INFORMAL AGENDA

May 6, 2013

5:15 p.m.

1. Discussion of proposed fee ordinance for health department
2. Any other business

COUNCIL A G E N D A

May 6, 2013

6:00 P.M., Council Chambers

General Council Members	MAYOR	Zone Council Members
Mike Woolston	Melodee Colbert-Kean	Gary Shaw
Morris Glaze		Melodee Colbert-Kean
Bill Scearce (Mayor ProTem)		Dr. Benjamin D. Rosenberg
Jack Golden		Michael Seibert
Trisha A. Raney		

1. Call to Order
Invocation
Pledge of Allegiance

2. Roll Call

3. Presentations
Joplin Bow Tie Project – Sharon Beshore and Jo Mueller

4. Finalization of Consent Agenda

5. Reports and Communications

6. Citizen Requests and Petitions
1.Linda Lawrence, 2806 N. Missouri, requests to address council regarding the proposed at the new bypass at Zora and Main. The Barrier to be placed along the ramp behind homes located on North Missouri Ave.

7. Public Hearings
Public Hearing Procedures
1.COUNCIL BILL NO. 2013-262 -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-2 property as described below and located at 1802 New Hampshire Avenue in the City of Joplin, Jasper County, Missouri. (Requested by William J. Cearnal. Planning and Zoning recommended approval).

Anyone wishing to address the Council should step to the Podium and state their 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 minutes.

Sound enhancement units are available for hearing impaired customers. You will be asked to provide a form of identification as security, which will be returned when you return the unit.
If you are in need of disability related auxiliary aids or services, contact the City Clerks Office at (417) 624-0820 ext. 220. Forty-eight hours notice is requested.

2.COUNCIL BILL NO. 2013-263 - 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-0-PD and District R-1 and including in District C-1-PD property as described below and located at 1731 East 20th Street, 1830 and 1902 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri. (Requested by People's Bank of Seneca. Planning and Zoning recommended approval).

3.RESOLUTION NO. 2013-016 - A RESOLUTION granting a Special Use Permit (First Request) to Ludmeyer Investments, Inc. for the development of a parking lot located at 2931 East 17th Street, in the City of Joplin, Jasper County, Missouri. (Requested by Ludmeyer Investments Inc. (Planning and Zoning recommended approval for a Permanent Special Use Permit).

4.COUNCIL BILL NO. 2013-264 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of Central City Road between 26th Street and 32nd Street, including 26th Street between Central City Road and East approximately 795 feet, and 32nd Street between Central City Road and East approximately 795 feet, in Jasper County, Missouri. (Requested by Jasper County, Missouri. Planning and Zoning recommended approval).

5.COUNCIL BILL NO. 2013-265 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of 32nd Street and Central City Road, in Jasper County, Missouri. (Requested by The Roman Catholic Diocese of Springfield-Cape Girardeau. Planning and Zoning recommended approval).

8. Consent Agenda

1.Minutes of the April 15, 2013 Meeting
2.Minutes of the April 23, 2013 Special Council Meeting

3.COUNCIL BILL NO. 2013-450 - AN ORDINANCE amending Chapter 18, Animals, of the Joplin City Code by amending the definition of "at large" animal found in Section 18-1.

4.COUNCIL BILL NO. 2013-614 - AN ORDINANCE amending Chapter 86. Parks and Recreation., by adding a new Article VII. Dog Parks., consisting of four new sections related thereto.

9. Resolutions

10. Ordinances – Emergency

1.COUNCIL BILL NO. 2013-001 – amending the Joplin City Code of Ordinances by amending Sections 102-1, 102-2, 102-3, 102-4, 102-5, 102-6, 102-7, and 102-8, to allow for curbside recycling in and for the City of Joplin and submitting to the voters of the City of Joplin, Missouri, the proposition of whether or not to institute such curbside recycling in and for the residents of the City at a Special Election on Tuesday August 6, 2013; and containing an emergency clause.

2.COUNCIL BILL NO. 2013-180 - AN ORDINANCE authorizing the execution of an Agreement by and between the City of Joplin and Allgeier, Martin & Associates, Inc. to provide engineering services for the Turkey Creek WWTP and Lone Elm Sewer Improvements Project Amendment, not to exceed Two Hundred Forty Two Thousand Five Hundred and No/100 Dollars ($242,000.00) and authorizing the Director of Public Works to execute said Agreement; and containing an emergency clause.

3.COUNCIL BILL NO. 2013-181 - AN ORDINANCE approving the purchase of right of way and a temporary construction easement from property at 2006 Harlem Avenue, consisting of part of Lot Numbered Three Hundred Seventy-Five (375) in T.W. Cunningham's Addition to the Joplin, Jasper County, Missouri; and authorizing the payment of Twenty-Six Thousand Eight Hundred Fifty and 00/100 dollars ($26,850.00) and containing an emergency clause.

4.COUNCIL BILL NO. 2013-182 - AN ORDINANCE approving the purchase of right of way and a temporary construction easement from property at 2116 Harlem Avenue, consisting of part of Lot Numbered Three Hundred Sixty-Five (365) in T.W. Cunningham's Addition to the Joplin, Jasper County, Missouri; and authorizing the payment of Fifteen Thousand Seven Hundred and 00/100 dollars ($15,700.00) and containing an emergency clause.

5.COUNCIL BILL NO. 2013-183 - AN ORDINANCE approving the purchase of a temporary slope easement from property at 2702 Schifferdecker Avenue, consisting of land described as part of Lot Numbered Eight (8) in Parker Development Addition to City of Joplin, Jasper County, Missouri; and authorizing the payment of Nineteen Thousand Five Hundred and 00/100 dollars ($19,500) and containing an emergency clause.

6.COUNCIL BILL NO. 2013-184 - AN ORDINANCE approving a contract with Ball Paving Company in the amount of Twenty Six Thousand Nine Hundred Eighty Nine and 54/100 Dollars ($26,989.54) for the Parking Lot & Trail Sealing 2013 project in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

7.COUNCIL BILL NO. 2013-185 - AN ORDINANCE authorizing a change order with the Missouri Department of Transportation for the Zora and Main Barrier Wall in an amount not to exceed One Hundred Thousand and no/100 Dollars ($100,000.00) and containing an emergency clause.

8.COUNCIL BILL NO. 2013-452 - AN ORDINANCE approving a Pharmaceutical Services Agreement by and between the City of Joplin, Missouri, and Joplin Professional Pharmacy dba The Medicine Shoppe, providing generally for the utilization of The Medicine Shoppe pharmacy as the City's pharmaceutical provider; authorizing the City Manager of the City of Joplin, Missouri, to execute the same by and on behalf of the City of Joplin, Missouri, and containing an emergency clause.

9.COUNCIL BILL NO. 2013-507 - AN ORDINANCE amending the Annual Budget of the City of Joplin for the Fiscal Year 2011-2012 as adopted by Ordinance 2011-136 on October 17, 2011, to adjust appropriations and estimated revenue in various funds and containing an emergency clause.

10.COUNCIL BILL NO. 2013-615 - AN ORDINANCE amending the Annual Budget of the City of Joplin for the Fiscal Year 2012-2013 as adopted by Ordinance 2012-186 on October 15, 2012, to adjust appropriations and revenue and containing an emergency clause.

11.COUNCIL BILL NO. 2013-616 – AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2012-173 authorizing a new classification title for the Parks and Recreation title for the Parks and Recreation Department; and amending the Annual Budget of the City of Joplin for the Fiscal Year 2012-2013 as adopted by Ordinance 2012-186 on October 15, 2012 to adjust appropriations and revenue, and containing an emergency clause.

11. **Ordinances – First Reading**

1.COUNCIL BILL NO. 2013-506 - AN ORDINANCE amending Section 118-203, Basis for computation, and Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin to implement certain language changes; and setting a date when this Ordinance shall become effective.

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

1. Vote to go into closed session, which shall pertain to the 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, 2011, more specifically for the purpose of evaluating certain Council employees and legal action, causes of action, or litigation including a public governmental body and any confidential or privileged communications between a governmental body or its representatives and its attorneys as set forth in Section 610.021(1) RSMo, as amended, 2012. 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.

Notice posted at 4:30p.m. on this the 2nd day of May, 2013. (RSMo 610.020)

INFORMAL NOTES

April 15, 2013

Presentation on the Purchase of the FEMA temporary Apparatus for permanent replacement of some older vehicles. – Fire Chief Mitch Randles	Fire Chief Randles briefed Council on the purchase of fire apparatus stating it is the permanent replacement of two replacement trucks. FEMA offered the City to acquire the vehicles at salvage value which is trade-in value. They are required by ISO to keep fire trucks for a reserved fleet.
Tom Franz to speak to Council regarding forming a finance	Tom Franz presented to Council the purpose of the Finance Committee: to provide the Council with independent financial advice and consideration for strategic planning and long range financial goals. Contemplated transactions/ contracts and maintaining the city's financial stability and long term economic health. Mr. Franz said the committee would consist of 5 citizens with finance backgrounds appointed by council requiring 2/3 votes of Council. Meet quarterly. He said it is a good idea for the council members to oversee a wide variety of activity on a part-time schedule. Councilors have to digest a large amount of information. It would help to have a committee which helps council focus on key areas. After discussion Mayor asked City Manager to report back to Council about the findings.
Coalition report	Mayor Colbert-Kean will have a summary available from the City Clerk's office regarding the Coalition trip recently made to Washington DC.
Mayor Colbert-Kean briefing	Mayor Colbert-Kean spoke with HUD in Washington DC and asked who the 113 million dollars can affect. What can be done? She was told it can be utilized for other non-profit organizations. She would like to see a committee formed with members serving as Phil Stinnett, from the Tornado Relief Fund, Dr. Huff from the Schools: Dr. Speck, from the college; Troy from the city; Mark, herself or Mr. Scearce. Dr. Rosenberg asked if someone from Duquesne Village could be on the committee. They agreed Denny White would be on the committee. She anticipates the committee would bring the list back to council.

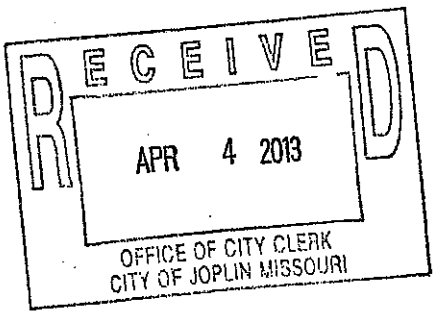
Troy Bolander said within thirty days he will receive guidance as to how to spend the funds. In ninety days you do the action plan. Once you put the plan in place then you have two years to spend it and complete the projects.
Mr. Golden stated it is going to be very difficult to spend that amount of money in that short time frame. Mr. Woolston asked where the list the city has put together.
Mark said they have had 4 meetings and were working to finalize a draft. Mr. Scearce said you have to prioritize – Putting the most important things this council does should be first. He said we make the decisions on what to do with the action plan. Mr. Seibert stated he wanted to hear from the staff and what their vision is. He added there are plans that take up a lot more than 113 million dollars.

REQUEST TO ADDRESS COUNCIL

TO: Mayor and Members of the Council Date: 4-3-13

I would like to speak to the City Council on the following subject:

Joplin City Skatepark on behalf of the Joplin Skatepark committee & the youthful skateboarders / bmx riders of Joplin.



Thank you.
Name: Tom Waltens
Address: 2426 S. Connor
Daytime Phone: 417-499-2761
Phone No.:

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

Item: COUNCIL BILL NO. 2013-262
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg OKH Date: 4/26/2013
City Attorney: Brian Head Date: 4-30-13
City Manager: R. Mark Rohr ORP for C.M. Date: 4/30/13
Board or Commission: Planning and Zoning Commission MDW Date: 4/8/2013

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 abstention, and 0 absent"

SUMMARY/REQUEST:
Case 015-13: 1802 New Hampshire – A request to rezone from District R-1 (Single Family Residential) to District R-2 (Two Family Residential) for the development of a duplex – William J. Cearnal.

STAFF SUMMARY:
The proposed rezoning is for the development of a duplex at the southwest corner of 18th Street and New Hampshire Avenue. The surrounding neighborhood is currently a mix of single-family homes and duplexes. The lot exceeds the minimum area and width requirements for a duplex.

Staff recommends approval of Case 015-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Eastman wished to abstain from the discussion and vote on Case 015-13 since his real estate company is involved with this property.

Mr. Bill Cearnal appeared to request the rezoning of the property at 1802 South New Hampshire Avenue for the development of a duplex. The property is on the southwest corner of East 18th Street and New Hampshire Avenue and is across the street from Parr Hill Park. A gravel and grass alleyway extends from 18th to 19th Streets between New Hampshire and Kansas Avenues.

Mr. Cearnal stated that over 65 percent of the surrounding area is zoned R-2 and R-3, and he believes the property would be consistent with the Comprehensive Plan of the City of Joplin. He stated that most of the surrounding properties are rentals. The Joplin Housing Authority property to the east is zoned R-2, with R-2 zoning immediately across New Hampshire from the property

in this request. Parr Hill Park is located immediately to the north, with duplexes located along the northern border of the park.

Mr. Cearnal stated that the Kansas City Southern railroad track is located two blocks to the west, with R-3 zoning to the north along 15th Street and South Michigan Avenue, and R-3 zoning on 20th Street and Hampshire Terrace. He believed that with his profession as a state certified real estate appraiser, if the property remained R-1, a house with a value of $80,000 to $100,000 would conform most appropriately to the existing single-family homes in the area. If the zoning is changed to R-2, a duplex valued between $140,000 and $160,000 could be built.

PUBLIC COMMENT:
None.

Z&P Meeting: April 8, 2013
City Council Meeting: May 6, 2013

STAFF PLANNING REPORT
Rezoning

CASE 015-13:

A request to rezone from District R-1 (Single-family) to District R-2 (Two-family) for property located at 1802 New Hampshire for the development of a duplex.

APPLICANT: William J. Cearnal

LOCATION: 1802 New Hampshire

REQUESTED ZONING: R-2 (Two-family)

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 (Single-family)	Vacant (Former Single-family)	72' x 130' / 9,360 ft² / .21 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-2	R-1	R-1
Land Use	Parr Hill Park	Vacant (Former Single-family)	Vacant (Former Single-family)	Vacant (Former Single-family)

FUTURE LAND USE:

This site is recommended for low-density residential in the 2012 Future Land Use Map. Properties to the east have been designated as medium-density residential.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
18th Street	Local	50'
New Hampshire Avenue	Local	50'

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This property is suitable for duplex development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The planned rezoning should not detrimentally affect nearby properties.

DISCUSSION

The proposed rezoning is for the development of a duplex at the southwest corner of 18th Street and New Hampshire Avenue. The surrounding neighborhood is currently a mix of single-family homes and duplexes. The lot exceeds the minimum area and width requirements for a duplex.

