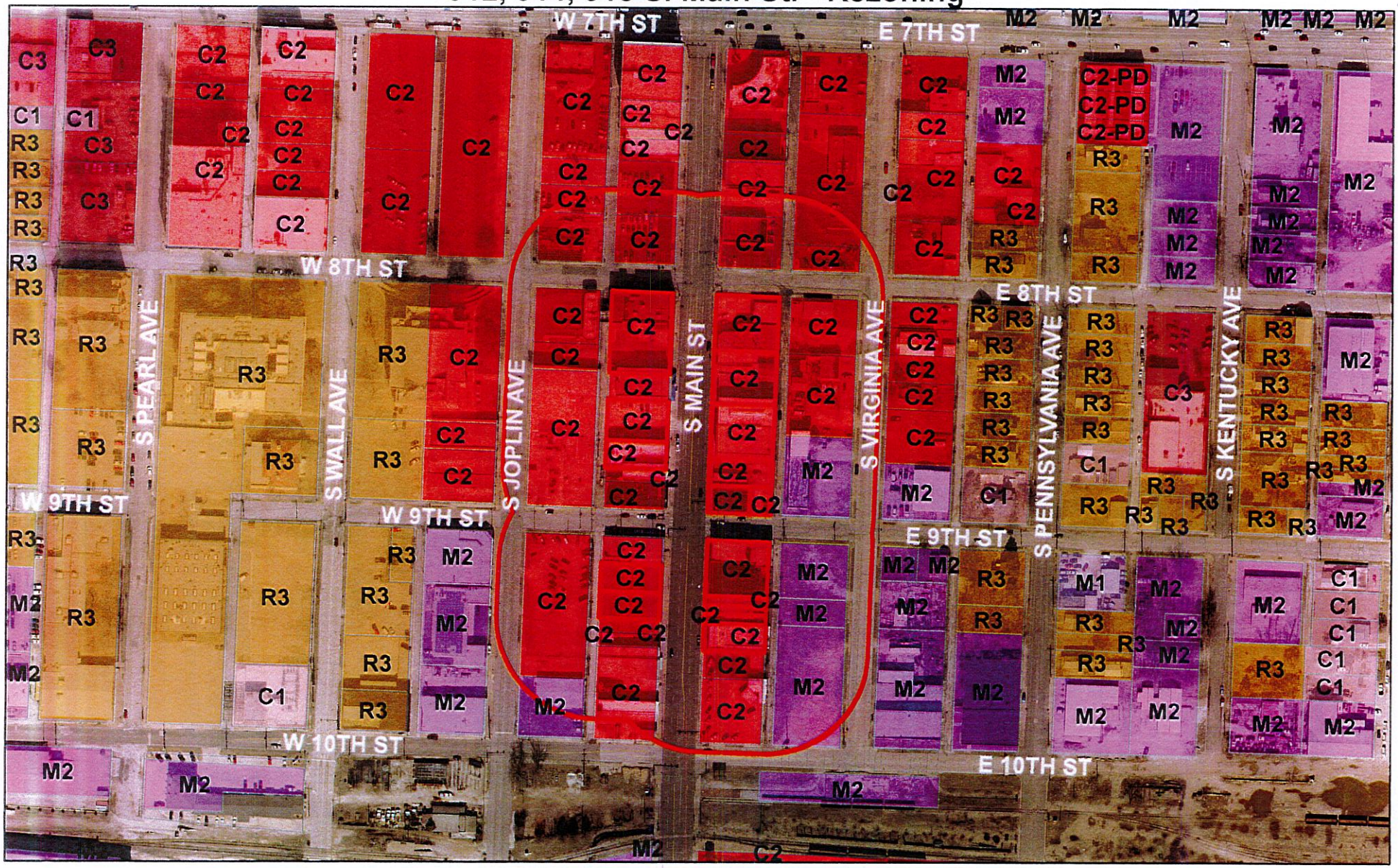
PASSED BY THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF JOPLIN, MISSOURI, THIS

_____ DAY OF September, 2020

_____

Jill Sullivan, Chairperson –Historic Preservation Commission, City of Joplin

Case 041-20: 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St. - Rezoning



Case 041-20:801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St. – A request to remove from District C-2 (Central Business District) and include in District C-2-HP (Central Business District Historic Preservation) for Sunshine Lamp Historic District expansion – City of Joplin

0 125 250 500 750 1,000 Feet

N

P & Z Case 041-20
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-279 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-2 and including in District C-2-HP property as described below and located 801, 802, 809, 813, 814, 815, 817, 824, 827, 829, 831, 833, 901, 906, 909, 911, 912, 914, 915 S. Main St., City of Joplin, Jasper County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District C-2-HP:

> All of Lots Numbered 9 through 20 and 33 through 36 and North Twenty-five feet of Lot 32 and Lots 28 and 29 and the North half of Lot 27 in the Byers and Murphy's Addition to Murphysburg in the City of Joplin, Jasper County, Missouri,

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-280-Rezone to District R-1-HP

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 042-20: Osborne Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

BACKGROUND:
The Historic Preservation Commission approved the cemetery for recommendation to the Planning and Zoning Commission on criteria:

1. Its character, interest, or value as part of the development heritage, or cultural characteristics of the community, county, state, or county.
2. Its location as a site of significant local, county, state or national event.
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county.
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
10. Suitability of preservation or restoration.

The overlay will not have any changes or restrictions in the use of nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Jill Sullivan, Chairperson for the Historic Preservation Commission, stated how the project came about is we had the idea to follow suit with other cities, such ask Kansas City, for example. There are four city cemeteries, but only three are coming before you today. Cemeteries are cultural wonders and reflect the broad spectrum of the heritage and values of the communities. Joplin cemeteries are reflections of our past. Cemeteries are visited most often by heritage tourists.

Mr. Ramsour had a question about two of the three, especially Osborne Cemetery. The land to the West is underdeveloped what happens if all that property is zoned R-1-HP and 30 years down the road someone wanted to take the Western half and put an office building or another hospital?

Mr. Stanton stated that it is presently zoned R-1 (Single Family Residential). If the city decided to sell off and unused portion of this land, they or a potential developer would have to rezone that portion of land to make it

useable. The HP overlay would not be beneficial to new development.

Mr. Ramsour wanted to know if you rezone this with the HP overlay does that make it more difficult to sell or to repurpose the land for another use.

Mr. Stanton stated it would not make it more difficult, unless someone wanted to develop a single-family residential neighborhood. In that case we would want them to rezone to R-1. For any other development that is beyond what is permitted in R-1, rezoning would need to take place whether the property is zoned R-1 or R-1-HP.

PUBLIC COMMENT;
None.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-280, Staff Planning Report, P&Z Commission Minutes

CB 2020-280

Case 042-20: Osborne Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

Ms. Jill Sullivan, Chairperson for the Historic Preservation Commission. I would like your permission to speak about all three of the cemeteries at once to save on time. There are some differences in the three cemeteries, but much is the same.

Mr. Ramsour and the Commission stated that would be fine to speak about all three at once.

Ms. Jill Sullivan stated how the project came about is we had the idea to follow suit with other cities, such ask Kansas City, for example. There are four city cemeteries, but only three are coming before you today. Cemeteries are cultural wonders and reflect the broad spectrum of the heritage and values of the communities. Joplin cemeteries are reflections of our past. Cemeteries are visited most often by heritage tourists.

Osborne and Parkway cemeteries were built around the same time. Osborne became official and opened in 1938, Parkway opened in 1933. All the stone for the gates, wall, and the entrance way were built by the city. They are architecturally significant and do have other significance and meet numerous criteria that is set by Preservation Commission.

Mr. Ramsour had a question about two of the three, especially Osborne Cemetery. The land to the West is underdeveloped what happens if all that property is zoned R-1-HP and 30 years down the road someone wanted to take the Western half and put an office building or another hospital?

Mr. Stanton stated that it is presently zoned R-1 (Single Family Residential). If the city decided to sell off and unused portion of this land, they or a potential developer would have to rezone that portion of land to make it useable. The HP overlay would not be beneficial to new development.

Mr. Ramsour wanted to know if you rezone this with the HP overlay does that make it more difficult to sell or to repurpose the land for another use.

Mr. Stanton stated it would not make it more difficult, unless someone wanted to develop a single-family residential neighborhood. In that case we would want them to rezone to R-1. For any other development that is beyond what is permitted in R-1, rezoning would need to take place whether the property is zoned R-1 or R-1-HP.

Mr. Ramsour asked if the Commissioners had any questions for Ms. Sullivan? They did not. Mr. Ramsour asked if there is anyone else to speak in favor of this case? There was not. Mr. Ramsour asked if there is anyone to speak in opposition of this case? There was not.

MS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 042-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 042-20 A request to rezone from R-1 (Single-family Residential) to R-1-HP (Single-family Residential Historic Preservation)

LOCATION Osborne Cemetery

APPLICANT City of Joplin

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Cemetery	Approx. 75 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-1/C-O-PD	R-1	Out of City Limits	Out of City Limits
Land Use	Office	Cemetery/Vacant	Single-family Residential	Vacant

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S McClelland Blvd	Arterial	70'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be used for a residential which is appropriate for continued use as a cemetery.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of R-1 is suitable in this area. The current and intended future use as a cemetery is consistent with the zoning.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R1-HP overlay will not be detrimental to the nearby property. The overlay will not have any changes or restrictions in the use of nearly property.

DISCUSSION

R1-HP overlay zoning at this location is appropriate considering current use as a cemetery and the property meeting the criteria for local landmark designation as reviewed and recommended for approval by the Historic Preservation Commission. The Commission approved the cemetery for recommendation to the Planning and Zoning Commission on criteria:

1. Its character, interest, or value as part of the development heritage, or cultural characteristics of the community, county, state, or county.
2. Its location as a site of significant local, county, state or national event.
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county.
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
10. Suitability or preservation or restoration.

Staff recommends approval of Case 042-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 042-20
Filing Fee: ~~$550.00~~
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: City of Joplin PHONE: 417-624-0820
ADDRESS: 602 S. Main Street ZIP: 64801

OWNER: City of Joplin PHONE:
ADDRESS: ZIP:

LOCATION/ADDRESS OF PROPERTY: Osborne Cemetery

Present Zoning R-1 Requested Zoning: R1-HP Acreage: 74
Present Use of Property: Cemetery

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	C-1, C-0
South	residential	out of City limits
East	Cemetery	R-1
West	residential	Out of City limits

Character of the Neighborhood:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? No
   If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? yes
2. Consistent with Future Land Use Map? yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: McClelland Blvd
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: 100'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   no

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? no
2. Properly Sized Street Right-of-Way? no
3. Drainage Easements? no
4. Utility Easements:
   - Electricity? no
   - Gas? no
   - Sewers? no
   - Water? no
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Thomas Walters DATE: 10-21-20

EMAIL: twalters@joplinmo.org

TITLE: City Planner

HISTORIC JOPLIN PRESERVATION COMMISSION

602 S Main Street, Joplin, MO 64801 (417)624-0820

HPC Case No. 2019-11

Meeting Date: 7-16-19

LOCAL LANDMARK NOMINATION FORM

LOCATION

Address: 33rd & McClelland Blvd. (west side), Joplin, MO, 64804

Property Name (historic or common): Jesse F. Osborne Memorial Cemetery

OWNER INFORMATION

Name: City of Joplin, Missouri

Phone: 417-624-0820

Address: 602 S. Main St., Joplin, MO 64801

FORM PREPARED BY (if other than owner)

Name: Jill Sullivan

Phone: 417-365-1420

Address: 721 N. Sergeant Ave., Joplin, MO 64801

Relationship to Owner: Commissioner, Joplin Historic Preservation Commission

*A notarized letter of consent from the legal owner is required.

CLASSIFICATION

Present Use: Cemetery

Historic Use (if known): Cemetery

Public or Private: Public

Occupied or Unoccupied: N/A

ARCHITECTURAL and PHYSICAL DESCRIPTION (attach a separate sheet if needed)

Construction Date: Established 1938

Architect and/or Builder (if known): City of Joplin, FERA, and WPA

Building Materials (foundation, walls, roof, etc.): The fence and gate are made of native stone; the information kiosks are made of wood; tombstone and monument materials vary.

Architectural Style: This cemetery does not adhere to any one specific architectural style, but, through the headstones, illustrates varying architecture types, as noted in the Cemetery Survey

Form included in the supporting documentation for this nomination. **Please see Cemetery Survey Form in supporting documentation.**
Site Description (property and surrounding area): Newton County, Township 27, Range 33, Section 21. The cemetery's terrain is sloping. The cemetery has a FERA/WPA-era native stone entryway and is surrounded by a stone fence/wall of that same era. The surrounding area includes development, such as bank, hospital, offices, etc. **Please see copies of original Plat filings in supporting documentation.**

HISTORICAL SIGNIFICANCE

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country: Cemeteries are cultural wonders in their own right that reflect the broad spectrum of the heritage and the values of the communities in which they lay. Indeed, Joplin's cemeteries are reflections of the settling of our city. Like our historic architecture and landmark sites, our historic cemeteries are important factors in the telling of the development, values, and cultural character of our city. Additionally, cemeteries may be considered a facet of Heritage Tourism, defined as "traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past." Cemeteries are among the places visited often by heritage tourists, illustrating that people have a deep interest in learning about the past through cemeteries. **Please see Attachment A.**

2. Its location as a site of a significant local, county, state, or national event: The creation and early maintenance of Osborne Cemetery came about as the result of an unfortunate event—the Great Depression (1929-39). At a time when work was scarce, first the Federal Emergency Relief Administration (FERA) and then the Works Progress Administration (WPA) put people to work in Joplin. Osborne's native rock entranceway and native rock stone walls were created as result of this federal program. Thus, Osborne Cemetery is part of the nation-wide legacy left by the national FERA/WPA program. **Please see Attachment A.**

3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country: The most prominent person associated with the Jesse F. Osborne Memorial Cemetery is the namesake himself, Jesse F. Osborne. Osborne was a beloved community leader who was elected mayor of Joplin five times, more than any other mayor, and considered an outstanding political leader throughout Jasper County and southwest Missouri. Having started his political career in the 1890s, Osborne contributed significantly to the early development of our community. In fact, he was serving as mayor at the time of his death, in 1926. When officials at City Hall learned of his death, flags over city buildings were immediately lowered to half-mast. Osborne is buried in Joplin's historic Fairview Cemetery, as that

was the only city cemetery at that time. City Council chose to name this cemetery the Jesse F. Osborne Memorial Cemetery in 1938. At the time of their decision, then-Mayor, Orville P. Mahoney, said, "He would not permit a memorial to be created for him in his lifetime and I think it entirely proper and fitting that we create the memorial after his death." Among those interred at Osborne are veterans from the Spanish-American War, both World Wars, Korea, and Vietnam. Also, members of the Masons, the Order of the Eastern Star, Oddfellows, Shriners, Woodsman, and law enforcement are buried in Osborne Cemetery. **Please see Attachment A.**

4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials: The native stone walls and native stone entryway at Osborne Cemetery are an embodiment of FERA/WPA architecture and are valuable for the study of the architectural legacy left by that federal program.

5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of a community, county, state, or country: N/A

6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant: Like other cemeteries in Joplin (and cemeteries in general), the design, detailing, materials, and craftsmanship of the monuments within Osborne Cemetery embody a variety of architecturally significant types. For example, the FERA/WPA-era native stone entranceway and fence/wall. Further examples include the headstones/monuments themselves, the materials from which they are made, and the detail and decorative carvings found on them. Municipal cemeteries, such as Osborne, are meant to be useful to generations of residents and to reflect the tastes and values of the public in general. Thus, the entirety of the monuments within will not adhere to *one* particular style or type; rather they are a collection of the embodiments of different styles and types. In Osborne, one may find monuments comprised of materials that were in common use at the time the monuments were made, including metals (bronze and zinc) and stone (granite and marble). A wide variety of religious, military, and other decorative carvings are found on Osborne's monuments. In Osborne, some monument types include die in socket, die on base, lawn markers, plaques, urn, architectural forms, statuaries, and a columbarium.

7. Its embodiment of design elements that make it structurally or architecturally innovative: N/A

8. Its unique location or singular physical characteristics that make it an established or familiar visual feature: N/A

9. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance: N/A

10. Its suitability for preservation or restoration: Osborne Cemetery is well-suited for preservation and, as needed, restoration. Osborne, like the other city-owned cemeteries, is maintained by the Parks and Recreation Department of the City of Joplin. This department has performed ongoing maintenance and restoration at Osborne since its establishment. Creating a Local Historic Landmark District for Joplin's cemeteries does not alter the city's current commitment to maintaining its public cemeteries. **Please see Cemetery Survey Form in Attachment D – Supporting Documents for further details on physical condition of tombstones, markers, and monuments.**

(*Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration. Ord. No. 86-31, ' 1, 3-17-86*)

SUPPORTING DOCUMENTS

A. Bibliography – Please provide a list of all sources used to complete this nomination form. **Please see Attachment B.**
B. Photographs – Please provide current photographs of the property, as well as historic photographs (if available). **Please see Attachment C.**
C. Any other sources (such as maps, newspaper clippings, etc.) that help support the nomination as a local historic landmark. **Please see Attachment D.**

Please submit completed nomination forms to:

Planning & Community Development
Joplin City Hall
602 S. Main Street
Joplin, MO 64801

Please sign below once the nomination form is complete and ready for submittal:

Printed Name: Jill Sullivan

Signature: Jill Sullivan

Date: 28 June 2019

ATTACHMENT A – HISTORY

History of Jesse F. Osborne Memorial Cemetery *(Note: This history is derived from the attached supporting documentation.)*

Contrary to popular belief, the Jesse F. Osborne Memorial Cemetery, henceforth referred to simply as Osborne Cemetery, was not open to the public any earlier than 1938. Osborne Cemetery became the City of Joplin's third public, city-owned cemetery, with Fairview Cemetery being its first (1873) and Parkway Cemetery being its second (1933).

In 1931, Joe H. Myers, then Commissioner of Public Property and Public Utilities, realized that Fairview Cemetery would soon be full and considered plans for establishing a new cemetery on the new cemetery tract that ran along the east and west sides of McClelland park road. This cemetery tract eventually became two cemeteries—Parkway (east) and Osborne (west). Although this tract of land is commonly thought to have been donated to the city by the Osborne family, it was, in fact, purchased by the city during one of former Mayor Jesse F. Osborne's administrations, around 1922.

In the early 1930s, the city began developing the McClelland park road cemetery tracts, with Parkway Cemetery opening in 1933. Although preparations were being made as early as 1935 to open Osborne Cemetery, it wasn't until 1937 that Council began seeking a name for the new cemetery. In 1938, Council announced that the new city cemetery was named the Jesse F. Osborne Memorial Cemetery in his honor because "the tract of land converted into the cemetery was purchased by the city while Osborne was mayor and he promoted the project." They announced, too, that the newly-named, city-owned Osborne Cemetery was now, finally, open for public use.

In early 1939, soldiers' plots were dedicated for the American Legion, the United Spanish War Veterans, and the Veterans of Foreign Wars. By mid-1939, the WPA (formerly FERA) was still working on the cemetery's stone wall and entrance. In 1940, The Robert S. Thurman American Legion Post and George Klingman donated a 75-foot flagpole to be placed in the cemetery.

Osborne Cemetery has an extensive military section, with veterans of varying ranks who served in World War I, World War II, Korea, and Vietnam. Additionally, members of the Masons, Oddfellows, the Order of the Eastern Star, Shriners, and Woodsman are interred at Osborne. Uniquely, Osborne has a "Babyland" monument (see Attachment C – Photographs).

Interestingly, Osborne Cemetery records list the earliest burials in 1852, 1854, 1857, 1875, and 1877, prior to the time the tract was developed as a cemetery. All other burials in the cemetery, however, took place from 1938—the year which Osborne was, in fact, established as

a city-owned cemetery—onward. It's not uncommon for cemeteries to be developed in an area where older burials took place, which could explain the existence of gravesites dated prior to the time Osborne was developed.

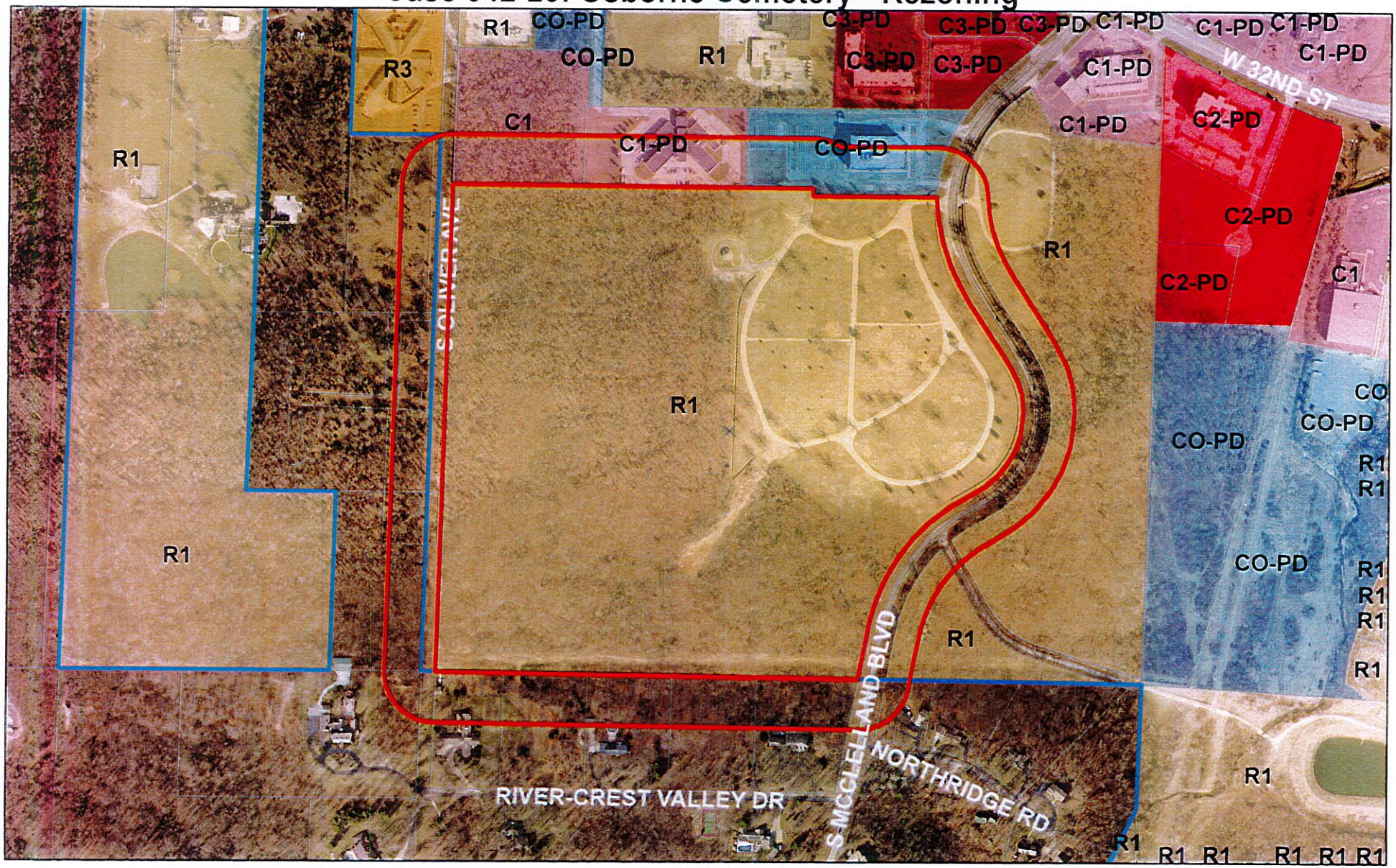
Persons of Note *Either* Interred at *or* Associated with Osborne Cemetery *(Note: This list is a work in progress rather than a comprehensive list.)*

- Osborne, Jesse F. – Community leader, former mayor, lawyer, realtor The Jesse F. Osborne House is listed as a Local Landmark.

Veterans Interred at Osborne Cemetery

- Spanish-American War
- World War I
- World War II
- Korea
- Vietnam

Case 042-20: Osborne Cemetery - Rezoning



Case 042-20: Osborne Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

0 255 510 1,020 1,530 2,040 Feet

N

P & Z Case 042-20
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-280 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Osborne Cemetery, City of Joplin, Newton County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District R-1-HP:

That part of the Northeast Quarter of Section 21, Township 27, Range 33, Newton County, Missouri, lying South of 32nd Street and West of McClelland Boulevard. EXCEPT All of a tract of land located in the Northeast Quarter of Section 21, Township 27 North, Range 33 West, Newton County, Missouri and described as follows: Beginning at the Northeast corner of Section 21, Township 27 North, Range 32 West, Newton County, Missouri; thence South 1°28'West along the East line of said Section 186.41 feet, more or less, to a point on the Northeast right of way line of proposed 32nd Street relocation; thence at an angle to the right of 118°55'30" (bearing North 59°36'30"West) a distance of 80.92 feet to a point on the Northeast right of way line of proposed 32nd Street relocation (100 feet Southeasterly from the Southeast right of way line of McClelland Boulevard); thence at an angle to the right of 39°56'30" (bearing North 19°40'West) a distance of 129.47 feet to a point on the Southeast right of way line of McClelland Boulevard and 150 feet Northeasterly from the center line of proposed 32nd Street relocation; thence at an angle to the right of 47°59'30" (bearing North 28°19'30"East) a distance of 26.58 feet to a point on the North line of said Section 21; thence at an angle to the right of 61°40'30" (bearing North 90°East) a distance of 105.5 feet, more or less to the point of beginning. AND EXCEPT Beginning at a point 634 feet East and 50 feet South of the Northwest corner of the Northeast Quarter of Section 21, Township 27 North, Range 33 West; thence East 870 feet parallel to the North line of said Northeast Quarter of said Section; thence South 500 feet parallel to the West line of said Northeast Quarter of said Section; thence West 870 feet, parallel to the North line of said Northeast Quarter of said Section; thence North 500 feet parallel to the West line of said Northeast Quarter of said Section to the point of beginning. All within the North Half of the Northeast Quarter of Section 21, Township 27 North, Range 33 West, Newton County, Missouri. AND EXCEPT A tract of land in the Northwest Quarter of the Northeast Quarter of Section 21, Township 27 North, Range 33 West, in the city of Joplin, Newton County, Missouri, being more particularly described as follows: Commencing at a 60d nail found at the North Quarter corner of Section 21, Township 27 North, Range 33 West, Newton County, Missouri; thence South 01°19'14"West 50.01 feet along the West line of the Northwest Quarter of the Northeast Quarter of said Section 21; thence East 25.01 feet to a 5/8 inch iron pin set at the intersection of the South right of way line of 32nd Street and the East right of way line of Oliver Avenue, for the true point of beginning; thence East 300.00 feet along the South right of way line of 32nd Street to a 5/8 inch iron pin set at the Northeast corner of the tract; thence South 01°19'14"West 300.00 feet to a 5/8 inch iron pin set at the Southeast corner of the tract; thence West 300.00 feet to a 5/8 inch iron pin set at the Southwest corner of the tract and the East right of way line of Oliver Avenue; thence North 01°19'14"East 300.00 feet along the East right of way line of Oliver Avenue to

the true point of beginning. AND EXCEPT A tract of land located in the Northeast Quarter of Section 21, Township 27, Range 33, in the city of Joplin, Newton County, Missouri and described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Northeast Quarter; thence South 01°42'35"West along the West line of said Northeast Quarter, a distance of 50.01 feet; thence South 89°36'28"East and parallel with the North line of said Northeast Quarter a distance of 1504.01 feet to the point of beginning of the tract to be described; thence continuing South 89°36'28"East and parallel with said North line a distance of 377.53 feet; thence on a curve to the right having a radius of 905.37 feet, a chord bearing of South 79°12'25"East a chord distance of 326.26 feet, an arc distance of 328.06 feet, thence South 06°25'38"East a distance of 121.77 feet to a point on the West right of way line of McClelland Boulevard; thence on a curve to the right, along said West right of way line, having a distance of 1292.44 feet, a chord bearing of South 46°56'48"West a chord distance of 179.41 feet, an arc distance of 179.56 feet; thence continuing along said West right of way line South 50°47'10"West a distance of 111.62 feet; thence continuing along said West right of way line on a curve to the left having a radius of 624.78 feet, a chord bearing of South 26°59'20"West, a chord distance of 504.89 feet, an arc distance of 519.75 feet; thence North 89°36'28"West and parallel with said North line of the Northeast Quarter, a distance of 444.92 feet; thence North 00°23'33"East a distance of 29.00 feet; thence North 89°36'28"West and parallel with said North line of the Northeast Quarter, a distance of 244.00 feet; thence North 01°42'35"East and parallel with the West line of said Northeast Quarter, a distance of 297.02 feet; thence South 89°36'28"East and parallel with said North line of the Northeast Quarter, a distance of 400.00 feet; thence North 01°42'35"East and parallel with the West line of said Northeast Quarter, a distance of 500.00 feet to the point of beginning. AND EXCEPT Part of the Northeast Quarter of Section 21, Township 27, Range 33, city of Joplin, Newton County, Missouri, described as: Commencing at the Northwest corner of the Northeast Quarter of said Section 21; thence South 01°42'35"West along the West line of said Northeast Quarter 50.01 feet; thence South 89°36'28"East and parallel with the North line of said Northeast Quarter 534.01 feet to the true point of beginning; thence continuing South 89°36'28"East 100.00 feet; thence South 00°41'30"West 500.00 feet; thence North 89°36'28"West 100.00 feet; thence North 00°41'30"East 500.00 feet to the true point of beginning. AND EXCEPT Part of the Northeast Quarter of Section 21, Township 27, Range 33, city of Joplin, Newton County, Missouri, described as: Commencing at the Northwest corner of the Northeast Quarter of said Section 21; thence South 01°42'35"West along the West line of said Northeast Quarter 50.01 feet; thence South 89°36'28"East and parallel with the North line of said Northeast Quarter 1404.01 feet to the true point of beginning; thence continuing South 89°36'28"East 100.00 feet; thence South 00°41'30"West 500.00 feet; thence North 89°36'28"West 100.00 feet; thence North 00°41'30"East 500.00 feet to the true point of beginning. AND EXCEPT Commencing at the Northwest corner of the Northeast Quarter of Section 21, Township 27, Range 33, in the city of Joplin, Newton County, Missouri, thence South 89°36'28"East 325.0 feet along the North line of said Section; thence South 01°42'35"West 60.0 feet to the point of beginning; thence South 89°36'28"East 209.0 feet; thence South 01°42'35"West 290.0 feet; thence North 89°36'28"West 209.0 feet; thence North 01°42'35"East 290.0 feet to the point of beginning. AND EXCEPT Commencing at the Northwest corner of the Northeast Quarter of Section 21, Township 27, Range 33, in the city of Joplin, Newton County, Missouri, thence South 01°42'35"West along the West line of the Northeast Quarter of said Section 50.01 feet; thence South 89°36'28"East and parallel with the North line of said section 1504.01 feet to a point on the South right of way of West 32nd Street; thence South 01°42'35"West 500.00 feet; thence North 89°36'28"West 400.00 feet to the point of beginning; thence South 01°42'35"West 297.00 feet; thence North 89°36'28"West 586.67 feet; thence North 01°42'35"East 297.00 feet; thence South 89°36'28"East 586.67 feet to the point of beginning. AND EXCEPT A portion of the Northeast Quarter of Section 21, Township 27 North, Range 33 West, in the city of Joplin, Newton County, Missouri, described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 21, Township 27 North, Range 33 West, in the city of Joplin, Newton County, Missouri; thence South 01°42'35"West along the West line of the Northeast Quarter of said section 50.01 feet; thence South 89°36'28"East and parallel with the North line of said section 1504.01 feet to a point on the South right of way of West 32nd Street; thence South 01°42'35"West 500.00 feet; thence North 89°36'28"West 986.67 feet to the point of beginning; thence South 01°42'35"West 297.00 feet; thence North 89°36'28"West 517.34 feet; thence North

01°42'35"East 500 feet; thence South 89°36'28"East 517.34 feet; thence South 01°42'35"West 203 feet to the point of beginning.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-281-Rezone to District R-1-HP

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 043-20: Parkway Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin.

