CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM: CB 2022-261 - Annexation

MEETING DATE:
April 4, 2022

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 020-22: All of Lots Numbered One (1) thru Sixty (60) inclusive in Summit Ridge Plat 1 – A request to voluntarily annex property into the City of Joplin. - Director of Public Works.

BACKGROUND:
As part of the out-of-town sewer agreement executed in 2007, the Public Works Director of the City of Joplin is exercising his power of attorney to voluntarily annex this property into the City now that the property is contiguous to the City Limits of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Keegan Stanton, 602 S. Main St., Joplin, MO. This will be the third case for voluntary annexation. Again, this is an agreement signed with the developer for the Summit Ridge neighborhood. The agreement was executed in 2007, and now that we are contiguous on the south east side of the property which is approximately twenty-seven acres, the city is requesting it be brought into the corporate limits.

Mr. Kimble asked Mr. Stanton if he knew what the price difference would be for sewer and trash? Changing over the services?

Mr. Stanton stated that there is a 30% service change they currently pay for being outside the city limits will be removed from their monthly sewer bill.

PUBLIC COMMENT:
Jay Marlay, 2601 W. Summit, Joplin, MO. To speak about some of the questions about the trash and sewer bills which is currently $47.00-month flat fee that will dropped to $36.00 if we are annexed into the city limits. The trash is about $12.00 and currently paying $14.00. They do have a $5.00 fee for extra poly carts. Mr. Marlay represented about 29-30 members of the subdivision that are in opposition to the annexation. We do realize it is based on the sewer agreement of 2007 with Mr. Moore. The reasoning for the opposition is we have created a community. We have a hill that is extremely bad and Special Roads Districts has taken care of us. During inclement weather, other subdivisions have complained that they cannot get out and we have a special relationship with the Special Roads District.

Ms. Phillips stated that since the City Attorneys office is here, will you explain to us what happens if people do not want to come in.

Jordan Paul, Assistant City Attorney stated that Mr. Stanton covered it pretty well. The out-of-town sewer agreements that are used by Public Works, every one contains a series of clauses that deal with annexation. They generally provide a variety of reasons of why the city cannot extend services, but when the city gets to that point where they feel they can extend services or just wants to exercise that right. It is a recorded document, and the owner should be aware of this through any owner's title work it should be in there when they purchase their property.

Ms. Phillips stated that when people bought their property, they would have seen this in the title search, correct?

Mr. Paul stated that was correct

Aaron Smith, 4010 Miles Ct., Joplin MO and acknowledging the agreement in place and certainly, admit that it does have language that owners not to protest this annexation, the real issue today is the lack of notice. It was chance that I found out about this meeting today.
I would ask you to consider the process for future annexations or for future homeowners that may potentially be a citizen of the City of Joplin.

RECOMMENDATIONS:
Staff recommends approval for Case 020-22.
Planning & Zoning Commission recommends approval for Case 020-22 (7 Favor, 0 Nays)

ATTACHMENTS
CB 2022-261, Staff Planning Report, P&Z Commission Minutes

CB 2022-261

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Keegan Stanton, 602 S. Main St., Joplin, MO. This will be the third case for voluntary annexation. Again, this is an agreement signed with the developer for the Summit Ridge neighborhood. The agreement was executed in 2007, and now that we are contiguous on the south east side of the property which is approximately twenty-seven acres, the city is requesting it be brought into the corporate limits.

Ms. Phillips wanted to know if the Director of Public Works is aware of the state law about the two-year notice if it is over a certain number of houses for trash pickup and with Waste Corporation, will they be changed over to current services?

Dan Johnson, Assistant Public Works Director, stated that information was passed on to the person that works with the trash companies.

Mr. Kimble asked Mr. Stanton if he knew what the price difference would be for sewer and trash? Changing over the services?

Mr. Stanton stated that there is a 30% service change they currently pay for being outside the city limits will be removed from their monthly sewer bill.

Ms. Brueckner-Sears asked if there were any other questions? There was not anyone to speak in favor of this request.