Staff recommends approval of Case 015-13.

ENCLOSURES:

None



Case 015-13: A request to rezone from District R-1 (Single-Family) to District R-2 (Two-nily) for property located at 1802 New Hampshire Avenue. - William J. Cearnal

N

RECEIVED 2-25-13

REZONING APPLICATION FORM

RECEIVED 2-25-13

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.: 015-13
Filing Fee: $ 350.00
Date Advertised: 3-24-13
Date Notices Sent: 3-25-13
Public Hearing Date: 4-8-13

APPLICANT: William J. Cearnal PHONE: 417-623-7825
ADDRESS: 911 W. Kensington Road, Joplin, Mo. ZIP: 64801
OWNER: William J. Cearnal PHONE: 417-623-7825
ADDRESS: 911 W. Kensington Road, Joplin, Mo. ZIP: 64801
LOCATION OF PROPERTY: 1802 South New Hampshire Ave.
LEGAL DESCRIPTION: ALL OF LOT #38 AND THE NORTH 20 FEET OF LOT #37 IN J. W. RATCLIFF'S SUB-DIVISION OF LOTS 12, 22, 23 AND 24 IN BANKERS THIRD ADDITION TO THE CITY OF JOPLIN JASPER COUNTY, MISSOURI.

Present Zoning R-1 Requested Zoning: R-2 Acreage: 0.19927 AC or 8,680 SF
Present Use of Property: Vacant

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	PARR HILL PARK	R-1
South	Vacant	R-1
East	Vacant	R-2
West	Duplex	R-1

CHARACTER OF THE NEIGHBORHOOD: Joplin Housing Authority, R2-PD, is located 1 blk to the east w/ Parr Hill Park to the north, Kansas City Southern track to the west & R3-PD to the north on 15th Street.

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No, there is R-2, R-3 and commercial zoning located near the property
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? ____
   If yes, explain: ____

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
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 effect 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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: A classified local street with no recorded avg. daily traffic count
2. Classification of Street(s):
   Arterial _____ Collector _____ Local 18th & New Hampshire
3. Right-of-Way Width: Approximately 30 feet with 10' utility easement
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

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

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

The surrounding area is over 65% R-2, R-3 and C-1, zoning. By conforming to the existing improvements and existing zoning, the property would be consistent to the comprehensive plan of the City of Joplin. Most of the properties are used as rentals

SIGNATURE: William J. Cearnal DATE: 02/25/13

BY: William J. Cearnal

TITLE: Owner

Case 015-13: 1802 New Hampshire – A request to rezone from District R-1 (Single Family Residential) to District R-2 (Two Family Residential) for the development of a duplex – William J. Cearnal.

Mr. Eastman wished to abstain from the discussion and vote on Case 015-13 and Case 016-13 since his real estate company is involved with these properties. He left the dais at this point.

Mr. Harrington opened the public hearing for Case 015-13.

Mr. Bill Cearnal, 911 West Kensington Road, Joplin, appeared to request the rezoning of the property at 1802 South New Hampshire Avenue for the development of a duplex. The property is on the southwest corner of East 18th Street and New Hampshire Avenue and is across the street from Parr Hill Park. A gravel and grass alleyway extends from 18th to 19th Streets between New Hampshire and Kansas Avenues.

Mr. Cearnal stated that over 65 percent of the surrounding area is zoned R-2 and R-3, and he believes the property would be consistent with the Comprehensive Plan of the City of Joplin. He stated that most of the surrounding properties are rentals. The Joplin Housing Authority property to the east is zoned R-2, with R-2 zoning immediately across New Hampshire from the property in this request. Parr Hill Park is located immediately to the north, with duplexes located along the northern border of the park.

Mr. Cearnal stated that the Kansas City Southern railroad track is located two blocks to the west, with R-3 zoning to the north along 15th Street and South Michigan Avenue, and R-3 zoning on 20th Street and Hampshire Terrace. He believed that with his profession as a state certified real estate appraiser, if the property remained R-1, a house with a value of $80,000 to $100,000 would conform most appropriately to the existing single-family homes in the area. If the zoning is changed to R-2, a duplex valued between $140,000 and $160,000 could be built.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 015-13.

MR. LANDRITH MOVED, SECONDED BY MR. CORTEZ, THAT CASE 015-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DUNCAN, MR. HARRINGTON, MR. LANDRITH, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN ABSTAINING (6 IN FAVOR, 1 ABSTENTION, 0 ABSENT).

P & Z Case 015-13
William J. Cearnal
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-262 **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-2 property as described below and located at 1802 New Hampshire Avenue in the City of Joplin, Jasper County, Missouri.

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 removing the following described property from District R-1 and including same in District R-2:

All of Lot 38 and the North 20 feet of Lot 37 in J. W. Ratcliff's Subdivision of Lots 12, 22, 23, and 24 in Bankers Third Addition to 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 for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

Item: COUNCIL BILL NO. 2013-263
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg DKH Date: 4/26/2013
City Attorney: Brian Head Date: 4-30-12
City Manager: R. Mark Rohr DAP for C.M. Date: 4/30/13
Board or Commission: Planning and Zoning Commission Mtw Date: 4/8/2013

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "6 in favor, 1 abstention, and 0 absent"

SUMMARY/REQUEST:
Case 016-13: 1731 East 20th Street, 1830 and 1902 South St. Louis Avenue – A request to rezone from District C-O PD (Non-Retail Commercial – Planned Development) and District R-1 (Single Family Residential) to District C-1 PD (Neighborhood Commercial – Planned Development) for the development of a bank – People's Bank of Seneca.

STAFF SUMMARY:
The proposed rezoning is for the development of a 3,000 square foot bank building with drive-thru facility.

Access Management: The site will have two points of access off of South St. Louis Avenue.

Parking: A total of 20 parking spaces have been provided, including 2 ADA spaces.

Building Design & Materials: The site will contain a 3,000 square foot building. The exterior of the building will be a mix of brick and stone, with minor amounts of EIFS around the windows. The roof will be a bronze-colored steel roof.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. The west side of the parking lot will be screened with hedges. The east side of the drive-thru will be screened from residential across South St. Louis Avenue with a mix of hedges, shrubs, and street trees. Additional landscaping will be provided around the building and around the parking and drive-thru area.

Buffering: A landscaped buffer with 6' fence will be provided on the north and west property lines adjacent to residential-zoned districts.

Staff recommends approval of Case 016-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Eastman wished to abstain from the discussion and vote on Case 016-13 since his real estate company is involved with this property.

Mr. Ron Slone, principal architect with Slone Architects and Interior Designers, appeared representing People's Bank of Seneca. He recently developed their prototype bank into the Joplin market on Highway 43 just south of the Joplin city limits. His client has been looking actively for a location to develop another branch facility in the Joplin city limits, with the property in this request meeting all their criteria except for the zoning. He respectfully requested the rezoning of this property for commercial redevelopment.

PUBLIC COMMENT:
None.

Z&P Meeting: April 8, 2013
City Council Meeting: May 6, 2013

STAFF PLANNING REPORT
Rezoning

CASE 016-13:

A request to rezone from District C-O PD (Non-Retail Commercial – Planned Development) and District R-1 (Single-Family Residential) to District C-1 PD (Neighborhood Commercial – Planned Development) for properties located at the Northwest Corner of 20th Street and S. St. Louis Avenue for future commercial development of a bank.

APPLICANT: People's Bank of Seneca

LOCATION: 1731 E. 20th, 1830 and 1902 S. St. Louis

REQUESTED ZONING: C-1 PD (Neighborhood Commercial – Planned Development)

CORRIDOR: 20th Street – Site Plan Required

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
C-O PD (Non-Retail – Planned Development) and R-1 (Single-Family)	Vacant (Former Office and Single-Family)	130' x 396' / 51,480 ft² / 1.18 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1, C-1	C-2 PD	C-O PD, R-2 PD
Land Use	Vacant (Former Single-Family)	Single-Family, Office	Vacant (Former Commercial)	Office, Duplexes

FUTURE LAND USE:

This site is located along the 20th Street corridor and is eligible for rezoning subject to site plan review and approval.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
S. St. Louis Avenue	Local	60'

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This property is suitable for commercial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

The planned rezoning and development plans should not detrimentally affect nearby properties.

DISCUSSION

The proposed rezoning is for the development of a 3,000 square foot bank building with drive-thru facility.

Access Management: The site will have two points of access off of S. St. Louis Street.

Parking: A total of 20 parking spaces have been provided, including 2 ADA spaces.

Building Design & Materials: The site will contain a 3,000 square foot building. The exterior of the building will be a mix of brick and stone, with minor amounts of EIFS around the windows. The roof will be a bronze-colored steel roof.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. The west side of the parking lot will be screened with hedges. The east side of the drive-thru will be screened from residential across S. St. Louis Avenue with a mix of hedges, shrubs, and street trees. Additional landscaping will be provided around the building and around the parking and drive-thru area.

Buffering: A landscaped buffer with 6' fence will be provided on the north and west property lines adjacent to residential-zoned districts.

Staff recommends approval of Case 016-13.

ENCLOSURES:

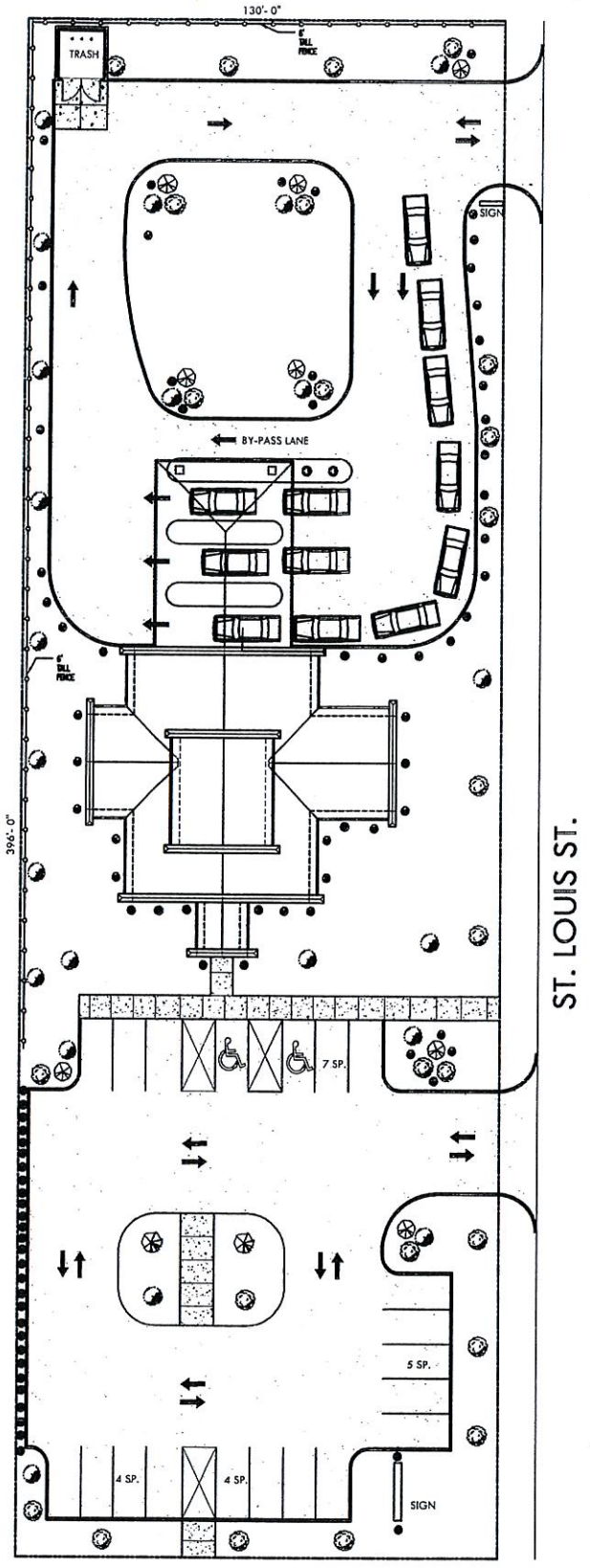
Site plan/Landscape plan

Building elevations

Building material samples



Case 016-13: A request to rezone from District C-O PD (Non-Retail - Planned Development) and District R-1 (Single-Family) to District C-1 PD (Neighborhood Commercial - Planned Development) for property at 1731 East 20th Street, 1830 and 1902 S. St. Louis Avenue for the development of a bank. - People's Bank of Seneca



SLONE ARCHITECTS
ARCHITECTURE & INTERIOR DESIGN

SUITE 100 • BUILDING 'J' • 1200 E. WOODHURST DR.
SPRINGFIELD, MISSOURI • 65804 • P: 417.887.4575

PROJECT TITLE
PEOPLES BANK
OF SENECA
NEW BRANCH FACILITY
JOPLIN, MO

1 ARCHITECTURAL SITE PLAN

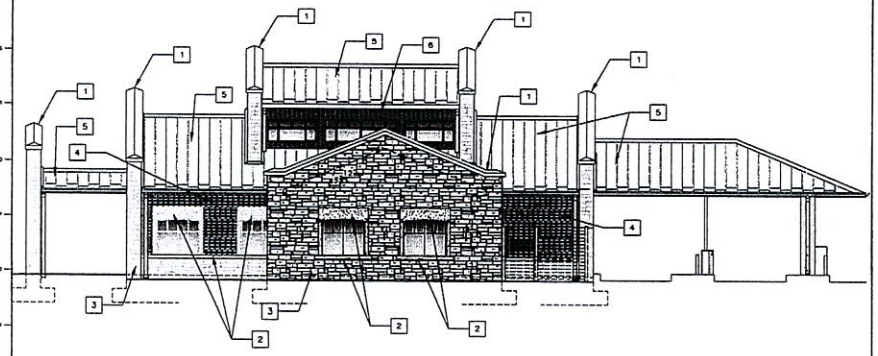
SCALE: 1" = 30'

JOB NO. 13–105

DATE 03–28–13

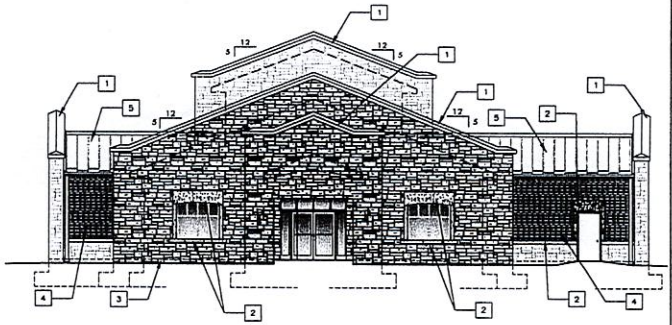
SHEET A1.0

OF 00 SHEETS



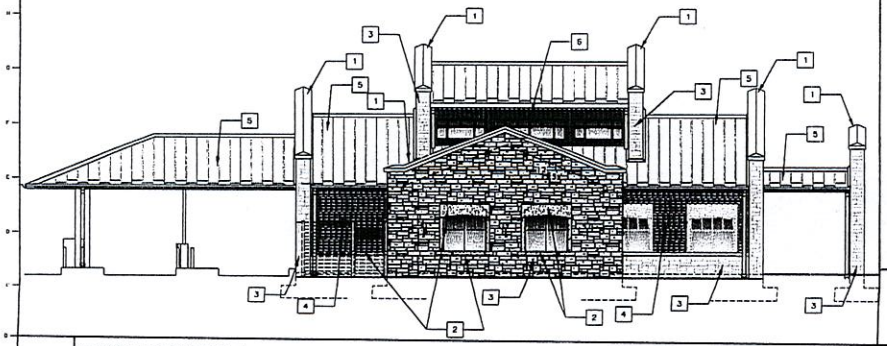
3 EAST ELEVATION

SCALE: 1/8" = 1'-0"



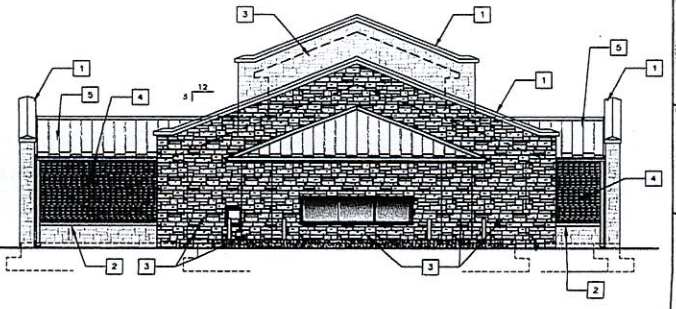
4 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



1 WEST ELEVATION

SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION NOTES:

1. PRE-FINISHED METAL PARAPET CAP.
2. EIFS.
3. CULTURED STONE VENEER.
4. FACE BRICK.
5. STANDING SEAM STEEL ROOF.
6. THIN BRICK VENEER.