BACKGROUND:
The Historic Preservation Commission approved the cemetery for recommendation to the Planning and Zoning Commission on criteria:

1. Its character, interest, or value as part of the development heritage, or cultural characteristics of the community, county, state, or county.
2. Its location as a site of significant local, county, state or national event.
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county.
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
10. Suitability of preservation or restoration.

The overlay will not have any changes or restrictions in the use of nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Sullivan stated that Parkway Cemetery is associated with many members of our local African American Community who contributed significantly to greater Joplin, such as Melissa and Charles Cooper, The Meeks family, Ms. Susie Mae Reeves, Dr. Harold E. Brazil, who was a Tuskegee Airman. It also is architecturally significant and does have other significance and meets numerous criteria that is set by Preservation Commission.

PUBLIC COMMENT;
None.

FUNDING SOURCE;
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-281, Staff Planning Report, P&Z Commission Minutes

CB 2020-281

Case 043-20: Parkway Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

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Mr. Ramsour asked if the Commissioners had any questions for Ms. Sullivan? They did not. Mr. Ramsour asked if there is anyone else to speak in favor of this case? There was not. Mr. Ramsour asked if there is anyone to speak in opposition of this case? There was not.

MR. MCCULLOUGH MOVED, SECONDED BY MR. KIMBLE THAT CASE 043-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 043-20 A request to rezone from R-1 (Single-family Residential) to R-1-HP (Single-family Residential Historic Preservation)

LOCATION Parkway Cemetery

APPLICANT City of Joplin

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Cemetery	Approx. 25 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-1-PD	C-O-PD/C-2-PD	R-1	R-1
Land Use	Office/Banking	Vacant	Single-family Residential	Cemetery

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future single-family residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
S McClelland Blvd	Arterial	70'

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be used for a residential which is appropriate for continued use as a cemetery.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of R-1 is suitable in this area. The current and intended future use as a cemetery is consistent with the zoning.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R1-HP overlay will not be detrimental to the nearby property. The overlay will not have any changes or restrictions in the use of nearly property.

DISCUSSION

R1-HP overlay zoning at this location is appropriate considering current use as a cemetery and the property meeting the criteria for local landmark designation as reviewed and recommended for approval by the Historic Preservation Commission. The Commission approved the cemetery for recommendation to the Planning and Zoning Commission on criteria:

1. Its character, interest, or value as part of the development heritage, or cultural characteristics of the community, county, state, or county.
2. Its location as a site of significant local, county, state or national event.
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county.
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
10. Suitability or preservation or restoration.

Staff recommends approval of Case 043-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 043-20
Filing Fee: $550.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: City of Joplin PHONE: 417-624-0820
ADDRESS: 602 S. Main Street ZIP: 64801

OWNER: City of Joplin PHONE:
ADDRESS: ZIP:

LOCATION/ADDRESS OF PROPERTY: Parkway Cemetery

Present Zoning R-1 Requested Zoning: R1-HP Acreage: 25
Present Use of Property: Cemetery

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	C1-PD
South	Residential	Out of City Limits
East	Hospital	CO-PD
West	Cemetery	R1

Character of the Neighborhood:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? no
   If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? yes
2. Consistent with Future Land Use Map? yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: McClelland Blvd
2. Classification of Street(s):
   Arterial x Collector _____ Local _____
3. Right-of-Way Width: 100'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   no

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? no
2. Properly Sized Street Right-of-Way? no
3. Drainage Easements? no
4. Utility Easements:
   - Electricity? no
   - Gas? no
   - Sewers? no
   - Water? no
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Thom Walters DATE: 10-21-20

EMAIL: twalters@joplinmo.org

TITLE: City Planner

HISTORIC JOPLIN PRESERVATION COMMISSION
602 S Main Street, Joplin, MO 64801 (417)624-0820

HPC Case No. 2019-10

Meeting Date: 7-16-19

LOCAL LANDMARK NOMINATION FORM

LOCATION

Address: 33rd & McClelland Blvd. (east side), Joplin, MO, 64804

Property Name (historic or common): Parkway Cemetery

OWNER INFORMATION

Name: City of Joplin, Missouri

Phone: 417-624-0820

Address: 602 S. Main St., Joplin, MO 64801

FORM PREPARED BY (if other than owner)

Name: Jill Sullivan

Phone: 417-365-1420

Address: 721 N. Sergeant Ave., Joplin, MO 64801

Relationship to Owner: Commissioner, Joplin Historic Preservation Commission

*A notarized letter of consent from the legal owner is required.

CLASSIFICATION

Present Use: Cemetery

Historic Use (if known): Cemetery

Public or Private: Public

Occupied or Unoccupied: N/A

ARCHITECTURAL and PHYSICAL DESCRIPTION (attach a separate sheet if needed)

Construction Date: Established 1933

Architect and/or Builder (if known): City of Joplin, FERA, and WPA

Building Materials (foundation, walls, roof, etc.): The fence and gate are made of stone; the picnic tables are made of cement; the information kiosk is made of wood; tombstone materials vary.

Architectural Style: This cemetery does not adhere to any one specific architectural style, but, through the headstones, illustrates varying architecture features, as noted in the Cemetery Survey Form included in the supporting documentation for this nomination. **Please see Cemetery Survey Form in supporting documentation.**

Site Description (property and surrounding area): Newton County, Township 27, Range 33, Section 21. The cemetery's terrain slopes into a wooded area. FERA/WPA-era picnic tables and large, lush lawn to the south of the cemetery plots. Cemetery has a FERA/WPA-era stone entranceway and is surrounded by a stone fence/wall of that same era. The surrounding area includes development, such as bank, hospital, offices, etc. **Please see copies of original Plat filings in supporting documentation.**

HISTORICAL SIGNIFICANCE

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country: Cemeteries are cultural wonders in their own right that reflect the broad spectrum of the heritage and the values of the communities in which they lay. Indeed, Joplin's cemeteries are reflections of the settling of our city. Like our historic architecture and landmark sites, our historic cemeteries are important factors in the telling of the development, values, and cultural character of our city. Additionally, cemeteries may be considered a facet of Heritage Tourism, defined as "traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past." Cemeteries are among the places visited often by heritage tourists, illustrating that people have a deep interest in learning about the past through cemeteries. Additionally, Parkway Cemetery is unique in that it reflects a portion of our community that is historically marginalized and under-represented—Joplin's black community. Parkway Cemetery is an integral part of Joplin's history, especially Black History, as it is a monument to Joplin's black community. Not only is Parkway the first and only cemetery designed for exclusive use by Joplin's black citizens, but it served as a community gathering place during a time when black people and African Americans – locally, regionally, and nationally – had very few options available to them due to segregation in America. This important community aspect of Parkway is illustrated in the very layout of the cemetery grounds, which originally included camping and picnic areas. Also, these characteristics of Parkway are highlighted and documented in oral histories collected from and/or told by members of Joplin's black community. The large, lush lawn and picnic tables to the south of the cemetery are still available for use today. **Please see Attachment A.**

2. Its location as a site of a significant local, county, state, or national event: The creation and early maintenance of Parkway came about as the result of an unfortunate event—the Great Depression (1929-39). At a time when work was scarce, first the Federal Emergency Relief Administration (FERA) and then the Works Progress Administration

(WPA) put people to work in Joplin. Parkway's entranceway, stone walls, and picnic tables were created as result of this federal program. Thus, Parkway Cemetery is part of the nation-wide legacy left by the national FERA/WPA program. **Please see Attachment A.**

3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country: Parkway Cemetery is associated with numerous activists, boundary-breakers, church leaders, civic/community leaders, educators, law enforcement officers, war veterans, and others who are either interred at the cemetery or are the family and friends of those who are. Examples include, though are not limited to, Melissa and Charles Cuther; the Meeks family; Ms. Susie May Reaves; Dr. Harold E. Brazil (a Tuskegee Airman); veterans from both World Wars, Korea, and Vietnam; and founders and former members of numerous civic groups. Additionally, Parkway is associated with current members of Joplin's black community who continue to preserve Parkway's legacy, such as Ms. Betty Smith. **Please see Attachment A.**

4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials: The native stone walls, native stone entryway, and the cement picnic tables at Parkway Cemetery are an embodiment of FERA/WPA architecture and are valuable for the study of the architectural legacy left by that federal program.

5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of a community, county, state, or country: N/A

6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturallysignificant: Like other cemeteries in Joplin (and cemeteries in general), the design, detailing, materials, and craftsmanship of the monuments within Parkway Cemetery embody a variety of architecturally significant types. For example, the FERA/WPA-era stone entranceway, fence/wall, and picnic tables. Further examples include the headstones/monuments themselves, the materials from which they are made, and the detail and decorative carvings found on them. Municipal cemeteries, such as Parkway, are meant to be useful to generations of residents. Thus, the entirety of the monuments within will not adhere to *one* particular style or type. Within Parkway, one may find monuments comprised of materials that were in common use at the time the monuments were made, including metals, stones, concrete, and homemade. A wide variety of religious, military, and other decorative carvings are found on Parkway's monuments. In Parkway, some monument types include die in socket, die on base, lawn markers, and plaques.

7. Its embodiment of design elements that make it structurally or architecturally innovative: N/A

8. Its unique location or singular physical characteristics that make it an established or familiar visual feature: N/A

9. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance: N/A

10. Its suitability for preservation or restoration: Parkway Cemetery is well-suited for preservation and, as needed, restoration. Parkway, like the other city-owned cemeteries, is maintained by the Parks and Recreation Department of the City of Joplin. This department has performed ongoing maintenance and restoration at Parkway since its establishment. Creating a Local Historic Landmark District for Joplin's cemeteries does not alter the city's current commitment to maintaining its public cemeteries. **Please see Cemetery Survey Form in Attachment D – Supporting Documents for further details on physical condition of tombstones, markers, and monuments.**

(*Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration. Ord. No. 86-31, ' 1, 3-17-86*)

SUPPORTING DOCUMENTS

A. Bibliography – Please provide a list of all sources used to complete this nomination form. **Please see Attachment B.**
B. Photographs – Please provide current photographs of the property, as well as historic photographs (if available). **Please see Attachment C.**
C. Any other sources (such as maps, newspaper clippings, etc.) that help support the nomination as a local historic landmark. **Please see Attachment D.**

Please submit completed nomination forms to:

Planning & Community Development
Joplin City Hall
602 S. Main Street
Joplin, MO 64801

Please sign below once the nomination form is complete and ready for submittal:

Printed Name: Jill Sullivan

Signature: Jill Sullivan

Date: 28 June 2019

ATTACHMENT A – HISTORY

History of Parkway Cemetery *(Note: This history is derived from the attached supporting documentation.)*

Prior to the establishment of Parkway Cemetery, Joplin's citizens - black, white, and others - were buried in the only city-owned cemetery, Fairview Cemetery. In 1931, Joe H. Myers, then Commissioner of Public Property and Public Utilities, realized that Fairview Cemetery would soon be full and considered plans for establishing a new cemetery on the new cemetery tract that ran along the east and west sides of McClelland park road. This cemetery tract eventually became two cemeteries—Parkway (east) and Osborne (west). Although this tract of land is commonly thought to have been donated to the city by the Osborne family, it was, in fact, purchased by the city during one of former Mayor Jesse F. Osborne's administrations, around 1922.

In May 1932, a committee of Joplin's Colored Citizens' Club requested that Commissioner Myers set aside a portion of the newly considered city cemetery exclusively for use by Joplin's black citizens. Myers agreed and, in 1933, announced plans to develop the east side of the McClelland park road cemetery tract solely for use by Joplin's black citizens. Also at that time, Myers let it be known that the black plot in Fairview Cemetery was full and the city was no longer able to accommodate the burial of black persons in that cemetery (though accommodations were still being made for white persons in a new addition).

In April 1933, work began to clear the east side of the McClelland park road cemetery tract for exclusive use by Joplin's black community. Later that same year, in August, the city commission (i.e. Council) chose 'Parkway Cemetery' as the official name for the new all-black cemetery. It is not known why, exactly, the Council chose the name 'Parkway' for the new cemetery. While the east side of the McClelland park road tract was developed as an all-black cemetery, the tract on the west side was reserved for later development for use by white persons.

Although the city-owned Parkway Cemetery opened to Joplin's black citizens in 1933, the earliest tombstone burial date reads 1932. According to the city's cemetery records, Joseph Stover was initially interred at Fairview Cemetery in 1932, where he was then disinterred and reinterred at Parkway Cemetery upon Parkway's opening, in 1933. Parkway Cemetery has been in use since 1933 and continues to be in use today.

In addition to serving as a burial ground for Joplin's black citizens, Parkway Cemetery historically served as a gathering place for black families during a time when black people had very few choices for gathering spaces. According to local oral histories from those within Joplin's black community, funerals and celebrations of life were all-day events. Family and

friends traveled from afar and used the lawn to the south of the cemetery as camping and picnic grounds. Thus, Parkway Cemetery offered an integral space for fellowship among black people and African-Americans during unfortunate times of segregation in America.

Among those interred at Parkway are veterans from World Wars I and II, the Korean War, and Vietnam; former law enforcement officers; members of the Masons and the Order of the Eastern Star; and citizens who contributed significantly to the development of Joplin's black community and the community at large, such as Melissa and Charles Cuther, and other early educators, entrepreneurs, leaders, and others.

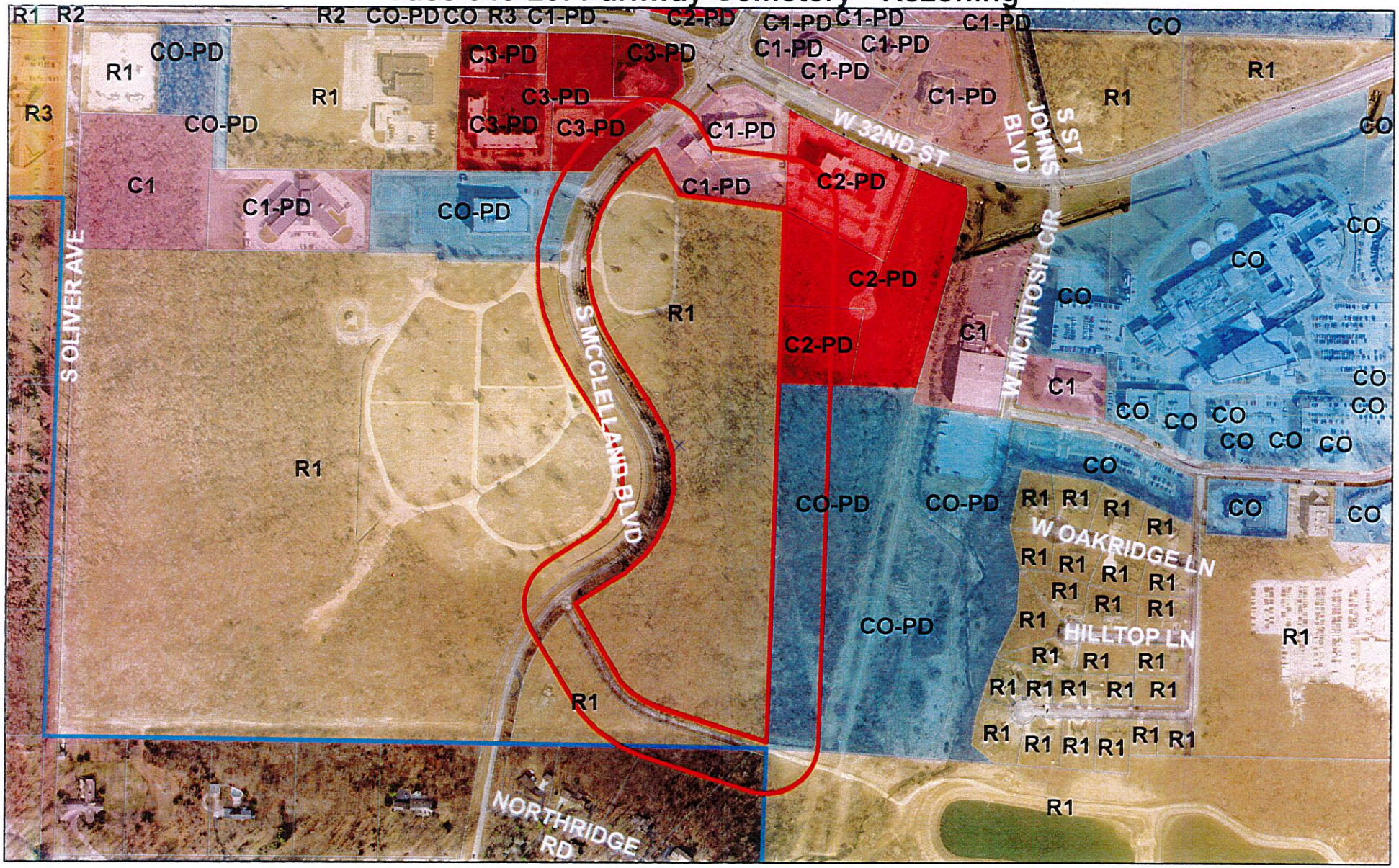
Persons of Note *Either* Interred at *or* Associated with Parkway Cemetery *(Note: This list is a work in progress rather than a comprehensive list.)*

- Brazil, Harold E. – Tuskegee airman
- Carr, Ernestine – First African American surgical nurse, community leader
- Cuther, Charles and Melissa – Community leaders, boundary-breakers
- Gray, Betty Robinson – Educator, community leader
- Harlow, J.F. – Instrumental in establishment of the cemetery
- Jones, James – Instrumental in establishment of the cemetery
- Meeks, Thelma – Educator, community leader
- Reaves, Susie May – Activist, advocate, community leader
- Smith, Betty – Activist, advocate, community leader, historian
- Stover, Joseph – Veteran (first interred at Fairview, disinterred and reinterred at Parkway)

Veterans Interred at Parkway Cemetery

- World War I
- World War II
- Korea
- Vietnam

Case 043-20: Parkway Cemetery - Rezoning



Case 043-20: Parkway Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

0 255 510 1,020 1,530 2,040 Feet

N

P & Z Case 043-20
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-281 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Parkway Cemetery, City of Joplin, Newton County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District R-1-HP:

That part of the East Half of the Northeast Quarter of Section 21, Township 27, Range 33, Newton County, Missouri, lying South of 32nd Street and East of McClelland Boulevard, EXCEPT Commencing at the Northeast corner of Section 21, Township 27, Range 33, in the City of Joplin, Newton County, Missouri; thence South 1°26' West along the East line of Section 21, 300.22 feet to a point being 50.0 feet squarely off the center line of 32nd Street and the point of beginning; thence North 63°26'West parallel with the centerline of 32nd Street 177.97 feet; thence South 78°39'West 98.88 feet to a point on the East right of way of McClelland Boulevard; thence Southwesterly along the East right of way of McClelland Boulevard on a chord bearing South 45°31'West a distance of 315.26 feet; thence South 23°32'10"East 167.50 feet; thence South 80°21'40"East 410.37 feet to a point on the East line of and 683.38 feet South of the Northeast corner of Section 21; thence North 1°26'East 383.16 feet to the point of beginning. (Freeman/Arvest) AND EXCEPT All of a tract of land described as commencing at the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 21, Township 27, Range 33, in the city of Joplin, Newton County, Missouri, thence North 89°51'36"West along the South line of said Southeast Quarter of the Northeast Quarter 163.56 feet to the point of beginning; thence North 89°51'36"West along the South line of said Southeast Quarter of the Northeast Quarter 769.73 feet to the East right of way line of McClelland Park Road; thence in a Northeasterly direction along the East right of way line of McClelland Park Road, 520.0 feet, more or less to the South right of way line of the road to the city of Joplin Shoal Creek sewage disposal plant, said point being 25.0 feet squarely off the centerline of the existing road; thence in a Southeasterly direction, and 25.0 feet squarely off the centerline of said road, 780.0 feet more or less to the point of beginning.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-282-Rezone to District R-1-HP

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, , City Manager- Nicholas Edwards

SUMMARY REQUEST:
Case 044-20: Forest Park Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin.

BACKGROUND:
The Historic Preservation Commission approved the cemetery for recommendation to the Planning and Zoning Commission on criteria:

1. Its character, interest, or value as part of the development heritage, or cultural characteristics of the community, county, state, or county.
2. Its location as a site of significant local, county, state or national event.
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county.
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
10. Suitability of preservation or restoration.

The overlay will not have any changes or restrictions in the use of nearby property.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Sullivan stated that Forest Park Cemetery is unique. It was a private cemetery then the City of Joplin acquired it in 1988. Forest Park cemetery was started in the 1880s. It has some of Joplin's early settlers who started the development and shape of the community. It is architecturally significant and does have other significance and meets numerous criteria that is set by Preservation Commission.

PUBLIC COMMENT:
None.

FUNDING SOURCE:
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATIONS:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Planning & Zoning Staff recommends approval.

ATTACHMENTS:
CB 2020-282, Staff Planning Report, P&Z Commission Minutes

CB 2020-282

Case 044-20: Forest Park Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

Ms. Sullivan stated that Forest Park Cemetery is unique. It was a private cemetery then the City of Joplin acquired it in 1988. Forest Park cemetery was started in the 1880s. It has some of Joplin's early settlers who started the development and shape of the community. It is architecturally significant and does have other significance and meets numerous criteria that is set by Preservation Commission.

Mr. Ramsour asked if the Commissioners had any questions for Ms. Sullivan? They did not. Mr. Ramsour asked if there is anyone else to speak in favor of this case? There was not. Mr. Ramsour asked if there is anyone to speak in opposition of this case? There was not.

MR. KIMBLE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 044-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Rezoning

CASE 044-20 A request to rezone from R-1 (Single-family Residential) to R-1-HP (Single-family Residential Historic Preservation)

LOCATION Forest Park Cemetery

APPLICANT City of Joplin

EXISTING CONDITIONS

Zoning	Land Use	Property Size
R-1	Cemetery	Approx. 25 acres

SITE CONTEXT

	North	East	South	West
Existing Zoning	C-2-PD/M2	C-2-PD	C-2-PD	R-1
Land Use	Retail Commercial	Retail Commercial/Mall	Retail Commercial	Single-family Residential

FUTURE LAND USE

Joplin's Future Land Use Map shows this property as future low-density residential.

TRANSPORTATION

Streets with access	Classification	Right-of-way width
E. 4th Street	Collector	80'
S. Rangeline Rd	Arterial	100"

UTILITIES

Utilities do not need to be extended to this property. Utilities are currently in place.

FLOOD PLAIN

This property is not in the flood plain.

STAFF ANALYSIS

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

The request is consistent with the comprehensive plan. The future land use map does show this property to be used for a residential which is appropriate for continued use as a cemetery.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The current zoning of R-1 is suitable in this area. The current and intended future use as a cemetery is consistent with the zoning.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The change in zoning to R1-HP overlay will not be detrimental to the nearby property. The overlay will not have any changes or restrictions in the use of nearly property.

DISCUSSION

R1-HP overlay zoning at this location is appropriate considering current use as a cemetery and the property meeting the criteria for local landmark designation as reviewed and recommended for approval by the Historic Preservation Commission. The Commission approved the cemetery for recommendation to the Planning and Zoning Commission on criteria:

1. Its character, interest, or value as part of the development heritage, or cultural characteristics of the community, county, state, or county.
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or county.
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant.
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature.
10. Suitability or preservation or restoration.

Staff recommends approval of Case 044-20.

ATTACHMENTS

- Application
- Map

REZONING APPLICATION FORM

Return Form to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 044-20
Filing Fee: $550.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

APPLICANT: City of Joplin PHONE: 417-624-0820
ADDRESS: 602 S. Main Street ZIP: 64801

OWNER: City of Joplin PHONE:
ADDRESS: ZIP:

LOCATION/ADDRESS OF PROPERTY: Forest Park Cemetery

Present Zoning R-1 Requested Zoning: R1-HP Acreage: 24
Present Use of Property: Cemetery

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Retail	M-2
South	Retail	C-3
East	Retail	C2-PD
West	residential	R-1

Character of the Neighborhood:

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts? no
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? no
   If yes, explain:

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? yes
2. Consistent with Future Land Use Map? yes

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Rangeline & 4th St
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: 100'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   no

IS PLATTING OR REPLATTING REQUIRED IN ORDER TO PROVIDE FOR:

1. Appropriately Sized Lots? no
2. Properly Sized Street Right-of-Way? no
3. Drainage Easements? no
4. Utility Easements:
   Electricity? no
   Gas? no
   Sewers? no
   Water? no
5. Additional Comments: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND/OR ADDITIONAL COMMENT:

THE FOLLOWING **MUST** ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned from a deed or certified survey.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned

SIGNATURE: Thomas Walters DATE: 10-21-20

EMAIL: twalters@joplinmo.org

TITLE: City Planner

HISTORIC JOPLIN PRESERVATION COMMISSION
602 S Main Street, Joplin, MO 64801 (417)624-0820

HPC Case No. 2019-09

Meeting Date: 7-16-19

LOCAL LANDMARK NOMINATION FORM

LOCATION

Address: 102 N. Range Line Rd., Joplin, MO, 64801

Property Name (historic or common): Forest Park Cemetery

OWNER INFORMATION

Name: City of Joplin, Missouri

Phone: 417-624-0820

Address: 602 S. Main St., Joplin, MO 64801

FORM PREPARED BY (if other than owner)

Name: Jill Sullivan

Phone: 417-365-1420

Address: 721 N. Sergeant Ave., Joplin, MO 64801

Relationship to Owner: Commissioner, Joplin Historic Preservation Commission

*A notarized letter of consent from the legal owner is required.

CLASSIFICATION

Present Use: Cemetery

Historic Use (if known): Cemetery

Public or Private: Public

Occupied or Unoccupied: N/A

ARCHITECTURAL and PHYSICAL DESCRIPTION (attach a separate sheet if needed)

Construction Date: Established 1880s; City acquired in 1988

Architect and/or Builder (if known): Unknown

Building Materials (foundation, walls, roof, etc.): The information kiosk is made of wood; tombstones and such vary.

Architectural Style: This cemetery does not adhere to any one specific architectural style, but, through the headstones and other elements, illustrates varying architecture types, as noted in

the Cemetery Survey Form included in the supporting documentation for this nomination. **Please see Cemetery Survey Form in supporting documentation.**
Site Description (property and surrounding area): Township 27, Range 33, Section 1, Jasper County, City of Joplin. About 25 acres, fairly level with trees, surrounded by commercial development. **Please see the Legal Description in Attachment D – Supporting Documents.**

HISTORICAL SIGNIFICANCE

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country: Cemeteries are cultural wonders in their own right that reflect the broad spectrum of the heritage and the values of the communities in which they lay. Indeed, Joplin's cemeteries are reflections of the settling of our city. Like our historic architecture and landmark sites, our historic cemeteries are important factors in the telling of the development, values, and cultural character of our city. Additionally, cemeteries may be considered a facet of Heritage Tourism, defined as "traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past." Cemeteries are among the places visited often by heritage tourists, illustrating that people have a deep interest in learning about the past through cemeteries. Forest Park Cemetery is further valuable as part of our community's heritage because it began as a private cemetery owned and managed by one of the first church congregations in the area. **Please see Attachment A.**

2. Its location as a site of a significant local, county, state, or national event: N/A

3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country: Given its early development, Forest Park Cemetery is identified with some of Joplin's earliest settlers who started the development and shaping of our community. Current research suggests that the Turk Family is perhaps the most notable. Jeremiah Turk donated land to Shoal Creek Baptist Church in 1884 to establish the church and, in 1888, he laid out Forest Park Cemetery. Turk's land donation enabled the establishment of one of Joplin's oldest religious institutions, which is a significant contribution to the development of our community. Moreover, veterans from the American Civil War, the Spanish-American War, World War I, and World War II are interred at Forest Park Cemetery. As are members of the Masons, the Order of the Eastern Star, Oddfellows, Shriners, and Woodsman.

4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials: N/A

5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of a community, county, state, or country: N/A

6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant: Like other cemeteries in Joplin the design, detailing, materials, and craftsmanship of the monuments within Forest Park Cemetery embody a variety of architecturally significant types. Examples include the headstones/monuments themselves, the materials from which they are made, and the detail and decorative carvings found on them. The entirety of the monuments within Forest Park do not adhere to *one* particular style or type; rather they are a collection of the embodiments of different styles and types. In Forest Park, monuments are comprised of materials that were in common use at the time the monuments were made, including metals (bronze, iron, and zinc) and stone (granite and marble), concrete, concrete, and other indigenous materials, such minerals, rocks, and more. A wide variety of religious, military, and other decorative carvings are found on Forest Park's monuments. In Forest Park, some monument types include die in socket, die on base, lawn markers, plaques, urns, architectural forms, statuaries, ledger/slab stones, box tombs, and mausoleums, including one for public use.