In opposition of this request was:

Jay Marlay, 2601 W. Summit, Joplin, MO. To speak about some of the questions about the trash and sewer bills which is currently $47.00-month flat fee that will dropped to $36.00 if we are annexed into the city limits. The trash is about $12.00 and currently paying $14.00. They do have a $5.00 fee for extra poly carts. Mr. Marlay represented about 29-30 members of the subdivision that are in opposition to the annexation. We do realize it is based on the sewer agreement of 2007 with Mr. Moore. The reasoning for the opposition is we have created a community. We have a hill that is extremely bad and Special Roads Districts has taken care of us. During inclement weather, other subdivisions have complained that they cannot get out and we have a special relationship with the Special Roads District. We have 14 Doctors, 7 Surgical or Emergency Room people in our subdivision. I currently have 31 Protest Petitions out of the twenty-nine of the fifty-four roof tops that are currently in Summit Ridge.

Mr. Eastman wanted to know if it passed, would your homeowners insurance premiums will go down?

Mr. Marlay stated that it would not. We addressed this topic of conversation back in 2019 and

we reached out to our homeowner's insurance, and it is based off the same percentage as Joplin. What does change for a tax purpose for us is the Redding Mills Fire Department.

Mr. Eastman stated that they would now have Joplin Police protection that you do not have now.

Mr. Marlay stated that was correct. We have County Sheriff now, which is an elected Official.

Mr. Kimble mentioned he had a question. Mr. Marlay, you stated you had twenty-nine or so petitions against out of fifty-four roof tops, which you mentioned all the specialized medical people. Do you know how many of the petitions you have against are in some of those specialized medical positions?

Mr. Marlay stated he did not know off the top of his head.

Ms. Phillips stated that since the City Attorneys office is here, will you explain to us what happens if people do not want to come in. Is it a done deal? She was not sure about the legalities that were signed.

Jordan Paul, Assistant City Attorney stated that Mr. Stanton covered it pretty well. The out-of-town sewer agreements that are used by Public Works, every one contains a series of clauses that deal with annexation. They generally provide a verity of reasons of why the city cannot extend services, but when the city gets to that point where they feel they can extend services or just wants to exercise that right. It is a recorded document, and the owner should be aware of this through any owner's title work it should be in there when they purchase their property.

Ms. Phillips stated that when people bought their property, they would have seen this in the title search, correct?

Mr. Paul stated that was correct.

Mr. Kimble had another question for the city. The city stated that it has enough resources or the ability to extend out to annex these properties. Concerning police and fire being down thirty plus three more recently adding on another section for Officers to patrol, is that enough resources?

Mr. Bolander stated thee is a shortage in every sector, every department in the city. Not only here in Joplin but regionally and all over the country. The police have reviewed this and they feel that they can service this and the other properties on the agenda satisfactorily.

Mr. Marlay wanted to make one last comment. They are aware of the agreement, but we are not saying no, we are saying maybe not yet.

Mr. Kimble stated that he brought forward a relationship they have with the County as far as Sheriff, patrol, etc. people that are taking care of their streets. Could there be an agreement struck where they could say "As a housing development we would like to create an agreement with the County to patrol this area and/or have the choice to bring in a service to clear them streets?"

Mr. Bolander stated he does not want to speak for the Special Roads District, but they encompass a certain area including Joplin. Joplin is the biggest contributor finance-wise to the road district. That maybe a topic of discussion. However, it is likely not possible for County Sheriff to patrol and respond to calls in Joplin, even with our mutual aid agreements.

Ms. Steele had a question for City Staff. Fire protection will be provided by the Fire Station on W. 32nd St. or the one at 34th or 35th and Main St. Are they the two nearest the subdivision?

Mr. Bolander stated they were.

Ms. Brueckner-Sears asked if there was anyone else in opposition?

Aaron Smith, 4010 Miles Ct., Joplin MO and acknowledging the agreement in place and certainly, admit that it does have language that owners not to protest this annexation, the real issue today is the lack of notice. It was chance that I found out about this meeting today. I would ask you to consider the process for future annexations or for future homeowners that may potentially be a citizen of the City of Joplin.

Mr. Eastman asked city staff if they had notified the citizens?

Mr. Bolander mentioned this was the first time we have received concern coming into the city due to an out-of-town sewer agreement. We can do that in the future.

Ms. Brueckner-Sears asked if there was anyone else to speak in opposition to this request. There was not.