MARK	REVISION DATE	DESCRIPTION

ARCHITECT SEAL

PRELIMINARY
NOT FOR CONSTRUCTION OR PERMIT

CHECKER SEAL

SLONE ARCHITECTS
ARCHITECTURE & INTERIOR DESIGN

SUITE 100 • BUILDING 'J' • 1200 E. WOODHURST DR.
SPRINGFIELD, MISSOURI • 65804 • P: 417.887.4575

NEW FACILITY FOR:

PEOPLES BANK OF

SENECA

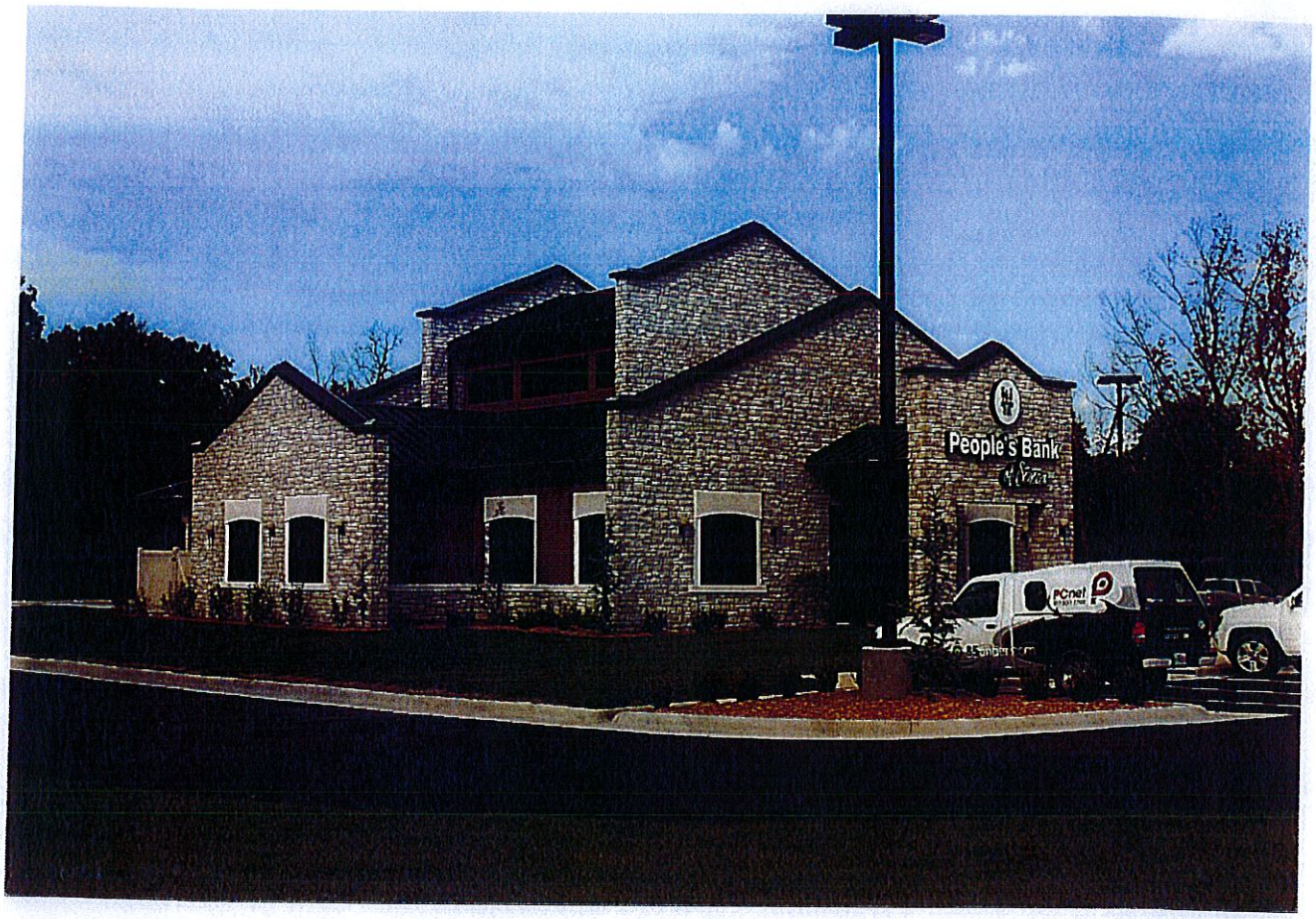
JOPLIN, MISSOURI

The Drawings, Specifications and other documents prepared by the Architect for this Project are instruments of the Architect's service for use solely with respect to this Project, and unless otherwise provided, the Architect shall be deemed the author of these documents and shall retain all common law, statutory & other reserved rights, including the copyright. The Architect's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others, except by agreement in writing and with appropriate compensation to the Architect.

JOB NO. 13-105

DATE 03-13-13

SHEET EL 1 OF 00 SHEETS


People's Bank

RECEIVED
2-20-13

CITY OF JOPLIN, MISSOURI
REZONING APPLICATION FORM

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

For Office Use Only
Case No.: O16-13
Filing Fee: $350.00
Date Advertised:
Date Notices Sent
Public Hearing Date: 4-8-13

APPLICANT: PEOPLE'S BANK OF SENECA PHONE: 417-776-2111
ADDRESS: P.O. BOX 500 SENECA, MO ZIP: 64865
OWNER: PEOPLE'S BANK OF SENECA (CONTRACT PENDING) PHONE:
ADDRESS: ZIP:
LOCATION OF PROPERTY: 1731 E. 20TH / 1902 ST. LOUIS
LEGAL DESCRIPTION:
SEE ATTACHED

Present Zoning C-O PD, R-1 Requested Zoning: C-1 PD Acreage:
Present Use of Property: VACANT

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	vacant	R-1
South	vacant	C-2 PD
East	office, single-family	C-1, R-1
West	office/retail, daycare	C-O PD, R-2 PD

CHARACTER OF THE NEIGHBORHOOD: mix of small retail & office, with single family behind

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:

CONFORMANCE WITH COMPREHENSIVE PLAN:
1. Consistent with Development Policies? yes
2. Consistent with Future Land Use Map? yes

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
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 effect 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

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: St. Louis Ave.
2. Classification of Street(s):
   Arterial _____ Collector _____ Local X
3. Right-of-Way Width: 60'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   ND

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? NA
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 ADDITIONAL COMMENT:

SIGNATURE: John Rhuto DATE: 3-27-13

BY: John Rhuto Agent of Peoples Bank of Seneca

TITLE: EVP / CFO

Case 016-13: 1731 East 20th Street, 1830 and 1902 South St. Louis Avenue – A request to rezone from District C-O PD (Non-Retail Commercial – Planned Development) and District R-1 (Single Family Residential) to District C-1 PD (Neighborhood Commercial – Planned Development) for the development of a bank – People's Bank of Seneca.

Mr. Harrington opened the public hearing for Case 016-13.

Mr. Ron Slone, principal architect with Slone Architects and Interior Designers, 1200 East Woodhurst, Springfield, Missouri, appeared representing People's Bank of Seneca. Mr. Slone recently developed their prototype bank into the Joplin market on Highway 43 just south of the Joplin city limits. His client has been looking actively for a location to develop another branch facility in the Joplin city limits, with the property in this request meeting all their criteria except for the zoning. He respectfully requested the rezoning of this property for commercial redevelopment.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 016-13.

MR. DUNCAN MOVED, SECONDED BY MR. SMITH, THAT CASE 016-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DUNCAN, MR. HARRINGTON, MR. LANDRITH, AND MR. SMITH VOTING "AYE"; AND WITH MR. EASTMAN ABSTAINING (6 IN FAVOR, 1 ABSTENTION, 0 ABSENT).

Mr. Eastman returned to the dais at this point.

P & Z Case 016-13
People's Bank of Seneca
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-263 **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-0-PD and District R-1 and including in District C-1-PD property as described below and located at 1731 East 20th Street, 1830 and 1902 South St. Louis Avenue in the City of Joplin, Jasper County, Missouri.

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 removing the following described property from District C-0-PD and District R-1 and including same in District C-1-PD:

Beginning at the Southwest corner of Lot 28 in Bankers Third Addition to the City of Joplin, Jasper County, Missouri, North 206.2 feet, East 130 feet, South 206.15 feet, West 130 feet to the point of beginning, except the South 10.0 feet for street right-of-way, AND Beginning at 50 feet South of the Northwest Corner of Lot 28 in Bankers Third Addition to the City of Joplin, Jasper County, Missouri, East 130 feet, South 100 feet, West 130 feet, North 100 feet to the point of beginning, AND Beginning at the Southwest corner of Lot 29 in Bankers Third Addition to the City of Joplin, Jasper County, Missouri, North 50 feet, East 130 feet, South 100 feet, West 130 feet, North 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 for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2013.

ATTEST:

_____
Melodee Colbert-Kean, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

Item: RESOLUTION NO. 2013-016
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Resolution

Public Works Director: David Hertzberg DXH Date: 4/26/2013
City Attorney: Brian Head Date: 4-30-13
City Manager: R. Mark Rohr DSP for C.M. Date: 4/30/13
Board or Commission: Planning and Zoning Commission MDW Date: 4/8/2013

Recommended Action: Planning and Zoning Commission recommended approval for a permanent Special Use Permit by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 018-13: 2931 East 17th Street – A request for a permanent Special Use Permit (First Request) for the development of a parking lot – Ludmeyer Investments Inc.

STAFF SUMMARY:
The applicant is requesting a special use permit for the development of a parking lot at 2931 East 17th Street. The applicant has provided the necessary screening from adjacent residential properties, including a 6' privacy fence and landscaping. This parking lot will serve as additional parking for the U.S. Cellular building at 1630 South Range Line Road, located directly to the east of the proposed parking lot.

The following items are conditions for consideration of the Special Use Permit:

1. This Special Use Permit is issued to Ludmeyer Investments, Inc. for the development of a parking lot at 2931 East 17th Street.
2. The term of this permit is to be permanent.
3. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
4. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Edward M. Sherman is the general manager of Ludmeyer Investments, Inc., the property owner of the U. S. Cellular building at 1630 South Range Line Road. The property he is requesting to rezone is the property immediately to the west behind the U. S. Cellular building, and he wishes to redevelop that land into a parking lot. He stated that the property is currently

vacant and was the former site of a residence that was destroyed in the tornado. He wants to clear the property and pave it and create a parking space.

Mr. Sherman stated that the current parking space for U. S. Cellular is quite crowded and inadequate even though it does meet the City Code. On their busiest days, customers are parking along 17th Street and are causing a traffic hazard. He would like to alleviate that problem by creating some additional parking. He stated that the areas to the north and south have been redeveloped and have extended their parking further west than he is planning to do.

Mr. Landrith asked if there is a rear entrance to the U. S. Cellular store, and Mr. Sherman replied not at the present time.

Mr. Cortez asked if a sidewalk would be erected to the south of the building so if customers did park in the parking lot behind that building, they wouldn't have to walk out into 17th Street to get to the front of the building. Mr. Sherman replied that there is not a parking lot on the south side, but there is concrete and asphalt where customers could walk along the south side of the building without any problem. They would then step up onto the sidewalk that runs along the south side and the east side of the building. They would not have to construct a new sidewalk.

PUBLIC COMMENT:
None.

Z&P Meeting: April 8, 2013
City Council Meeting: May 6, 2013

STAFF PLANNING REPORT
Special Use Permit

CASE 018-13:

A request for a permanent Special Use Permit (1st Request) for the development of a parking lot at 2931 East 17th Street.

APPLICANT: Ludmeyer Investments, Inc.

LOCATION: 2931 East 17th Street

REQUESTED USE: Parking lot

CORRIDOR: N/A

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 (Single-Family)	Vacant (Former Single-Family)	150' x 140' / 21,000 ft² / .48 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	C-3 PD	C-1	C-1, R-1	R-1
Land Use	Retail/Commercial	Retail/Commercial	Retail/Commercial, Parking Lot (SUP)	Single-Family

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
East 17th Street	Local	50'

The parking lot will also have access from the alley to the north.

WILL TURNING MOVEMENTS OF THE PROPOSED USE CREATE AN UNDUE TRAFFIC HAZARD?

No.

DISCUSSION:

The applicant is requesting a special use permit for the development of a parking lot at 2931 East 17th Street. The applicant has provided the necessary screening from adjacent residential properties, including a 6' privacy fence and landscaping. This parking lot will serve as additional parking for the U.S. Cellular building at 1630 S. Range Line Road, located directly to the east of the proposed parking lot.