7. Its embodiment of design elements that make it structurally or architecturally innovative: N/A

8. Its unique location or singular physical characteristics that make it an established or familiar visual feature: Forest Park Cemetery is uniquely located on one of the first religious establishments in the City of Joplin, Shoal Creek Baptist Church, which developed on this location in the early 1880s. Today, the church continues as Forest Park Baptist Church.

9. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance: N/A

10. Its suitability for preservation or restoration: Forest Park Cemetery is well-suited for preservation and, as needed, restoration. Forest Park, like the other city-owned cemeteries, is maintained by the Parks and Recreation Department of the City of Joplin. This department has performed ongoing maintenance and restoration at Forest Park since the city acquired the cemetery in 1988. Creating a Local Historic Landmark District for Joplin's cemeteries does not alter the city's current commitment to maintaining its public cemeteries. **Please see Cemetery Survey Form in Attachment D – Supporting**

Documents for further details on physical condition of tombstones, markers, and monuments.

(*Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration. Ord. No. 86-31, ' 1, 3-17-86*)

SUPPORTING DOCUMENTS

A. Bibliography – Please provide a list of all sources used to complete this nomination form. **Please see Attachment B.**
B. Photographs – Please provide current photographs of the property, as well as historic photographs (if available). **Please see Attachment C.**
C. Any other sources (such as maps, newspaper clippings, etc.) that help support the nomination as a local historic landmark. **Please see Attachment D.**

Please submit completed nomination forms to:

Planning & Community Development
Joplin City Hall
602 S. Main Street
Joplin, MO 64801

Please sign below once the nomination form is complete and ready for submittal:

Printed Name: Jill Sullivan

Signature: Jill Sullivan

Date: 28 June 2019

ATTACHMENT A – HISTORY

History of Forest Park Cemetery *(Note: This history is derived from the attached supporting documentation.)*

Forest Park Cemetery is unique among Joplin's municipal cemeteries in that it has a long history of changed ownership and is the most recently acquired city cemetery. Jeremiah Turk, an early citizen of what would become Joplin, donated land to Shoal Creek Baptist Church (No. 1) to establish a church and develop a cemetery. The church had recently split into two factions (No.1 and No.2), with the Joplin faction acquiring the land at Central Street and Range Line Road in 1884. Jeremiah Turk himself laid out Forest Park cemetery in 1888. Prior to that time, the church cemetery was referred to as Old Baptist Cemetery, Turk Cemetery, or, as in one newspaper account, Kirk Cemetery.

About 1913, another early citizen, T.C. Clary, laid out cemetery tracts alongside the Forest Park tract. Unfortunately, Clary made a bad deal with some "promotors" from Chicago in 1917 and, after going to court, his cemetery tract was put into foreclosure and purchased by the Forest Park Cemetery Association to become one Forest Park Cemetery.

Due to rapid growth, the Forest Park congregation moved to another location in 1948. Since that time, Forest Park Cemetery has changed ownership over the years, with the City of Joplin acquiring it in 1988.

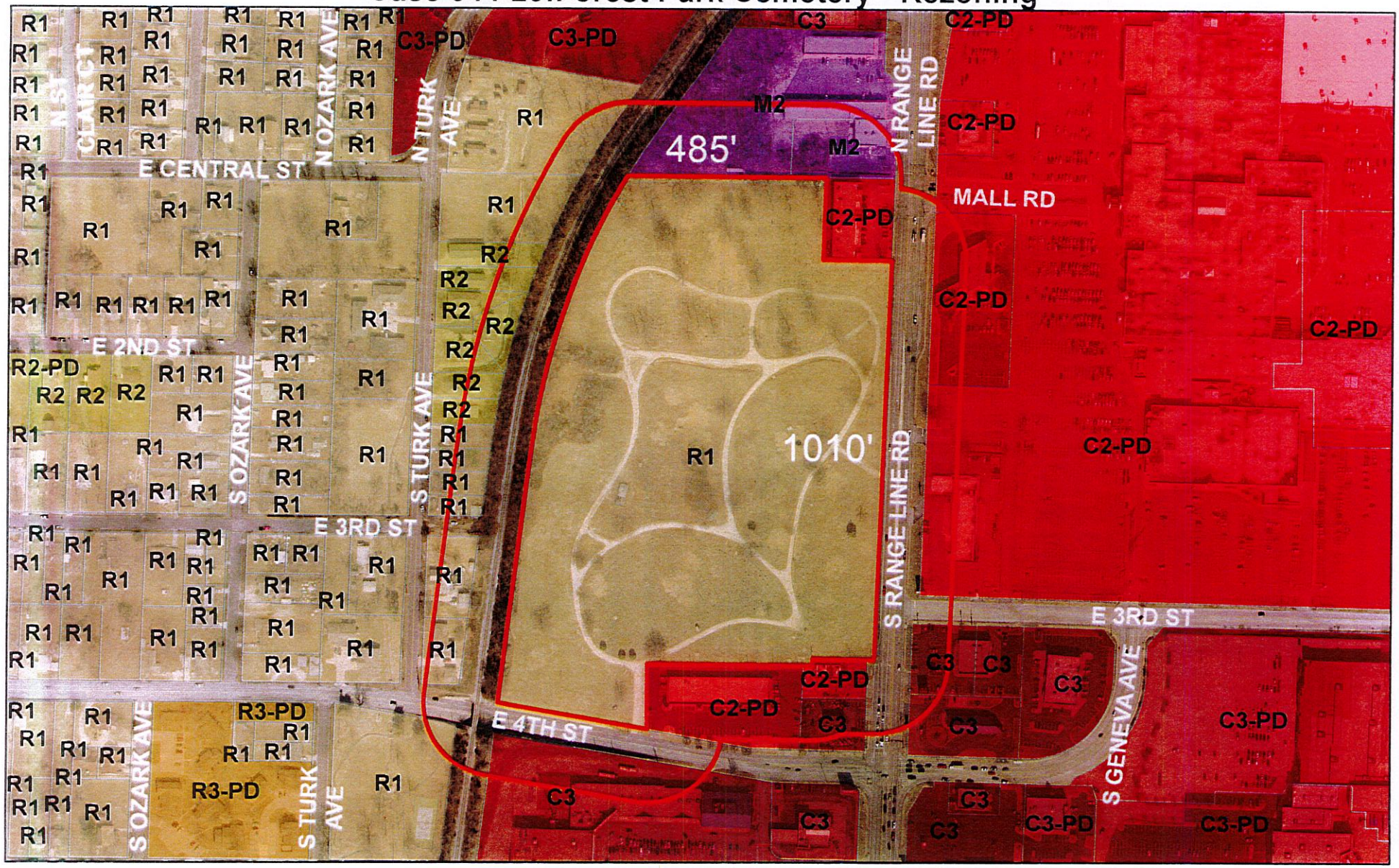
Persons of Note Interred at Forest Park Cemetery *(Note: This list is a work in progress rather than a comprehensive list.)*

- Jeremiah Turk and family – Early citizens who donated the land for Shoal Creek Baptist Church and the initial Forest Park Cemetery tract

Veterans Interred at Forest Park Cemetery

- Civil War
- Spanish-American War
- World War I
- World War II

Case 044-20:Forest Park Cemetery - Rezoning



Case 044-20:Forest Park Cemetery – A request to remove from District R-1 (Single-family Residential) and include in District R-1-HP (Single-family Residential Historic Preservation) for Historic Preservation – City of Joplin

0 175 350 700 1,050 1,400 Feet

N

P & Z Case 044-20
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020-282 ORDINANCE NO.

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District R-1-HP property as described below and known as Forest Park Cemetery, City of Joplin, Jasper County, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days' notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by the following described property and including in District R-1-HP:

All that part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 1, Township 27, Range 33 lying East of the St. Louis and San Francisco Railroad Company right-of-way, EXCEPT a Tract of Land one acre square in the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 27, Range 33, and EXCEPT Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 27, Range 33, thence West along the South line of said Northeast Quarter of the Southeast Quarter,42.20 feet to the point of beginning, thence N1°23'E along the West right-of-way line of U. S. Highway 71 a distance of 94.0 feet, thence N15°25'E along the West right-of-way line of U. S. Highway 71 a distance of 3.09 feet, thence West parallel with and 97.0 feet North of said South line of the Northeast Quarter of the Southeast Quarter a distance of 147.75 feet, thence S1°23'W a distance of 17.0 feet, thence West a distance of 153.0 feet, thence S1°23'W a distance of 80.0 feet to said South line of the Northeast Quarter of the Southeast Quarter, thence East 300.0 feet to the point of beginning, and EXCEPT Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 27, Range 33, thence West along the South line of said Northeast Quarter of the Southeast Quarter, 42.20 feet to the West right-of-way line of U. S. Highway 71, thence West along said South line of the Northeast Quarter of the Southeast Quarter a distance of 300.0 feet to the point of beginning, thence N1°23'E a distance of 80.0 feet, thence West a distance of 250.0 feet, thence S1°23'W a distance of 80.0 feet to said South line of the Northeast Quarter of the Southeast Quarter, thence East along said South line of the Northeast Quarter of the Southeast Quarter a distance of 250.0 feet to the point of beginning, all in the City of Joplin, Jasper County, Missouri. ALSO, All that part of Miscellaneous Tract Numbered Five (5) in Section 1, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, described as follows: Beginning at a point 592.20 feet West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 1, thence South 81.15 feet, more or less, to the North line of Fourth Street, thence Westerly and on the North right-of-way line of Fourth Street a distance of 301.51 feet, thence N6°37'E a distance of 10 feet, thence N80°25'W to a point 105 feet East of the center line of the Missouri Pacific Railroad right-of-way thence North, and parallel with and 105 feet East of said center line of railroad, to the North line of said Southeast Quarter of the Southeast Quarter, thence East to the point of beginning. Above described Tracts being all of Forest Park Cemetery and Forest Park Cemetery Addition as set forth on Plats file in the Office of the Recorder of Deeds of Jasper County, Missouri.

Section 2. That the City Clerk is hereby ordered to file this ordinance with the Zoning District Map maintained in her office and to note the changes herein provided thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-283-Street Vacation

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 045-20: Street Vacation – A request to vacate approximately 120' of W. 11th Street right-of-way lying East of S. Byers Ave. – Boyd Metals of Joplin, Inc.

BACKGROUND:
Boyd Metals has applied to vacate this small portion of 11th Street right-of-way to consolidate the land they own in this area. In addition, 11th Street right now terminates and spills into their property leading to vehicles using their property to turn around.

Vacating this portion of right-of-way will also remove the burden of its maintenance from the City.

PLANNING & ZONING COMMISSION TESTIMONY:
Steven Crane representing Boyd Metals. Boyd Metals recently purchased the property to the south. They are requesting a street vacation for that little portion of property. They use it for parking, moving forklifts back and forth on that property, and trucks will pull into that property there.

PUBLIC COMMENT;
None.

FUNDING SOURCE
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATION:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Staff recommends approval of Case 045-20.

ATTACHMENTS:
CB 2020- 283, Staff Planning Report, P&Z Commission Minutes

CB 2020-283

Case 045-20: Street Vacation – A request to vacate approximately 120' of W. 11th Street right-of-way lying East of S. Byers Ave. – Boyd Metals of Joplin

Steven Crane representing Boyd Metals. Boyd Metals recently purchased the property to the south. They are requesting a street vacation for that little portion of property. They use it for parking, moving forklifts back and forth on that property, and trucks will pull into that property there.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Crane. He also asked about utilities on that piece they want to vacate.

Mr. Stanton stated they provided letters of consent from the area utility companies.

Mr. Ramsour asked if there is anyone else to speak in favor of this case? There was not. Mr. Ramsour asked if there is anyone to speak in opposition of this case? There was not.

MR. EASTMAN MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 045-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Vacation

CASE 045-20 A request to vacate approximately 120' of W. 11th St. right-of-way lying East of S. Byers Ave. and South of W 7th St.

APPLICANT Boyd Metals

REPRESENTATIVE Audie Dennis

LOCATION East of the intersection of W. 11th St. and S. Byers Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street Right-of-Way	Approximately 120' x 50'

REASON FOR VACATION

Boyd Metals is looking to consolidate the land they hold in the area. Additionally, 11th Street currently dead ends into their property leading to some vehicles using it to turn around.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Utilities are currently in the Right-of-Way. Rerouting of utilities will not be required.

UTILITIES PLANNED TO LOCATE IN THE RIGHT-OF-WAY?

No plans for new utilities to be located in the right-of-way.

DISCUSSION

Boyd Metals has applied to vacate this small portion of 11th Street right-of-way to consolidate the land they own in this area. In addition, 11th Street right now terminates and spills into their property leading to vehicles using their property to turn around.

Vacating this portion of right-of-way will also remove the burden of its maintenance from the City.

Staff recommends approval of Case 045-20.

ENCLOSURES

- Application
- Map

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form to:
Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 045-20
Filing Fee: ~~$500.00~~ $50.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

I. Applicant Name: Boyd Metals of Joplin, Inc. Phone: 417-626-2693

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 1027 Byers Avenue, Joplin MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation ✓

Alley Vacation_____

Utility vacation_____

Other (Please specify)_____

III. Legal Description of area requested to be vacated: Attached.

IV. Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. Private rights will not be injured or endangered by the vacation. We purchased the Richland Mechanical property and they are the only other users of this portion of 11th St.

2. The vacation will not cause the public to suffer a loss or inconvenience. See above. This portion of 11th is realistically nothing more than a drive into our property.

3. In justice to the applicant(s) the vacation should be granted. Boyd wishes to have this property in order be able to maximize our use of the Richland property as we seek to grow and expand.

V. Required Attachments:

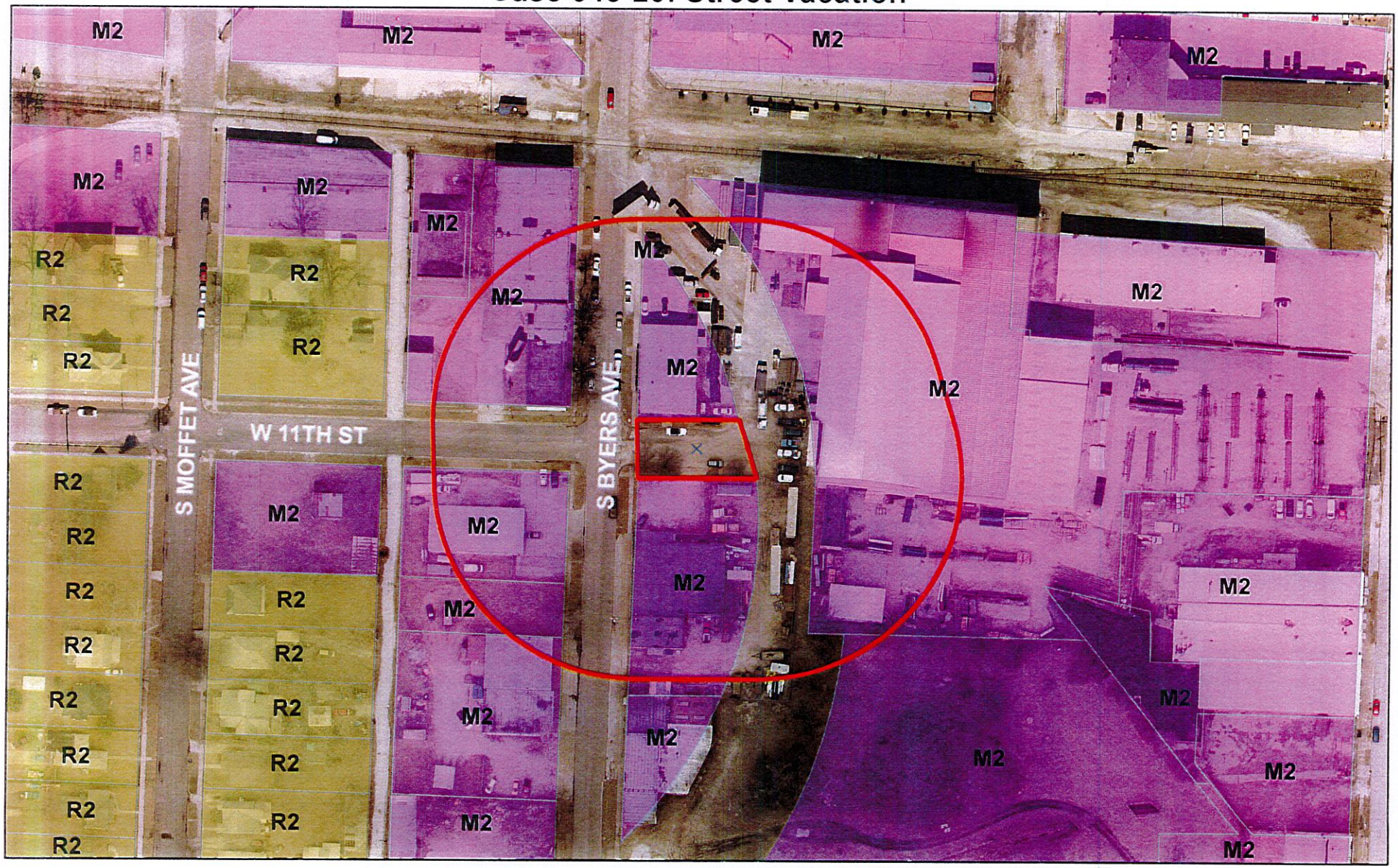
1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation. N/A

2. Survey or such other drawing acceptable to the Planning / Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation before the Public Hearing can take place.

a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company	(800) 256-6426
e.) AT&T	(800) 464-7928
f.) Republic Services (Trash)	(800) 431-1507

Case 045-20: Street Vacation



Case 045-20: Street Vacation – A request to vacate approximately 120' of W. 11th Street right-of-way lying East of S. Byers Ave. – Boyd Metals of Joplin, Inc.

0 62.5 125 250 375 500 Feet

N

P & Z Case 045-20
Boyd Metals of Joplin, Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020- 283 ORDINANCE NO.

AN ORDINANCE providing the street vacation approximately 120 feet of W. 11th St. lying East of S. Byers Ave. St. in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That part of a public street right-of-way being located approximately 120 feet of W. 11th St. lying East of S. Byers Ave. St. in the City of Joplin, Jasper County, Missouri. described as follows and hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

> A part of Eleventh (11th) Street being described as Beginning at the Northwest Corner of Lot Number Nine (9) in Carter's First Addition to the City of Joplin, Jasper County, Missouri, thence North along the East line of Byers Avenue 60.00 feet to the Southwest Corner of Lot number Eight (8) in Carter's First Addition to the City of Joplin, Jasper County, Missouri, thence East along the South line of said Lot Number Eight (8) 87.20 feet more or less to the Westerly Right-of-way of the Frisco Railroad, thence Southeasterly along said Railroad Right-of-way to the North line of Lot Number Nine (9) in Carter's First Addition to the City of Joplin, Jasper County, Missouri, thence along the North line of said Lot Number Nine (9) 98.10 feet more or less to the point of beginning,

Section 2. That this vacation of the portion of the street easement hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in the portion of the street hereby vacated. Such utility companies shall have the right to maintain and repair any such installations now on the vacated portion of said street and shall be subject to the rights of the city of Joplin for sewer construction and maintenance.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2020, by a vote of _____.

_____
ATTEST: Ryan D. Stanley, Mayor

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-285 – Final Plat Review, Little Acres Subdivision Replat.

MEETING DATE:
December 7, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 047-20: Final Plat Review – A request to review the Final Plat of Little Acres Subdivision Replat located at 919 N Sycamore Rd. – Brad Myers

BACKGROUND:
The final plat approval is for Little Acres Subdivision Replat located across the street from College Heights Christian Church. This subdivision will be 3 residential lots, zoned R-1 Single-Family Residential. Utilities are already in place to serve all three lots that will be created. All lots meet the minimum lot size requirements for area.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Brad Myers, 1933 Glenwood Drive, Joplin, MO, trustee of the property. The Myers family is seeking approval for the Replat of Little Acres Subdivision for the purpose of selling the property and settling the estate from his parents. It has two (2) houses to begin with and then we would like to make a third lot out of the property. Two (2) of the lots would have a house and the third lot would be a vacant lot.

Mr. McCullough wanted to know if there was sewer and utilities for the property.

Mr. Myers stated there was and they are all located on Sycamore Rd.

PUBLIC COMMENT:
None.

FUNDING SOURCE
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATION:
Planning and Zoning Commission approved 5 in Favor, 0 Nays, 1 Absent.
Staff recommends approval of Case 047-20.

ATTACHMENTS:
CB 2020-285, Planning Report, Commission Minutes, Plat .

CB 2020-285

Case 046-20: **Preliminary Plat Review** – A request to review the Preliminary Plat of Little Acres Subdivision Replat located at 919 N. Sycamore Rd. – Brad Myers

Mr. Brad Myers, 1933 Glenwood Drive, Joplin, MO, trustee of this property. It has two (2) houses to begin with and then we would like to make three (3) lots out of the property. Two (2) of the lots would have a house and the third lot would not. In order to help make it an easier sale so we can settle the estate.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Myers. There were not. There was not anyone else to speak in favor of this case or opposition of this case.

MR. EASTMAN MOVED, SECONDED BY MR. KIMBLE THAT CASE 046-20 BE APPROVED. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Case 047-20: **Final Plat Review** – A request to review the Final Plat of Little Acres Subdivision Replat located 919 N Sycamore Rd. – Brad Myers

Mr. Brad Myers, 1933 Glenwood Drive, Joplin, MO, trustee of the property. The Myers family is seeking approval for the Replat of Little Acres Subdivision for the purpose of selling the property and settling the estate from his parents. It has two (2) houses to begin with and then we would like to make a third lot out of the property. Two (2) of the lots would have a house and the third lot would be a vacant lot.

Mr. McCullough wanted to know if there was sewer and utilities for the property.

Mr. Myers stated there was and they are all located on Sycamore Rd.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Myers. There were not.
There was not anyone else to speak in favor of this case or opposition of this case.

MR. EASTMAN MOVED, SECONDED BY MR. KIMBLE THAT CASE 047-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Final Plat

CASE 047-20 Final Plat Review

NAME OF SUBDIVISION Little Acres Subdivision Replat

LOCATION: 919 N. Sycamore Rd.

APPLICANT: Brad Myers

PRESENT ZONING: R-1

PRESENT LAND USE: Single-family Residential

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	R-1
Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Religious

SUBDIVISION:

Number of lots
3

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
N. Sycamore Rd.	Local	50'

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES: Existing.

FLOOD PLAIN: N/A

STAFF ANALYSIS:

DOES THE PROPOSED SUBDIVISION COMPLY WITH THE CITY'S SUBDIVISION REGULATIONS?

Yes.

DISCUSSION:

The final plat approval is for Little Acres Subdivision Replat located across the street from College Heights Christian Church. This subdivision will be 3 residential lots, zoned R-1 Single-family residential. This zoning is appropriate for the existing use as well as the area and conforms to the future land use map. The Final Plat does require City Council approval. This plat meets the requirements of the subdivision regulations.

Brad Myers is seeking a 3-lot residential subdivision for single-family residential uses located at 919 N. Sycamore Rd. Utilities are already in place to serve all three lots that will be created. All lots meet the minimum lot size requirements for area and width. Each lot will be approximately 3 acres and mirror the dimension and layout of the lots to the North of this property, being approximately 200' wide and 650' deep.

This request stems from an issue in title work created from what seems to be a miscommunication between the City and the County when this property was annexed in in the 1960s. By re-platting this property, Mr. Myers, as well as the City, is cleaning up the issues that have arisen from that communication error and allowing for the property to be sold.

Staff recommends approval of Case 047-20.

ENCLOSURES:

Application
Final Plat

CITY OF JOPLIN, MISSOURI

FINAL PLAT CHECKLIST

Subdivision No.: 047-20
Date Filed:
Date of Meeting: 11-9-20
Filing Fee:

Return Form To:
Planner
602 S. Main St.
Joplin, Missouri 64802
417-624-0820 Ext. 511
FAX 417-625-4738

I. Name of Subdivision: LITTLE ACRES SUBDIVISION REPLAT
II. Name of Owner: BRADLEY MYERS, TRUSTEE
III. Name of Subdivider: BRADLEY MYERS
IV. Name of Person who prepared the Plat: LYNN CALTON
V. Date of Hearing:
VI. Location of Property by Streets: SYCAMORE & NEWMAN
VII. Present Zoning of Property: R-1
VIII. Present Uses of Property: SINGE FAMILY
IX. No. of Acres in Total Tract: 9.09 No. of Lots: 3

Instructions:
The following checklist is to be completed and may accompany the Final Plat when it is submitted to the Planning and Zoning Commission. If the answer to any of the questions is "No," a written explanation should accompany this checklist.

IX. Does the Final Plat show the following information?	Yes	No
A. Name of the subdivision	X	
B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.	X	
C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments.	X	
D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and		

decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines. X ____

E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block. X ____

F. Exact locations, widths and names of all streets and alleys to be dedicated. X ____

G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use. X ____

H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning and Zoning Commission. IF REQUESTED ____

I. Building setback lines on the front and side streets with dimensions. X ____

J. Name and address of the registered land surveyor preparing the plat. X ____

K. Scale of plat, 1" = 100' or larger, date or preparation and north point. X ____

L. Statement dedicating all easements, streets, alleys, and all other areas not previously dedicated. NON REQUIRED

XI. Was the original on mylar, tracing cloth, or similar material, and were 10 copies submitted? X ____

XII. Have all acknowledgments been signed?

A. Owner or owners and all mortgager. X ____

B. Dedications or reservations. X ____

C. Surveyor preparing plat. X ____

XIII. Has certification been submitted stating that all taxes and special assessments due and payable have been paid? ____ ____

XIV. Deed Restrictions:

A. Are any deed restrictions planned for subdivision? ____ X

B. If so, has a copy been submitted? _____ _____

XV. How has installation of the following improvement been guaranteed?

	Construction	Bond	Petition (%)
Streets	ALL IN PLACE		
Water			
Sewer			
Sidewalks			
Other, as required			
1. _____			
2. _____			
3. _____			

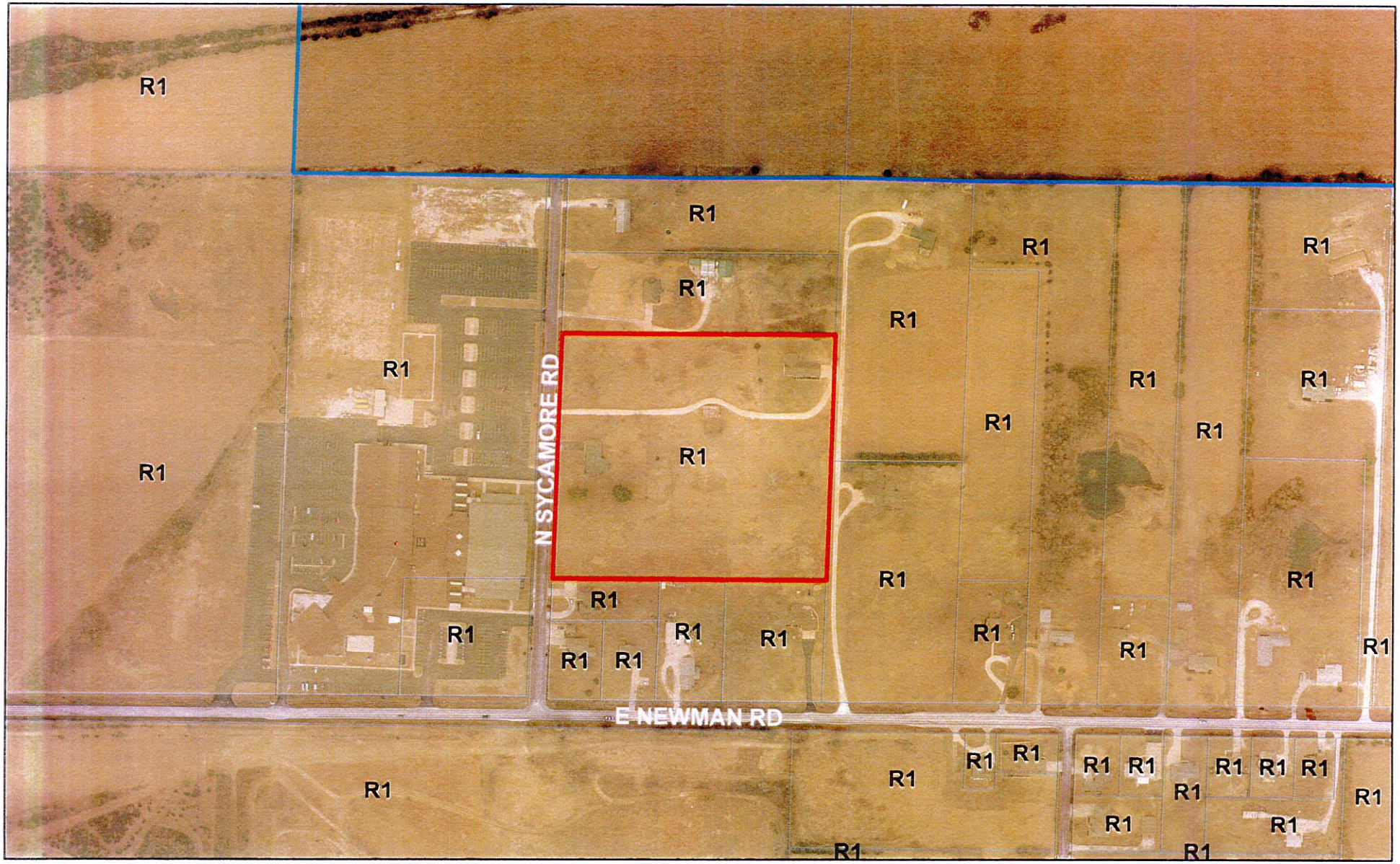
XVI. Are additional comments attached? _____ X

Preliminary plats that do not meet subdivision regulations will not be processed to the Planning and Zoning Commission until corrected.