Dan Johnson, Assistant Public Works Director, stated that he had had some of the residents ask him about the road situation out there. He pointed out that it is an either-or situation. The city of Joplin Public Works Department and the Joplin Special Roads District has overlapping areas. We work together to maintain and keeping the roads safe. And though we do not usually treat or plow local street, there are certain trouble spots we will look at, and this hill may be one of them.

MR. KIMBLE MOVED, SECONDED BY MS. PHILLIPS THAT CASE 020-22 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED WITH MS. BRUECKNER-SEARS, MR. EASTMAN, MR. MCCULLOUGH, MS. STEELE, MR. KIMBLE, MS. WARREN, AND MS. PHILLIPS "AYE" (7 IN FAVOR, 0 NAYS)

Z&P Meeting: March 14, 2022
City Council Meeting: April 4, 2022

JOPLIN

PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Voluntary Annexation

CASE 020-22 A request to voluntarily annex property into the City of Joplin

LOCATION Lots 1-60 inclusive in Summit Ridge Plat 1

APPLICANT Director of Public Works

EXISTING CONDITIONS

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Single-family Subdivision	Approximately 27 acres

DISCUSSION

As part of the out-of-town sewer agreement executed in 2007, the Public Works Director of the City of Joplin is exercising his power of attorney to voluntarily annex this property into the City now that the property is contiguous to the City Limits of the City of Joplin.

Staff recommends approval of Case 020-22.

ENCLOSURES

- Map of area to be annexed
- Application

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

PETITION FOR VOLUNTARY ANNEXATION PURSUANT TO 71.012, RSMO., 1994

TO WHOM IT MAY CONCERN:

Pursuant to the terms of V.A.M.S. 71.02, the undersigned, being all of the owners of fee interests of record in all tracts of real property attached hereto and incorporated herein as Exhibit "A", do hereby request the voluntary annexation of said land to the City of Joplin, Missouri.

David K. Hertzberg

David K. Hertzberg - Director of Public Works

STATE OF Missouri)
) ss:
COUNTY OF Jasper)

On this 21st day of March 20 22, before me appeared David K. Hertzberg, to me known to be the Director of Public Works of _____, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council of the consideration stated therein and no other, and said _____ acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

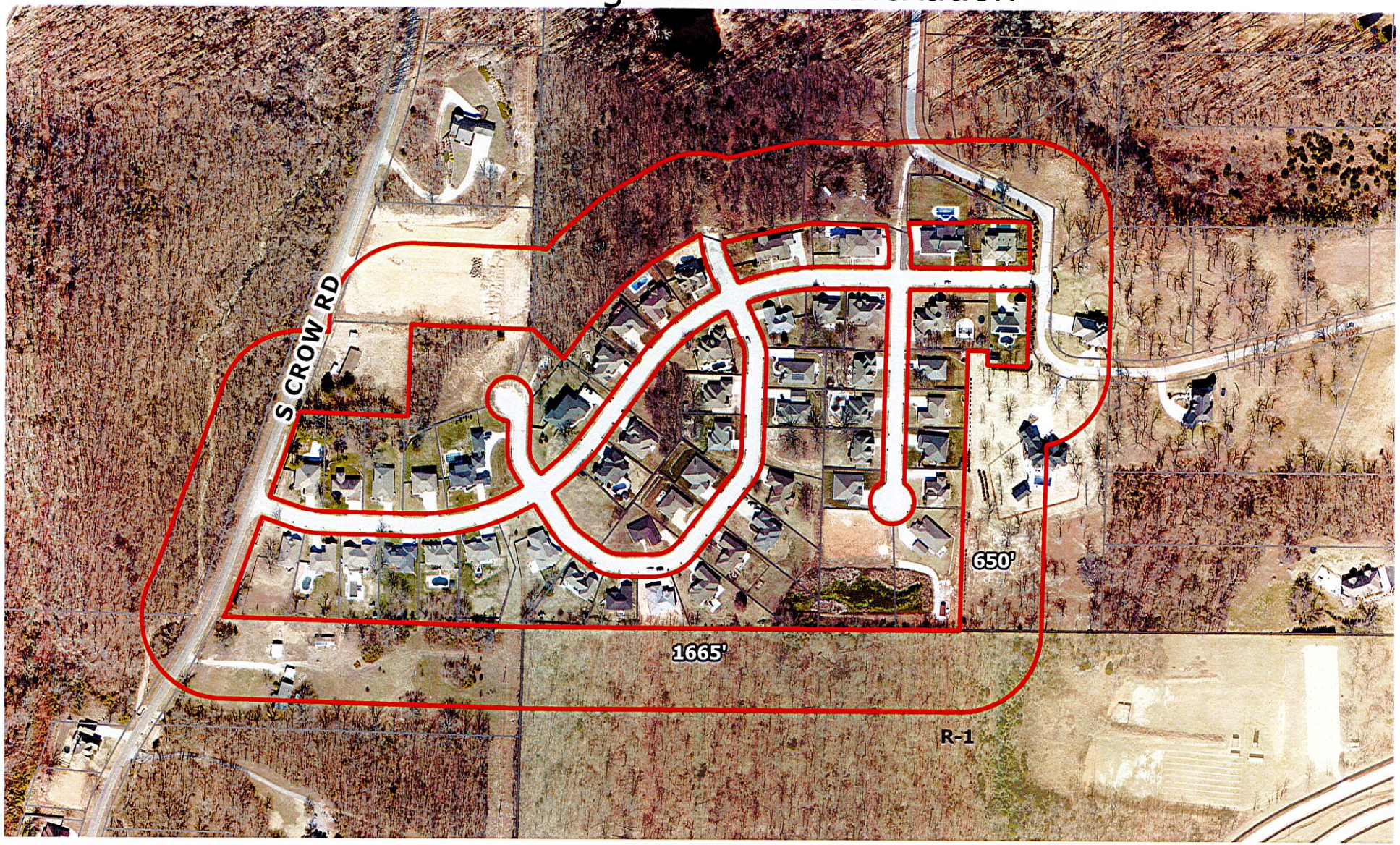
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