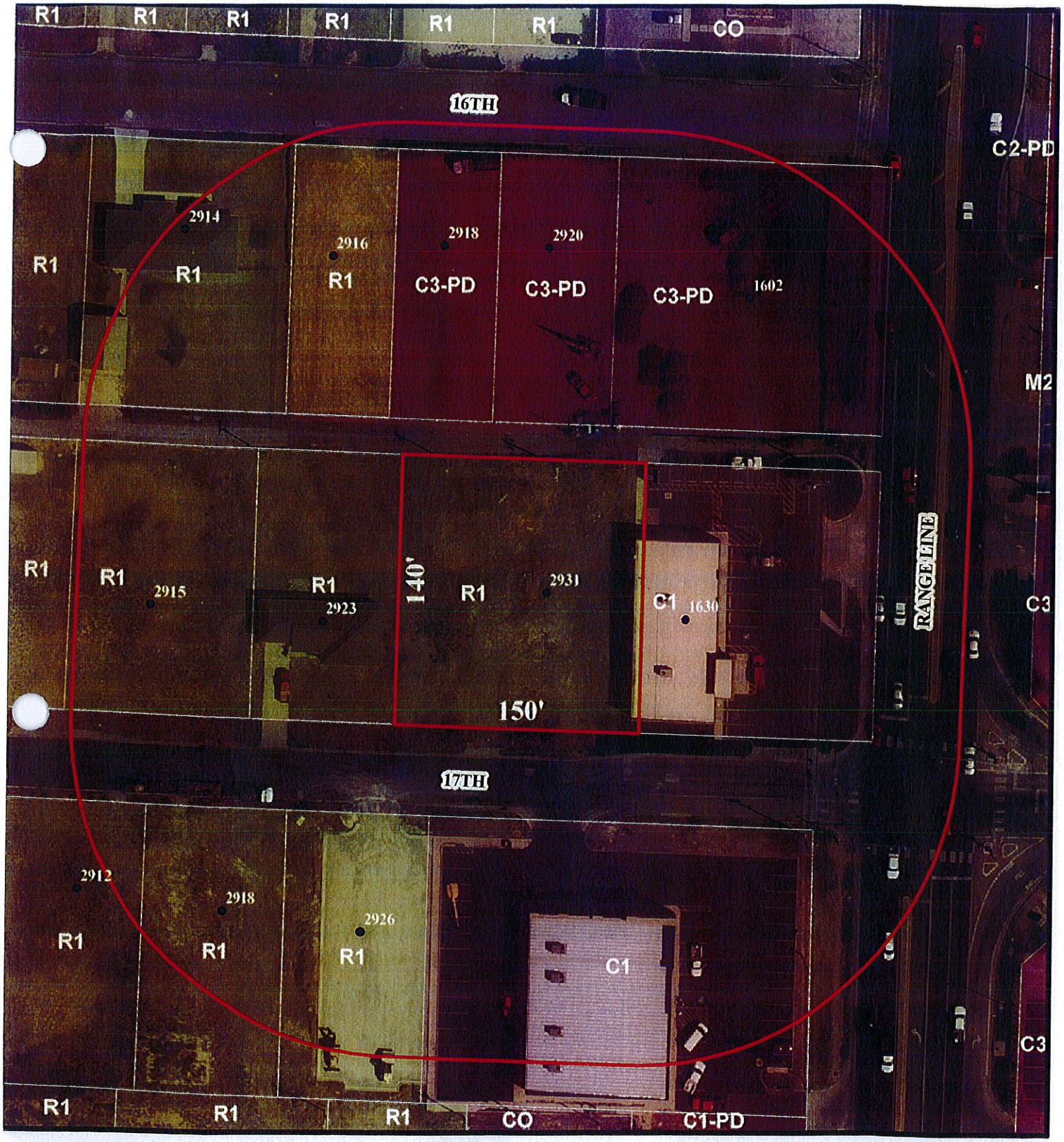
CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit is issued to Ludmeyer Investments, Inc. for the development of a parking lot at 2931 East 17th Street.
2. The term of this permit is to be permanent.
3. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.
4. Any other conditions set by the City Council of the City of Joplin.

Staff recommends approval of Case 018-13.

ENCLOSURES:

Site Plan



Case 018-13: A request for a permanent Special Use Permit (1st Request) for the development of a parking lot at 2931 East 17th Street. - Ludmeyer Investments Inc.

RECEIVED 3-8-13

SPECIAL USE PERMIT APPLICATION

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.: 018-13
Filing Fee: $ 350.00
Date Advertised: 3-24-13
Date Notices Sent 3-25-13
Public Hearing Date: 4-8-13

APPLICANT: Ludmeyer Investments Inc PHONE: 918-706-5504 cell 918-742-6308

ADDRESS: 6726 S. Knoxville Tulsa OK ZIP: 74136

OWNER: Same PHONE:

ADDRESS: ZIP:

LOCATION OF PROPERTY: 2931 E. 17th St. Joplin

LEGAL DESCRIPTION: All of lot #128 except the west 15 feet and all of lot #129 and the west 27.4 feet of lot #130 of Mc Campbell's First Addition to the City of Joplin, Jasper County, Mo.

PRESENT ZONING CLASSIFICATION: R-1 ACREAGE: 0.78

PRESENT USE OF PROPERTY: Vacant land -

PROPOSED LAND USE ACTIVITY: Parking lot per use by tenant of 1130 Rangeline — US Cellular.

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	17th St + Commercial	Shopping Center Parking
South	✓ ✓	✓ ✓ New
East	Range Line Rd + Commercial	✓ ✓
West	Residential	R-1

Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.

	Yes	No
1. Is deemed necessary for the public convenience at that location.	☒	☐
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	☒	☐
3. Is found to be generally compatible with the neighborhood in which it is proposed.	☒	☐
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.	☒	☐
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	☒	☐
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	☒	☐

Should this special use be valid only for a specific time period? Yes ☐ No ☒

If Yes, what length of time? _____

SIGNATURE: Ledmeyer Investments Inc DATE: _____

BY: Edward M Ledmeyer Gen TITLE: _____

Attachments Required:

1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may effect the character of the surrounding properties; and how the proposed use will benefit the City of Joplin

The Special Use Permit that will be issued will have set of conditions that will require information regarding the following: (Additional conditions may be imposed by the Commission and Council)

1. Hours of Operation. The operating hours of tenant in adjoining building at Rangeline 1630
2. Days of Operation. 7 days/week
3. * Number of Off-street Parking Spaces. _____
4. * Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.) _____
5. Number of Assistants or employees. No additional employees.
6. Nature of the Business. Retail - currently US Cellular
7. Location of the Business. 1630 Rangeline

Violation of any condition will cause a complaint to be filed with the Municipal Court and the Permit will be suspended immediately requiring reapplication.

* Plans to follow – by Anderson Engineering,

Case 018-13: 2931 East 17th Street – A request for a permanent Special Use Permit (First Request) for the development of a parking lot – Ludmeyer Investments Inc.

Mr. Harrington opened the public hearing for Case 018-13.

Mr. Edward M. Sherman, 6726 South Knoxville Avenue, Tulsa, Oklahoma 74136, is the general manager of Ludmeyer Investments, Inc., the property owner of the U. S. Cellular building at 1630 South Range Line Road. The property he is requesting to rezone is the property immediately to the west behind the U. S. Cellular building, and he wishes to redevelop that land into a parking lot. He stated that the property is currently vacant and was the former site of a residence that was destroyed in the tornado. He wants to clear the property and pave it and create a parking space.

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Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 018-13.

MR. SMITH MOVED, SECONDED BY MR. EASTMAN, THAT CASE 018-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR A PERMANENT SPECIAL USE PERMIT TO BE ISSUED TO LUDMEYER INVESTMENTS, INC., BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 018-13
Ludmeyer Investments Inc.
(P & Z Recommended Approval
for a Permanent Special Use Permit)

RESOLUTION NO. 2013-016

A RESOLUTION granting a Special Use Permit (First Request) to Ludmeyer Investments, Inc. for the development of a parking lot located at 2931 East 17th Street, in the City of Joplin, Jasper County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on April 8, 2013, recommended that a Special Use Permit be granted to Ludmeyer Investments, Inc. for the development of a parking lot located at 2931 East 17th Street, in the City of Joplin, Jasper County, Missouri.

WHEREAS, a public hearing was held before the City Council on May 6, 2013, in compliance with said request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Joplin, as follows:

That a Special Use Permit be granted to Ludmeyer Investments, Inc. for the development of a parking lot located in the City of Joplin, Missouri, on the following described real estate, to-wit:

All of Lot 128 except the West 15 feet and All of Lot 129 and the West 27.4 feet of Lot 130 all in Campbell's First Addition to the City of Joplin, Jasper County, Missouri.

and the said Special Use Permit is hereby issued with the following conditions and made a part thereof:

1. This Special Use Permit is issued to Ludmeyer Investments, Inc. for the development of a parking lot at 2931 East 17th Street.

2. The term of this permit is to be permanent.

3. All regulations as stated in Appendix 29-A (Zoning Code) of the Joplin Municipal Code shall be followed at all times.

4. Any other conditions set by the City Council of the City of Joplin.

The violation of any condition set forth in this Resolution shall be interpreted as a violation of Appendix 29-A (Zoning Code) of the Municipal Codes of the City of Joplin and shall be administered in accordance with the provisions of Section 34 (Violation and Penalty) of Appendix 29-A of that Code. Conviction in Municipal Court for violation of any condition as

set forth in this Resolution shall cause the immediate termination of this Special Use Permit and require the applicant as named in Item No. 1 above to reapply for renewal.

The Municipal Planner is hereby authorized and directed to issue said permit to Ludmeyer Investments, Inc., in accordance with the plans and specifications on file in the Office of the Building Official.

The City Clerk is hereby ordered to file this Resolution with the Zoning District Map maintained in her office and to note the changes herein provided for thereon.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:_____
Barbara L. Hogelin, City Clerk

LEGEND

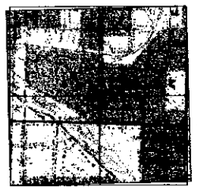
● CP	CONTROL POINT
FND IP	FOUND IRON PIN
SET IP	SET IRON PIN
RWM	RIGHT-OF-WAY MARKER
PP/GY	POWER POLE W/ GUY
MH	MANHOLE
SCO	SEWER CLEANOUT
GM	GAS METER
LP	LIGHT POLE
	SIGN
	WATER METER
WV	WATER VALVE
GV	GAS VALVE
FH	FIRE HYDRANT
TR	TELEPHONE RISER
	BUMPER POST
	GRATE INLET
ER	ELECTRICAL RISER
	ELECTRICAL METER
TS	TRAFFIC SIGNAL BOX
MB	MAIL BOX
	SPOT LIGHT
PH	PAY PHONE
	TREELINE
	BUSH

PROPERTY LINE	
SANITARY SEWER	SS
STORM SEWER	SW
TELEPHONE LINE	TEL
UNDERGROUND TELEPHONE	UT
GAS LINE	G
WATER LINE	W
ELECTRIC LINE	OHE
UNDERGROUND ELECTRIC	UE
FIBER OPTIC	FO
FENCE LINE	x x
RETAINING WALL	

LINE LABELS: PLAT 100' P; DEED 100' D; MEASURED 100' M

EXISTING CONTOUR

PROPOSED CONTOUR

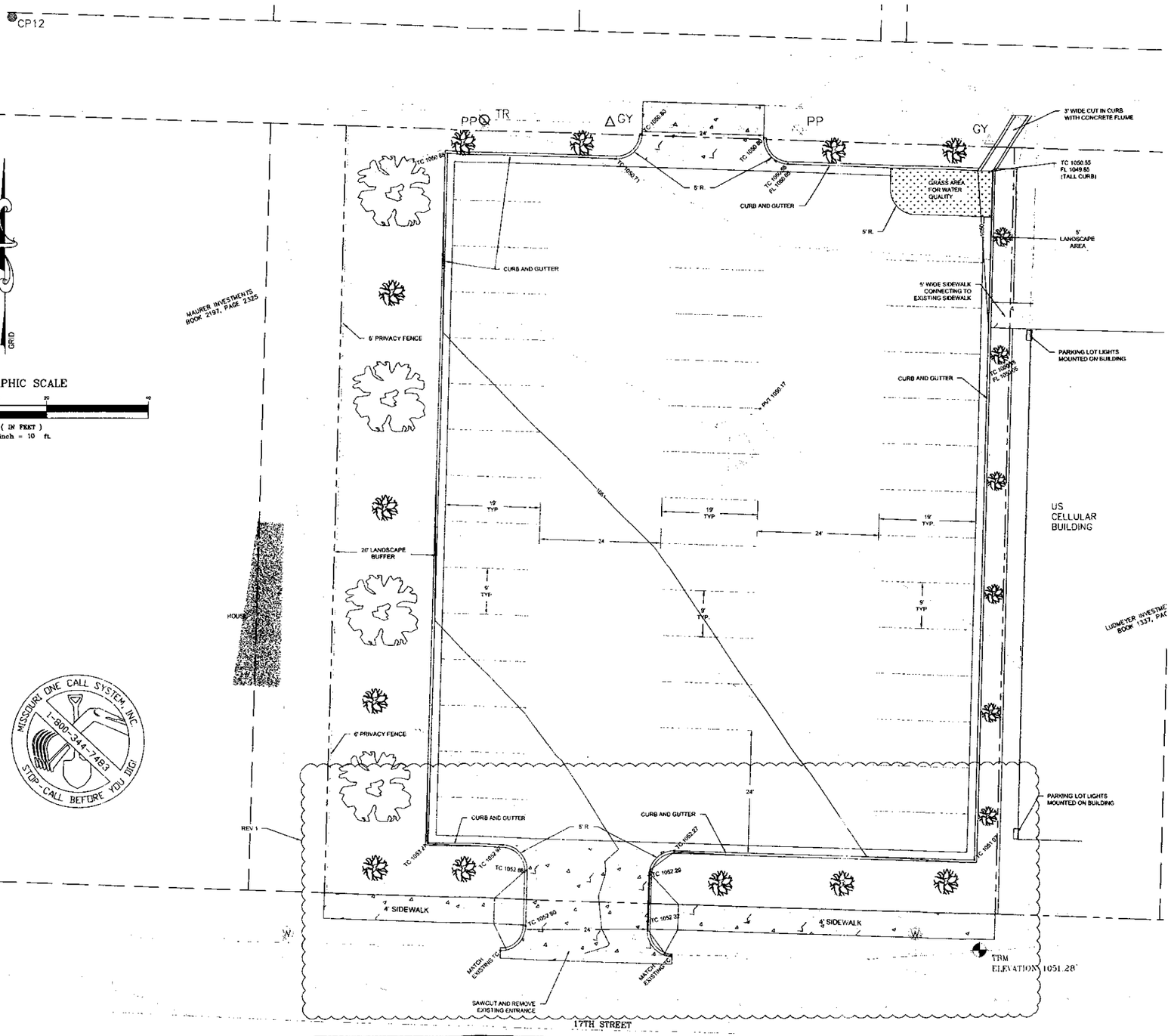


LOCATION SKETCH
SECTION 12
T 27 N, R 33 W
SCALE: 1"=2000'

GRID

GRAPHIC SCALE

10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.