[signature] _____
Signature

10-12-2020
Date

Case 047-20: Final Plat Review



Case 047-20: Final Plat Review – A request to review the Final Plat of Little Acres Subdivision Replat located 919 N Sycamore Rd. – Brad Myers

0 170 340 680 1,020 1,360 Feet

N

LITTLE ACRES SUBDIVISION REPLAT
FINAL PLAT

Know all persons by these presents, that I, undersigned Trustee for the Lois Jean Myers Trust, have caused the same to be surveyed and platted into lots, the same to be known as LITTLE ACRES SUBDIVISION REPLAT, an addition to the City of Joplin, Jasper County, Missouri

Lois Jean Myers Trust
Bradley Myers, Trustee
And Developer
1933 Glenwood Dr.
Joplin, MO 64801

Be it remembered that on this 12th day of October, 2020, before me, a Notary Public in and for Jasper County and State came Bradley Myers to me personally known to the same person who executed the foregoing instrument of writing and duly acknowledged the executed of the same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written. My commission expires March 25, 2023

Notary Public

I, Lynn B. Calton, a registered land surveyor in the State of Missouri, do hereby certify that the subdivision plat was done in conformance with the State of Missouri Standards for surveys.
Source deed: BK:980, PG: 251

Lynn B. Calton
601 Broadway
Lamar, Mo. 64759
417-682-2996

10-9-2020
Date

LYNN B. CALTON
NUMBER 2007016
LAND SURVEYOR
STATE OF MISSOURI

_____ City Clerk of Joplin, said County and State do hereby certify that the attached plat of LITTLE ACRES SUBDIVISION REPLAT in the City of Joplin, was filed with said city for approval on the _____ day of _____, 20____ and that the same was approved by the Mayor and Council of the City of Joplin by Ordinance # _____ duly passed and approved by this Mayor on the _____ day of _____, 20____ in testimony whereof, I have set my hand and affixed official seal of the City of Joplin, Missouri hereunto this ____ day of _____, 20____

City Clerk | Mayor | Public Works Director

I, _____ Recorder of Deeds of Jasper County, Missouri, do hereby certify that the within instrument of writing was, on the _____ day of _____, 20____ at _____ o'clock and _____ Minutes, duly filed for record in this office, and is recorded of this office in Plat Book _____, Page _____ witness whereof, I have hereunto set my hand and seal this _____ day of _____, 20____

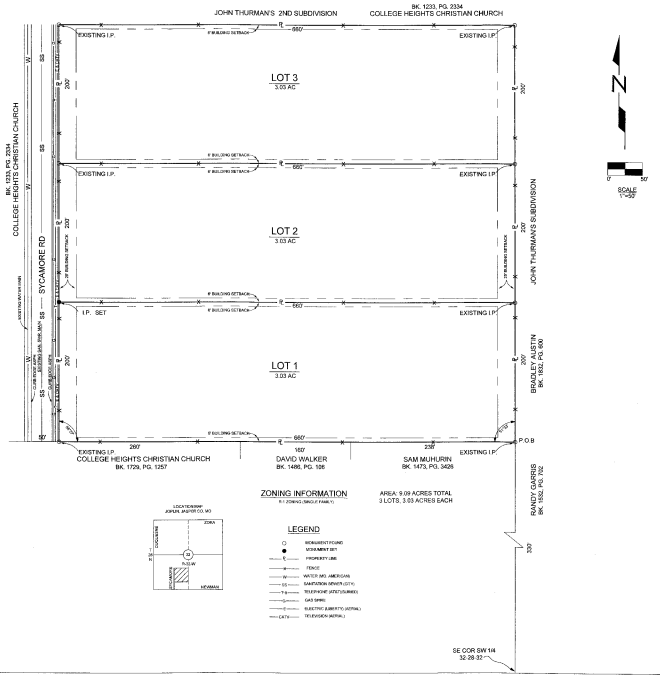
Recorder of Deeds

FLOODPLAIN STATEMENT

Subdivision is located outside the boundary of the 100 year floodplain per Jasper County FEMA FIRM Panel No. 29097C0277E, 11-02-12.

DESCRIPTION

A Tract of Land Located in the Southeast Quarter of the Southwest Quarter of Section32, T-28-N, R-32-W City of Joplin, Jasper County, Missouri containing 9.09 acres and further described as follows: Commencing at the Southeast corner of said Southwest Quarter, thence north 330 feet to the point of beginning, thence west a distance of 660 feet, thence north a distance of 600 feet, thence east a distance of 660 feet, thence south a distance of 600 feet to the point of beginning, subject to easements of record.



N

0 50'
SCALE
1" = 50'

ZONING INFORMATION
R-1 ZONING (SINGLE FAMILY)

AREA: 9.09 ACRES TOTAL
3 LOTS, 3.03 ACRES EACH

LOCATION MAP
JOPLIN, JASPER CO., MO

LEGEND

- MONUMENT FOUND
- MONUMENT SET
- PROPERTY LINE
- FENCE
- WATER (WS - AMERICAN)
- SANITATION SEWER (STY)
- TELEPHONE (AT&T) (SUBRIE)
- GAS (MRE)
- ELECTRIC (LIBERTY) (ASTRAL)
- CATV (TELEVISION (ASTRAL))

P & Z Case 047-20
Brad Myers
(P & Z Recommends Approval)

COUNCIL BILL NO. 2020-285 ORDINANCE NO.

AN ORDINANCE establishing grades and accepting the Final Plat of Little Acres Subdivision Replat located at 919 N. Sycamore Rd. in the City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the grades in the Plat of Subdivision located at 919 N. Sycamore Rd. in the City of Joplin, Jasper County, Missouri be and the same are hereby fixed and established as follows:

> A Tract of Land located in the Southeast Quarter of the Southwest Quarter of Section 32, T-28-N, R-32-W City of Joplin, Jasper County, Missouri containing 9.09 acres and further described as follows: Commencing at the Southeast corner of said Southwest Quarter, thence north 330 feet to the point of beginning, thence west a distance of 660 feet, thence north a distance of 600 feet, thence east a distance of 660 feet, thence south a distance of 600 feet to the point of beginning, subject to easements.

Section 2. That said plat, having been filed showing that the lots have been staked out and platted and the streets and alleys have been dedicated to the public for public use, and that the proper levels have been run and the grades established for said addition, is hereby accepted by the City of Joplin, Jasper County, Missouri, and according to the statues of the State of Missouri.

Section 3. That the City Clerk is hereby authorized and directed to endorse upon such plat the approval of the Council under her hand and the Seal of the City of Joplin, Missouri.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2020, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2020-530 – Approving an Amended Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District (CID).

MEETING DATE
December 7, 2020

ORIGINATING DEPT
Finance

ATTACHMENTS
CB 2020-530 Ordinance; Exhibit "A" Amended Petition to Amend Boundaries and Remove Property; Map of Property

REVIEWED BY
Department Head: Leslie Haase; Planning Director: Troy Bolander; City Attorney: Peter Edwards; City Manager: Nick Edwards

SUMMARY
This Council Bill approves an amended petition to amend the boundaries and remove property from the 32nd Street Place Community Improvement District (CID).

BACKGROUND
Woodsonia Joplin, LLC (the developer) submitted an amended petition to the City to amend the boundaries and remove property from the CID. This property is adjacent to the existing CID property and share substantially the same characteristics as the original property. This is the property that is being annexed in Council Bill 2020-529.

Upon completion of the street infrastructure improvements as set forth in the redevelopment plan the property will be deannexed from the CID. As such, this ordinance will not become effective until such time as the alignment of Hammons Boulevard is completed and accepted by the City.

FUNDING SOURCE
Not applicable for this item.

RECOMMENDATION
Staff recommends approval of this council bill on first reading.

EXHIBIT "A"

PETITION TO AMEND BOUNDARIES AND REMOVE PROPERTY FROM

THE 32nd STREET PLACE COMMUNITY IMPROVEMENT DISTRICT

CITY OF JOPLIN, MISSOURI

Submitted October 29, 2020

EXHIBITS

EXHIBIT A LEGAL DESCRIPTION OF DISTRICT

EXHIBIT B MAP OF DISTRICT

EXHIBIT C LEGAL DESCRIPTION OF ADJACENT PROPERTY TO BE REMOVED FROM DISTRICT AND LEGAL DESCRIPTION OF DISTRICT AFTER PROPERTY REMOVAL

EXHIBIT D MAP OF ADJACENT PROPERTY TO BE REMOVED AND MAP OF DISTRICT AFTER PROPERTY REMOVAL

EXHIBIT E CID RESOLUTION NO. 2020-09

PETITION TO AMEND BOUNDARIES AND REMOVE PROPERTY FROM THE 32nd STREET PLACE COMMUNITY IMPROVEMENT DISTRICT

To the City Council ("**City Council**") of the City of Joplin, Missouri ("**City**"):

The 32nd Street Place Community Improvement District ("**District**"), which was formed effective August 3, 2020 by Ordinance No. 2020-113 ("**Formation Ordinance**") adopted by the City Council, is a political subdivision of the State of Missouri and is transacting business and exercising powers granted pursuant to the Community Improvement District Act, Sections 67.1401 through 67.1571, RSMo, as amended ("**Act**").

The District was formed to acquire property and to fund certain public improvements, including, among other improvements, the construction of a re-aligned Hammons Boulevard, which is an existing private road that connects with Range Line Road on the western boundary of the District and with 32nd Street on the northern boundary of the District, and the construction of three regional detention basins as part of a larger redevelopment project.

To enable the District to undertake the planned public improvements in accordance with the Act, a separate petition to add the following tracts to the District is being submitted to the City contemporaneously with this Petition: (a) a portion of Hammons Boulevard; and (b) two narrow tracts (both to be included in the platted Tract for construction of one of the planned regional detention basins).

That portion of Hammons Boulevard to be added to the District ("**Adjacent Property**") runs through a tract, which tract is the location of a proposed Menards store ("**Carved-Out Tract**"). To facilitate development of the Carved-Out Tract, JDHQ Land Holding, LLC, a Delaware limited liability company ("**Petitioner**"), and the owner of the Adjacent Property as of the date Petitioner JDHQ Land Holding, LLC signed this Petition, desires to remove the Adjacent Property from the District as permitted under the Act. It is anticipated that the District will acquire the Adjacent Tract after the Adjacent Tract has been added to the District as part of the District's project described in the Formation Petition and that the District will be the owner of the Adjacent Property at the time that the planned improvements to Hammons Boulevard are complete. The Adjacent Property, together with other sections of the existing Hammons Boulevard, will be vacated at such time as the planned improvements to re-align Hammons Boulevard are complete, at which time the improved and re-aligned Hammons Boulevard will be dedicated to the City.

As the future contingent owner of the Adjacent Property, the District has also signed this Petition. At such time as the District acquires the Adjacent Property, the District will be included in the definition of Petitioner for all purposes under this Petition. The District also desires for the Adjacent Property to be removed from the District once preconditions for removal, as the City may establish, have been met.

Petitioner JDHQ Land Holding, LLC is the current owner of the Adjacent Property and Petitioner 32nd Street Place Community Improvement District is the future contingent owner of the

Adjacent Property and both request that the boundaries of the District be amended by removing the Adjacent Property from the District pursuant to Section 67.1441.1, RSMo, which provides that:

Upon the written request of any real property owner within the district, the governing body of the municipality may hold a public hearing for the removal of real property from a district and such real property may be removed from such district by ordinance, provided that:

(1) The board consents to the removal of such property;

(2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed; and

(3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431 and such notice shall include:

(a) The date, time and place of the public hearing;

(b) The name of the district;

(c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and

(d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

Petitioner is the owner of more than fifty percent (50%) by assessed value of the Adjacent Property proposed to be removed from the District, and (2) comprises more than fifty (50%) per capita of all owners of the Adjacent Property proposed to be removed from the District.

1. **Current Boundaries, Legal Description, and Map of District**

   The current legal description of the District is attached hereto as **Exhibit A**. A map of the current boundaries of the District is attached hereto as **Exhibit B**. The District is located entirely within the corporate boundaries of the City.

2. **Amended Boundaries, Legal Description and Map of District**

   The amended legal description of the District without the Adjacent Property is attached hereto as **Exhibit C**. A map of the amended boundaries of the District without the Adjacent Property is attached hereto as **Exhibit D**. The District, including the removal of the Adjacent Property proposed to be removed from the District, is located entirely within the corporate boundaries of the City.

3. **Signatures May Not Be Withdrawn**

Notice has been provided to all Petition signers that their signatures may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk. This notice is included on each signature page attached to this Petition.

4. **Formation Petition**

Unless otherwise defined in this Petition, all capitalized terms shall have the meaning given to them in the Petition for the Creation of the 32nd Street Place Community Improvement District submitted to the City on June 30, 2020 ("**Formation Petition**").

5. **Total Assessed Value of Adjacent Property**

The Adjacent Property comprises only a portion of a larger tax identification parcel owned by JDHG Land Holding, LLC. Based on an analysis of the assessed value of the property owned by the Petitioner as reported by Newton County, the total estimated assessed value of all real property located within the Adjacent Property is approximately $1,073.

6. **Determination of Blight, Blight Remediation and Public Purpose as to Adjacent Property**

Petitioner requests that the City Council take notice of the Ordinance, finding, among other things, that the District area described in the Formation Petition is a blighted area pursuant to Section 67.1401.2(3)(b), RSMo, of the Act based on information included in and testimony related to the blight study submitted and presented at the public hearing on July 20, 2020, and find that the Adjacent Property is also a blighted area under Section 67.1401.2(3)(b), RSMo, of the Act. The Adjacent Property is adjacent to the District and shares substantially similar characteristics as the remainder of the District area that was found to be a blighted area in the Ordinance.

In order for the District to be able to acquire the Adjacent Property and expend its revenues or loan its revenues pursuant to a contract entered into pursuant to Section 67.1461.2(2), RSMo, this Petition seeks the City Council's determination that the use of District revenues as described herein and pursuant to contracts to finance the demolition, removal, renovation, reconstruction or rehabilitation of portions of buildings within the Adjacent Property and related improvements and structures is reasonably anticipated to remediate the blighting conditions within the Adjacent Property and will serve a public purpose.

7. **Methods of Financing District Projects and District Services - Sales Tax**

Upon the removal of the Adjacent Property from the District, the Adjacent Property shall no longer be subject to the District's projects or the District's sales tax.

8. Severability / Exhibits

It is the intention of Petitioner that the provisions of this Petition shall be enforced to the fullest extent permissible under the laws and public policies of the State of Missouri and that the unenforceability (or modification to conform with such laws or public policies) of any provision hereof shall not render unenforceable, or impair, the remainder of this Petition. Accordingly, if any provision of this Petition shall be deemed invalid or unenforceable in whole or in part, this Petition shall be deemed amended to delete or modify, in whole or in part, if necessary, the invalid or unenforceable provision or provisions, or portions thereof, and to alter the balance of this Petition in order to render the same valid and enforceable. All exhibits attached hereto are hereby incorporated into this Petition by reference.

9. Consent of Board of Directors

Consent of the Board of Directors of the District approving the amendment of the District's boundaries by removing the Adjacent Property from the District is necessary under the Act. Upon adoption by the Board of Directors of the District, a copy of the District's resolution consenting to and approving the removal of the Adjacent Property will be attached hereto as **Exhibit E**.

10. Request for Boundary Amendment and Removal of the Adjacent Property

By execution and submission of this Petition, Petitioner respectfully requests that the City Council amend the boundaries of the District by removing the Adjacent Property from the District.

11. No Other Amendments

Except as provided in this Petition, the Petition does not request any other changes or amendments to the Formation Petition.

12. District Obligations

Petitioner states that the District can meet its obligations without the revenues generated by or on the Adjacent Property after removal.

[Remainder of page intentionally left blank; signature pages immediately follow]

Signature Page for Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District

IN WITNESS WHEREOF, the undersigned Petitioner has executed the above foregoing Petition to Amend Boundaries and Remove Property From the 32nd Street Place Community Improvement District:

Name of Owner	JDHQ Land Holdings, LLC
Owner's Telephone Number	~~(678) 762-0005~~ (480) 222-6035
Owner's Mailing Address **	~~12735 Morris Road Ext., Suite 400, Alpharetta, GA 30004~~
Name of Signer	~~Christopher S. Pawelko~~ John Casale
Signer's Legal Authority to Sign	~~Vice President~~ Authorized Signatory
Signer's Telephone Number	~~(678) 762-0005~~ (480) 222-6035
Signer's Mailing Address **	~~12735 Morris Road Ext., Suite 400, Alpharetta, GA 30004~~
Type of Entity	Delaware limited liability company
Map, Parcel Number and Assessed Value of Each Tract of Adjacent Property Owned	See following page

By executing this Petition, the undersigned represents and warrants that he or she is legally authorized to execute this Petition on behalf of the property owner named immediately above. The undersigned acknowledges that it has been given notice that its signature below may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk.

JDHQ Land Holdings, LLC

By: _____
~~Christopher S. Pawelko, Vice President~~ John Casale Authorized Signatory

Date: October 23, 2020

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT REMEMBERED, that on this 23rd day of October, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came *~~Christopher S. Pawelko, Vice President~~ of JDHQ Land Holdings, LLC a Delaware limited liability company, who executed the within instrument on behalf of said limited liability company and such person duly acknowledged the execution of the same to be the act and deed of said limited liability company. *John Casale, Authorized Signatory

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Michelle Tyner Brunk
NOTARY PUBLIC

My Commission Expires: 12/07/2022

**2398 E. Camelback Rd., Suite 1000
Phoenix, AZ 85016

Notary Public State of Arizona
Maricopa County
Michelle Tyner Brunk
My Commission Expires 12/07/2022
Commission Number 555712

Signature Page for Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District

IN WITNESS WHEREOF, the undersigned Petitioner has executed the above foregoing Petition to Amend Boundaries and Remove Property From the 32nd Street Place Community Improvement District:

Name of Owner (contingent)	32nd Street Place Community Improvement District
Owner's Telephone Number	(816) 753-9200
Owner's Mailing Address	4510 Belleview Avenue, Suite 300 Kansas City, MO 64111
Name of Signer	Giltner B. Stevens
Signer's Legal Authority to Sign	Chairman
Signer's Telephone Number	(417) 659-7560
Signer's Mailing Address	619 Florida Avenue Joplin, MO 64801
Type of Entity	Political Subdivision
Map, Parcel Number and Assessed Value of Each Tract of Adjacent Property Owned	See following page

By executing this Petition, the undersigned represents and warrants that he or she is legally authorized to execute this Petition on behalf of the property owner named immediately above. The undersigned acknowledges that it has been given notice that its signature below may not be withdrawn later than seven (7) days after the filing of this Petition with the City Clerk.

32nd Street Place Community Improvement District

By: _____
Giltner B. Stevens, Chairman
Date: October 28, 2020

STATE OF MISSOURI)
) ss.
COUNTY OF Jasper)

BE IT REMEMBERED, that on this 28th day of October, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Giltner B. Stevens, Chairman of 32nd Street Place Community Improvement District, who executed the within instrument on behalf of said political subdivision and such person duly acknowledged the execution of the same to be the act and deed of said political subdivision.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____
NOTARY PUBLIC

My Commission Expires: 8-13-24

EMILY PINK
Notary Public – Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires Aug. 13, 2024
Commission #20684405

Map #	Parcel ID	Address	AV 2020 Land Improvements
1	04-4.0-19-000-000-005.000	No address assigned	$1,073[1]
	Total		**$1,073**

PETITIONER'S PERCENTAGE OF TOTAL ADJACENT PROPERTY ASSESSED VALUE:

Total AV Petitioner's Property		**$1,073**
Total AV Adjacent Property		**$1,073**
Percentage of Total AV		**100%**

[1] The Adjacent Property is a portion of the Petitioner JDHQ Land Holdings, LLC's property identified as parcel number 04-4.0-19-000-000-005.000 and the Adjacent Property is not by itself a separate tax identification parcel. The assessed value of the Adjacent Property is estimated based on an analysis of the assessed value of the property identified as parcel number 04-4.0-19-000-000-005.000 as reported by Newton County.

CLERK'S RECEIPT OF PETITION

29th This Petition was filed in the office of the City Clerk of the City of Joplin, Missouri on the _____ day of October _____, 2020.

Barbara J. Gollhofer
City Clerk

[SEAL]

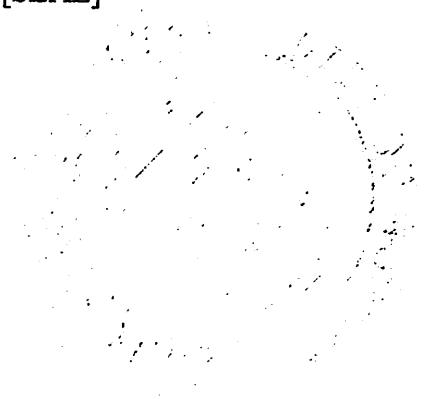


EXHIBIT A
CURRENT LEGAL DESCRIPTION OF DISTRICT

WOODSONIA CID BOUNDARY DESCRIPTION – 2020-06-29

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 01°22'35" WEST, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 19, A DISTANCE OF 225.28 FEET; THENCE SOUTH 88°36'58" EAST, A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 71 (RANGE LINE ROAD), THENCE NORTH 47°54'24" EAST, A DISTANCE OF 36.52 FEET; THENCE SOUTH 88°49'26" EAST, A DISTANCE OF 116.65 FEET; THENCE SOUTH 45°04'38" EAST, A DISTANCE OF 45.99 FEET; THENCE SOUTH 88°49'29" EAST, A DISTANCE OF 93.80 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 351 AT PAGE 2535; THENCE SOUTH 01°17'42" WEST, ALONG SAID EAST LINE, A DISTANCE OF 99.69 FEET; THENCE SOUTH 88°40'47" EAST, ALONG THE SOUTH LINE OF TWO TRACTS OF LAND DESCRIBED ON BOOK 351 AT PAGE 2535 AND BOOK 334 AT PAGE 1685 TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 334 AT PAGE 1685, A DISTANCE OF 349.37 FEET; THENCE NORTH 01°20'14" EAST, ALONG THE EAST LINE OF THE LAST MENTIONED TRACT OF LAND, A DISTANCE OF 329.70 FEET TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 19; THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 19, A DISTANCE OF 1516.61 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A DISTANCE OF 1644.63 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 1117.64 FEET; THENCE NORTH 63°13'15" WEST, A DISTANCE OF 103.00 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 106.34 FEET; THENCE SOUTH 26°46'58" WEST, A DISTANCE OF 69.40 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 147.57 FEET; THENCE SOUTH 01°34'45" WEST, A DISTANCE OF 156.63 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 03°50'48" EAST, A RADIUS OF 1205.54 FEET, FOR AN ARC DISTANCE OF 331.08 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING INGRESS/EGRESS EASEMENT DESCRIBED IN BOOK 353 AT PAGES 13767 & 13738; THENCE SOUTH 88°27'31" WEST, ALONG THE NORTH LINE OF SAID INGRESS/EGRESS EASEMENT, A DISTANCE OF 378.02 FEET, SAID POINT BEING ON A NONTANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 08°37'33" WEST, A RADIUS OF 830.54 FEET, FOR AN ARC DISTANCE OF 60.97 FEET, SAID POINT BEING AT THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 332 AT PAGE 708; THENCE NORTH 88°27'31" EAST, ALONG THE NORTH LINE OF SAID TRACT OF LAND IN BOOK 332 AT PAGE 708, A DISTANCE OF 524.91 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 01°31'29" EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 759.62 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 88°25'00" WEST, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 50.32 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 364 AT PAGE 3348; THENCE SOUTH 01°33'07" EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 426.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE U.S. INTERSTATE NO. 44, AS PREVIOUSLY ESTABLISHED, SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVIG A CHORD BEARING OF SOUTH 83°18'13" WEST, A RADIUS OF 5482.90, FOR AN ARC DISTANCE OF 593.34 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°31'35" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID

INTERSTATE NO. 44, A DISTANCE OF 251.82 FEET TO THE SOUTHEAST CORNER OF LOT 3, HAMMONS SILVER CREEK SUBDIVISION, AS RECORDED IN PLAT BOOK 7 AT PAGE 22; THENCE NORTH 72°49'10" WEST, ALONG THE SOUTH LINES OF LOTS 3, 2 OF SAID SUBDIVISION AND THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE NO. 44, A DISTANCE OF 652.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 34°50'17" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 169.37 FEET; THENCE NORTH 52°54'46" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.12 FEET; THENCE NORTH 64°12'51" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.53 FEET; THENCE NORTH 74°00'08" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DSTANCE OF 86.28 FEET; THENCE NORTH 02°18'22" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 137.07 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HAMMONS BLVD; THENCE SOUTH 89°31'20" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 90.72 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 88°24'56" WEST, A RADIUS OF 1415.47 FEET, FOR AN ARC DISTANCE OF 101.08 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 88°24'57" WEST, A RADIUS OF 1365.88 FEET, FOR AN ARC DISTANCE OF 98.28 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°31'21" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANC OF 434.42 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 45°28'39" WEST, A RADIUS OF 175.00 FEET, FOR AN ARC DISTANCE OF 274.89 FEET; THENCE NORTH 00°28'39" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, A DISTANCE OF 39.80 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE LEFT, AND ALONG THE WEST AND SOUTH, SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 44°06'48" WEST, A RADIUS OF 67.48 FEET, FOR AN ARC DISTANCE OF 102.78 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD); THENCE NORTH 01°23'02" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 216.47 FEET TO THE NORTHWEST CORNER OF PARCEL 1 OF DRURY FIRST SUBDIVISION, AS RECORDED IN BOOK 4 AT PAGE 14; THENCE SOUTH 88°45'52" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 174.00 FEET; THENCE SOUTH 01°33'55" WEST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 40.50 FEET; THENCE SOUTH 88°45'52" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 204.50 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 365 AT PAGE 7078; THENCE NORTH 01°33'55" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 195.50 FEET TO A POINT ON THE SOUTH LINE OF 36TH STREET, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 88°45'52" ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 36TH STREET, A DISTANCE OF 221.50 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 348 AT PAGE 12652; THENCE NORTH 01°33'57" EAST, THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 348 AT PAGE 12652, A DISTANCE OF 360.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 357 AT PAGE 873; THENCE NORTH 88°53'34" WEST, ALONG THE NORTH LINE OF THE LAST WRITTEN TRACT OF LAND AND THE NORTH LINE OF PARCEL 4, DRURY FIRST SUBDIVISION, AS RECORDED IN PLAT BOOK 4 AT PAGE 14, A DISTANCE OF 329.77 FEET; THENCE NORTH 01°16'16" EAST, ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 346 AT PAGE 2404, A DISTANCE OF 263.97 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE NORTH 88°41'12" WEST, ALONG THE SOUTH LINE OF LOT 1, DARRELL L. ROGERS 2008 TRUST ADDITION AS RECORDED IN PLAT BOOK 14 AT PAGE 1, A DISTANCE OF 283.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD); THENCE NORTH 01°15'44" EAST, ALONG THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD), A DISTANCE OF 701.14 FEET TO THE **POINT OF BEGINNING.**

{32140 / 66780; 678672. }

EXCEPT THAT PART DESCRIBED AS FOLLOWS:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 678.82 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 571.49 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 969.71 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 562.48 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 969.71 FEET; THENCE NORTH 01°34'24" EAST, A DISTANCE OF 562.48 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 114.87 ACRES, MORE OR LESS.

BUT INCLUDING THE FOLLOWING DESCRIBED TRACTS ANNEXED INTO THE DISTRICT:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 916.30 FEET; THENCE SOUTH 01°29'03" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF (A.K.A. 32ND STREET) AND THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF HAMMONS BLVD, AS PREVIOUSLY ESTABLISHED; THENCE CONTINUING SOUTH 01°29'03" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 99.99 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE, HAVING A CHORD BEARING OF SOUTH 14°06'27" EAST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 454.04 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 71.23 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 42°24'50" EAST, A RADIUS OF 774.27 FEET FOR AN ARC DISTANCE OF 269.67 FEET; THENCE SOUTH 52°23'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 30.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 36°44'33" EAST, A RADIUS OF 830.54 FEET, FOR AN AR DISTANCE OF 453.69 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 65.47 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POIUNT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID WEST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 37°40'51" WEST, A RADIUS OF 770.54 FEET, FOR AN ARC DISTANCE OF 365.68 FEET; THENCE NORTH 52°23'30" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30.39 TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 41°02'43" WEST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 330.42 FEET TO THE **POINT OF BEGINNING**. CONTAINING

45,314.80 SQ. FEET (1.04 ACRES) AND DESCRIBING THE ADJACENT PROPERTY TO BE **REMOVED FROM** THE DISTRICT.

AND

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 2196.16 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1644.63 TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTH 50°51'36" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 622.51 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID FRACTIONAL SECTION 19; THENCE SOUTH 01°23'26" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 12.65 FEET; THENCE NORTH 50°51'36" WEST, PARALLEL WITH THE WEST RIGHT OF WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A DISTANCE OF 643.25 FEET; THENCE SOUTH 88°25'48" EAST, A DISTANCE OF 16.40 FEET TO THE **POINT OF BEGINNING**. CONTAINING 6,328.81 SQ. FEET (0.15 ACRES).