Notary Public Kimberly S. Hounschell

My commission expires: 7-20-2024

KIMBERLY S. HOUNSCHELL
Notary Public - Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires: July 20, 2024
Commission # 12536153

Case 020-22: All of Lots Numbered One (1) thru Sixty (60) inclusive in Summit Ridge Plat 1 - Annexation



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P & Z Case 020-22
(P & Z Recommended Approval)
Director-Public Works

COUNCIL BILL NO. 2022-261 ORDINANCE NO.

AN ORDINANCE approving the voluntary annexation by the Council of the City of Joplin, Missouri, of property located in Summit Ridge Plat 1- All lots number One (1) thru Sixty (60) Joplin, Newton County, Missouri.

WHEREAS, pursuant to Section 71.012, RSMo, 2001, as amended, a Petition requesting annexation and signed by the owners of all fee interests in record in the tract of real property described herein, was presented to the governing body of the City of Joplin, Missouri; and,

WHEREAS, pursuant to Section having referred this matter to the Planning and Zoning Commission for Public Hearing thereon and having obtained the favorable recommendation and support of said annexation; and,

WHEREAS, having held a Public Hearing concerning the proposed annexation not less than fourteen (14) nor more than sixty (60) days after the Petition is received after first having given fifteen (15) days' notice of the Hearing in the Joplin Globe; and,

WHEREAS, after said Public Hearing, the City of Joplin determines that the annexation is reasonable and necessary to the proper development of the City of Joplin, and that the City of Joplin has the ability to furnish normal municipal services to the area to be annexed within a reasonable time; and,

WHEREAS, having received no written objections to the proposed annexation within fourteen (14) days after the Public Hearing.

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

Section 1. That the following described tract of land be and the same is hereby annexed into the City of Joplin, Missouri, said tract of land be described as follows, to-wit:

All of Lots Numbered One (1) thru Sixty (60) inclusive in Summit Ridge Plat 1 a Sub-division of a tract of land in Southeast Quarter of the Southeast Quarter of Section 20, Township 27 North, Range 33 West and in the Southwest Quarter of the Southwest Quarter of Section 21, Township 27 North , Range 33 West 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_____, 2022, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Holly Nagy, City Clerk APPROVED AS

TO FORM:

_____
Peter C. Edwards, City Attorney