GENERAL NOTES:

1. ALL WORK, MATERIALS, AND DETAILS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF JOPLIN STANDARD SPECIFICATIONS, DATED DECEMBER 28, 2004. CONTRACTORS SHALL OBTAIN A COPY OF THESE STANDARDS TO ENSURE COMPLIANCE.
2. EXISTING UTILITIES AND UNDERGROUND INSTALLATIONS HAVE BEEN LOCATED TO THE GREATEST EXTENT PRACTICAL THROUGH REVIEW OF CONSTRUCTION PLANS AND SURFACE OBSERVATIONS. THE CONTRACTOR SHALL FIELD VERIFY ALL HORIZONTAL AND VERTICAL LINES AND GRADES OF EXISTING UTILITIES PRIOR TO THE CONSTRUCTION OF IMPROVEMENTS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY UPON DISCOVERING A DISCREPANCY BETWEEN THE CONTRACT DRAWINGS AND ACTUAL FIELD CONDITIONS. CONTACT ONE CALL: 1-800-344-7483.
3. THE CONTRACTOR MUST COORDINATE CONSTRUCTION WITH THE NECESSARY AUTHORITIES.
4. NO WORK SHALL COMMENCE UNTIL ALL NECESSARY PERMITS ARE OBTAINED BY THE OWNER.
5. ALL AREAS DISTURBED BY CONSTRUCTION ARE FIRST TO BE FINE GRADED AND THEN FOLLOWED BY SEED AND STRAW MULCH, UNLESS OTHERWISE NOTED. OVER, MIN 4" TOPSOIL STOCKPILED FROM SITE OR HAULED IN AS REQUIRED.
6. PROVIDE POSITIVE DRAINAGE AWAY FROM ANY BUILDINGS WITHOUT PONDING ON PARKING LOTS OR SIDEWALKS. ALL IMPROVED RUNOFF TO DRAIN TO DRAINWAYS.
7. ALL CONTOURS AND SPOT ELEVATIONS SHOWN ARE FINISH GRADE.
8. THE REMOVAL OF ANY TREES GREATER THAN 7 INCHES IN DIAMETER AT BREAST HEIGHT (DBH) ARE TO BE CLEARED WITH THE CITY PRIOR TO REMOVAL.
9. ANY DAMAGE TO EXISTING STRUCTURES, VEGETATION, OR IMPROVEMENTS RESULTING FROM NEW CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

EROSION CONTROL

1. RETAIN FLOATABLE WIND BLOWN MATERIALS ON SITE BY STORING ALL TRASH AND BUILDING MATERIAL WASTE IN ENCLOSURES UNTIL PROPER DISPOSAL AT OFF-SITE FACILITIES. CHECK ADJACENT AREAS DAILY AND PICK UP CONSTRUCTION WASTE MATERIALS AND DEBRIS THAT HAVE BLOWN OR WASHED OFF SITE.
2. PERMANENTLY STABILIZE ALL SURFACE AREA WITHIN AND ADJACENT TO THIS SITE THAT IS DISTURBED BY VEHICLES, GRADING AND OTHER CONSTRUCTION FOR THE PROPOSED FACILITY. STABILIZATION IS OBTAINED WHEN THE DISTURBED SURFACE IS COVERED WITH STRUCTURES, PAVING AND OR PERENNIAL VEGETATION HAVING A UNIFORM COVERAGE DENSITY OF AT LEAST 70%. STABILIZATION OF ALL DISTURBED AREA IS REQUIRED BEFORE TERMINATING MAINTENANCE AND REMOVAL OF EROSION CONTROL MEASURES.
3. CONTRACTORS SHALL INSPECT POLLUTION CONTROL MEASURES AT LEAST ONCE EVERY 14 DAYS AND WITHIN 24 HOURS AFTER A STORM EVENT OF 1/2 INCH OR GREATER. DAMAGED MEASURES THAT PROVE TO BE INEFFECTIVE SHALL BE REPLACED WITH MORE EFFECTIVE MEASURES OR ADDITIONAL MEASURES WITHIN SEVEN DAYS. REPEATED FAILURE OF A CONTROL MEASURE REQUIRES INSTALLATION OF A MORE SUITABLE DEVICE TO PREVENT DISCHARGE OF POLLUTANTS FROM THE CONSTRUCTION SITE.
4. INSTALLATION OF ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED BY GOVERNING AUTHORITY. CONTRACTOR TO VERIFY REQUIREMENTS PRIOR TO BEGINNING ANY WORK ON PROJECT SITE.
5. CARE SHALL BE TAKEN TO MINIMIZE THE ENCROACHMENT OF SEDIMENT INTO ALL STORM DRAIN APPURTENANCES, PUBLIC STREETS, AND ONTO PRIVATE PROPERTY UNTIL IMPERVIOUS MATERIAL (ROAD/PARKING AREA SURFACE) IS APPLIED OR UNTIL PROPOSED LANDSCAPE HAS BEEN ESTABLISHED.
6. ALL GRASS AREAS WHERE SLOPES EXCEED 3:1 (H:V) SHALL BE STABILIZED WITH TEMPORARY TURF REINFORCEMENT MATS. INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS SHALL BE TO MANUFACTURER'S SPECIFICATIONS. CONTRACTOR SHALL CONTACT MANUFACTURER TO COORDINATE PROPER INSTALLATION OF TEMPORARY TURF REINFORCEMENT MATS TO PREVENT SLOPE FAILURES AND EROSION.

MISSOURI ONE CALL SYSTEM, INC. 1-800-344-7483 STOP - CALL BEFORE YOU DIG!

BENCHMARK

TBM IS A "SQUARE CUT" ON THE BACK OF CURB AT THE SOUTHEAST CORNER OF SUBJECT PROPERTY, WITH AN ELEVATION OF 1051.28 FEET, AS SHOWN.

CAUTION:
CONTRACTOR SHALL FIELD VERIFY PROPOSED GRADES MATCH EXISTING ELEVATIONS @ INDICATED LOCATIONS. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.

HORIZONTAL AND VERTICAL CONTROL

CP#12
N= 320756.87
E= 2794826.12
EL= 1049.25

ANDERSON ENGINEERING, INC
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
811 E. 3RD STREET • JOPLIN, MISSOURI 64801 • PHONE (417) 782-7386
A LICENSED MISSOURI ENGINEERING & SURVEYING CORPORATION - LC 62

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1	ADDED SIDEWALK ON SOUTH END ADJUSTED	RN	4/10
	SOUTH ENTRANCE TO ACCOMMODATE		

DRAWING INFO.	
DRAWN BY:	RICK NICHOLS
CHECK BY:	W.CODY SEXTON, PE
LICENSE NO.	PE-2003015040
DATE:	03/20/13
FIELD BOOK:	
JOB NUMBER:	70017-13

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LUDEMEYER
PARKING LOT GRADING AND LAYOUT
U.S. CELLULAR
291 E. 17TH STREET

SITE LAYOUT AND GRADING PLAN

JOPLIN, JASPER COUNTY, MISSOURI

DRAWING NO. JOP-100-3152
SHEET NUMBER 1 OF 2

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

Item: COUNCIL BILL NO. 2013-264
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg DKH Date: 4/26/2013
City Attorney: Brian Head BH Date: 4-30-13
City Manager: R. Mark Rohr DGR for R.M. Date: 4/30/13
Board or Commission: Planning and Zoning Commission MDW Date: 4/8/2013

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 019-13: Central City Road between 26th and 32nd Streets, 26th Street between Central City Road and East 795 feet, and 32nd Street between Central City Road and East 795 feet – A request to voluntarily annex right-of-way into the corporate limits of the City of Joplin – Jasper County, Missouri.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex portions of street right-of-way for Central City Road, 26th Street, and 32nd Street. With this annexation, the soon to be developed St. Mary's Catholic Church and School site is eligible for annexation into the City Limits.

Staff recommends approval of Case 019-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright stated that this is a voluntary annexation from Jasper County for the right-of-way of Central City Road between 26th and 32nd Streets, the north half of 32nd Street right-of-way, and all of the 26th Street right-of-way. This will allow the St. Mary's property to be annexed into the City of Joplin.

PUBLIC COMMENT:
None.

Z&P Meeting: April 8, 2013
City Council Meeting: May 6, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 019-13:

A request to voluntarily annex the east half of Central City Road Right-of-Way between 26th and 32nd Streets, all of 26th Street Right-of-Way between Central City Road and east 795 feet, and the north half of 32nd Street Right-of-Way between Central City Road and east 795 feet.

LOCATION: Central City Road between 26th and 32nd Streets, 795 feet of 26th and 32nd Streets east of Central City Road

APPLICANT: Jasper County, Missouri

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Jasper County, MO)	Right-of-Way	146,569 ft² / 3.36 acres

DISCUSSION

The applicant is requesting to voluntarily annex portions of street right-of-way for Central City Road, 26th Street, and 32nd Street. With this annexation, the soon to be developed St. Mary's Catholic Church and School site is eligible for annexation into the City Limits.

Staff recommends approval of Case 019-13.

ENCLOSURES:

None



Case 019-13: A request to voluntarily annex right-of-way along Central City Road, 26th Street, and 32nd Street. - Jasper County, Missouri

N

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.

John Bartosh, Presiding Commissioner

Darieus K. Adams, Western District Commissioner

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

On this 21 day of March, 2013, before me appeared John Bartosh and Darieus K. Adams, to me known to be the Presiding Commissioner and Western District Commissioner, respectively of Jasper County, Missouri, and the seal affixed to the foregoing instrument is the County Seal of said Jasper County, and that said instrument was signed and sealed on behalf of said County by authority of its Commissioners for the consideration stated therein and no other, and said John Bartosh and Darieus K. Adams acknowledged said instrument to be the free act and deed of Jasper County, and that the allegations contained therein are true.

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

Notary Public

My commission expires:

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

TERRI BENFORD
My Commission Expires
February 26, 2016
Jasper County
Commission #12535363

Case 019-13: Central City Road between 26th and 32nd Streets, 26th Street between Central City Road and East 795 feet, and 32nd Street between Central City Road and East 795 feet – A request to voluntarily annex right-of-way into the corporate limits of the City of Joplin – Jasper County, Missouri.

Mr. Harrington opened the public hearing for Case 019-13.

Mr. Wright stated that this is a voluntary annexation from Jasper County for the right-of-way of Central City Road between 26th and 32nd Streets, the north half of 32nd Street right-of-way, and all of the 26th Street right-of-way. This will allow the St. Mary's property to be annexed into the City of Joplin.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 019-13.

MR. CORTEZ MOVED, SECONDED BY MR. LANDRITH, THAT CASE 019-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 019-13
Jasper County, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-264 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of Central City Road between 26th Street and 32nd Street, including 26th Street between Central City Road and East approximately 795 feet, and 32nd Street between Central City Road and East approximately 795 feet, in Jasper County, Missouri.

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

WHEREAS, pursuant to said Section, having referred this matter to the Planning and Zoning Commission for a 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 seven (7) 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.

NOW, THEREFORE, 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 described as follows, to-wit:

All that part of the 26th Street Right-of-Way lying in Lot Numbered Two (2) in the Southwest Fractional Quarter (SW Frac ¼) of Section 18, Township 27 North, Range 33 West, Jasper County, Missouri, AND also, All that part of the 26th Street Right-of-Way lying in Lot Numbered Two (2) in the Northwest Fractional Quarter (NW Frac ¼) of Section 18, Township 27 North, Range 33 West, Jasper County, Missouri, AND All that part of the Central City Roar Right-of-Way lying in Lot Numbered Two (2) in the Southwest Fractional Quarter (SW Frac ¼) of Section 18, Township 27 North, Range 33

West, Jasper County, Missouri, AND All that part of the 32nd Street Right-of-Way lying in Lot Numbered Two (2) in the Southwest Fractional Quarter (SW Frac ¼) of Section 18, Township 27 North, Range 33 West, Jasper County, Missouri.

Section 2. That the City Clerk is hereby authorized and directed to cause three (3) certified copies of this Ordinance to be filed with the Clerk of Jasper County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:01 a.m., on the First (1st) day of July, 2013.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

Item: COUNCIL BILL NO. 2013-265
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Planning Report
2) Commission Minutes
3) Copy of Council Bill

Public Works Director: David Hertzberg OKH Date: 4/26/2013
City Attorney: Brian Head ~~BDH~~ Date: 4-30-13
City Manager: R. Mark Rohr DRP for C.M. Date: 4/30/13
Board or Commission: Planning and Zoning Commission MDW Date: 4/8/2013

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "7 in favor, 0 absent"

SUMMARY/REQUEST:
Case 020-13: Northeast corner of 32nd Street and Central City Road – A request to voluntarily annex a 23.36 acre tract of land into the corporate limits of the City of Joplin – The Roman Catholic Diocese of Springfield-Cape Girardeau.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex the northeast corner of 32nd Street and Central City Road. This site will be home to the rebuilt St. Mary's Church and School that was previously located at 25th Street and Moffet Avenue.

Staff recommends approval of Case 020-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Becky Seidl appeared representing the Roman Catholic Diocese of Springfield-Cape Girardeau, along with Father Justin Monahan, who is the pastor of St. Mary's Church here in Joplin. They are requesting a voluntary annexation of the 23.36 acre tract of land that lies within the right-of-ways that were just mentioned in Case 019-13. This is a voluntary annexation to allow them to become a part of the City of Joplin. They have a comprehensive plan for rebuilding of their church, their parish center, and an elementary school to replace those that had been at 26th Street and Moffet Avenue and were lost in the tornado.

PUBLIC COMMENT:
None.

Z&P Meeting: April 8, 2013
City Council Meeting: May 6, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 020-13:

A request to voluntarily annex approximately 23.36 acres at the northeast corner of 32nd Street and Central City Road.