AND

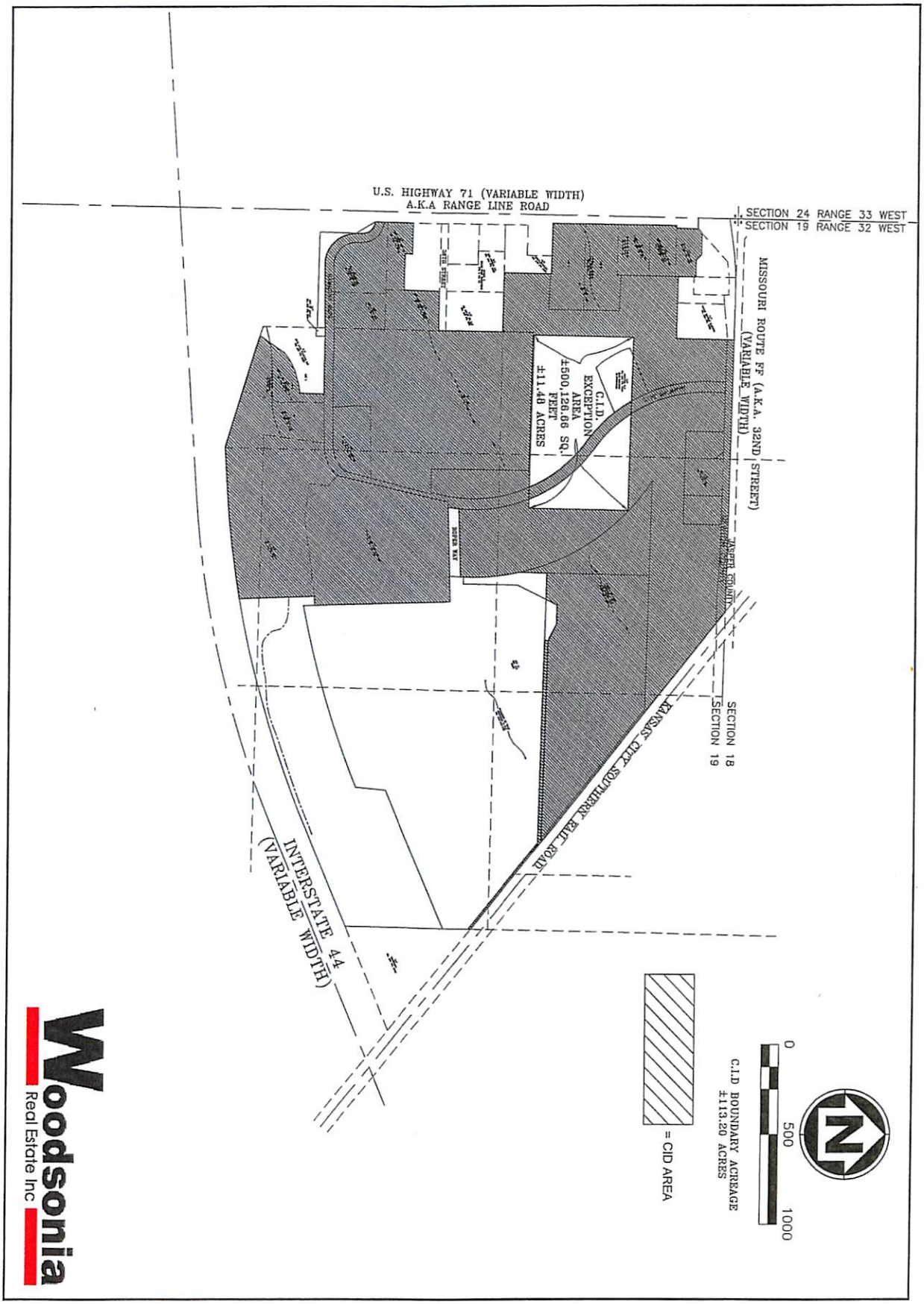
ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 2196.16 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1644.63; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 16.40 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING NORTH 88°25'48" WEST, A DISTANCE OF 1101.24 FEET; THENCE SOUTH 01°34'12" WEST, A DISTANCE OF 18.92 FEET; THENCE SOUTH 88°25'48" EAST, A DISTANCE OF 1125.83 FEET; THENCE NORTH 50°51'36" WEST, PARALLEL WITH SAID WEST RIGHT OF WAY, A DISTANCE OF 31.02 FEET TO THE **POINT OF BEGINNING**. CONTAINING 21,064.49 FEET (0.48 ACRES)

THE ABOVE DESCRIBED TRACTS OF LAND, IN TOTAL, CONTAIN 116.54 ACRES, MORE OR LESS.

EXHIBIT B
CURRENT MAP OF DISTRICT

Oct 19, 2020 - 2:48pm Plotted By: Kirk G:\Shared drives\ECTO - Land Development\Projects\2020\20JO10011 JG Hammons Large Scale Development\02 SURVEY\DRAWINGS\CID BOUNDARY.DWG Layout: WOODSONIA CID BOUNDARY



Woodsonia Real Estate Inc

SHEET NUMBER: 02

WOODSONIA REAL ESTATE INC.

CID BOUNDARY

CITY OF JOPLIN
NEWTON COUNTY, MISSOURI

REVISIONS				DRAWING INFO.	
NO.	DESCRIPTION	BY	DATE	DRAWN BY:	KRB
	ADDED EXCLUSION TRACT	KRB		CHECK BY:	KRB
	ADDED ANNEXATION TRACTS	KRB		LICENSE NO.	LC-62
				DATE:	2020-10-19
				FIELD BOOK:	
				JOB NUMBER	20JO10011

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ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
941 W 141ST TERR, STE A • KANSAS CITY, MO 64145 • PHONE (816) 777-0400
A LICENSED MISSOURI ENGINEERING & SURVEYING CORPORATION - LC 62

EXHIBIT C
LEGAL DESCRIPTION OF DISTRICT WITH ADJACENT PROPERTY REMOVED

WOODSONIA CID BOUNDARY DESCRIPTION – 2020-06-29

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 01°22'35" WEST, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 19, A DISTANCE OF 225.28 FEET; THENCE SOUTH 88°36'58" EAST, A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 71 (RANGE LINE ROAD), THENCE NORTH 47°54'24" EAST, A DISTANCE OF 36.52 FEET; THENCE SOUTH 88°49'26" EAST, A DISTANCE OF 116.65 FEET; THENCE SOUTH 45°04'38" EAST, A DISTANCE OF 45.99 FEET; THENCE SOUTH 88°49'29" EAST, A DISTANCE OF 93.80 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 351 AT PAGE 2535; THENCE SOUTH 01°17'42" WEST, ALONG SAID EAST LINE, A DISTANCE OF 99.69 FEET; THENCE SOUTH 88°40'47" EAST, ALONG THE SOUTH LINE OF TWO TRACTS OF LAND DESCRIBED ON BOOK 351 AT PAGE 2535 AND BOOK 334 AT PAGE 1685 TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 334 AT PAGE 1685, A DISTANCE OF 349.37 FEET; THENCE NORTH 01°20'14" EAST, ALONG THE EAST LINE OF THE LAST MENTIONED TRACT OF LAND, A DISTANCE OF 329.70 FEET TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 19; THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 19, A DISTANCE OF 1516.61 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A DISTANCE OF 1644.63 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 1117.64 FEET; THENCE NORTH 63°13'15" WEST, A DISTANCE OF 103.00 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 106.34 FEET; THENCE SOUTH 26°46'58" WEST, A DISTANCE OF 69.40 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 147.57 FEET; THENCE SOUTH 01°34'45" WEST, A DISTANCE OF 156.63 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 03°50'48" EAST, A RADIUS OF 1205.54 FEET, FOR AN ARC DISTANCE OF 331.08 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING INGRESS/EGRESS EASEMENT DESCRIBED IN BOOK 353 AT PAGES 13767 & 13738; THENCE SOUTH 88°27'31" WEST, ALONG THE NORTH LINE OF SAID INGRESS/EGRESS EASEMENT, A DISTANCE OF 378.02 FEET, SAID POINT BEING ON A NONTANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 08°37'33" WEST, A RADIUS OF 830.54 FEET, FOR AN ARC DISTANCE OF 60.97 FEET, SAID POINT BEING AT THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 332 AT PAGE 708; THENCE NORTH 88°27'31" EAST, ALONG THE NORTH LINE OF SAID TRACT OF LAND IN BOOK 332 AT PAGE 708, A DISTANCE OF 524.91 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 01°31'29" EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 759.62 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 88°25'00" WEST, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 50.32 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 364 AT PAGE 3348; THENCE SOUTH 01°33'07" EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 426.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE U.S. INTERSTATE NO. 44, AS PREVIOUSLY ESTABLISHED, SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVIG A CHORD BEARING OF SOUTH 83°18'13" WEST, A RADIUS OF 5482.90, FOR AN ARC DISTANCE OF 593.34 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°31'35" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE NO. 44, A DISTANCE OF 251.82 FEET TO THE SOUTHEAST CORNER OF LOT 3, HAMMONS

SILVER CREEK SUBDIVISION, AS RECORDED IN PLAT BOOK 7 AT PAGE 22; THENCE NORTH 72°49'10" WEST, ALONG THE SOUTH LINES OF LOTS 3, 2 OF SAID SUBDIVISION AND THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE NO. 44, A DISTANCE OF 652.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 34°50'17" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 169.37 FEET; THENCE NORTH 52°54'46" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.12 FEET; THENCE NORTH 64°12'51" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.53 FEET; THENCE NORTH 74°00'08" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DSTANCE OF 86.28 FEET; THENCE NORTH 02°18'22" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 137.07 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HAMMONS BLVD; THENCE SOUTH 89°31'20" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 90.72 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 88°24'56" WEST, A RADIUS OF 1415.47 FEET, FOR AN ARC DISTANCE OF 101.08 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 88°24'57" WEST, A RADIUS OF 1365.88 FEET, FOR AN ARC DISTANCE OF 98.28 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°31'21" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANC OF 434.42 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 45°28'39" WEST, A RADIUS OF 175.00 FEET, FOR AN ARC DISTANCE OF 274.89 FEET; THENCE NORTH 00°28'39" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, A DISTANCE OF 39.80 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE LEFT, AND ALONG THE WEST AND SOUTH, SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 44°06'48" WEST, A RADIUS OF 67.48 FEET, FOR AN ARC DISTANCE OF 102.78 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD); THENCE NORTH 01°23'02" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 216.47 FEET TO THE NORTHWEST CORNER OF PARCEL 1 OF DRURY FIRST SUBDIVISION, AS RECORDED IN BOOK 4 AT PAGE 14; THENCE SOUTH 88°45'52" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 174.00 FEET; THENCE SOUTH 01°33'55" WEST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 40.50 FEET; THENCE SOUTH 88°45'52" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 204.50 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 365 AT PAGE 7078; THENCE NORTH 01°33'55" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 195.50 FEET TO A POINT ON THE SOUTH LINE OF 36TH STREET, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 88°45'52" ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 36TH STREET, A DISTANCE OF 221.50 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 348 AT PAGE 12652; THENCE NORTH 01°33'57" EAST, THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 348 AT PAGE 12652, A DISTANCE OF 360.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 357 AT PAGE 873; THENCE NORTH 88°53'34" WEST, ALONG THE NORTH LINE OF THE LAST WRITTEN TRACT OF LAND AND THE NORTH LINE OF PARCEL 4, DRURY FIRST SUBDIVISION, AS RECORDED IN PLAT BOOK 4 AT PAGE 14, A DISTANCE OF 329.77 FEET; THENCE NORTH 01°16'16" EAST, ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 346 AT PAGE 2404, A DISTANCE OF 263.97 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE NORTH 88°41'12" WEST, ALONG THE SOUTH LINE OF LOT 1, DARRELL L. ROGERS 2008 TRUST ADDITION AS RECORDED IN PLAT BOOK 14 AT PAGE 1, A DISTANCE OF 283.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD); THENCE NORTH 01°15'44" EAST, ALONG THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD), A DISTANCE OF 701.14 FEET TO THE **POINT OF BEGINNING.**

EXCEPT THAT PART DESCRIBED AS FOLLOWS:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 678.82 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 571.49 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 969.71 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 562.48 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 969.71 FEET; THENCE NORTH 01°34'24" EAST, A DISTANCE OF 562.48 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 114.87 ACRES, MORE OR LESS.

BUT INCLUDING THE FOLLOWING DESCRIBED TRACTS ANNEXED INTO THE DISTRICT:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 2196.16 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1644.63 TO THE **POINT OF BEGINNING**; THENCE CONTINUING SOUTH 50°51'36" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 622.51 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID FRACTIONAL SECTION 19; THENCE SOUTH 01°23'26" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 12.65 FEET; THENCE NORTH 50°51'36" WEST, PARALLEL WITH THE WEST RIGHT OF WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A DISTANCE OF 643.25 FEET; THENCE SOUTH 88°25'48" EAST, A DISTANCE OF 16.40 FEET TO THE **POINT OF BEGINNING**. CONTAINING 6,328.81 SQ. FEET (0.15 ACRES).

AND

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 2196.16 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 1644.63; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 16.40 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING NORTH 88°25'48" WEST, A DISTANCE OF 1101.24 FEET; THENCE SOUTH 01°34'12" WEST, A DISTANCE OF 18.92 FEET; THENCE SOUTH 88°25'48" EAST, A DISTANCE OF 1125.83 FEET; THENCE NORTH 50°51'36" WEST, PARALLEL WITH

SAID WEST RIGHT OF WAY, A DISTANCE OF 31.02 FEET TO THE **POINT OF BEGINNING**. CONTAINING 21,064.49 FEET (0.48 ACRES)

THE ABOVE DESCRIBED TRACTS OF LAND, IN TOTAL, CONTAIN 115.50 ACRES, MORE OR LESS.

EXHIBIT D
MAP OF DISTRICT WITH ADJACENT PROPERTY REMOVED

Oct 20, 2020 - 8:13am Plotted By: kbell G:\Shared drives\KC10 - Land Development\Projects\2020\20JO10011 JD Hammons Large Scale Development\02 SURVEY\DRAWINGS\CID BOUNDARY DEANNEXATION MENARDS ONLY.DWG Layout: MENARDS DEANNEXATION ONLY

WOODSONIA REAL ESTATE INC.

CID DEANNEXATION (MENARD'S ONLY)

CITY OF JOPLIN
NEWTON NEWTON COUNTY, MISSOURI

SHEET NUMBER
____ OF ____

REVISIONS				DRAWING INFO.	
NO.	DESCRIPTION	BY	DATE	DRAWN BY:	KRB
		KRB		CHECK BY:	KRB
		KRB		LICENSE NO.	C-62
				DATE:	2020-10-19
				FIELD BOOK:	
				JOB NUMBER	20JO10011

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A LICENSED MISSOURI ENGINEERING & SURVEYING CORPORATION - LC 62

Oct 20, 2020 – 9:11am Plotted By: kbild C:\Shared drives\XTO – Land Development\Projects\2020\20JO10011 JO Hammons Large Scale Development\02 SURVEY\DRAWINGS\CID BOUNDARY.DWG Layout: WOODSONIA CID BOUNDARY

Woodsonia Real Estate Inc

SHEET NUMBER

OF

WOODSONIA REAL ESTATE INC.

CID BOUNDARY

CITY OF JOPLIN
NEWTON COUNTY, MISSOURI

REVISIONS				DRAWING INFO.	
NO.	DESCRIPTION	BY	DATE	DRAWN BY:	KRB
		KRB		CHECK BY:	KRB
		KRB		LICENSE NO.	C-62
				DATE:	2020-10-19
				FIELD BOOK:	
				JOB NUMBER	20JO10011

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EXHIBIT E
DISTRICT RESOLUTION

RESOLUTION NO. 2020-09

THE 32nd STREET PLACE COMMUNITY IMPROVEMENT DISTRICT

RESOLUTION OF THE 32ND STREET PLACE COMMUNITY IMPROVEMENT DISTRICT APPROVING AMENDMENT TO DISTRICT BOUNDARIES AND REMOVAL OF ADJACENT PROPERTY FROM THE DISTRICT; AUTHORIZING SUBMISSION OF A PETITION TO CITY OF JOPLIN FOR APPROVAL; AND OTHER ACTIONS RELATED THERETO.

WHEREAS, by Ordinance No. 2020-113, adopted August 3, 2020 ("Ordinance") and pursuant to the Community Improvement District Act, Sections 67.1401 *et seq.*, RSMo ("Act"), the City Council of the City of Joplin, Missouri ("City Council") approved the Petition for Establishment of the 32nd Street Place Community Improvement District ("Formation Petition"), thereby creating the 32nd Street Place Community Improvement District ("District");

WHEREAS, the current boundaries of the District are legally described on the attached Exhibit A and depicted on the map attached as Exhibit B;

WHEREAS, the District was formed to acquire property for and to fund certain public improvements, including the construction of improvements to and re-alignment of Hammons Boulevard and the construction of three regional detention basins as part of a larger redevelopment project;

WHEREAS, Hammons Boulevard is an existing private road that connects with Range Line Road on the western boundary of the District and with 32nd Street on the northern boundary of the District;

WHEREAS, there are three tracts (to be platted as Tract A, Tract B, and Tract C) for construction of regional detention basins as part of the redevelopment project;

WHEREAS, by Resolution No. 2020-08 dated October 28, 2020, the District consented to the addition of certain property to the District as described in the Petition to Amend Boundaries and Add Property to the District ("Annexed Property") signed by the owners of such property in accordance with the Act, subject to approval of the City;

WHEREAS, that portion of Hammons Boulevard that crosses the location of a proposed Menards store ("Adjacent Property") was approved for addition to the District by Resolution No. 2020-08;

WHEREAS, the Adjacent Property is legally described on the attached Exhibit C and depicted on the map attached as Exhibit D;

WHEREAS, the Adjacent Property is part of a tract ("Carved-Out Tract") that was intentionally carved out of the District at the time of its formation. To facilitate development of the Carved-Out Tract, JDHQ Land Holdings, LLC, a Delaware limited liability company ("JDHQ"), the current owner of the Adjacent Property, desires to remove the Adjacent Property from the

District as permitted under the Act once certain preconditions, as the City may establish, have been satisfied;

WHEREAS, it is anticipated that the District will acquire the Adjacent Tract after the Adjacent Tract has been added to the District as part of the District's project described in the Formation Petition. The Adjacent Property, together with other sections of the existing Hammons Boulevard, will be vacated at such time as the planned improvements to re-align Hammons Boulevard are complete, at which time the improved and re-aligned Hammons Boulevard will be dedicated to the City;

WHEREAS, at such time as the District acquires the Adjacent Property, the District will be included in the definition of Petitioner for all purposes under the petition to remove the Adjacent Property from the District;

WHEREAS, Section 67.1441.1, RSMo, provides that, with the consent of the Board of Directors, real property may be removed from the District by ordinance upon receipt of a proper petition and after a public hearing is held by the governing body of the municipality on the addition of the real property in the manner provided in section 67.1431 upon proper notice;

WHEREAS, the District is in receipt of the Petition to Amend Boundaries and Remove Property From the District signed by JDHQ to remove the Adjacent Property from the District; and

WHEREAS, the District desires to (a) approve and consent to the amendment of the District's boundaries by removing the Adjacent Property, (b) sign the Petition to Amend Boundaries and Remove Property From the District as the future contingent owner of the Adjacent Property, and (c) to submit the Petition to Amend Boundaries and Remove Property From the District to the City Council for approval in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE 32nd STREET PLACE COMMUNITY IMPROVEMENT DISTRICT, AS FOLLOWS:

1. The Board of Directors acknowledges receipt of the Petition to Amend Boundaries and Remove Property From the District and the Board of Directors approves and consents to the amendment of the District's boundaries by removing the Adjacent Property from the District.

2. The Board of Directors finds that the District will be able to meet its obligations without the revenues generated by or on the Adjacent Property after the Adjacent Property has been removed from the District.

3. The Petition to Amend Boundaries and Remove Property From the District is approved in substantially the form presented on this date to the Board of Directors, subject to such changes, additions or deletions as may be deemed necessary or desirable by the District's officers, upon the advice of counsel, to carry out the purpose and intent of this Resolution, provided that any substantive changes are also approved by the owner of the Adjacent Property. In addition, the District, as the future contingent owner of the Adjacent Property, is authorized and directed to sign the Petition to Amend Boundaries and Remove Property From the District.

At such time as the District acquires the Adjacent Property, the District shall be deemed to be included in the definition of Petitioner for all purposes under the Petition to Amend Boundaries and Remove Property From the District.

4. The District's officers and legal counsel are authorized and directed to submit the Petition to Amend Boundaries and Remove Property From the District to the City Clerk for approval by the City Council of the City of Joplin, Missouri following a public hearing in accordance with the Act.

5. Upon the removal of the Adjacent Property from the District, the Adjacent Property shall be no longer subject to the District's projects and or the District's sales tax.

6. The Chairman, Vice Chairman and Secretary are authorized and directed to take all further action necessary to carry out the purpose and intent of this Resolution, including, without limitation, taking steps as such officers deem necessary or desirable to satisfy any preconditions as the City may establish to the removal of the Adjacent Property from the District.

7. This Resolution shall take effect immediately.

Adopted October 28, 2020.

Giltner B. Stevens, Chairman

ATTEST:

Becky Ziegler, Records Custodian

EXHIBIT A

Legal Description of Current District Boundaries

WOODSONIA CID BOUNDARY DESCRIPTION – 2020-06-29

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 01°22'35" WEST, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 19, A DISTANCE OF 225.28 FEET; THENCE SOUTH 88°36'58" EAST, A DISTANCE OF 60.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 71 (RANGE LINE ROAD), THENCE NORTH 47°54'24" EAST, A DISTANCE OF 36.52 FEET; THENCE SOUTH 88°49'26" EAST, A DISTANCE OF 116.65 FEET; THENCE SOUTH 45°04'38" EAST, A DISTANCE OF 45.99 FEET; THENCE SOUTH 88°49'29" EAST, A DISTANCE OF 93.80 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 351 AT PAGE 2535; THENCE SOUTH 01°17'42" WEST, ALONG SAID EAST LINE, A DISTANCE OF 99.69 FEET; THENCE SOUTH 88°40'47" EAST, ALONG THE SOUTH LINE OF TWO TRACTS OF LAND DESCRIBED ON BOOK 351 AT PAGE 2535 AND BOOK 334 AT PAGE 1685 TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 334 AT PAGE 1685, A DISTANCE OF 349.37 FEET; THENCE NORTH 01°20'14" EAST, ALONG THE EAST LINE OF THE LAST MENTIONED TRACT OF LAND, A DISTANCE OF 329.70 FEET TO A POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 19; THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 19, A DISTANCE OF 1516.61 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 50°51'36" EAST, ALONG THE WEST RIGHT OF WAY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, A DISTANCE OF 1644.63 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 1117.64 FEET; THENCE NORTH 63°13'15" WEST, A DISTANCE OF 103.00 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 106.34 FEET; THENCE SOUTH 26°46'58" WEST, A DISTANCE OF 69.40 FEET; THENCE NORTH 88°25'48" WEST, A DISTANCE OF 147.57 FEET; THENCE SOUTH 01°34'45" WEST, A DISTANCE OF 156.63 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 03°50'48" EAST, A RADIUS OF 1205.54 FEET, FOR AN ARC DISTANCE OF 331.08 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING INGRESS/EGRESS EASEMENT DESCRIBED IN BOOK 353 AT PAGES 13767 & 13738; THENCE SOUTH 88°27'31" WEST, ALONG THE NORTH LINE OF SAID INGRESS/EGRESS EASEMENT, A DISTANCE OF 378.02 FEET, SAID POINT BEING ON A NONTANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 08°37'33" WEST, A RADIUS OF 830.54 FEET, FOR AN ARC DISTANCE OF 60.97 FEET, SAID POINT BEING AT THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 332 AT PAGE 708; THENCE NORTH 88°27'31" EAST, ALONG THE NORTH LINE OF SAID TRACT OF LAND IN BOOK 332 AT PAGE 708, A DISTANCE OF 524.91 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 01°31'29" EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 759.62 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 88°25'00" WEST, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 50.32 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 364 AT PAGE 3348; THENCE SOUTH 01°33'07" EAST, ALONG THE EAST LINE OF SAID TRACT OF LAND, A DISTANCE OF 426.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE U.S. INTERSTATE NO. 44, AS PREVIOUSLY ESTABLISHED, SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT, HAVIG A CHORD BEARING OF SOUTH 83°18'13" WEST, A RADIUS OF 5482.90, FOR AN ARC DISTANCE OF 593.34 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 86°31'35" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE NO. 44, A DISTANCE OF 251.82 FEET TO THE SOUTHEAST CORNER OF LOT 3, HAMMONS

SILVER CREEK SUBDIVISION, AS RECORDED IN PLAT BOOK 7 AT PAGE 22; THENCE NORTH 72°49'10" WEST, ALONG THE SOUTH LINES OF LOTS 3, 2 OF SAID SUBDIVISION AND THE NORTH RIGHT OF WAY LINE OF SAID INTERSTATE NO. 44, A DISTANCE OF 652.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 34°50'17" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 169.37 FEET; THENCE NORTH 52°54'46" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.12 FEET; THENCE NORTH 64°12'51" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 56.53 FEET; THENCE NORTH 74°00'08" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DSTANCE OF 86.28 FEET; THENCE NORTH 02°18'22" EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 137.07 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HAMMONS BLVD; THENCE SOUTH 89°31'20" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 90.72 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 88°24'56" WEST, A RADIUS OF 1415.47 FEET, FOR AN ARC DISTANCE OF 101.08 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 88°24'57" WEST, A RADIUS OF 1365.88 FEET, FOR AN ARC DISTANCE OF 98.28 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°31'21" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANC OF 434.42 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 45°28'39" WEST, A RADIUS OF 175.00 FEET, FOR AN ARC DISTANCE OF 274.89 FEET; THENCE NORTH 00°28'39" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, A DISTANCE OF 39.80 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE LEFT, AND ALONG THE WEST AND SOUTH, SOUTH RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 44°06'48" WEST, A RADIUS OF 67.48 FEET, FOR AN ARC DISTANCE OF 102.78 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD); THENCE NORTH 01°23'02" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 216.47 FEET TO THE NORTHWEST CORNER OF PARCEL 1 OF DRURY FIRST SUBDIVISION, AS RECORDED IN BOOK 4 AT PAGE 14; THENCE SOUTH 88°45'52" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 174.00 FEET; THENCE SOUTH 01°33'55" WEST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 40.50 FEET; THENCE SOUTH 88°45'52" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 204.50 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 365 AT PAGE 7078; THENCE NORTH 01°33'55" EAST, ALONG THE WEST LINE OF SAID TRACT, A DISTANCE OF 195.50 FEET TO A POINT ON THE SOUTH LINE OF 36TH STREET, AS PREVIOUSLY ESTABLISHED; THENCE SOUTH 88°45'52" ALONG THE SOUTH RIGHT OF WAY LINE OF SAID 36TH STREET, A DISTANCE OF 221.50 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 348 AT PAGE 12652; THENCE NORTH 01°33'57" EAST, THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 348 AT PAGE 12652, A DISTANCE OF 360.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 357 AT PAGE 873; THENCE NORTH 88°53'34" WEST, ALONG THE NORTH LINE OF THE LAST WRITTEN TRACT OF LAND AND THE NORTH LINE OF PARCEL 4, DRURY FIRST SUBDIVISION, AS RECORDED IN PLAT BOOK 4 AT PAGE 14, A DISTANCE OF 329.77 FEET; THENCE NORTH 01°16'16" EAST, ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 346 AT PAGE 2404, A DISTANCE OF 263.97 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND; THENCE NORTH 88°41'12" WEST, ALONG THE SOUTH LINE OF LOT 1, DARRELL L. ROGERS 2008 TRUST ADDITION AS RECORDED IN PLAT BOOK 14 AT PAGE 1, A DISTANCE OF 283.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD); THENCE NORTH 01°15'44" EAST, ALONG THE EAST RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 71 (RANGE LINE ROAD), A DISTANCE OF 701.14 FEET TO THE **POINT OF BEGINNING.**

EXCEPT THAT PART DESCRIBED AS FOLLOWS:

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 678.82 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 571.49 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 969.71 FEET; THENCE SOUTH 01°34'24" WEST, A DISTANCE OF 562.48 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 969.71 FEET; THENCE NORTH 01°34'24" EAST, A DISTANCE OF 562.48 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 114.87 ACRES, MORE OR LESS.

EXHIBIT B

Map of Current District Boundaries

Woodsonia Real Estate Inc

SHEET NUMBER

____ OF ____

WOODSONIA REAL ESTATE INC.

CID BOUNDARY

CITY OF JOPLIN
NEWTON COUNTY, MISSOURI

REVISIONS				DRAWING INFO.	
NO	DESCRIPTION	BY	DATE	DRAWN BY:	KRB
	APPROVED OCT 19, 2020	KRB		CHECK BY:	KRB
		KRB		LICENSE NO.	C-62
				DATE:	2020-10-19
				FIELD BOOK:	
				JOB NUMBER	20JO10011

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EMPLOYEE OWNED
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911 W 141ST TERR, STE A • KANSAS CITY, MO 64145 • PHONE (816) 777-0400
A LICENSED MISSOURI ENGINEERING & SURVEYING CORPORATION - LC 62

EXHIBIT C

Legal Description of Adjacent Property

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: **COMMENCING** FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 916.30 FEET; THENCE SOUTH 01°29'03" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF (A.K.A. 32ND STREET) AND THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF HAMMONS BLVD, AS PREVIOUSLY ESTABLISHED; THENCE CONTINUING SOUTH 01°29'03" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 99.99 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE, HAVING A CHORD BEARING OF SOUTH 14°06'27" EAST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 454.04 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 71.23 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 42°24'50" EAST, A RADIUS OF 774.27 FEET FOR AN ARC DISTANCE OF 269.67 FEET; THENCE SOUTH 52°23'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 30.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 36°44'33" EAST, A RADIUS OF 830.54 FEET, FOR AN AR DISTANCE OF 453.69 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 65.47 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POIUNT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID WEST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 37°40'51" WEST, A RADIUS OF 770.54 FEET, FOR AN ARC DISTANCE OF 365.68 FEET; THENCE NORTH 52°23'30" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30.39 TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 41°02'43" WEST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 330.42 FEET TO THE **POINT OF BEGINNING.** CONTAINING 45,314.80 SQ. FEET (1.04 ACRES).

EXHIBIT D

Map of Adjacent Property

Oct 20, 2020 – 9:13am Plotted By: Matt G:\Shared drives\YCIG – Land Development\Projects\2020\20JO10011 JC Hammond Large Scale Development\CID SURVEY\DRAWINGS\CID BOUNDARY DEANNEXATION MENARDS ONLY.DWG Layout: MENARDS DEANNEXATION ONLY

Woodsonia
Real Estate Inc

SHEET NUMBER
OF

WOODSONIA REAL ESTATE INC.
CID DEANNEXATION
(MENARD'S ONLY)
CITY OF JOPLIN
NEWTON COUNTY, MISSOURI

REVISIONS				DRAWING INFO.	
NO	DESCRIPTION	BY	DATE	DRAWN BY:	KRB
		KRB		CHECK BY:	KRB
		KRB		LICENSE NO.	LC-62
				DATE:	2020-10-19
				FIELD BOOK:	
				JOB NUMBER:	20JO10011

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Woodsonia Real Estate Inc

SHEET NUMBER

OF

WOODSONIA REAL ESTATE INC.