LOCATION: Northeast corner of 32nd Street and Central City Road

APPLICANT: The Roman Catholic Diocese of Springfield-Cape Girardeau

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Jasper County, MO)	Undeveloped	795' x 1,292' / 1,017,562 ft² / 23.36 acres

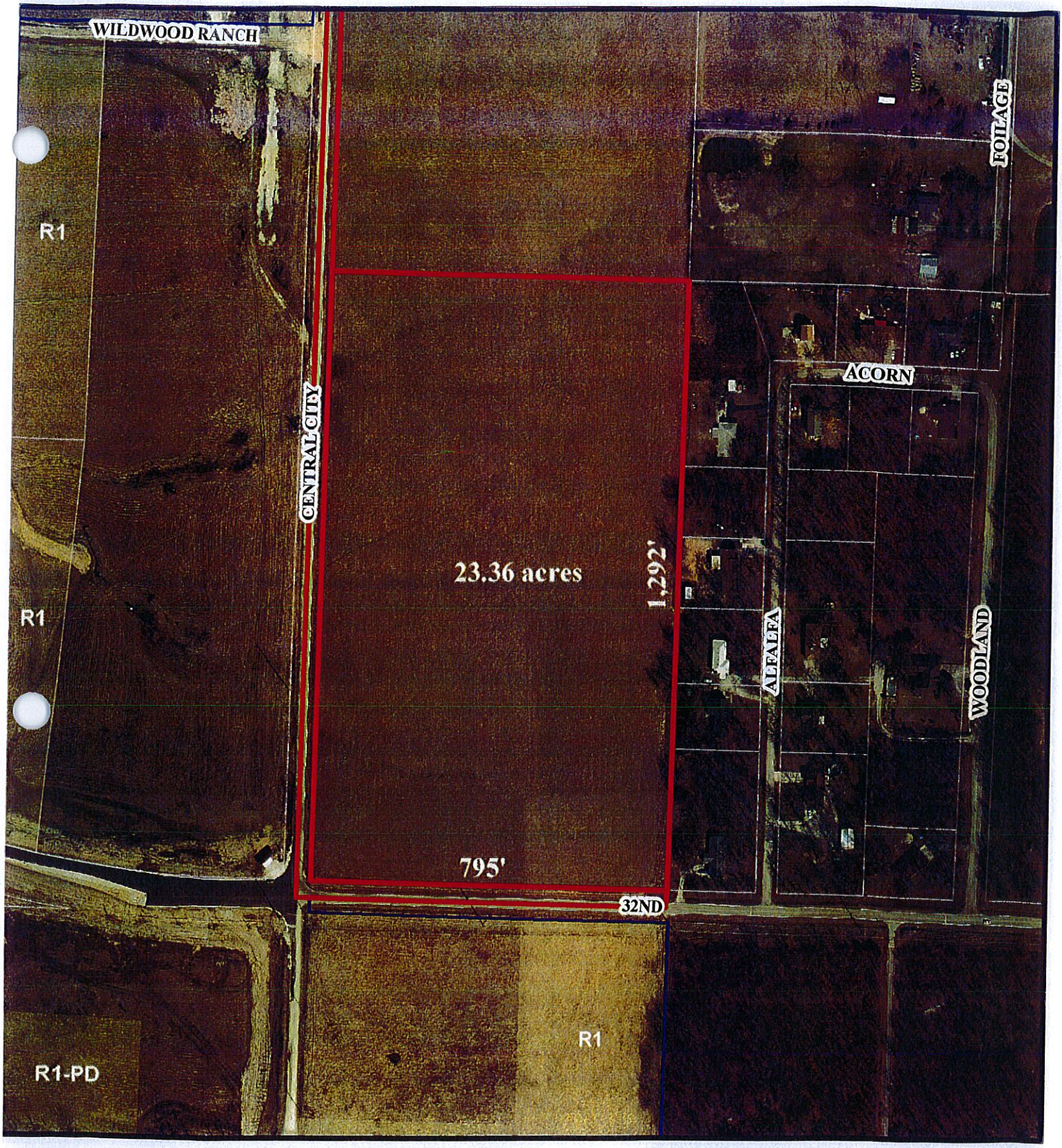
DISCUSSION

The applicant is requesting to voluntarily annex the northeast corner of 32nd Street and Central City Road. This site will be home to the rebuilt St. Mary's Church and School that was previously located at 25th Street and Moffet Avenue.

Staff recommends approval of Case 020-13.

ENCLOSURES:

None



Case 020-13: A request to voluntarily annex 23.36 acres at the Northeast corner of 32nd a Central City Road. - The Roman Catholic Diocese of Springfield-Cape Girardeau

N

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 RSMO §71.012, 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.

+ James V. Johnston, J.
JAMES V. JOHNSTON, JR. President

STATE OF MISSOURI)
) ss:
COUNTY OF Greene)

On this 8th day of March, 2013, before me appeared James V. Johnston, Jr., to me known to be the Bishop of The Roman Catholic Diocese of Springfield-Cape Girardeau, and that said instrument was signed on behalf of said Diocese by authority of its governing body, and said James V. Johnston, Jr., acknowledged said instrument to be the free act and deed of said Diocese, and that the allegations contained therein are true.

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

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI
TAMMY STANDER
Notary Public, State of Missouri
Polk County
Commission #10432742
My Commission Expires July 11, 2014

Tammy Stander
Notary Public

My commission expires: 7/11/2014

Case 020-13: Northeast corner of 32nd Street and Central City Road – A request to voluntarily annex a 23.36 acre tract of land into the corporate limits of the City of Joplin – The Roman Catholic Diocese of Springfield-Cape Girardeau.

Mr. Harrington opened the public hearing for Case 020-13.

Ms. Becky Seidl, 2001 East 48th Street, Joplin, appeared representing the Roman Catholic Diocese of Springfield-Cape Girardeau, along with Father Justin Monahan, who is the pastor of St. Mary's Church here in Joplin. They are requesting a voluntary annexation of the 23.36 acre tract of land that lies within the right-of-ways that were just mentioned in Case 019-13. This is a voluntary annexation to allow them to become a part of the City of Joplin. They have a comprehensive plan for rebuilding of their church, their parish center, and an elementary school to replace those that had been at 26th Street and Moffet Avenue and were lost in the tornado.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 020-13.

MR. DUNCAN MOVED, SECONDED BY MR. SMITH, THAT CASE 020-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DUNCAN, MR. EASTMAN, MR. HARRINGTON, MR. LANDRITH, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).

P & Z Case 020-13
The Roman Catholic Diocese of
Springfield-Cape Girardeau
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-265 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of 32nd Street and Central City Road, in Jasper County, Missouri.

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

WHEREAS, pursuant to said Section, having referred this matter to the Planning and Zoning Commission for a 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 seven (7) 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.

NOW, THEREFORE, 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 described as follows, to-wit:

All of the South One-half (S ½) of Lot Numbered Two (2) in the Southwest Fractional Quarter of Section 18, Township 27, Range 33, Jasper County, Missouri, being more particularly described as follows: Beginning at the Southwest Corner of Section 18, Township 27, Range 33, Jasper County, Missouri, Thence North 01 Degrees, 52 Minutes, 40 Seconds East along the West line of said Lot Number Two (2) in the Southwest Fractional Quarter 1320.66 feet to the Northwest Corner of the South One-Half of Lot Number Two (2) in the Southwest Fractional Quarter, Thence South 88 Degrees, 36 Minutes, 58 Seconds East along the North line of the South One-half of Lot Numbered

Two (2) in the Southwest Fractional Quarter 824.88 feet to the Northeast Corner of the South One-half of Lot Numbered Two (2) in the Southwest Fractional Quarter, Thence South 01 Degrees, 43 Minutes, 11 Seconds West along the East line of Lot Numbered Two (2) in the Southwest Fractional Quarter 1324.31 feet to the Southeast Corner of the Lot Numbered Two (2) in the Southwest Fractional Quarter, Thence North 88 degrees, 21 minutes, 44 seconds West along the South line of Lot Numbered Two (2) in the Southwest Fractional Quarter 828.50 feet to the Point of Beginning. Except any part taken or deed for road right-of-way along the South and West side thereof, and being subject to all other easements, right-of-ways, and reservation of record, containing 23.36 acres more or less including road right-of-way.

Section 2. That the City Clerk is hereby authorized and directed to cause three (3) certified copies of this Ordinance to be filed with the Clerk of Jasper County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:02 a.m., on the First (1st) day of July, 2013.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES April 15, 2013

CALL TO ORDER

The regular meeting for the Joplin City Council was called to order at 6:00 p.m. by Mayor Melodee Colbert-Kean.

ROLL CALL – all were present

INVOCATION - read by City Attorney Brian Head

FLAG SALUTE – led by Mayor Colbert-Kean

PRESENTATIONS - Mayor Melodee Colbert-Kean presented Shelby Howard with the Outstanding Law Enforcement Officer Proclamation.

State House Resolution was read to Shelby Howard by Police Chief Roberts.

Presentation on Emergency Outdoor Warning Sirens and Severe Weather Preparedness, given by Fire Chief Mitch Randles and Emergency Management Director, Keith Stammer. Weather tips were presented by Chief Randles and Emergency Management Director Keith Stammer.

City Manager Mark Rohr and Troy Bolander presented The Future of the City of Joplin, as it relates to pending projects and population counts.

FINALIZATION OF CONSENT AGENDA - There being no further business to come before the Council, the Consent Agenda was finalized.

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS Tom Walters, 2426 S. Connor, requests to address Council concerning the Joplin city skate park on behalf of the Joplin Skate Park committee and the youthful skate boarders/BMX riders of Joplin. Tom Walters, 2426 S. Connor addressed Council stating he had about ten concerned citizens on a committee. They would like to dismiss the idea of skate pods and have one skate park. He added get the population up and have destination skate park.

PUBLIC HEARINGS

CONSENT AGENDA APPROVED - Motion by Mr. Shaw, Second by Mr. Golden, to Approve the Consent Agenda. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

Minutes of the April 1, 2013 meeting

COUNCIL BILL NO. 2013-260 - AN ORDINANCE providing for the vacation of a 20-foot by 420-foot public alley and utility easement at the Eastmorland Elementary School site located at 1131 Highview Avenue in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-096

COUNCIL BILL NO. 2013-261 - AN ORDINANCE providing for the vacation of a 20-foot by 130-foot public alley located at the Taco Bell site at 2601 South Main Street in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-097

RESOLUTIONS

Mr. Glaze introduced Resolution No. 2013-013. Motion by Mr. Glaze, Second by Mr. Golden to Approve Resolution No. 2013-013. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Bill was read as being Resolution No. 2013-013

A RESOLUTION approving health department participation in an interagency mutual aid agreement with members of the Joplin/Jasper County Emergency Healthcare Coalition.

Mr. Glaze introduced Resolution No. 2013-014. Motion by Mr. Golden, Second by Mr. Seibert to Approve Resolution No. 2014. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Bill was read as being Resolution No. 2013-014

A RESOLUTION authorizing the filing of a One Year Action Plan with the U.S Department of Housing and Urban Development as required for use of the City of Joplin's Community Development Block Grant Program (Entitlement) and the Joplin Consortium HOME Investment Partnership Program for fiscal year 2013; and authorizing the City Manager to execute said Plan for and on behalf of the City of Joplin.

Mr. Glaze introduced Resolution No.2013-015. Motion by Mr. Scearce, Second by Dr. Rosenberg to Amend the Budget to remove the line item of five million dollars for the SPARK project. Voting in favor were Council Members Golden, Rosenberg, and Scearce, 3. Nays: 6: Colbert-Kean, Glaze, Raney, Seibert, Shaw, and Woolston.

Motion by Mr. Golden, Second by Mr. Glaze to Approve Resolution No. 2015. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Bill was read as being Resolution No. 2013-015

A RESOLUTION authorizing the establishment of the Principle Reduction Program for the purpose generally of assisting qualifying persons in acquiring single family residences within the zone of the 2011 tornado.

ORDINANCES-EMERGENCIES

Mr. Shaw introduced Council Bill No. 2013-178. Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No. 2013-178. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-098

AN ORDINANCE approving the contract by and between the City of Joplin and Nelson Tree Service for the demolition of the structure(s) and clearing of lot area located at 929 Picher Ave in the City of Joplin, Missouri, for the amount of One Thousand Eight Hundred and 00/100 Dollars ($ 1,800.00); providing how the cost thereof shall be paid; how the assessment thereof shall be made; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-179 - Motion by Mr. Shaw Second by Ms. Raney to Adopt Council Bill No. 2013-179. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-099

AN ORDINANCE approving the City of Joplin to enter into an Agreement with CJW Transportation Consultants, LLC to provide professional transportation planning services for the South Joplin Area Transportation Study, not to exceed Forty One Thousand Seven Hundred Ninety Four No/100 Dollars ($41,794.00) and authorizing the Public Works to execute said Agreement; and containing an emergency clause.

Mr. Golden introduced Council Bill No. 2013-401 - Motion by Mr. Golden Second by Mr. Seibert to Adopt Council Bill No. 2013-401. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-100

AN ORDINANCE authorizing the City of Joplin to enter into an Agreement with Deloitte Financial Advisory Services LLP (Deloitte FAS) in the amount not to exceed One Million Five Hundred Fourteen Thousand Eight Hundred and Fifty Six Dollars ($1,514,856.00) to provide administrative services related to the 2011 Community Development Block Grant- Disaster Recovery fund, authorizing the City Manager to execute said Agreement for the City, and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-451 - Motion by Mr. Seibert Second by Mr. Shaw to Adopt Council Bill No. 2013-451. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-101

AN ORDINANCE approving a Participation Agreement Amendment defining funding scenarios through May 31, 2015, and a Memorandum of Understanding (MOU) outlining participation in the Children's Health Insurance Program, Health Services Initiative (CHIP, H.S.I.), by and between the Missouri Department of Health and Senior Services (DHSS), and the City of Joplin, Missouri; and, authorizing the City Manager to execute the same by and on behalf of the City of Joplin, Missouri; and containing an emergency clause.

Mr. Golden introduced Council Bill No. 2013-610 - Motion by Mr. Golden Second by Mr. Shaw to Adopt Council Bill No. 2013-610. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-102

AN ORDINANCE approving the contract with RE Smith Construction for the Joplin Fire Station #2 Project in the amount of One Million, Seven Hundred Six Thousand two hundred and fifty Dollars and no/100 dollars ($1,706,250.00) in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-611 - Motion by Mr. Shaw, Second by Mr. Golden to Adopt Council Bill No. 2013-611. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-103

AN ORDINANCE approving the contract with RE Smith Construction for the Joplin Fire Station #4 Project in the amount of One Million Six Hundred Thirty Eight Thousand and no/100 Dollars ($1,638,000.00) in the City of Joplin Missouri; providing how the cost shall be made and levied, and containing an emergency clause.

ORDINANCES – FIRST READING

Mr. Scearce introduced Council Bill No. 2013-450 - Motion by Mr. Scearce, Second by Ms. Raney to Pass Council Bill 2013-450 on First Reading, Advance to Second Reading and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was read as being COUNCIL BILL NO. 2013-450

AN ORDINANCE amending Chapter 18, Animals, of the Joplin City Code by amending the definition of "at large" animal found in Section 18-1.