CID BOUNDARY

CITY OF JOPLIN
NEWTON COUNTY, MISSOURI

REVISIONS				DRAWING INFO.	
NO.	DESCRIPTION	BY	DATE	DRAWN BY:	KRB
		KRB		CHECK BY:	KRB
		KRB		LICENSE NO.	C-62
				DATE:	2020-10-19
				FIELD BOOK:	
				JOB NUMBER	20JO10011

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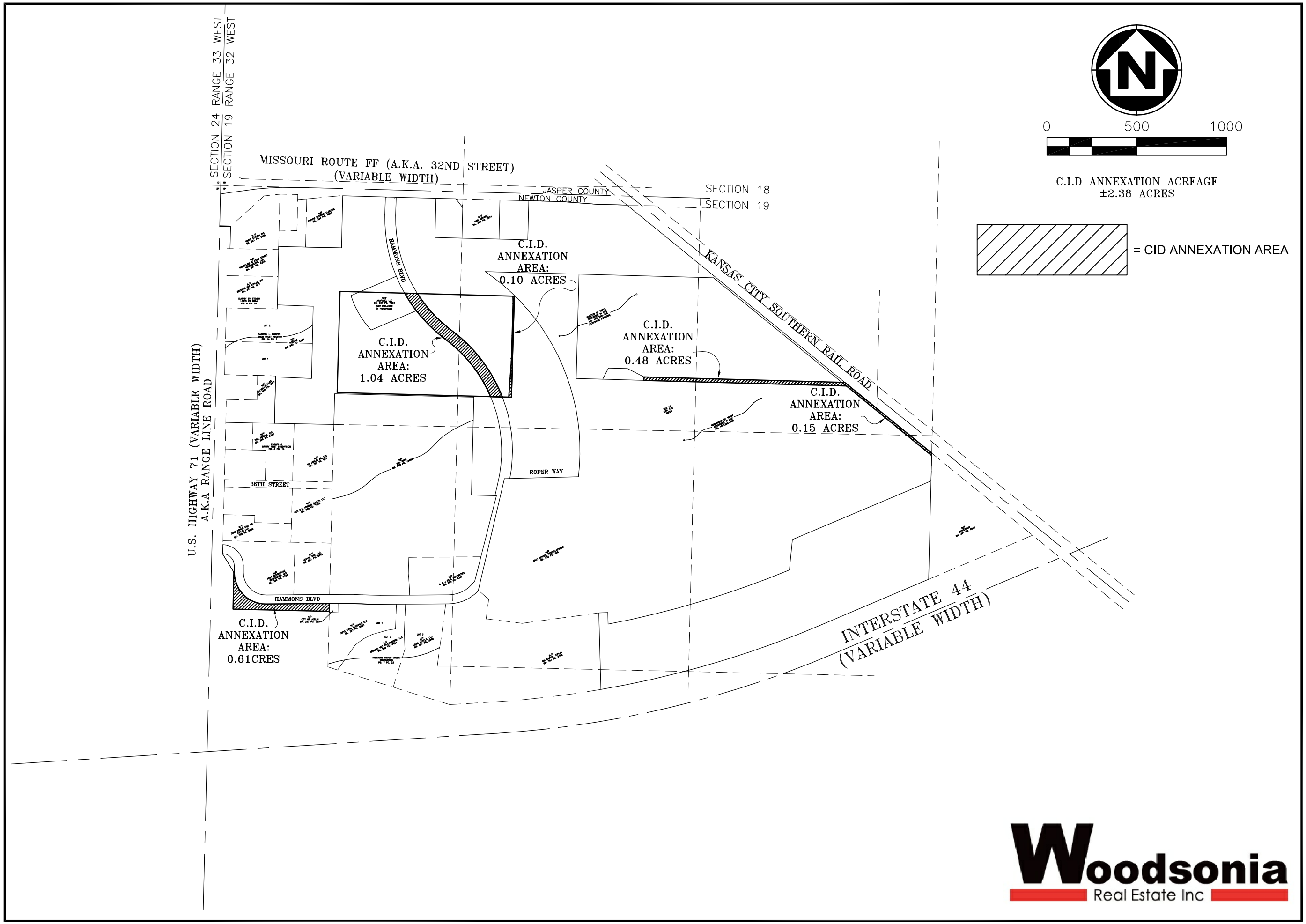

Woodsonia Real Estate Inc

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941 W 141ST TERR, STE A* KANSAS CITY, MO 64145* PHONE (816) 777-3400
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DRAWN BY:	KRB
CHECK BY:	KRB
LICENSE NO.	C-62
DATE:	2020-11-04
FIELD BOOK:	
JOB NUMBER	20JO10011

NO.	DESCRIPTION	BY	DATE
	ADDED EXCLUSION TRACT	KRB	

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WOODSONIA REAL ESTATE INC.
CID ANNEXATION
CITY OF JOPLIN
NEWTON COUNTY, MISSOURI

SHEET NUMBER

OF

Nov 04, 2020 - 10:42am Plotted By: kbold G:\Shared drives\VC10 - Land Development\Projects\2020\20VC10060 JQ Hammons Large Scale Development\02 SURVEY\DRAWINGS\CID ANNEXATION.DWG Layout: WOODSONIA CID ANNEXATION

COUNCIL BILL NO. 2020-530 ORDINANCE NO.

AN ORDINANCE approving a Petition to Amend Boundaries and Remove Property from the 32nd Street Place Community Improvement District and setting a date when this Ordinance shall become effective.

WHEREAS, the City of Joplin, Missouri (the "City") is a charter city and a political subdivision of the State of Missouri, duly created, organized and existing by virtue of the Constitution and the laws of the State of Missouri; and

WHEREAS, by Ordinance No. 2020-113 adopted by the City Council on August 3, 2020, and in accordance with the Missouri Community Improvement District Act, Sections 67.1401-67.1571, Revised Statutes of Missouri, as amended (the "CID Act)", the 32nd Street Place Community Improvement District (the "District") was established as a political subdivision of the State of Missouri to fund certain public and private facilities and improvements within the project area, including improvements to Hammons Boulevard, which is currently a private road that intersects with Range Line Road on the western boundary of the District and with 32nd Street on the northern boundary of the District; and

WHEREAS, a portion of the existing northern section of Hammons Boulevard, including its intersection with 32nd Street, is intended to be vacated and replaced with new and re-aligned Hammons Boulevard. Upon completion, the Hammons Boulevard improvements will be dedicated to the City; and

WHEREAS, pursuant to Section 67.1441.1 of the CID Act, an owner of property seeking to remove its property from the District signed a petition, which petition was consented to by the District's Board of Directors by Resolution 2020:09 dated October 28, 2020; and

WHEREAS, a Petition to Amend Boundaries and Remove Property from the District was filed with the City Clerk on October 29, 2020, (the "Deannexation Petition"), a copy of the Deannexation Petition is attached hereto as **Exhibit A**; and

WHEREAS, the Deannexation Petition requests that the City Council amend the District's boundaries by removing one (1) tract, as legally described and depicted in **Exhibit B** attached hereto (the "Deannexed Property"); and

WHEREAS, the Deannexed Property is that portion of the existing Hammons Boulevard that crosses the site of a proposed Menards store and was annexed into the District by Ordinance No. _____ dated December 7, 2020, to enable the District to utilize District funds to assist in the re-alignment of Hammons Boulevard. Once the Hammons Boulevard improvements are complete and accepted by the City, the Deannexed Property it will no longer be necessary for the Deannexed Property to be in the District; and

WHEREAS, the City Clerk verified that the Deannexation Petition substantially complies with the CID Act, submitted the verified Deannexation Petition to the City Council and set a public hearing with all proper notice being given in accordance with the CID Act or other applicable law; and

WHEREAS, none of the signatures of the signers of the Deannexation Petition were withdrawn within seven (7) days after the Deannexation Petition was filed with the City Clerk; and

WHEREAS, all of the Deannexed Property is located within the City of Joplin; and

WHEREAS, on December 7, 2020, the City Council held a public hearing at which all persons interested in the amendment of the District's boundaries were allowed an opportunity to speak; and

WHEREAS, the City Council having considered the evidence and testimony given at the public hearing, desires to approve the Deannexation Petition and amend the District's boundaries by removing the Deannexed Property from the District and make such other findings as necessary, subject to the completion and acceptance of the Hammons Boulevard improvements by the City.

BE IT ORDAINED BY THE COUNIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. All terms used in this Ordinance shall be construed as defined in the CID Act and the Deannexation Petition.

Section 2. The City Clerk has verified the Deannexation Petition substantially complies with all submission requirements of the CID Act.

Section 3. The boundaries of the District are amended to exclude the Deannexed Property in accordance with Section 67.1441.1 of the CID Act and the Deannexation Petition, subject, however, to the completion of the Hammons Boulevard improvements and the City's acceptance thereof, as described in Section 6 below. On the effective date of this Ordinance as described in Section 6 below, the boundaries of the District, as amended by the removal of the Deannexed Property, will be contiguous.

Section 4. The City Manager, City Clerk and any other appropriate City officials are hereby authorized to take any action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance and to execute and deliver for and on behalf of the City all certificates, instruments or other documents as may be necessary, desirable, convenient or proper to perform all matters herein authorized.

Section 5. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

Section 6. This Ordinance relating to the amendment of the District's boundaries to remove the Deannexed Property, if passed, adopted and approved by the Mayor, shall become effective on the date that the new alignment of Hammons Boulevard is completed and accepted by the City, as evidenced by a Certificate of Completion signed by the District and the City and filed with the City Clerk or such other instrument as the District and the City may mutually agree conclusively establishes the completion of the Hammons Boulevard improvements and the City's acceptance thereof. On such completion and acceptance date, this Ordinance shall become effective and the boundaries of the District shall then be amended to exclude the Deannexed Property.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day

of _____, 2020.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

Exhibit A

Amended Petition to Amend Boundaries and Remove Property

Exhibit B

Legal Description and Maps of Property to be Removed

ALL THAT PART OF FRACTIONAL SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, ALL IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING FROM THE NORTHWEST CORNER OF SAID SECTION 19 (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE); THENCE SOUTH 88°29'34" EAST, ALONG THE NORTH LINE OF THE SAID FRACTIONAL SECTION 19, A DISTANCE OF 916.30 FEET; THENCE SOUTH 01°29'03" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MISSOURI ROUTE FF (A.K.A. 32ND STREET) AND THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE AND THE WEST RIGHT OF WAY LINE OF HAMMONS BLVD, AS PREVIOUSLY ESTABLISHED; THENCE CONTINUING SOUTH 01°29'03" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 99.99 FEET TO THE BEGINNING OF A CURVE TO THE LEFT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE, HAVING A CHORD BEARING OF SOUTH 14°06'27" EAST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 454.04 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 88°25'36" EAST, A DISTANCE OF 71.23 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 42°24'50" EAST, A RADIUS OF 774.27 FEET FOR AN ARC DISTANCE OF 269.67 FEET; THENCE SOUTH 52°23'30" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 30.39 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EAST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF SOUTH 36°44'33" EAST, A RADIUS OF 830.54 FEET, FOR AN AR DISTANCE OF 453.69 FEET; THENCE NORTH 88°25'36" WEST, A DISTANCE OF 65.47 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SAID HAMMONS BLVD, SAID POIUNT BEING ON A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID WEST RIGHT OF WAY LINE, HAVING A CHORD BEARING OF NORTH 37°40'51" WEST, A RADIUS OF 770.54 FEET, FOR AN ARC DISTANCE OF 365.68 FEET; THENCE NORTH 52°23'30" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 30.39 TO THE BEGINNING OF A CURVE TO THE RIGHT AND TANGENT TO THE LAST DESCRIBED COURSE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A CHORD BEARING OF NORTH 41°02'43" WEST, A RADIUS OF 834.27 FEET, FOR AN ARC DISTANCE OF 330.42 FEET TO THE **POINT OF BEGINNING**. CONTAINING 45,314.80 SQ. FEET (1.04 ACRES).

MAPS SHOWING PROPERTY TO BE REMOVED AND FULL BOUNDARY MAP WITH DEANNEXED PROEPRTY REMOVED ATTACHED ON FOLLOWING PAGES

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:

Council Bill No. 2020-613. This Council Bill approves the Joplin Convention & Visitor Bureau's (JCVB) Grant distribution for FY21 relating to special events, festivals and celebrations.

MEETING DATE:

Monday, December 7, 2020.

ORIGINATING DEPARTMENT:

Convention & Visitors Bureau.

REVIEWED BY:

Director of Convention & Visitors Bureau-Patrick Tuttle, Director of Finance-Leslie Haase, City Attorney-Peter Edwards, City Manager-Nicholas Edwards.

SUMMARY REQUEST:

This Council Bill approves the Joplin Convention & Visitor Bureau's (JCVB) Grant distribution for FY21 special events, festivals and celebrations. Funding comes from a portion of the Occupational License Tax (JCVB Hotel/Motel tax) monies collected resulting from Ordinance No. 2000-048 as authorized by City of Joplin voters on November 7, 2000.

BACKGROUND:

The purpose of this Grant Program is to assist qualified organizations with the promotion of tourism activities striving to directly increase hotel/motel occupancy and create positive image building for Joplin. Qualifying applicants must meet the following criteria:

- Not-For-Profit and For-Profit organizations may apply;
- Events must be held between November 1, 2020 & October 31, 2021;
- Events must be held within 20 miles of Joplin city limits;
- Events must be open to the general public.

With the uncertainty of holding events in 2020 and planning for changes in 2021, the Joplin Convention & Visitors Bureau Advisory Board did not review the grant applications in July as normal, but rather allowed organizations to assess their events, adjust according to health concerns, then submit their applications over a 90-day window. The Advisory Board then meet with grant applicants over three of their monthly meetings and made the following selections and allocations at their November 17, 2020 meeting. From each applicant, the board listened to a 5-minute presentation followed by a 5-minute Q&A period. Each board member received digital copies of all applications in advance of the meeting.

Ten (10) funding applications from ten organizations totaling $168,020 in requests were received. Funding for the grant program is capped at $140,000. Typically, up to $130,000 is awarded through the initial grant process with $10,000 kept in reserve and awarded throughout the fiscal year.

In their review, the board took into consideration many factors including, an events tourism draw, potential room nights, growth potential, previous funding and reporting standards, overall appeal and community development.

Applications are worth a total of 100 points with a minimum of 60-points required to receive funding. Each board member individually scored the applications, the hi/low scores were removed, then all were ranked by the average score received. Scoring criteria included: Ability to increase event attendance, ability to attract new visitors to Joplin (from 70-miles+ (one-way) outside the market and retain a visitor in this area for at least 3 hour), ability to generate overnight stays, marketing efforts shown to be 40% or more on a digital platform, event scheduled during low-occupancy time of year, show projected growth based on previous year's post-event summary, and the overall composition and impression of grant application. Following the scoring and ranking of all applications, the Advisory Board discussed each application and made final funding decisions.

FUNDING SOURCE:

CVB Grant Funding is from a dedicated portion of the CVB's annual budget.

RECOMMENDATIONS:

The Joplin Convention & Visitors Bureau Advisory Board respectfully submits the following grant funding recommendations:

1. Ozark Christian College for marketing their 2021 Conference Series in the amount of Twelve Thousand Five Hundred dollars ($12,500).
2. Active Lifestyles' Joplin Memorial Run in the amount of Six Thousand Five Hundred dollars ($6,500).
3. Rufus Racing LLC for the Summer Roundup Triathlon in the amount of Five Thousand dollars ($5,000).
4. Elevate the Chains, for their Moving the Chains football clinic and games in the amount of Fourteen Thousand Five Hundred dollars ($14,500).
5. JOMO Pride Inc., for JOMO Pride in the amount of Four Thousand Eight Hundred and Ninety-Five dollars ($4,895).
6. Four State Trucks, for Guilty by Association in the amount of Twenty-Five Thousand dollars ($25,000).
7. Carl Junction Chamber of Commerce for the 24th annual Bluegrass Festival in the amount of Three Thousand dollars ($3,000).

In total, these recommendations represent Seventy-One Thousand Three Hundred and Ninety-Five dollars ($71,395) from the budgeted FY21 grant program. The balance of $58,605 will be allocated throughout the fiscal year following the same applicant guidelines.

Applications for Murphysburg, Downtown Joplin Alliance and Arts Fest did not meet the scoring minimums to receive funding. The JCVB AB advised the director to work with these organizations to see where additional support or other funding activity could help their programs.

These recommendations are respectfully submitted for Joplin City Council approval for the FY21 budget by the Joplin Convention & Visitors Bureau Advisory Board.

ATTACHMENTS:

Council Bill No. 2020-613

Applicant Snapshots

#1 FY2021

Organization:	Kiwanis Club of Joplin
Project:	**Joplin Arts Fest**
Dates:	**Sept 17 & 18, 2021**
Event location:	Mercy Park, Joplin
Projected attendance:	3,000-5,000
Estimated # of room nights:	20
Estimated # of day trippers:	2,000
Target audience:	Individuals interested in visual and perfroming arts events, Farmer's market and handcrafted items.
Market origin of attendees:	4-state region plus surrounding art markets to include KC, Fayetteville, OK City, Lawrence and Topeka.
Amount requested:	**$ 15,000.00**
Portion of budget:	26% of budget is represented by grant request
Funds requested for:	**Marketing (Digital 1), $6,000** **Marketing (Digital 2), $9,000**
Funding history:	FY20 E Grant - $7,500 FY19 E/A Grant - $6,000 FY18 E/A Grant - $3,375 FY17 CVB Funding, $2,000
Social media program:	Facebook and Website
Type grant request:	EVENT GRANT
JCVB Staff Notes	
Special Instructions/Notes:	**Scored 47.1% out of 100 possible.** **Board Recommendation: $00**

#2 FY2021

Organization:	Ozark Christian College
Project:	**2021 Conference Marketing**
Dates:	**2021 Conference Series**
Event location:	Ozark Christian College
Projected attendance: see legend below	PT = 800 (74th year)(Feb 22-24, 2021) WC = 500 (65th year)(April 9-10, 2021) GW = 800 (53rd year)(Sept 24-25, 2021) TE = 800 (53rd year)(Nov 5-6, 2021) TT = 320 (10th year)(25x in 2020-2021)
Estimated # of room nights:	PT = 150 WC = 50 GW = Teens on campus TE = 250 TT = 50
Estimated # of day trippers:	PT = 300 WC = 100 GW = 123 TE = 59 TT = 160
Target audience:	PT: Pastoral leaders, church leadership, OCC Alum. WC: Women in pastoral roles GW: Youth pastors, youth & student leaders TE: Youth pastors, youth & student leaders TT: Youth pastors, youth & student leaders
Market origin of attendees:	Regional -Joplin, Tulsa, Texas, St Louis and more
Amount requested:	**$ 25,000.00**
Portion of budget:	11% of budget is represented by grant request
Funds requested for:	**Honorariums, $8,000** **Marketing (Printing), $3,000** **Marketing (Video), $2,000** **Marketing (Social), $9,000** **Mailing Postage, $3,000**
Funding history:	FY20 M Grant - $17,500 FY19 E/A Grant - $12,500 FY18 E/A Grant - $12,345
Social media program:	Facebook and Website
Type grant request:	MARKETING GRANT
JCVB Staff Notes	Preaching & Teaching Conf (PT) Women's Conference (WC) Getaway (teen event) (GW) The Event (teen event) (TE) Tuesday Tour (TT)
Special Instructions/Notes:	Scored 85.4% out of 100 possible. Board Recommendation: $12,500

#3 FY2021

Organization:	Downtown Joplin Alliance
Project:	**2021 Marketing Campaign (Empire)**
Dates:	**2021 Event Marketing**
Event location:	Downtown Joplin and Empire Market
Projected attendance:	82,150 annually
Estimated # of room nights:	400 annually
Estimated # of day trippers:	15,980 annually
Target audience:	Various based on event
Marketing reach:	Regionally, plus visitors to Joplin
Amount requested:	**$ 10,900.00**
Portion of budget:	46% of budget is represented by grant request
Funds requested for:	**Marketing & promotions of events, activities and vendors at the Empire Market, $9,500** **Outdoor improvements for curbside impression and outdoor gathering options for social distancing, $1,400**
Funding history:	FY20 M Grant - $3,000 FY19 E/A Grant - $8,000 FY18 E/A Grant - $5,302
Social media program:	Facebook and Website
Type grant request:	MARKETING GRANT
JCVB Staff Notes	8 Third Thursday Events 12 First Friday Wine Share (local networking) 52 Empire Market Themed Weekends Market Festivals Holiday Experience/Small Business Saturday Annual Downtown Sidewalk Sale
Special Instructions/Notes:	**Scored 50.3% out of 100 possible.** **Board Recommendation: $00**

#4 FY2021

Organization:	Historic Murphysburg Preservation, Inc.
Project:	**Murphysburg 150th Celebration**
Dates:	**May to Sept 2021**
Event location:	Historic Murphysburg
Projected attendance:	2,000 annually
Estimated # of room nights:	20
Estimated # of day trippers:	1,200
Target audience:	Couples and Familes, Route 66 Travelers
Market origin of attendees:	Local, SW MO, Mid-MO, NW AR, Eastern KS & OK, Springfield. Other communities with Historic Neighborhood Tours.
Amount requested:	**$ 15,825.00**
Portion of budget:	46% of budget is represented by grant request
Funds requested for:	**Photographer, $1,000** **Marketing (Print Ads), $4,250** **Marketing (Social & Fees), $4,700** **Wayfinding Banner, $4,875** **Web Support, $1,000**
Funding history:	FY19 E/A Grant $3,000 (CVB budget) FY19 M Grant $1,000 FY18 E/A Grant $5,729 FY17 E/A Grant $8,335 FY16 E/A Grant $6,375
Social media program:	Facebook and Website
Type grant request:	EVENT GRANT
JCVB Staff Notes	
Special Instructions/Notes:	**Scored 36.0% out of 100 possible.** **Board Recommendation: $00**

#5 FY2021

Organization:	Active Lifestyle
Project:	**Joplin Memorial Run**
Dates:	**May 21 & 22, 2021**
Event location:	Joplin, Memorial Hall, MSSU and Joplin neighborhoods
Projected attendance:	2,062 runners, 545 volunteers and 4,500 spectators
Estimated # of room nights:	91 for 2018
Estimated # of day trippers:	1,326
Target audience:	Marathon running community (58% women/42% men)
Market origin of attendees:	Runners from 29 states, Canada & Germany participated in 2018, 11% came >70 mile away.
Amount requested:	**$ 15,000.00**
Portion of budget:	10.3% of budget is represented by grant request
	Design Cost, $3,500 **Finisher Items, $9,000** **Video Production, $1,500** **Marketing (Social), $4,000**
Funding history:	FY19 E/A Grant - $10,000 FY18 E/A Grant - $12,195 FY17 E/A Grant - $15,000 FY16 E/A Grant - $15,000 FY15 S.E. Grant - $14,000 FY14 S.E. Grant - $20,000 FY13 S.E. Grant - $19,500 FY12 S.E. Grant - $20,000 FY11 S.E. Grant - $10,000 (as Boomtown Run) FY10 S.E. Grant - $10,000 (as Boomtown Run) FY09 S.E. Grant - $10,567 (as Boomtown Run)
Social media program:	Facebook and Website
Type grant request:	EVENT GRANT
JCVB Staff Notes	Walk of Silence Kid's Run 5K and Half-Marathon Distances #4 Run in Missouri
Special Instructions/Notes:	**Scored 77.5% out of 100 possible.** **Board Recommendation: $6,500**

#6 FY2021

Organization:	Rufus Racing LLC
Project:	**Summer Roundup Triathlon**
Dates:	**July 10 & 11, 2021**
Event location:	Scroggs Lake (near Jasper)
Projected attendance:	325 racers, 75 volunteers, 350 spectators
Estimated # of room nights:	40-60
Estimated # of day trippers:	380 racers and spectators
Target audience:	Swimming, Cycling and Running (Triathalon) athletes
Market origin of attendees:	CA, TX, DE, WY, GA, IL, OK, OH, KS, MO, AR, WI, IA, FL, TN, CO, NM, NY, NV, NE (11 state avg ea yr).
Amount requested:	**$ 8,015.00**
Portion of budget:	36% of budget is represented by grant request
Funds requested for:	**Creative Design, $500** **Marketing (Video), $1,000** **Text Message Service, $1,350** **Marketing (Social) $1,500** **Google Geofencing & SEO, $2,500** **Swag, $4,000** **Operation & Awards, $4,685** **Prize Money (Top 3), $1,500**
Funding history:	FY19 E/A Grant – $7,500 FY18 E/A Grant – $11,610 FY17 E/A Grant – $15,000 FY16 E/A Grant – $15,000 FY15 S.E. Grant – $8,000 FY14 S.E. Grant – $12,500 FY13 S.E. Grant - $12,625 FY12 S.E. Grant - $7,500 FY11 S.E. Grant - $7,500 FY10 C.E. Grant - $2,500
Social media program:	Facebook and Website
Type grant request:	EVENT GRANT
JCVB Staff Notes	13th Annual
Special Instructions/Notes:	**Scored 73.7% out of 100 possible.** **Board Recommendation: $5,000**

#7 FY2021

Organization:	Elevate the Game
Project:	**Moving the Chains (Football clinic/games)**
Dates:	**May 28-30, 2021**
Event location:	Joplin, MSSU, Loma Linda, Downstream
Projected attendance:	2,540
Estimated # of room nights:	1,500
Estimated # of day trippers:	TBD
Target audience:	NFL Football enthusiasts
Market origin of attendees:	Nationwide
Amount requested:	**$ 47,000.00**
Portion of budget:	35% of budget is represented by grant request
Funds requested for:	**Celebrity Fees, $14,500** **Awards/Prize Money, $2.500** **Facility Rentals, $15,000** **Colligate Scouts, $5,000** **Marketing, $10,000**
Funding history:	First Time Request
Social media program:	Facebook and Web Site
Type grant request:	EVENT GRANT
JCVB Staff Notes	New event
	Scored 90.8% out of 100 possible. Board Recommendation: $14,500

#8 FY2021

Organization:	JOMO Pride, Inc.
Project:	**JOMO Pride**
Dates:	**August 28 & 29, 2021**
Event location:	Joplin
Projected attendance:	3,000+
Estimated # of room nights:	25-30
Estimated # of day trippers:	1,900
Target audience:	Regional
Marketing reach:	Missouri metro markets, plus regionally
Amount requested:	**$ 4,895.00**
Portion of budget:	51.6% of budget is represented by grant request
Funds requested for:	**Marketing/Advertising, $1,410** **Performer Fees, $1,635** **Prize Money, $175** **Equipment Rental, $1,675**
Funding history:	First Time Request
Social media program:	Facebook and Web Site
Type grant request:	EVENT/MARKETING GRANT
JCVB Staff Notes	
Special Instructions/Notes:	**Scored77.0% out of 100 possible.** **Board Recommendation: $4,895**

#9 FY2021

Organization:	Four State Truck
Project:	**Guilty by Association**
Dates:	**September 23-25, 2021**
Event location:	4 State Truck location Exit 4/I-44
Projected attendance:	10,000 - 13,000
Estimated # of room nights:	950
Estimated # of day trippers:	6,000
Target audience:	Truckers, truck enthusiast, local public
Market origin of attendees:	Nationwide trucking industry wide
Amount requested:	**$ 20,000.00**
Portion of budget:	<6.5% of budget is represented by grant request
Funds requested for:	**Marketing (Pint), $10,300** **Marketing (Digital), $4,000** **Marketing (Radio), $4,700** **Web Support, $2,000** **Banners Signage, $4,000**
Funding history:	FY18 E/A Grant - $14,670 FY17 E/A Grant - $0, did not apply FY16 E/A Grant - $15,000 FY15 S.E. Grant - $20,000 FY14 C.E. Grant - $4,500 FY13 C.E. Grant - $2,700
Social media program:	Facebook and Website
Type grant request:	EVENT GRANT
JCVB Staff Notes	11th Year. Convoy ends on 26th Street between maiden Lane and Pearl Ave., major impact.
Special Instructions/Notes:	**Scored 99.2% out of 100 possible.** **Board Recommendation: $25,000**

#10 FY2021

Organization:	CJ Chamber of Commerce
Project:	**CJ 24th Bluegrass Festival**
Dates:	**September 24-25, 2021**
Event location:	Historic Murphysburg Neighborhood & Downtown
Projected attendance:	15,000 over 3-days
Estimated # of room nights:	25-50
Estimated # of day trippers:	12,500 from outside Joplin market
Target audience:	Ages 1-101
Market origin of attendees:	Kansas City, Nevada, Ft. Scott, Pittsburg, Joplin, Springfield, Miami and Tulsa.
Amount requested:	**$ 6,385.00**
Portion of budget:	24% of budget is represented by grant request
Funds requested for:	**Marketing (Social Media), $1,500** **Marketing (Print Ads), $750** **Marketing (Broadcast), $3,300** **Marketing (Printing), $835** **Entertainment $0**
Funding history:	FY 20 Special Event Support $3,000 FY 19 Special Event Support $1,500 FY 18 Special Event Support $5,402 FY 17 Special Event Support $7,830 FY 16 Special Event Support $500 FY 15 Special Event Support $700
Social media program:	Facebook and Website
Type grant request:	EVENT GRANT
JCVB Staff Notes	
Special Instructions/Notes:	**Scored 60.3% out of 100 possible.** **Board Recommendation: $3,000**

COUNCIL BILL NO. 2020-613 ORDINANCE NO.

AN ORDINANCE approving the applications of Ozark Christian College for marketing their 2021 Conference Series; Active Lifestyles' Joplin Memorial Run; Rufus Racing LLC for the Summer Roundup Triathlon; Elevate the Chains, for their Moving the Chains football clinic and games; JOMO Pride Inc., for JOMO Pride; Four State Trucks, for Guilty by Association; and Carl Junction Chamber of Commerce for the 24th Annual Bluegrass Festival for utilization of FY21 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

WHEREAS, the voters of the City of Joplin approved an increase in the Occupational License Tax for transient sleeping accommodations at an election held on November 7, 2000; and,

WHEREAS, pursuant to the provisions of Ordinance No. 2000-148, a portion of said funds are to be utilized for festivals or celebrations intended to attract visitors from the region to the City and other related activities in the City; and,

WHEREAS, the Convention & Visitors Bureau Advisory Board established an application procedure and reviewed the applications of numerous organizations, and, have recommended to the Council that certain festivals, celebrations, events and attractions be funded utilizing a portion of said proceeds; and,

WHEREAS, after having a Public Hearing thereon, as required by said ordinance, the Council of the City of Joplin desires to utilize a portion of the proceeds from said tax in accordance with the recommendations of the Convention & Visitors Bureau Advisory Board.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the Application of Ozark Christian College for marketing their 2021 Conference Series in the amount of Twelve Thousand Five Hundred dollars ($12,500); Active Lifestyles' Joplin Memorial Run in the amount of Six Thousand Five Hundred dollars ($6,500); Rufus Racing LLC for the Summer Roundup Triathlon in the amount of Five Thousand dollars ($5,000); Elevate the Chains, for their Moving the Chains football clinic and games in the amount of Fourteen Thousand Five Hundred dollars ($14,500); JOMO Pride Inc., for JOMO Pride in the amount of Four Thousand Eight Hundred and Ninety-Five dollars ($4,895); Four State Trucks, for Guilty by Association in the amount of Twenty-Five Thousand dollars ($25,000); and the Carl Junction Chamber of Commerce for the 24th annual Bluegrass Festival in the amount of Three Thousand dollars ($3,000), for utilization of Fiscal Year 2021 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000, be and the same are hereby approved.