Mr. Scearce introduced Council Bill No. 2013-614- Motion by Mr. Scearce, Second by Ms. Raney to Pass Council Bill 2013-614 on First Reading, Advance to Second Reading and Third Reading. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Scearce, Seibert, Shaw, and Woolston 9. Nays: 0.

The Council Bill was read as being COUNCIL BILL NO. 2013-614

AN ORDINANCE amending Chapter 86. Parks and Recreation., by adding a new Article VII. Dog Parks., consisting of two new sections related thereto.

ORDINANCES – SECOND READING AND THIRD READING

NEW BUSINESS

Vote to go into closed session, which shall pertain to legal action, causes of action, or litigation including a public governmental body and any confidential or privileged communications between a governmental body or its representatives and its attorneys as set forth in Section 610.021(1) RSMo, as amended, 2012. 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. Glaze Second by Mr. Golden to go into closed session. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Rosenberg, Seibert, Shaw, and Woolston 8. Nays: 1, Scearce.

There being no further business the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara Hogelin, City Clerk, MMC/MPCC

CITY OF JOPLIN
CITY COUNCIL SPECIAL MEETING
MINUTES

April 23, 2013

CALL TO ORDER
The Special Meeting for the Joplin City Council was called to order at 5:00 p.m. by Mayor Melodee Colbert-Kean.

READING OF THE SPECIAL CALL
Notice is hereby given that the City Council of the City of Joplin, Missouri will hold a special meeting beginning at 5:00 p.m. on Tuesday, April 23, 2013, in the 5th Floor Informal, 602 S. Main for the purpose of evaluating certain Council employees.

ROLL CALL
PRESENT: Melodee Colbert–Kean, Morris Glaze, Jack Golden, Trisha Raney, Bill Scearce, Michael Seibert Gary Shaw, and Mike Woolston
ABSENT: Benjamin Rosenberg

VOTE TO GO INTO CLOSED SESSION
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, 2012, more specifically for the purpose of evaluating certain Council employees. This meeting, record, and vote to be closed to the extent provided by law. Motion by Mr. Glaze Second by Mr. Golden to go into closed session. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Seibert, Shaw, and Woolston 7. Nays: 1, Scearce. Absent: 1, Rosenberg.

Council reconvened at 5:33 pm.

ORDINANCES-EMERGENCIES

Motion by Mr. Scearce, Second by Mr. Shaw to Place Council Bill No. 2013-002 on the Agenda. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1, Rosenberg.

Motion by Mr. Scearce, Second by Mr. Shaw to give council employees a four percent pay increase. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert and Shaw, 7. Nays: 1, Woolston. Absent: 1, Rosenberg.

Mr. Scearce introduced Council Bill No. 2013-002. Motion by Mr. Scearce, Second by Mr. Glaze to Adopt Council Bill No. 2013-002. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1, Rosenberg.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-104

AN ORDINANCE establishing pay rates for Officers of the City of Joplin; and containing an emergency clause.

OTHER BUSINESS
Mr. Shaw said former Mayor Richard Russell asked what the council could do to give recognition to the gentleman that sold us the property for the sports complex after he helped make it possible for the city to acquire the property.

There was nothing written down but recognition down the road would be appreciated. After driving out to the Sports Complex and looking the grounds over Mr. Shaw felt that maybe adding signage in the roundabout and turning it into a memorial garden with a thank you for making this sports complex possible would suffix, having visibility from Tri-State road and 4th street road. Signage could be long and short as to not block any view. Mr. Scearce said that what you said is exactly what the man said. There is nothing in writing. Mr. Seibert added possibly renaming the entry road into the sports complex. It was suggested to refer to the Parks board for suggestions.

ADJOURNMENT
Motion by Mr. Woolston, Second by Mr. Scearce to Adjourn. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Raney, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1, Rosenberg.

There being no further business to come before the Council, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara L. Hogelin, MMC/MPCC

City Clerk

City of Joplin **City Council Agenda Item**

REQUESTED COUNCIL MEETING DATE: April 15, 2013

ITEM: Council Bill No. 2013-450 amending Chapter 18, Animals, of the Joplin City Code by amending the definition of "At Large" in Section 18-1 Definitions.

ORIGINATING DEPARTMENT: Health Department
ATTACHMENTS: Council Bill No. 2013-450

HEALTH DIRECTOR:	Dan Pekarek DP	**DATE:** 4/9/13
CITY MANAGER:	R. Mark Rohr RMR	**DATE:** 4-9-13
CITY ATTORNEY:	Brian W. Head BWH	**DATE:** 4-9-13
PARKS DIRECTOR:	Chris Cotten CC	**DATE:** 4/9/13

RECOMMENDED ACTION:
Staff recommends approval of this Council Bill.

SUMMARY:

The Joplin Parks Department is developing an off leash dog park in Parr Hill Park in Joplin. The dog park will provide a location where dog owners can bring their dogs for outdoor recreation off leash where they may not otherwise have access to such an area. Current city animal control ordinances prohibit a dog from being off leash in such a venue as a city park. This ordinance amends the definition of an "at large" dog to not include dogs when they are at the dog park and being handled according to other city animal control ordinances and dog park rules.

The Health Board has approved this ordinance change.

The ordinance would become effective June 1, 2013.

Staff recommends passage of this Council Bill.

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: April 15, 2013
Council Bill No. 2013-614
Item: Agreement for Construction of an Off Leash Dog Park at Parr Hill
Originating Department: Joplin Parks and Recreation Department

Attachments: 1) Council Bill No. 2013-614

Parks and Recreation: Chris Cotten	Date:
Finance Department: Leslie Jones	Date:
City Attorney: Peter Edwards	Date:
City Manager: Mark Rohr	Date:

Recommended Action: To place on First Reading.

Background: During the Informal on December 19, 2011, the re-development concept of Parr Hill Park was park was presented to the Council for consideration. As a part of that concept, an off-leash dog park was proposed. That concept was approved as part of the plan, and I have been working with Mars, Pet Care since that meeting to work out a sponsorship agreement to install over $20,000 worth of products to help make this park a reality.

Discussion:
Mars Pet Care will pay for a large portion of this project. The parks and storm water tax will cover adding amenities to the location such as running water lines for drinking fountains for people and dogs, adding shade structures, and running electric for the entry gates. The rules and regulations have been run through the Health Department Board for their input and suggestions. Dog owner registration for park use will run through the Parks and Recreation Department. There will be an $8 per year charge for the first dog and a $4 charge for a subsequent dog to be registered. This fee will cover the cost of the magnetic gate card that will provide park access and a yearly tag that will attach to the dog collar so that staff and Animal Control will be able to see that a dog is properly licensed for the dog park.

Recommendation: Staff recommends the approval of this agreement

COUNCIL BILL NO. 2013-614 ORDINANCE NO.

AN ORDINANCE amending Chapter 86. Parks and Recreation., by adding a new Article VII. Dog Parks., consisting of two new sections related thereto.

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

Section 1. That Chapter 86. Parks and Recreation be amended by adding a new Article VII. Dog Parks to read as follows:

"Article VII. Dog Parks

86-250. Purpose. There are hereby established within the City of Joplin, parks for the purpose of allowing dogs and their owners green space in which to run freely without leash.

86-251. Fees. No Owner as defined herein below shall allow such Owner's dog to enter any "off-leash park area" without having first registered such dog with the Department of Parks and Recreation. The fee for such registration shall be eight dollars ($8.00) per year for the first dog and four dollars ($4.00) per year, per dog for each dog after the first. Such fee will include a dog park tag for the dog collar and a dog park pass that will allow access to the park.

86-252. Rules. To allow all users of the Dog Parks to enjoy safe and courteous use of the same, the following rules are hereby established:

'CITY OF JOPLIN, MISSIOURI
Dog Park Rules

1. Any dog within an off-leash park area shall not be under six (6) months of age, and shall be currently vaccinated against rabies and have their dog license tag current with the City of Joplin affixed or attached to the dog's collar or harness. Additionally, dogs must be vaccinated for the parvovirus and distemper and registered at the Joplin Parks and Recreation Office.

2. An "off-leash park area" is an area within a City of Joplin park designated by the Parks & Recreation Board for the purpose of allowing dogs to roam without leashes. All general Park Rules and City of Joplin ordinance must be obeyed.

3. "Owner" means any person, firm or corporation in possession and control of or custody of a dog.

4. Any owner bringing a dog into an off-leash park area shall be responsible for

complying with these rules and any other rule, regulation and ordinance necessary to protect the health, welfare and safety of park users.

5. An owner bringing a dog into an off-leash area is liable for and assumes the risk for the dog's conduct.

6. No person under 16 years of age shall be permitted to bring a dog into an off-leash park area.

7. For safety reasons, children must be at least 12 years old and supervised by an adult to use the dog park. Children must behave in a responsible manner: no running, chasing dogs, or petting dogs without the owner's permission.

8. Dogs must be under voice control of their handler and in view of their handler at all times. Handler must be in fenced area with dog at all times.

9. A dog within an off-leash park area shall be under the owner's immediate control. All patrons of the Dog Park must carry their leash with them at all times.

10. An owner of a dog creating a disturbance or not being properly controlled can be evicted from an off-leash park area. Upon leaving an off-leash park area, an evicted owner shall also remove his or her dog. If an owner's dog is doing these things the owner is required to remove their dog themselves, without being evicted.

11. No person having been convicted of allowing a dog to bite, chase or attack any person or animal without provocation shall be permitted to bring a dog into an off-leash park area.

12. No dog which has not been spayed or neutered shall be permitted within an off-leash dog park.

13. No female dogs in heat and dogs with fresh wounds or disease shall be permitted within an off-leash park area.

14. Any excreta deposited in an off-leash park area shall be promptly removed and appropriately disposed by the dog's owner.

15. No dangerous or potentially dangerous dog, as defined by the City of Joplin Animal Code, shall be permitted within an off-leash park area.

16. Any dog left unattended within an off-leash park area shall be deemed "at-large" in violation of the City of Joplin Animal Code.

17. No dog weighing more than 30 pounds shall be permitted within an area designated for small dogs. Owners allowing their small dogs to enter a designated Large Dog Area do so at their own risk and assume responsibility for whatever damage or injury may result.

18. No food, treats, alcoholic beverages (soft drinks and water are allowed), smoking, squeaky toys, frisbees, dog toys or children's toys are allowed in the dog park. This is a recreation park for dogs accompanied by their owners.

19. Handlers must "scoop the poop" and dispose of waste in designated park provided container.

20. No professional dog trainer/behaviorist shall conduct any training or business activity within an off-leash park area.

21. No more than two dogs per person on any one visit.

22. Bicycles, rollerblades, roller-skates, skateboards, and strollers are prohibited. This is a recreation park for dogs accompanied by their owners. (Wheel chairs are allowed.)

23. Stop your dog from digging. Handlers must repair all holes and damage done by their dog under their control.

24. Choke, prong, pinch, and spike collars must be removed inside park area.

25. Park Hours of Operation 6:00 A.M. to Sunset or 9:00 P.M. whichever occurs first.

26. Handlers enter off-leash area at their own risk.

27. Dogs must be properly licensed, vaccinated and wear an owner identification tag.

28. Dogs must be leashed when outside fenced dog park areas.

29. No animals other than dogs are permitted in Dog Park.

30. Dogs acting in an aggressive fashion toward other dogs or people, such as charging in aggressive manner and growling, fighting with other dogs, etc. must be removed by their owner.

31. If your dog bites or scratches a person (where the skin is broken) it will be subject to existing city quarantine ordinances.'

The Director of Parks and Recreation shall cause all such rules to be posted at the entrance to any Dog Park in the City.

86-253. Penalty. Any person having been found guilty of any violation of this Article VII. shall be punished as provided in Section 1-5 of this Code of Ordinances."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013.

_____
Melodee Colbert Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

Item: Council Bill No. 2013-001 amending the Joplin City Code of Ordinances by amending Sections 102-1, 102-2, 102-3, 102-4, 102-5, 102-6, 102-7, and 102-8, to allow for curbside recycling in and for the City of Joplin and submitting to the voters of the City of Joplin, Missouri, the proposition of whether or not to institute such curbside recycling in and for the residents of the City at a Special Election on Tuesday August 6, 2013; and containing an emergency clause.

Attachments: 1) Council Bill No.2013-001

City Attorney: Brian Head Date: 5-2-13
City Manager: Mark Rohr Date: 5-2-13
Finance Department: Leslie Jones for LH Date: 5-2-13
Public Works Department: David Hertzberg DH Date: 5/2/13

Background: At the April 8 work session the Council authorized placing the issue of curbside recycling on the August 6, 2013 ballot.

Discussion: On April 8, 2013 the Council discussed a number of different options related to curbside recycling. Several options were presented by the City's current trash hauler, Republic Services, Inc. The Council chose the option of allowing bi-weekly curbside pick-up of recyclables at a cost of $3.03 per month with a further five (5) year extension of the contract. This Council Bill places the question of whether or not the voters of the City wish the City to implement a curbside recycling program as outlined above.

Recommendation: Staff recommends the approval of this Council Bill.

BH

COUNCIL BILL NO. 2013-001 ORDINANCE NO. _____

AN ORDINANCE amending the Joplin City Code of Ordinances by amending Sections 102-1, 102-2, 102-3, 102-4, 102-5, 102-6, 102-7, and 102-8, to allow for curbside recycling in and for the City of Joplin and submitting to the voters of the City of Joplin, Missouri, the proposition of whether or not to institute such curbside recycling in and for the residents of the City at a Special Election on Tuesday August 6, 2013; and containing an emergency clause.

WHEREAS, recycling has become increasingly popular across the nation; and,

WHEREAS, numerous cities presently provide a curbside recycling service to residents; and,

WHEREAS, City Staff has discussed the possibility of adding recycling to the solid waste management in the City; and,

WHEREAS, the Council wishes to allow voters of the City to determine whether or not to add a curbside recycling program.

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

Section 1. Subject to the approval of a majority of the qualified electors of the City voting thereon at a General Municipal Election to be held in the City on the 6th day of August, 2013, that the Joplin City Code of Ordinances be amended by amending sections 102-1, 102-2, 102-3, 102-4, 102-5, 102-6, 102-7, and 102-8 thereof to read as follows:

"Sec. 102-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved incinerator – means an incinerator which complies with all current regulations of the responsible local and state air pollution control agencies.

Bulky rubbish – means nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units and commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available

therefor.

Collection – means removal of solid waste from its place of storage to the transportation vehicle.

Commercial generator – means any person engaged in an enterprise, including multiple housing facilities, and any other nonresidential activity which generates solid waste.

Compost – means the biodegradable end production from the processing of yard waste.