Section 2. That the City Manager is hereby authorized and directed to execute appropriate Agreements, by and on behalf of the City of Joplin, with each said organization for the expenditure of said funds in accordance with the recommendation of the Joplin Convention & Visitors Bureau, and, in accordance with Ordinance No. 2000-148.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2020

_____

Ryan D. Stanley, Mayor

ATTEST:

_____

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney

I hereby certify that a sufficient amount is available in the CVB Fund, Accounts No. 105-4080-560-7505 to pay the grant amounts awarded.

_____

Leslie Haase, Director of Finance

RESOLUTION 2020-019

A RESOLUTION supporting the adoption of the Joplin City Council vision statement and prioritized goals.

WHEREAS, The City Manager's Listening Tour Survey gave Joplin residents and business owners the opportunity to voice their vision about the community. This information has been presented to the City Council; and,

WHEREAS, on November 30, 2020, the Joplin City Council held a workshop in which they identified and prioritized six (6) key project areas including: Improving community appearance, including public properties maintained by the City, address declining neighborhoods, increase economic opportunities for all, address homelessness, reduce crime and increase safety and create and grow revenue to improve the City service levels and maintain infrastructure; and,

WHEREAS, the pursuit of these prioritized initiatives will provide the foundation to create a community built on safety and opportunity which will be in the best interest of residents of Joplin, Missouri; and

WHEREAS, blight in residential and commercial areas should be reduced by addressing vacant and abandoned buildings and creating stricter code enforcement for absentee property owners; and

WHEREAS, the outward presentation of the community shall be improved as to ensure residents and investors that the community is not in decline; and

WHEREAS, an overwhelming amount of survey respondents would like the City to pursue opportunities that advance economic development; and,

WHEREAS, for a community, the need for safety requires that necessary resources are prioritized; and,

WHEREAS, the City will endeavor to become resilient through improved technology and modern revenue structures to allow it to provide quality services to its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Joplin that we will embrace the following vision and work to achieve these community goals:

Joplin, built on generations of people with grit and determination, is a regional hub at the crossroads of America. Our diverse people and employers thrive because of our healthy lifestyles, exceptional neighborhoods, lifelong learning opportunities and cultural & recreational amenities.

Our connected community benefits from world-class health care, reasonable cost of living and economic opportunity for all.

Together we are ready for anything.

Ad Omnia Parata

Community Goals:

- Improving community appearance, including public properties maintained by the City.
- Address declining neighborhoods.
- Increase economic opportunities for all.
- Address homelessness.
- Reduce crime and increase safety.
- Create and grow resilient revenue to improve City service levels and maintain infrastructure.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI this _____day of _____ 2020.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2020-179 Sage Valuations Appraisal Services Agreement for Connecticut Avenue Widening Project, 32nd St. to I-44

MEETING DATE
December 21, 2020

ORIGINATING DEPT
Public Works-Engineering

ATTACHMENTS
Council Bill 2020-179; Agreement; Map

REVIEWED BY
Director of Public Works: David Hertzberg; Finance Director: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nicholas Edwards

SUMMARY
This Council Bill authorizes the City Manager or his designee to approve an Agreement with Sage Valuations in the amount of Ninety-Four Thousand and 00/100 dollars ($94,000.00) for appraisal services for the Connecticut Avenue Widening Project, 32nd St. to I-44.

BACKGROUND
In August 2014, the voters passed the Renewal of the Capital Improvement Sales Tax Program for an additional 10 years. One of the projects was the widening of Connecticut Avenue from 32nd St. to I-44. In July 2019, City Council approved an agreement with Deborah Pearson and Co., Inc. to provide appraisal services for the project. Due to unforeseen circumstances, Deborah Pearson & Co., Inc. is unable to complete the appraisals required for the project. In August 2020, a Request for Proposals for appraisal services for this project was sent to multiple local and regional appraisers, with only one proposal received. The proposal of Sage Valuations has been reviewed by City staff, and the fees are within industry standards.

FUNDING SOURCE
Capital Improvement Sales Tax

RECOMMENDATION
Staff recommends approval of Council Bill 2020-179, Sage Valuations Appraisal Services Agreement for Connecticut Avenue Widening Project, 32nd St. to I-44 in the amount of Ninety-Four Thousand and 00/100 dollars ($94,000.00) on an emergency basis, in that said ordinance provides for public improvements and is considered to be an emergency per section 2.12(6) of the HOME RULE CHARTER of the City of Joplin, Missouri, and as such, this ordinance shall become effective immediately upon its passage. Furthermore, approval of this council bill will allow appraisal services to commence immediately, avoiding future delays when right of way negotiation services can begin; and will allow design services to continue, without unnecessary further delays, and is therefore an emergency.

COUNCIL BILL NO. 2020-179 ORDINANCE NO.

AN ORDINANCE approving an Agreement with Sage Valuations in the amount of Ninety-Four Thousand and 00/100 dollars ($94,000.00) for appraisal services for the Connecticut Avenue Widening Project, 32nd St. to I-44, and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin; and containing an emergency clause.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, as follows:

Section 1. That the Agreement with Sage Valuations in the amount of Ninety-Four Thousand and 00/100 dollars ($94,000.00) for appraisal services for the Connecticut Avenue Widening Project, 32nd St. to I-44, for the City of Joplin, a true and accurate copy of said agreement being attached hereto and incorporated herein, be, and the same, is hereby approved.

Section 2. That the City Manager of the City of Joplin, Missouri, or his designee, is hereby authorized and directed to execute said agreement, or agreement in substantially similar form, by and on behalf of the City of Joplin with Sage Valuations.

Section 3. That upon the final approval and acceptance of the consultant's work under said contract, in substantial conformance with the attached exhibits, in writing by the Director of Public Works and his certification to the effect to the Director of Finance, the consultant shall be paid from the Capital Improvement Sales Tax fund.

Section 4. That the City hereby declares that this Ordinance dealing with a public improvement, is an emergency within the meaning of Section 2.12(6) of the HOME RULE CHARTER of the City of Joplin, Missouri, and as such, this Ordinance shall become effective immediately upon its passage. Furthermore, approval of this council bill will allow appraisal services to commence immediately, avoiding future delays when right of way negotiation services can begin; and will allow design services to continue, without unnecessary further delays, and is therefore an emergency.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of_____, 2020, by a vote of_____.

ATTEST: Ryan D. Stanley, Mayor

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

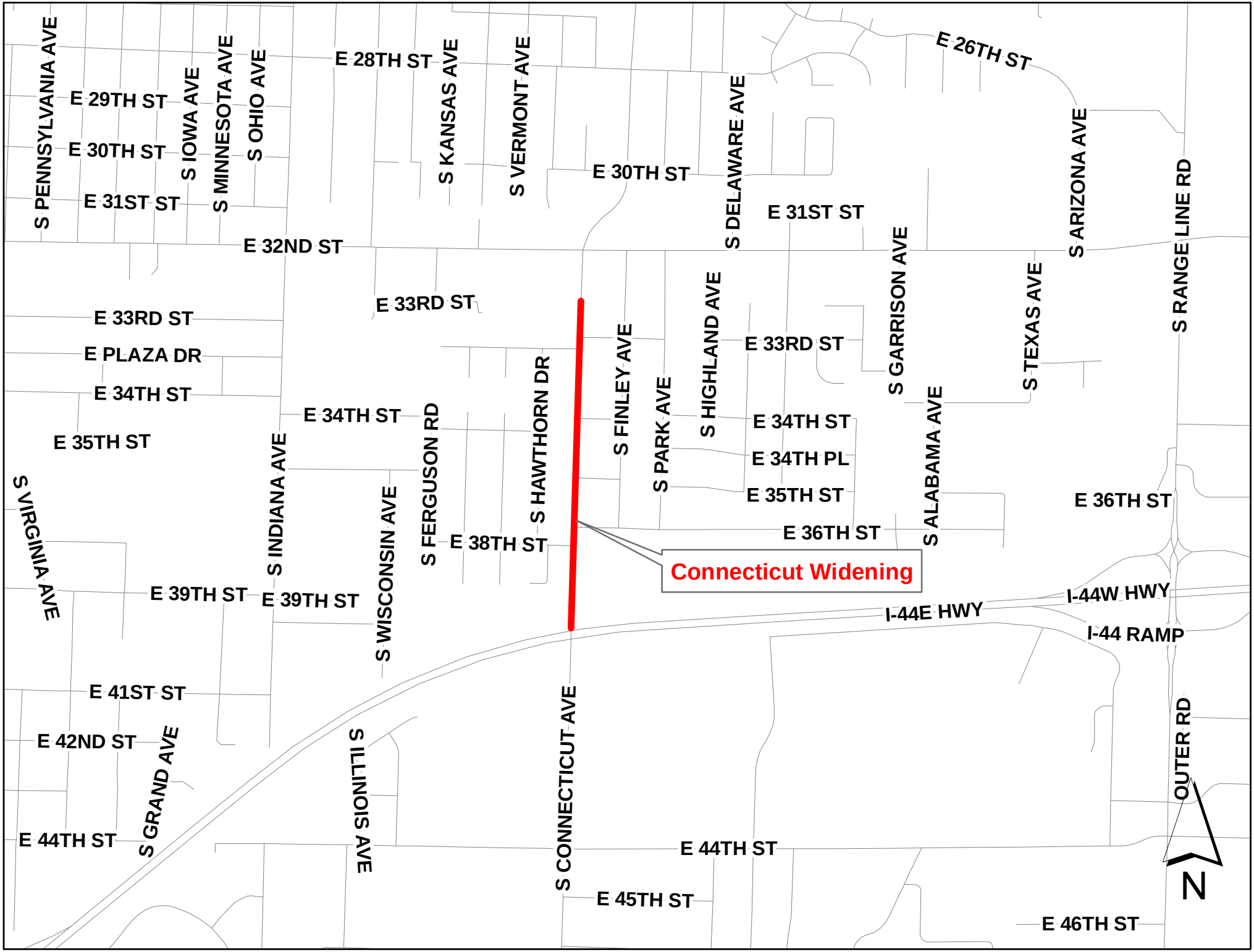
Peter C. Edwards, City Attorney

Council Bill 2020-179

I hereby certify that a sufficient amount is available in the Capital Improvement Sales Tax Fund to pay the amounts called for on the basis of the negotiated fee.

_____

Leslie Haase, Director of Finance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E 42ND ST
S GRAND AVE
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S CONNECTICUT AVE
OUTER RD
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E 45TH ST
E 46TH ST
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AGREEMENT FOR
PROFESSIONAL RIGHT OF WAY APPRAISAL SERVICES

THIS AGREEMENT, made on this _____day December, by and between the City of Joplin, Missouri, whose address is 602 Main Street, Joplin, Missouri 64801, hereinafter referred to as the "City" and Sage Valuations, 1914 East 48th Street, Joplin, MO 64804 hereinafter referred to as the "Appraisal Firm" for professional right of way appraisal services on Connecticut Street from 32nd street south to the new bridge herein referred to as the "Project".

WHEREAS, the City desires to retain a professional appraisal firm to assist the City in performing right of way appraisals on Connecticut Avenue from 32nd street south to the new bridge at I-44, in Joplin, Missouri. For purposes of this agreement, a parcel is defined as a tract of land as per County records even if more than one parcel is owned by same owners.

NOW THEREFORE WITNESSETH: That for and in consideration of the mutual covenants and promises between the parties hereto, the parties do hereby agree as follows:

ARTICLE I ─ SERVICES

The Appraiser agrees to diligently perform in a professional and workmanlike manner the following services:

1. Perform right of way appraisals on the project as more specifically set forth in the Description of Services, attached hereto as Attachments A & B incorporated by reference.

ARTICLE II - AGREEMENT TIME

This Agreement becomes effective upon execution of this Agreement and it will terminate upon the completion of Appraiser's duties and obligations under this Agreement.

ARTICLE III - GENERAL CONDITIONS

1. The Appraisal Firm shall observe and comply with all Federal, State and local laws and ordinances that affect those employed or engaged by it on the project, or the material or equipment used, or the conduct of the work, and shall procure all necessary insurance.

2. The Appraisal Firm shall prosecute the work in a diligent manner.

3. This Agreement, including payment hereunder, shall not be sub-let, assigned or otherwise disposed of, except with the prior written consent of the City.

4. The Appraisal Firm warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Appraisal Firm to solicit or secure this Agreement and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Appraisal Firm, any fee, commission, gift or contingent fee.

5. In performance of the work covered by this Agreement, the Appraisal Firm shall not discriminate against any worker because of race, creed, color, political affiliation, handicap or national origin.

6. Possession of working papers, project reports and other materials produced in connection with this Agreement shall be retained by the Appraisal Firm. The Appraisal Firm shall provide copies for City of such records upon request.

7. City shall have the right to make changes within the general scope, type of report requested, change in project plans creating a change in a report or any other Appraisal Firm's services, with an appropriate change in compensation, upon execution of a mutually acceptable amendment or change order signed by an authorized representative of City and the President of the Appraisal Firm.

ARTICLE IV - RESPONSIBILITIES

The Appraisal Firm shall:

1. Provide a staff that is experienced in performing the work.

2. Deliver in a timely manner all services specified herein.

3. Consultant will exercise reasonable skill, care and diligence in the performance of its services and will carry out its responsibilities in accordance with The Uniform Standards of Professional Appraisal Practice. If Appraisal Firm fails to meet the foregoing standard, Appraisal Firm will perform at its own cost, and without additional reimbursement from City the Appraisal practices necessary to correct errors and omissions caused by Appraisal Firms failure to comply with above standard provided said errors or omissions are reported to the Appraisal Firm within one year from the completion of Appraisal Firm's services for this Project.

ARTICLE V - COSTS AND PAYMENTS

1. The City will be billed by invoice for professional time and services provided by the Appraisal Firm in the amount of $2,000 per appraisal. The total fee amount depends on the number of appraisals needed for this project. At the time of this contract, it appears there are approximately 47 properties that will need appraisals. If this number of properties is accurate, then the total amount would be $94,000 for the project. (See Attachment B)

2. Appraisal Firm shall prepare and submit an invoice to the City as each appraisal is delivered to the City and City will pay said invoice within thirty (30) days of receipt; and (b) For any additional services requested or changes, the Appraisal Firm shall submit an invoice for the service at the time the report or service is completed as provided in Attachment "A" for all additional services required and/or rendered. Said additional services shall include, but not limited to: any meetings, phone conversations, appearances, conferences, court appearances, depositions, any requirements of the court, waiting time prior to or after court appearances, being "on call" for court or attorneys, travel time to and from any of the above will be billed at $100 per hour.

ARTICLE VI - AGREEMENT

This Agreement contains the complete and full understanding of the parties; it may be varied only by written amendment executed by both parties.

ARTICLE VII – MISCELLANEOUS

1. CHOICE OF LAW. This Agreement has been made, and its validity, performance and effect shall be determined, in accordance with the laws of the State of Missouri and venue for litigation between the parties shall be solely and exclusively in Jasper County, Missouri, or the United States District Court for the Western District of Missouri.

2. HEADINGS. The headings of paragraphs in this Agreement are for convenience only. The headings form no part of this Agreement and shall not affect its interpretation.

3. ENTIRE AGREEMENT. This Agreement (including any Attachments) contains the entire understanding of the parties with respect to the subject matter hereof. It may not be altered or amended except by an agreement in writing signed by both parties.

4. WAIVER OR BREACH. Waiver of any provision of this Agreement or breach of this Agreement shall not thereafter be deemed to be a consent by the waiving party to any further waiver, modification or breach by the other party, whether new or continuing, of the same or any other covenant, condition or provision of this Agreement. Failure by one of the parties to this Agreement to assert its rights for any breach of this Agreement shall not be deemed a waiver of such rights. Should City or Appraisal Firm be required to institute legal action to enforce any of its rights set forth in this Agreement, then each party shall be entitled to reimbursement for all reasonable attorneys' fees and costs incurred as a result of breaching this Agreement, as determined by the Court in any such cause of action.

5. SEVERABILITY. If any of the provisions of this Agreement shall be construed to be invalid or illegal, the legality or validity of the other provisions of this Agreement shall not be affected thereby. Any illegal or invalid provision of this Agreement shall be severable, and any other provisions shall remain in full force and effect.

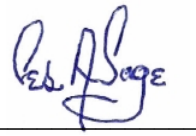
6. BINDING EFFECT. The provisions herein shall operate as a covenant running with the land and shall bind both parties hereunto and their respective successors and assigns.

7. REPRESENTATIONS. The signatories hereto represent and warrant that they have read this Agreement, that they are fully authorized in the capacities shown, that they understand the terms of this Agreement, and that they are executing the same voluntarily and solely for the consideration described herein.

8. TERMINATION. City may terminate this agreement at any time, without cause, by giving written notice of termination to Appraisal Firm. In the event of termination, Appraisal Firm shall be compensated for all work performed through the date of termination.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date last written above.

FOR THE APPRAISAL FIRM



Les Sage
Sage Valuations

FOR THE CITY

Nicholas Edwards
City Manager

Attest

Barbara Gollhofer
City Clerk

APPROVED TO FORM

Peter C. Edwards, City Attorney

ATTACHMENT "A"

All additional services for the project will be provided at the hourly rate of $100 per hour. Said additional services shall include, but not limited to: meetings, phone conversations, appearances, testimonies, conferences, court appearances, depositions, any requirements of the court, waiting time prior to or after court appearances, being "on call" for court or attorneys, travel time to and from any of the above. Appearance and meeting fees will be calculated by the appraiser leaving and returning to the office with a minimum of two-hour fee per appearance or meeting.

Additionally, any changes in the scope of work, plan changes, etc. beyond the appraiser's control that occur after the appraiser receives completed plans and begins working on the project that results in changes to the appraiser's internal documentation or reports shall be billed as outlined in Attachment "A".

If additional parcels are added after the execution of this contract, said parcels with be billed on a per parcel amount.

Sage Valuations

Appraisal, Appraisal Review & Consulting Services

December 8, 2020

CITY OF JOPLIN
602 South Main
JOPLIN, MO 64801

ENGINEERING DEPARTMENT

Dear Robert Beachner and Kim Hounschell

This letter may serve as **Attachment B** as referenced in the Contract Agreement between Sage Valuations and the City of Joplin for professional appraisals on the Connecticut widening project. This is further identified as being between 32nd Street and the Bridge over Interstate 44.

The fee proposal from Sage Valuation is $2,000 per parcel. It is estimated there are approximately 47 properties that will need appraisals to determine just compensation. This would indicate a total amount of approximately $94,000 for the entire project. However, the total fee estimate could vary slightly if the total number of properties are different that the estimated number.

Sincerely,



Les A. Sage
Certified General Real Estate Appraiser

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2020-531 – Approving a request to grant a 5% wage increase to the City Manager effective December 7, 2020.

MEETING DATE
December 21, 2020

ORIGINATING DEPT
Finance

ATTACHMENTS
CB 2020-531 Ordinance; Exhibit "A" Council Employee Pay

REVIEWED BY
Department Head: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nick Edwards

SUMMARY
This Council Bill approves a wage adjustment for the City Manager as a Council employee effective December 7, 2020.

BACKGROUND
Council employees are not included in the Salary Administration Plan. Wage increases for council employees are granted through a separate ordinance. As such, this ordinance approves a 5% wage increase for the City Manager as shown in Exhibit "A".

FUNDING SOURCE
The council employee raise is included in the FY 2021 general fund budget.

RECOMMENDATION
Staff recommends approval of this council bill on an emergency basis.

COUNCIL BILL NO. 2020-531 **ORDINANCE NO**.

AN ORDINANCE adopting and establishing pay rates for certain Unclassified Council Employees; and, containing an emergency clause.

WHEREAS, the Council of the City of Joplin, Missouri, desires to grant a wage increase of 5% for the City Manager effective December 7, 2020.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the Annual Salary for the City Manager be increased as shown in Exhibit "A".

Section 2. That additional compensation to members of the Unclassified service shall be based upon length of service and paid in accordance with the Longevity Pay Plan currently in effect.

Section 3. That this Ordinance, being an Ordinance affecting current expenditures of the City government and having to do with the expenditure of public funds, is an emergency within the meaning of Section 2.12(3)(4) of the HOME RULE CHARTER of the City of Joplin, Missouri, and as such shall become effective immediately upon its approval and passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____

day of _____, 2020, by a _____ vote.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

EXHIBIT "A"

CITY OF JOPLIN
COUNCIL EMPLOYEE ANNUAL PAY
21-Dec-20

POSITION	NAME	PERCENTAGE INCREASE	EFFECTIVE DATE
CITY MANAGER	NICHOLAS EDWARDS	5.0%	7-Dec-20

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2020-532 – Approving a budget amendment for FY 2021

MEETING DATE
December 21, 2020

ORIGINATING DEPT
Finance

ATTACHMENTS
CB 2020-532 Ordinance; Schedule "A" Budget Amendment

REVIEWED BY
Department Head: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nick Edwards

SUMMARY
This Council Bill amends the adopted 2020-2021 Budget of the City of Joplin.

BACKGROUND
In compliance with Charter regulations and accounting principles, the proposed adjustment is required to ensure that department expenditures do not exceed approved budget appropriations.

Here is the explanation for the items in Schedule A:

- Amending the general fund revenue in the amount of $14,000.00 due to the sale of equipment by the fire department.
- Amending the fire department emergency operations equipment budget in the amount of $8,100.00 to use the proceeds from the sale of surplus property to purchase a battery powered combination tool.

The purpose of the budget amendment is to recognize changes that have occurred since the annual budget was adopted. This budget amendment increases revenues by $14,000.00 and expenditures by $8,100.00.

FUNDING SOURCE
This item is not applicable for budget amendments.

RECOMMENDATION
Staff recommends approval of this council bill on an emergency basis.

COUNCIL BILL NO. 2020-532 **ORDINANCE NO.**

AN ORDINANCE amending the Annual Budget of the City of Joplin for the Fiscal Year 2020-2021 as adopted by Ordinance 2020-156 on October 19, 2020, to adjust appropriations and containing an emergency clause.

WHEREAS, the City of Joplin, Missouri passed Ordinance 2020-156 on October 19, 2020, which estimated revenues and appropriated funds for the fiscal year 2020-2021, and

WHEREAS, the Council of the City of Joplin has previously approved the programs and projects which require additional appropriations for completion.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That fiscal year 2020-2021 budgeted appropriations as adopted by Ordinance 2020-156 be amended by increasing revenue by the total amount of Fourteen Thousand Dollars and No Cents ($14,000.00) and by increasing appropriations by the total amount of Eight Thousand One Hundred Dollars and No Cents ($8,100.00) for the purposes and amounts as shown in Schedule "A" attached hereto.

Section 2. That the Director of Finance is hereby directed to make all necessary entries on the City records to show the increase in appropriations.

Section 3. This Ordinance is declared by the City Council to be an emergency within this meaning of Section 2.12 (4), of the Home Rule Charter of the City of Joplin, Missouri, in order to continue the day-to-day operations of the City and as such shall become effective immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day

of _____, 2020, by a _____vote.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

SCHEDULE A

CITY OF JOPLIN
BUDGET AMENDMENT
2020-2021 ADOPTED BUDGET
21-Dec-20

FUND	ACTIVITY	ACCOUNT	DESCRIPTION		REVENUES	EXPENDITURES
001	General Fund					
	Other Income	001-0000-450-0401	City Resale Proceeds	$	14,000	
	Fire Operations	001-6002-510-8230	Emergency Operating Equipment			8,100
	Total General Fund			$	14,000	8,100
	Grand Total			$	14,000	8,100

CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM
Council Bill 2020-178 – approving a construction agreement with B3 Contractors LLC for construction of the Minor System Improvements 2020 Project (TSO601).

MEETING DATE
December 21, 2020

ORIGINATING DEPARTMENT
Public Works - Engineering

ATTACHMENTS
Location Map, Bid Summary; Agreement, CB2020-178

REVIEWED BY
Director of Public Works: David Hertzberg; Director of Finance: Leslie Haase; City Attorney: Peter Edwards; City Manager: Nicholas Edwards.

SUMMARY
This Council Bill authorizes the City Manager or his designee to enter into an agreement with B3 Contractors LLC, in the amount of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 Dollars ($129,245.00) for construction of the Minor System Improvements 2020 project (TSO601).

BACKGROUND
The Parks and Storm Water Sales Tax was approved by voters in 2011. The Storm Water Sales Tax Program includes funds for minor system improvements. These improvements are generally implemented within residential neighborhoods and are essential in addressing small drainage issues affecting the general citizenry. Flooding in residential neighborhoods are reported to City staff by residents who are affected and are also documented by City staff who observe drainage issues during rain events while performing their duties. City staff maintain a list of minor system drainage issues on an unfunded needs list. This list is then objectively ranked based on various factors including, but not limited to, depth of standing water, frequency of occurrence, number of residents affected, severity of commute impediment, etc.

Typically, the minor system improvements are implemented via the City's own forces and resources utilizing its capable street, stormwater and sewer maintenance crews from the operations sector of Public Works. However, in order to help alleviate some of the strain experienced in operations stemming from a shortage of personnel (such as equipment operators), an already significant current work load in maintaining City infrastructure, and the hardships experienced with the pandemic, several of the identified needs have been collected to comprise a small project to be bid out to contractors.

The minor system improvements proposed within this project include bank stabilization in Ewert Park (which was outside the scope and project area of the recently completed 7th and Illinois stormwater project), bank stabilization for a residential neighborhood in north Joplin, installation of a gutter crossing and flume in a residential neighborhood in south Joplin, culvert replacement and ditch work in a residential neighborhood in west Joplin and installation of a gutter crossing and

concrete flume in another residential neighborhood near 20th and Delaware. The locations for these improvements ranked towards the top of the list due to factors such as depth of the standing water, frequency and duration of flooding after rain events, number of properties affected, the degree of disruption to commuter traffic and the degradation of the roadway because of the standing water.

In accordance with the City of Joplin's procurement policies, a request for proposals for construction of the minor system improvements was advertised on November 8, 2020. The proposal consisted of a base bid for the implementation of the improvements for three designated locations (Ewert Park, improvements in a residential neighborhood in Sunnyvale in south Joplin, and improvements in a residential neighborhood by Missouri avenue and Zora in north Joplin) as well as two alternates for two other locations (a residential neighborhood by 23rd street and Meadows avenue in west Joplin and a residential neighborhood by 20th street and Delaware). Three responsive proposals were received, and bids were opened on December 3, 2020 with B3 Contractors selected as the lowest, most responsive bidder. The bid was below the Engineer's estimate. Because of the favorable bids received for the project, which had the lowest bid's base bid plus the two alternates below the engineer's estimate for the base bid, the two alternates will be picked up with this project. Design of the project was completed inhouse. Additionally, Public Works intends to provide construction inspection and project management for the project inhouse.

FUNDING SOURCE

Parks and Storm Water Sales Tax fund.

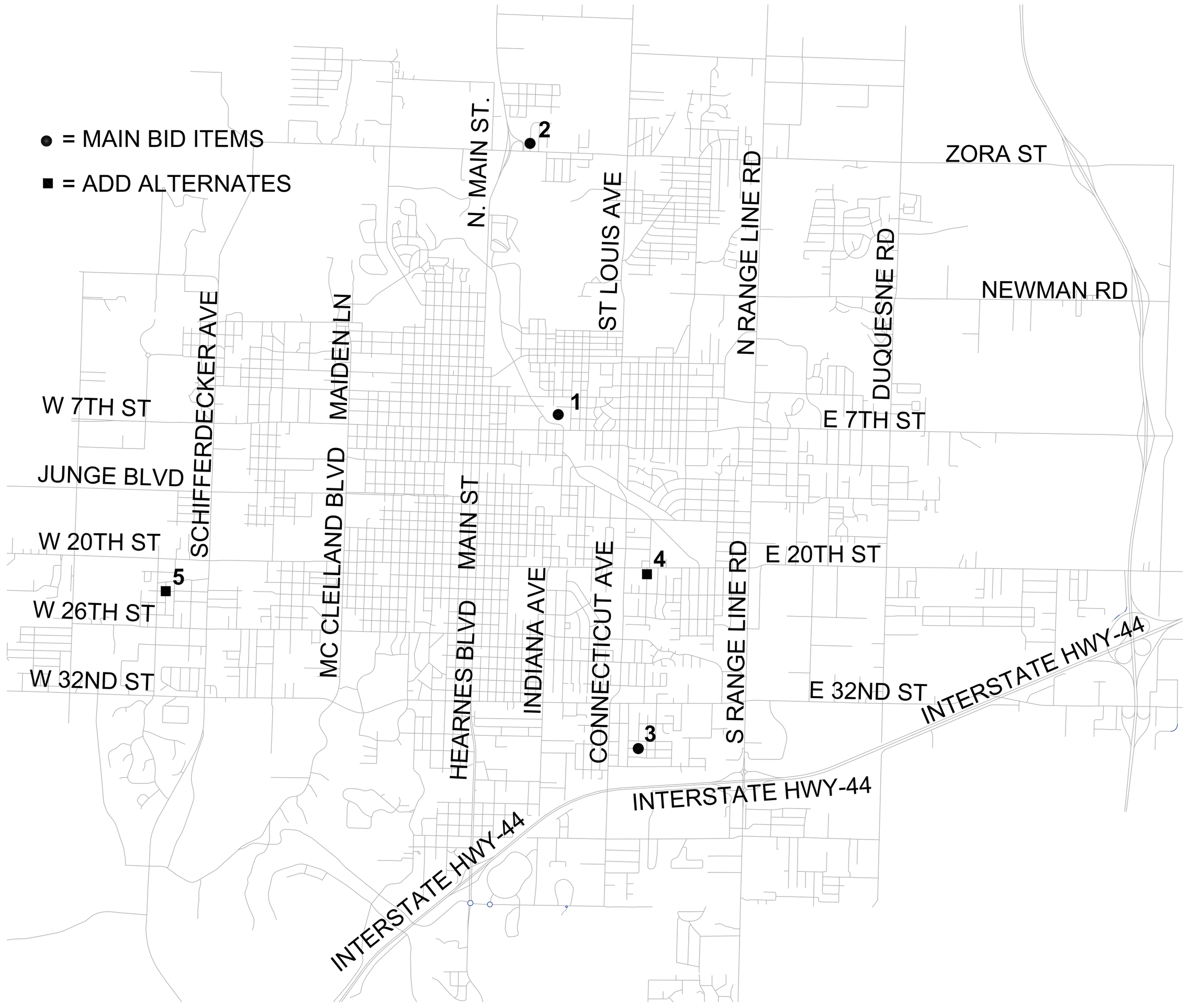
RECOMMENDATION

Staff recommends approval of this Council Bill No. 2020-178, approving a construction agreement with B3 Contractors LLC in the amount of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 Dollars ($129,245.00) for construction of the Minor System Improvements 2020 project (TSO601) on first reading.

STORM WATER MINOR SYSTEM IMPROVEMENTS 2020
AREA MAP

● = MAIN BID ITEMS

■ = ADD ALTERNATES



BANK STABILIZATION	**1**
2728 MISSOURI AVENUE	**2**
SUNNYVALE IMPROVEMENT	**3**
GUTTER XING AND FLUME EXT.	**4**
23RD AND MEADOWS	**5**

CITY OF Joplin

CITY OF JOPLIN, MISSOURI
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

ADDRESS: 602 S MAIN ST 64801
PH NO: 417-624-0820 EXT 530
FAX NO: 417-625-4738
E-M: DHERTZBE@JOPLINMO.ORG

REV DATE: 00/2020
REVISION: PROJECT CHECK

SVYD BY: N/A
PNT FILE: N/A
SVY DATE: N/A
ENGINEER: HERTZBERG

ACAD DWG FILE & PATH NAME: STORM WATER\2020 M.S.W.I.
SCALES: NTS

DWN BY: STAFF
CKD BY: MARTINEZ
APD BY: JOHNSON
DATE: 12/2020

PROJECT
STORM WATER MINOR SYSTEM IMPROVEMENTS 2020

PLAN NO: 8532
SHEET
01

BID SUMMARY

Bid Opening: December 3rd 10:00 AM 4th Floor Conference Room City Hall

PROJECT: Minor System Improvements 2020

Contractor	Base Bid	Alt 1	Alt 2
B3 Contractors	$81,175.00	$36,320.00	$11,750.00
Jeff Asbell Excavation	$85,333.25*	$46,955.75	$13,434.00
Sprouls Construction	$110,820.00	$36,275.00	$22,825.00
Branco**	**	**	**
Engineer's Estimate	*$180,125.00*	*$37,050.00*	*$28,050.00*

*Corrected for scribbler's error

**Bid could not be read due to missing Bid Bond

AGREEMENT
BETWEEN
CITY OF JOPLIN AND B3 CONTRACTORS LLC

CITY		CONTRACTOR	
CITY OF JOPLIN 602 S. MAIN STREET JOPLIN, MO 64801		Name: B3 Contractors LLC Address: 1913 D Bluebell Lane JOPLIN, MISSOURI 64801	
Attention: David Hertzberg		Attention: DANNY YATES	
Department: Public Works - Engineering		Phone: 417-726-5110	Fax:
Phone: 417-624-0820	Fax:	**Minor System Improvements 2020**	

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by the parties identified above.

WITNESSETH: That whereas, the Contractor has become the lowest responsible bidder for furnishing the supervision, labor, tools, equipment, materials and supplies and for constructing the following City improvements:

Minor System Improvements 2020

The City and Contractor agree to the following:

1. Manner and Time for Completion. The Contractor will furnish all supervision, labor, tools, equipment, materials and supplies necessary to perform, and to perform said work at Contractor's own expense in accordance with the contract documents and any applicable City ordinances and state and federal laws within 90 calendar days from the date Contractor is ordered to proceed, which order shall be issued by the Director of Public Works within 30 days after the date of this contract.

2. Prevailing Wages. All labor utilized in the construction of the aforementioned improvements shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality, as established and amended at any time by the Department of Labor and Industrial Relations of the State of Missouri. At any time the contractor is found to not have paid prevailing wages, the contractor shall forfeit as a penalty to the city one hundred dollars for each underpaid worker employed, for each calendar day, or portion thereof such worker is paid less than the said stipulated rates for any work done under this contract.

3. Insurance Requirements. Without limiting any of the other obligations or liabilities of the Contractor, the Contractor shall secure and maintain at its own cost and expense, throughout the duration of this Contract and until the work is completed and accepted by the City of Joplin, insurance of such types and in such amounts as may be necessary to protect it and the interests of the City of Joplin against all hazards or risks of loss as hereunder specified or which may arise out of the performance of the Contract Documents. The form and limits of such insurance, together with the underwriter thereof in each case, are subject to approval by the City of Joplin. Regardless of such approval, it shall be the responsibility of the contractor to maintain adequate insurance coverage at all times during the term of the Contract. Failure of the Contractor to maintain coverage shall not relieve it of any contractual responsibility or obligation or liability in general or under the Contract Documents.

The certificates of insurance, including evidence of the required endorsements hereunder or the policies, shall be filed with the City within ten (10) days after the date of the receipt of Notice of Award of the Contract to the Contractor and prior to the start of work. All insurance policies shall require that the insurance company in question provide thirty (30) days written notice prior to modification or cancellation of such insurance. Such notices shall be mailed, certified mail, return receipt requested, to:

City of Joplin - Public Works, 602 S. Main Street, Joplin, MO 64801

Such policies shall name the City as an additional insured, with limits of liability not less than the sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to Section 537.610, RSMo. (See, http://insurance.mo.gov/industry/sovimmunity.php)

As of January 1, 2020, the minimum coverage for the insurance referred to herein shall be as set out below:

a. Workers' Compensation.... Statutory coverage per RSMo 287.010 et seq

Employer's Liability..... $1,000,000.00

b. Commercial General Liability Insurance, including coverage for Premises, Operations, Products and Completed Operations, Contractual Liability, Broad Form Property Damage, Independent Contractors, Explosion, Collapse, and Underground Property Damage and endorsed for blasting if blasting required. Such coverage shall apply to bodily injury and property damage on an "Occurrence Form Basis" with limits of at least Two Million Nine Hundred Five Thousand Six Hundred Sixty-four and no/100 Dollars ($2,905,664.00 for all claims arising out of a single accident or occurrence and at least Four Hundred Thirty-five Thousand Eight Hundred Forty-Nine and no/100 Dollars ($435,849.00) with respect to injuries and/or death of any one person in a single occurrence and an amount not less than at least $1,000,000 for all claims to property arising out of a single occurrence and at least $100,000 to any one owner with respect to damages to property. Contractor agrees that the proceeds of such insurance policy shall first be used to pay any award, damages, costs, and/or attorneys' fees incurred by or assessed against City, its employees, officers and agents, before payment of any award, damages, costs or attorneys' fees of Contractor, its employees, officers or agents. Contractor agrees to cause its insurer to name City as an additional insured on such insurance policy, including the City as an additional insured for coverage under its products-completed operations hazard, and said policy shall be primary and noncontributory.

c. Automobile Liability Insurance covering bodily injury and property damage for owned, non-owned and hired vehicles, with limits of at least Two Million Nine Hundred Five Thousand Six Hundred Sixty-four and no/100 Dollars ($2,905,664.00 for all claims arising out of a single accident or occurrence and at least Four Hundred Thirty-five Thousand Eight Hundred Forty-Nine and no/100 Dollars ($435,849.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

d. Owner's and Contractor's Protective Liability Insurance to protect the City, its agents, servants and employees from claims which may arise from the performance of this Contract, with limits of at least Two Million Nine Hundred Five Thousand Six Hundred Sixty-four and no/100 Dollars ($2,905,664.00 for all claims arising out of a single accident or occurrence and at least Four Hundred Thirty-five Thousand Eight Hundred Forty-Nine and no/100 Dollars ($435,849.00) with respect to injuries and/or death of any one person in a single accident or occurrence.

The Owner's and Contractor's Protective Liability Insurance must:

(1) Be a separate policy with the named insured being: The City of Joplin, and

(2) Contain an endorsement that disclaims coverage for any claim barred by the doctrines of sovereign immunity or official immunity, except attorney's fees and other litigation costs incurred in defending a claim. Nothing contained in this policy (or this endorsement thereto) shall constitute any waiver of whatever kind of these defenses or sovereign immunity or official immunity for any monetary amount whatsoever.

e. Builders Risk Insurance for contracts involving unoccupied structures. The Contractor shall secure All Risk Builder's Risk Insurance. Unless specifically authorized by the City, the amount of such insurance shall not be less than the total contract price.

f. Subcontracts. In case any or all of this work is sublet, the Contractor shall require the subcontractor to procure and maintain all insurance required in subparagraphs (a), (b) and (c) hereof and in like amounts. Contractor shall require any and all subcontractors with whom it enters into a contract to perform work on this project to protect the City of Joplin through insurance against applicable hazards or risks and shall, upon request of the City, provide evidence of such insurance.

g. Notice. The Contractor and/or subcontractor shall furnish the City prior to beginning the work, the policy as specified in subparagraph (d), and satisfactory proof of carriage of all the insurance required by this contract, with the provision that policies shall not be canceled, modified or non-renewed without thirty (30) days written notice to the City of Joplin.

h. Legislative or Judicial Changes. In the event the scope or extent of the City's tort liability as a governmental entity as described in Section 537.600 through 537.650 RSMo is broadened or increased during the term of this agreement by legislative or judicial action, the City may require Contractor, upon 10 days written notice, to execute a contract addendum whereby the Contractor agrees to provide, at a price not exceeding Contractor's actual increased premium cost, additional liability insurance coverage as the City may require to protect the City from increased tort liability exposure as the result of such legislative or judicial action. Any such additional insurance coverage shall be evidenced by an appropriate certificate of insurance and shall take effect within the time set forth in the addendum.

4. Performance, Labor, and Materials Payment Bond: The Contractor shall furnish a Performance Bond and a Labor and Materials Payment Bond with surety approved by the City and on the forms approved by the City, each bond shall be in the amount of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 Dollars ($129,245.00) conditioned upon the full and faithful performance of all major terms and conditions of this contract and payment of all labor and material suppliers. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bond(s) hereto attached for its faithful performance and payment of labor and material suppliers, the City shall deem the surety or sureties upon such bond(s) to be unsatisfactory, or if, for any reason, such bond(s) ceases to be adequate to cover the performance of the work, the Contractor shall, at its expense, within five (5) days after the receipt of notice from the City to do so, furnish an additional bond or bonds, in such form and amount, and with such surety or sureties as shall be satisfactory to the City. In such event no further payment to the Contractor shall be deemed to be due under this contract until such new or additional security for the faithful performance of the work and the payment of labor and material suppliers shall be furnished in a manner and form satisfactory to the City. The corporate surety on any performance or payment bond must be licensed by the State of Missouri and if the required bond exceeds $25,000.00 must be listed in United States Treasury Circular 570.

5. Certification Regarding Disbarment, Eligibility, Indictments, Convictions or Civil Judgements for all Federal Aid Projects: By signing and submitting the bid, the president or authorized official of the bidder, under penalty of perjury under the laws of the USA, shall certify that, except as noted in the exceptions, the company or any person associated therewith in the capacity of owner, partner, director, officer, principal investor, project director, manager, auditor or any position involving the administration of federal funds:
(Reference can be made to "The System for Award Management" website as a helpful resource).

a. Is not currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.

b. Has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years.

c. Does not have a proposed debarment or suspension pending.

d. Has not been indicted, convicted or had a civil judgment rendered against any of the listed parties by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years.

5.1 If there are any exceptions, the bidder shall submit the exceptions on company letterhead, signed by the bidder and inserted inside the bid submitted. Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted, the bidder shall indicate to whom it applies, the initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions.

5.2 By signing the contract, the contractor shall further certify that all related subcontracts of $25,000 shall comply with this requirement. This includes all subcontractors, material suppliers and vendors.

6. Contractor's responsibility for subcontractors. The Contractor shall be as fully responsible to the City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons it directly employs. Contractor shall cause appropriate provisions to be inserted in all subcontracts relating to this work, to bind all subcontractors to Contractor by all the terms herein set forth, and insofar as applicable to the work of subcontractors and to give Contractor the same power regarding termination of any subcontract as the City may exercise over Contractor under any provisions of this contract. Nothing contained in this contract shall create any contractual relation between the subcontractor and the City or between any subcontractors.

7. General Independent Contractor Clause. This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that the Contractor will be an independent contractor and not the City's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri Revenue and Taxation laws, Missouri Workers' Compensation and Unemployment Insurance laws. The Contractor will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Contractor's activities and responsibilities hereunder. The Contractor agrees that it is a separate and independent enterprise from the public employer, that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This agreement shall not be construed as creating any joint employment relationship between the Contractor and the City, and the City will not be liable for any obligation incurred by the Contractor, including but not limited to unpaid minimum wages and/or overtime premiums.

8. Liquidated Damages. Time of completion of work by the Contractor is of the essence. Should Contractor, or in the case of default, the surety, fail to complete the work within the time specified in the contract, or within such extra time as may be allowed in accordance with City of Joplin Standard Specifications, Division 0000, General Requirements and Provisions, Section 0400.19, (http://mo-joplin.civicplus.com/DocumentCenter/View/3460) Contractor (or surety) shall be liable to the City in the amount of $500 per day for each and every calendar day that the contract remains uncompleted after the time allowed for completion, as liquidated damages, and not as a penalty, it being stipulated that actual damages to the City and the public arising from Contractor's failure to timely complete the work would be difficult, if not impossible, to ascertain. The amount assessed as liquidated damages may be withheld from any moneys otherwise due to Contractor from the City.

9. Termination. The City reserves the right to terminate this contract by giving at least five (5) days prior written notice to the Contractor, without prejudice to any other rights or remedies of the City should the Contractor be adjudged a bankrupt, or if Contractor should make a general assignment for the benefit of its creditors, or if a receiver should be appointed for Contractor or for any of its property, or if Contractor should persistently or repeatedly refuse or fail to supply enough properly skilled workmen or proper material, or if Contractor should refuse or fail to make prompt payment to any person supplying labor or materials for the work under the contract, or persistently disregard instructions of the City or fail to observe or perform any provisions of the contract.

10. City's Right to Proceed. In the event this contract is terminated pursuant to Paragraph 8, then the City may take over the work and prosecute the same to completion, by contract or otherwise, and Contractor and its sureties shall be liable to the City for any costs over the amount of this contract thereby occasioned by the City. In any such case, the City may take possession of, and utilize in completing the work, such materials, appliances and structures as may be on the work

site and are necessary for completion of the work. The foregoing provisions are in addition to, and not in limitation of, the rights of the City under any other provisions of the contract, city ordinances, and state and federal laws.

11. Termination for Convenience of City. The City shall have the right at any time by written notice to Contractor to terminate and cancel this contract, without cause, for the convenience of the City, and Contractor shall immediately stop work. In such event City shall not be liable to Contractor except for payment for actual work performed prior to such notice in an amount proportionate to the completed contract price and for the actual costs of preparations made by Contractor for the performance of the cancelled portions of the contract, including a reasonable allowance of profit applicable to the actual work performed and such preparations. Anticipatory profits and consequential damages shall not be recoverable by Contractor.

12. Guards and Lights. The Contractor agrees that during the performance of said work, adequate barricades, guards and warning signs, lights or devices consistent with the requirements contained in the Manual on Uniform Traffic Control Devices shall be provided by Contractor during construction.

13. Liability and Indemnity.

a. In no event shall the City be liable to the Contractor for special, indirect, or consequential damages, except those caused by the City's gross negligence or willful or wanton misconduct arising out of or in any way connected with a breach of this contract. The maximum liability of the City shall be limited to the amount of money to be paid or received by the City under this contract.

b. The Contractor shall defend, indemnify and save harmless the City, its elected or appointed officials, agents and employees from and against any and all liability, suits, damages, costs (including attorney fees), losses, outlays and expenses from claims in any manner caused by, or allegedly caused by, or arising out of, or connected with, this contract, or the work or any subcontract thereunder (the Contractor hereby assuming full responsibility for relations with subcontractors), including, but not limited to, claims for personal injuries, death, property damage, or for damages from the award of this contract to Contractor, notwithstanding any possible negligence, whether sole or concurrent, on the part of the City, its officials, agents and employees.

c. The Contractor shall indemnify and hold the City harmless from all wages or overtime compensation due any employees in rendering services pursuant to this agreement or any subcontract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, the Missouri Prevailing Wage Law or any other federal or state law.

d. The indemnification obligations of Contractor hereunder shall not be limited by any limitations as to the amount or type of damages, compensation or benefits payable by or for the Contractor, under any federal or state law, to any person asserting the claim against City, its elected or appointed officials, agents and employees, for which indemnification is sought.

e. The indemnification obligations herein shall not negate, abridge or reduce in any way any additional indemnification rights of the City, its elected or appointed officials, agents and employees, which are otherwise available under statute, or in law or equity.

f. Contractor affirms that it has had the opportunity to recover the costs of the liability insurance required in this agreement in its contract price. Contractor's obligation under this agreement to defend, indemnify, and hold harmless any person from that person's own negligence or wrongdoing is limited to the coverage and limits of the applicable insurance required of the Contractor under this agreement.

g. The Contractor shall indemnify and hold the City harmless for any penalties, fines, fees or costs, including costs of defense, which are charged or assessed by any Federal, state or local agency including, but not limited to, Environmental Protection Agency or Department of Natural Resources.

14. Payment for Labor and Materials. The Contractor agrees and binds itself to pay for all labor done, and for all the materials used in the construction of the work to be completed pursuant to this contract.

15. Payment. The City will pay the Contractor in accordance with the rate set forth in the contract documents on file in the Public Works Department and by this reference made a part hereof, which shall constitute full and complete compensation for the Contractor's work provided hereunder. Such compensation will be paid in progress

payments (less five (5) percent retainage), as established by the City, subject to receipt of a requisition for payment and a statement of work provided by the Contractor and agreement by both the City and the Contractor that the Contractor has fully performed the work to be paid for in such progress payments in conformance with the contract. If the City or the architect or engineer determines that a higher rate of retainage is required to ensure performance of the contract, the City may withhold up to ten (10) percent retainage until the work is fully completed and accepted by the City.

16. **Contract Documents**. The contract documents shall consist of the following:

a. This Contract
b. All Change Orders
c. Bid Plans and Specifications
d. City of Joplin Standard Specifications (Latest Revised Edition)
e. Special Conditions & Provisions
f. Proposal
g. Statement of Bidder's Qualifications
h. Acknowledgment
i. Performance Bond
h. Payment and Material Bond
k. Instructions to Bidders
l. Non-collusion Affidavit
m. Notice to Proceed

Notice to Contractors: This contract, together with the other documents enumerated in this paragraph, forms the contract between the parties. These documents are as fully a part of the contract as if attached hereto or repeated herein. The Contractor agrees to perform all of the work described in the contract documents and to comply with the terms and conditions defined therein for a total sum of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 dollars ($129,245.00), said amount being subject to any approved addenda or change order.

17. **Subsurface Conditions**. Contractor agrees that information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey shall be conclusive and binding upon the Contractor as to what subsurface conditions at the job site are reasonably anticipated or reasonably foreseeable. Contractor acknowledges and agrees that it shall not be entitled to any adjustment in the Contract Sum or Contract Times for any concealed condition of any nature, including but not limited to unknown physical conditions of an unusual nature which differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities of the character provided for in the Contract Documents, in addition to the information contained in the published reports and public actions of the Missouri Division of Geology and Land Survey. Contractor recognizes that it has assumed the risks of concealed conditions and is being compensated for assuming these risks.

18. **Conflict of Interest**. In accepting this contract, Contractor certifies that no member or officer of its firm or corporation is an officer or employee of the City of Joplin, Missouri, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of R.S.Mo. Section 105.450 et seq. shall not be violated.

19. **Assignment.** The Contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto, provided, however, that claims for money due or to become due to the Contractor from the City under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished in writing promptly to the City and the bond surety. Any such assignment is expressly subject to all rights and remedies of the City under this agreement, including the right to change or delete activities from the Contract or to terminate the same as provided herein, and no such assignment shall require the City to give any notice to any such assignee of any actions which the City may take under this agreement.

20. **Nondiscrimination**. The Contractor agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation, against any employee of Contractor or applicant for employment and shall include a similar provision in all subcontracts let or awarded hereunder. The parties hereby incorporate the requirements of 41 C.F.R. §§ 60-1.4(a)(7), 29 C.F.R. Part 471, Appendix A to Subpart A,

41 C.F.R. § 60-300.5(a)ii and 41 C.F.R. § 60-741.5(a), if applicable.

a. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-300.5(a). This regulation prohibits discriminations against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

b. This contractor and subcontractor shall abide by the requirements of 41 C.F.R. § 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

21. Nonresident/Foreign Contractors. The Contractor shall procure and maintain during the life of this contract:

a. If the Contractor is a foreign corporation, a certificate of authority to transact business in the State of Missouri from the Secretary of State, unless exempt pursuant to the provisions of Section 351.570 R.S.Mo.

b. A certificate from the Missouri Director of Revenue evidencing compliance with the transient employer financial assurance law, unless exempt pursuant to the provisions of Section 285.230 RSMo.

22. Notices. All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Contractor at the addresses shown above. The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

23. Records and Audits. The Contractor shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the City to assure proper accounting for all project funds. These records will be made available for audit purposes to the City or any authorized representative, and will be retained for three years after the expiration of this Contract.

24. Authorized Employees. Contractor acknowledges that Section285.530, RSMo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that is not knowingly in violation of subsection 1 or Section 285.530, RSMo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully to work in the United States.

25. Interest of Contractor and Employees. The Contractor covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Contractor further covenants that in the performance of this Contract, no person having any such interest shall be employed.

26. Interest of Members of a City. No member of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Contractor shall take appropriate steps to assure compliance.

27. Interest of Other Local Public Officials. No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Contractor shall take appropriate steps to assure compliance.

28. Affidavit for Contracts Over $5,000.00. That pursuant to Missouri Revised Statute Sections 285.525 through 285.550, if this contract exceeds the amount of $5,000.00 and Contractor is associated with a business entity, Contractor shall provide an acceptable notarized affidavit stating that the associated business entity is enrolled in and participates in

a federal work authorization program with respect to the employees working in connection with the contracted services, and that said business entity does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Additionally, Contractor must provide documentation for said business entity evidencing current enrollment in a federal work authorization program.

29. City Benefits. The Contractor shall not be entitled to any of the benefits established for the employees of the City nor be covered by the Worker's Compensation Program of the City.

30. Occupational License: The Contractor shall obtain and maintain an occupational license with the City of Joplin, Missouri, if required by city code and any required state or federal license. The cost for this occupational license shall be borne by the Contractor. No contract will be executed by the City until this occupational license has been obtained and that the Contractor is current on any City taxes is verified.

31. Safety Training. Pursuant to Missouri Revised Statute Section 292.675, Contractors and subcontractors who sign a contract to work on public works projects must provide a 10-hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees within sixty (60) days of beginning work on the construction project. Contractors and subcontractors in violation of this provision will forfeit to the public body $2,500 plus $100 a day for each employee who is employed without training. Public bodies and contractors may withhold/assess these penalties from the payment due to those contractors and subcontractors if found to be in non-compliance.

32. Compliance with Laws. Contractor agrees to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder. Contractor affirmatively states that payment of all local, state, and federal taxes and assessments owed by Contractor is current.

33. Entire Agreement. This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

34. Remedies. Except as may be otherwise found in the contract documents, all claims, disputes, counter-claims, and other matters in question between the Owner and Contractor arising out of or related to this agreement or the breech thereof, will be decided by arbitration if the parties hereto mutually agree, or in a court of competent jurisdiction within the state in which the Owner is located.

35. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Jasper County, Missouri.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year herein stated.

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

_____
Leslie Haase, Director of Finance

APPROVED AS TO FORM

_____
Peter Edwards, City Attorney

CONTRACTOR:

By: _____

Printed Name: _____

Title: _____

CITY OF JOPLIN, MISSOURI

By: _____
David Hertzberg, Public Works Director

CONTRACTOR'S BOND NO.
FOR CITY CONTRACTS

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS: That

Contractor

a Corporation, hereinafter called Principal, and

_____-
_____

(Name of Surety)

_____
_____

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto

THE CITY OF JOPLIN, MISSOURI
602 S. MAIN STREET, JOPLIN, MO 64801

hereinafter called OWNER, in the total aggregate penal sum of XXXXXXXXXXXXXand no/100 Dollars ($XXX,000.00) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the OWNER, dated the _____ day of _____, 20____, a copy of which is hereto attached and made a part hereof for the construction of:

Minor System Improvements 2020

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, or any extensions thereof, which may be granted by the OWNER, with or with-out notice to the SURETY and during the one year guaranty period and if the PRINCIPAL shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect. PROVIDED, FURTHER, that the said SURETY, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to WORK to be performed thereunder or the SPECIFICATIONS accompanying same shall in any way affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that it is expressly agreed that the BOND shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment of the Contract not increasing the contract price more than 20 percent, so as to bind the PRINCIPAL and the SURETY to the full and faithful performance of the CONTRACT as so amended. The term “Amendment”, wherever used in this BOND, and whether referring to this BOND, the Contract or the Loan Documents shall include any alteration, addition, extension, or modification of any character whatsoever.

IN WITNESS, whereof, this the _____ day of _____, 20____.

ATTEST: (SEAL)

_____

_____

Secretary Principal

Approved as to form this _____ day

of _____, 20____. By

_____

_____ By

_____

City Attorney

ATTEST: (SEAL)

_____

_____

Secretary Surety

Approved this _____ day of

_____, 20_____. By

_____

_____ By

_____

Director of Finance (Title)

NOTE: Date of BOND must not be prior to date of Contract.

If CONTRACTOR is partnership, all partners should execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the Project is located.

CONTRACTOR'S BOND NO.
FOR CITY CONTRACTS

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That

Contractor

a Corporation, hereinafter called Principal, and

_____

(Name of Surety)

hereinafter called Surety, are held and firmly bound unto

THE CITY OF JOPLIN, MISSOURI
602 S. MAIN STREET, JOPLIN, MO 64801

hereinafter called OWNER, and unto all persons, firms, and corporations who or which may furnish labor, or who furnish materials to perform as described under the contract and to their successors and assigns in the total aggregate penal sum of XXXXXXXXXXXXXXXXX and no/100 Dollars ($XXX,000.00)in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the principal entered into a certain contract with the OWNER, dated the _____ day of _____, 20___, a copy of which is hereto attached and made a part hereof for the construction of:

Minor System Improvements 2020

NOW, THEREFORE, if the PRINCIPAL shall promptly make payment to all persons, firms, subcontractors, and corporations furnishing materials for or performing labor in the prosecution of the WORK provided for in such contract, and any authorized extensions or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal or coke, repairs on machinery, equipment and tools, consumed or

used in connection with the construction of such WORK, all insurance premiums on said work, and for all labor cost incurred in such WORK including the stipulation in said contract requiring the payment of not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri or by final judicial determination of the Courts of the State of Missouri, including that by a SUBCONTRACTOR, and to any mechanic or material man lien holder whether it acquires its lien by operation of State or Federal law; then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that beneficiaries or claimants hereunder shall be limited to the SUBCONTRACTORS, any persons, firms, and corporations having a direct contract with the PRINCIPAL or its SUBCONTRACTORS.

PROVIDED, FURTHER, that the said SURETY for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the WORK to be performed thereunder or the SPECIFICATIONS accompanying the same shall in any way affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the WORK or to the SPECIFICATIONS.

PROVIDED, FURTHER, that no suit or action shall be commended hereunder by any claimant: (a) Unless claimant, other than one having a direct contract with the PRINCIPAL, shall have given written notice to any two of the following: The PRINCIPAL, the OWNER, or the SURETY above named within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the PRINCIPAL, OWNER, or SURETY, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need to be made by a public officer. (b) After the expiration of one (1) year following the date of which PRINCIPAL ceased work on said CONTRACT, it being understood, however, that if any limitation embodied in the BOND is prohibited by any law controlling the construction thereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

PROVIDED, FURTHER, that it is expressly agreed that this BOND shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the Contract not increasing the contract price more than 20 percent, so as to bind the PRINCIPAL and the SURETY to the full and faithful

performance of the Contract as so amended. The term "Amendment", wherever used in this BOND and whether referring to this BOND, the contract or the loan documents shall include any alteration, addition, extension or modification of any character whatsoever. PROVIDED, FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS, whereof, this the _____ day of _____, 20____.

ATTEST: (SEAL)

_____
_____
Secretary Principal

Approved as to form this _____ day
of _____, 20____. By
_____

_____ By
_____
City Attorney

ATTEST: (SEAL)

_____
_____

Secretary Surety

Approved this _____ day of

_____, 20____. By _____

_____ By _____

Director of Finance (Title)

NOTE: Date of BOND must not be prior to date of Contract.

If CONTRACTOR is partnership, all partners should execute BOND.
IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the state where the Project is located.

COUNCIL BILL NO. 2020-178 ORDINANCE NO

AN ORDINANCE approving the City of Joplin to enter into a construction agreement with B3 Contractors LLC, in the amount of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 Dollars ($129,245.00) for construction of the Minor System Improvements 2020 (TSO601) project; and authorizing the City Manager or his designee to execute the same by and on behalf of the City of Joplin.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, as follows:

Section 1. That the said construction agreement by and between the City of Joplin and B3 Contractors LLC, in the amount of One Hundred Twenty-Nine Thousand Two Hundred Forty-Five and 00/100 Dollars ($129,245.00) for construction of the Minor System Improvements 2020 (TSO601) Project funded through the Parks and Stormwater Sales Tax, in the City of Joplin, Jasper County, a true and accurate copy of said agreement being attached hereto and incorporated herein, be, and the same is hereby approved.

Section 2. That the City Manager of the City of Joplin, Missouri, or his designee, is hereby authorized and directed to execute said agreement, or agreement in substantially similar form, by and on behalf of the City of Joplin.

Section 3. That upon the final approval and acceptance of the contractor's work under said contract, in substantial conformance with the attached agreement, in writing by the Director of Public Works and his certification to the effect to the Director of Finance, the contractor shall be paid from the Parks and Stormwater Sales Tax fund.

Passed by the Council of the City of Joplin, Missouri, this _____ day of

_____, 2020 by a _____ vote.

_____

ATTEST: Ryan D. Stanley, Mayor

_____

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

COUNCIL BILL 2020-178

I hereby certify that a sufficient amount is available in the Parks and Stormwater Sales Tax fund to pay the amounts called for on the basis of the bids received by the City Engineer.

_____
Leslie Haase, Director of Finance