Curbside recycling – means approved recyclable materials picked up at the curb or alley.

Demolition and construction waste – means waste materials from the construction or destruction of residential, industrial or commercial structures.

Director – means the Director of Public Works of the City or his authorized representative.

Disposable solid waste containers – means disposable biodegradable plastic or uncoated paper sacks specifically designed for storage of solid waste.

Dwelling unit – means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating.

Electronic waste – means electronic products that were used for data processing, telecommunications, or entertainment that are now considered obsolete, broken, or irreparable.

Garbage – means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous waste – includes but not is limited to pathological waste, infectious waste, explosive waste, pesticides, pesticide containers, and toxic or radioactive materials.

Multiple housing facility – means a housing facility containing more than one dwelling unit under one roof.

Occupant – means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

Processing – means incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Recyclable material – means post-consumer household waste and post-consumer and pre-consumer commercial waste as determined and published by the Director, not including yard waste.

Recyclable material collector – means a person whose primary business is collecting recyclable material within the corporate limits of the city and transporting the materials to be recycled.

Recycling – means the separation and reuse of material which might otherwise be disposed of as solid waste.

Refuse – means solid waste.

Solid waste – means unwanted or discarded waste materials in a solid or semisolid state, including but not limited to putrescible and nonputrescible garbage, ashes, street refuse, rubbish, dead animals, animal or agricultural wastes, yard wastes, discarded appliances, special wastes,

industrial wastes, and demolition and construction wastes. Solid waste under this definition shall clearly exclude recyclable material.

(1) *Commercial solid waste* – means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(2) *Residential solid waste* – means solid waste resulting from the maintenance and operation of dwelling units.

Solid waste collector – means a person who has satisfied the permit requirements of this chapter in order to collect, transport and dispose of solid waste.

Solid waste container – means a receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal – means the process of discarding or getting rid of unwanted material, in particular, the final deposition of solid waste by man.

Solid waste management – means the entire solid waste system of storage, collection, transportation, processing and disposal.

Storage – means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transportation – means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

White goods – means household appliances, including but not limited to dishwashers, washers, dryers and refrigerators.

Yard waste – means grass clippings, leaves, and tree, shrub and brush trimmings.

(Ord. No. 2007-214, § 1, 10-15-07)

Sec. 102-2. Penalties.

Any person violating any provision of this chapter or any rules and regulations promulgated pursuant thereto, upon conviction, shall be punished as provided in section 1-5; provided, however, that any person violating section 102-4(1) or 102-4(4) shall be fined not less than $500.00. If a solid waste or recyclable material collector shall be found to have violated any of the provisions of this chapter or rules and regulations promulgated pursuant thereto, his permit may be suspended or revoked as provided in this chapter.

Sec. 102-3. Authority to prescribe additional rules and regulations.

(a) The Director shall make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to, the following:

(1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.

(2) Specifications for solid waste and recyclable materials containers, including the type, composition, equipment, size and shape thereof.

(3) Identification of solid waste and recyclable materials containers and of the covers thereof and of equipment thereto appertaining, if any.

(4) Weight limitations on the combined weight of solid waste and recyclable materials containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

(5) Storage of solid waste and recyclable materials in solid waste and recyclable materials containers.

(6) Sanitation, maintenance and replacement of solid waste and recyclable materials containers.

(7) Schedules of and routes for collection and transportation of solid waste and curbside recycling.

(8) Collection points of solid waste containers.

(9) Collection, transportation, processing and disposal of solid waste.

(10) Processing facilities.

(11) Disposal facilities.

(12) Records of quantity and type of wastes and recyclable materials received at processing and/or disposal facilities.

(13) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oil, greases, etc.

(b) A copy of any and all rules and regulations made and promulgated under the provisions of this section shall be filed in the office of the City Clerk.

Sec. 102-4. Prohibited acts.

It shall be unlawful for any person to:

(1) Deposit solid waste or recyclable materials in any solid waste or recyclable materials container other than his/her own without the written consent of the owner of such container.

(2) Interfere in any manner with solid waste and recyclable materials collection and transportation equipment or with solid waste and recyclable materials collectors in the lawful performance of their duties as such.

(3) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.

(4) Dispose of solid waste at any facility or location which is not approved by the state department of natural resources, or other appropriate state licensing or regulatory agency if such facility is located in a state other than Missouri.

(5) Engage in the business of collecting, transporting, processing or disposing of solid waste and/or collecting and transporting recyclable material within the corporate limits of the city without a permit from the city, or operate under an expired permit, or operate after a permit has been

suspended or revoked.

(6) Remove any material from another person's solid waste or recyclable materials receptacle, unless such individual is licensed by the city and under contract to such person to remove such material.

(7) Place, leave, dump or permit to accumulate any solid waste in any building or on any premises, improved or vacant, or on any open lot, alley or public right-of-way in the city unless the solid waste is properly deposited and stored in a solid waste container. Any person convicted of violating this subsection (7) shall be fined not less than $100.00 for the first offense. Any person convicted of violating this subsection (7) for a second or subsequent offense within three (3) years of a prior conviction shall be fined not less than $500.00 for each such subsequent conviction.

(8) Failure to remove the solid waste or recyclable materials container from the curbside to the residential premises within twelve (12) hours of the day of collection.

Sec. 102-5. Storage.

(a) Adequate containers required. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city shall provide sufficient and adequate containers for the storage of all solid waste and recyclable materials except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment, and maintain such solid waste and recyclable materials containers at all times in good repair.

(b) Placement of waste in containers. The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste and recyclable materials to be collected in proper solid waste and recyclable materials containers, except as otherwise provided in this chapter, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

(c) Containers for residential waste and curbside recycling. Residential solid waste shall be stored in containers of not more than 90 gallon capacity. Where wastes attract vectors, containers shall be leakproof, waterproof and fitted with a flytight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 50 pounds. Galvanized metal containers, or rubber, fiberglass or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste. Containers for residential recyclable materials or "curbside recycling" shall be issued by the City or its franchised contractor and be of a size and type as determined by the City.

(d) Containers for commercial waste. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof and leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements as set forth by section 102-3.

(e) Tree limbs and brush. Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 50 pounds.

(f) Yard waste. Yard waste shall be stored in containers so constructed and maintained as to prevent the disposal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 50 pounds.

(g) Unapproved containers. Solid waste containers which are not approved will be collected together with their contents and disposed of.

(h) Multifamily dwellings. The owners of all multifamily dwellings, excluding duplexes, shall contract with a permitted solid waste collector for a dumpster, or a substitute container approved by the Director of Public Works, to be placed on the site for disposal of tenants' solid waste. Any such dumpster required pursuant to this subsection must be screened on three sides, and placed on a concrete pad of sufficient strength to hold the weight of a fully loaded dumpster. The owner of such premises shall keep such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

Sec. 102-6. Collection.

(a) Contract for collection service. The occupant of every dwelling unit and every institutional, commercial, industrial, agricultural or business establishment in the city shall contract or otherwise agree with a solid waste collector to collect all solid waste generated thereby, except as provided in subsection (b) of this section.

(b) Nonresidential facilities. Each nonresidential facility shall provide for the proper collection of solid waste, and that service shall be maintained by either the owner with vehicles as required by section 102-7(a), or by contract with a private hauler that is licensed by the city.

(c) Collection regulations. All solid waste generated from premises in the city shall be collected by the solid waste collector subject to the rules and regulations of the Director, or subject to such rules and regulations of the solid waste collector as approved by the Director. All solid waste and recyclable materials shall, upon being placed at the curb or other area of collection, become the

property of the solid waste or recyclable materials collector.

(d) Placement for collection. Tree limbs and yard waste, as described in sections 102-5(e) and 102-5(f) respectively, shall be placed at the curb or alley for collection. Solid waste and recyclable materials containers as required by this chapter for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste and recyclable materials containers, tree limbs, yard waste or other solid waste permitted by this chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day or the evening before.

(e) Bulky rubbish and white goods. Bulky rubbish and white goods shall be collected by request to the solid waste collector, who shall establish the procedures for collecting bulky rubbish and white goods, subject to the approval of the Director.

(f) Entry on private property by collectors. Solid waste and recyclable materials collectors are hereby authorized to enter upon private property of their contracting solid waste and recyclable materials generator for the purpose of collecting solid waste and recyclable materials therefrom as required by this chapter. Solid waste and recyclable materials collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste and recyclable materials without written authorization. Commercial solid waste and recyclable materials may be removed from within commercial establishments upon written request and approval of the owner.

(g) Collection frequencies. The following collection frequencies shall apply to collections of solid waste within the city: All residential solid waste, other than bulky rubbish, shall be collected at least once every seven days. At least 48 hours shall intervene between collections. All commercial solid waste shall be collected at least once every seven days, and shall be collected at such lesser intervals as may be fixed by the Director. All residential recyclable materials shall be collected on a schedule agreed upon by the City and its franchised contractor, or as determined by the Public Works Director.

(h) Storage of containers. Residential solid waste and recyclable materials containers shall be stored upon the residential premises. Commercial solid waste and recyclable materials containers shall be stored upon private property, unless the owner shall have been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel and fire inspection personnel.

(i) Duty of collectors to clean up spilled waste. All solid waste and recyclable materials collectors shall be responsible for the collection of solid waste and recyclable materials from the point of collection to disposal of the solid waste and recyclable materials at the collection facility or

disposal area, provided solid waste and recyclable materials was stored in compliance with section 102-5(c), (d), (e) and (f). Any spillage or blowing litter caused as a result of the duties of the solid waste and recyclable materials collector shall be collected and placed in the transportation vehicle by the solid waste and recyclable materials collector.

(j) Rented residential property. All written and oral residential rental real property leases which shall be in effect July 1, 1993, or thereafter shall provide that the owner of the real property shall contract with a solid waste collector licensed pursuant to the provisions of this chapter for the disposal of all solid waste.

Sec. 102-7. Transportation.

(a) Generally. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle, which shall be secured whenever the vehicle is transporting solid waste, or as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. All vehicles to be used to transport recyclable materials shall be constructed in such a way as to prevent any of the transported material from being released from the vehicle, by means of full enclosure of the recyclable materials or a separate cover of suitable material with fasteners designed to secure all sides of the cover, which shall be secured whenever the vehicle is transporting recyclable materials that have the potential of being released from the vehicle during transit, as determined by the public works Director.

(b) Material from grading or excavation activities. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities; however, all such material shall be conveyed in watertight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

(c) Demolition or construction wastes. Transportation and disposal of demolition and construction wastes shall be in accordance with section 102-8 and article III of this chapter.

Section 2. If approved by voters, the existing solid waste contract between the City and Republic Services, Inc. will be extended for five (5) additional years and recyclables shall be picked up bi-weekly. The initial cost for curbside recycling for all residential properties within the city shall be three dollars and three cents ($3.03) per month for a period of one (1) year. Thereafter the Council of the City of Joplin may continue such curbside recycling upon the terms required by the

then prevailing market conditions in the discretion of the Council.

Section 3. That there be submitted to the qualified electors of the City of Joplin, Missouri, at a Special Election to be held in said City on the 6th day of August, 2013, the following question concerning whether the City of Joplin shall institute a residential curbside recycling program:

> "SHALL THE CITY OF JOPLIN, MISSOURI, INSTITUTE A RESIDENTIAL CURBSIDE RECYCLING PROGRAM AS PROVIDED IN ORDINANCE NUMBER 2013-107 PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI ON THE 6th DAY OF MAY, 2013?"

Section 4. The election called for by this Ordinance shall be governed in all things by the provisions of the statutes of Missouri and the Charter and Ordinances of the City, relating to elections in the City insofar as the same are applicable and not in contravention with the particular provisions of this Ordinance; that said election shall be held at the respective voting districts of the City as set out in a notice to be published by the County Clerks of Newton and Jasper County, Missouri, according to law and said notice shall include the questions to be submitted as set forth herein, to be published by the County Clerks of Newton and Jasper Counties, in papers of general circulation in Newton and Jasper Counties, Missouri, the publications of which to occur in accordance with Missouri law.

Section 5. The City Clerk shall prepare and execute the form of the notice of said election and shall transmit the same to the County Clerks of Newton and Jasper Counties not later than May 28, 2013, and shall cause the certification of said election by the County Clerks of Newton and Jasper Counties and request that each of them conduct said election as required by law.

Section 6. The Official Ballot shall be in the following form:

. . . . . .

OFFICIAL BALLOT

Election - Tuesday, August 6, 2013

PROPOSITION "A"

"SHALL THE CITY OF JOPLIN, MISSOURI, INSTITUTE A

RESIDENTIAL CURBSIDE RECYCLING PROGRAM AS PROVIDED IN ORDINANCE NUMBER 2013-107 PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI ON THE 6th DAY OF MAY, 2013?"

Yes. ← –

No. ← –

Instructions to Voters

TO vote IN FAVOR OF the proposition, complete the arrow next to the word "YES".

TO vote AGAINST the proposition, complete the arrow next to the word "NO".

Section 7. The City Clerk shall canvas the results of the election as verified by the Newton and Jasper County Clerks and report the same to the Council at the next scheduled Council meeting following the election.

Section 8. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Council of the City has enacted the valid portions within the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. All prior ordinances in conflict herewith shall be and are hereby repealed to the extent of the inconsistency or conflict.

Section 9. That this Ordinance, being an Ordinance submitting a proposition to the voters, is an emergency within the meaning of Section 2.12(2) of the Home Rule Charter of the City of Joplin, Missouri, and as such, this Ordinance shall become effective immediately from and after its adoption and approval and the residential curbside recycling program may begin as determined by the Council provided such program has received approval of a majority of the qualified electors voting in the election to be held on August 6, 2013.

Section 10. The Council Finding set forth in the recitals to this Ordinance is hereby incorporated in this Ordinance by reference as if fully set forth herein and the City shall, and the officers, employees and agents of the City are hereby authorized and directed, to take such actions,

expend such funds, execute and deliver all such additional documents and to perform such further acts as may be necessary, desirable or convenient to carry out, comply with and perform the duties and obligations of the City with respect to the election and the approval, imposition and levying of the Sales Tax and to give effect to this Ordinance and to obtain the benefits thereof for the residents of the City.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013, by a vote of _____.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013
Council Bill No. 2013-180

Item: Turkey Creek WWTP and Lone Elm Sewer Improvements, Consultant Agreement- Amendment

Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Amendment
3) Council Bill No. 2013-180

Department Head: David Hertzberg DZH	Date: 4/29/13
Engineering Department: Jack Schaller DLS	Date: 4-22-13
Finance Department: Leslie Haase LH	Date: 4-30-13
City Attorney: Brian Head	Date: 4-30-13
City Manager: Mark Rohr DRP for C.M.	Date: 4/30/13

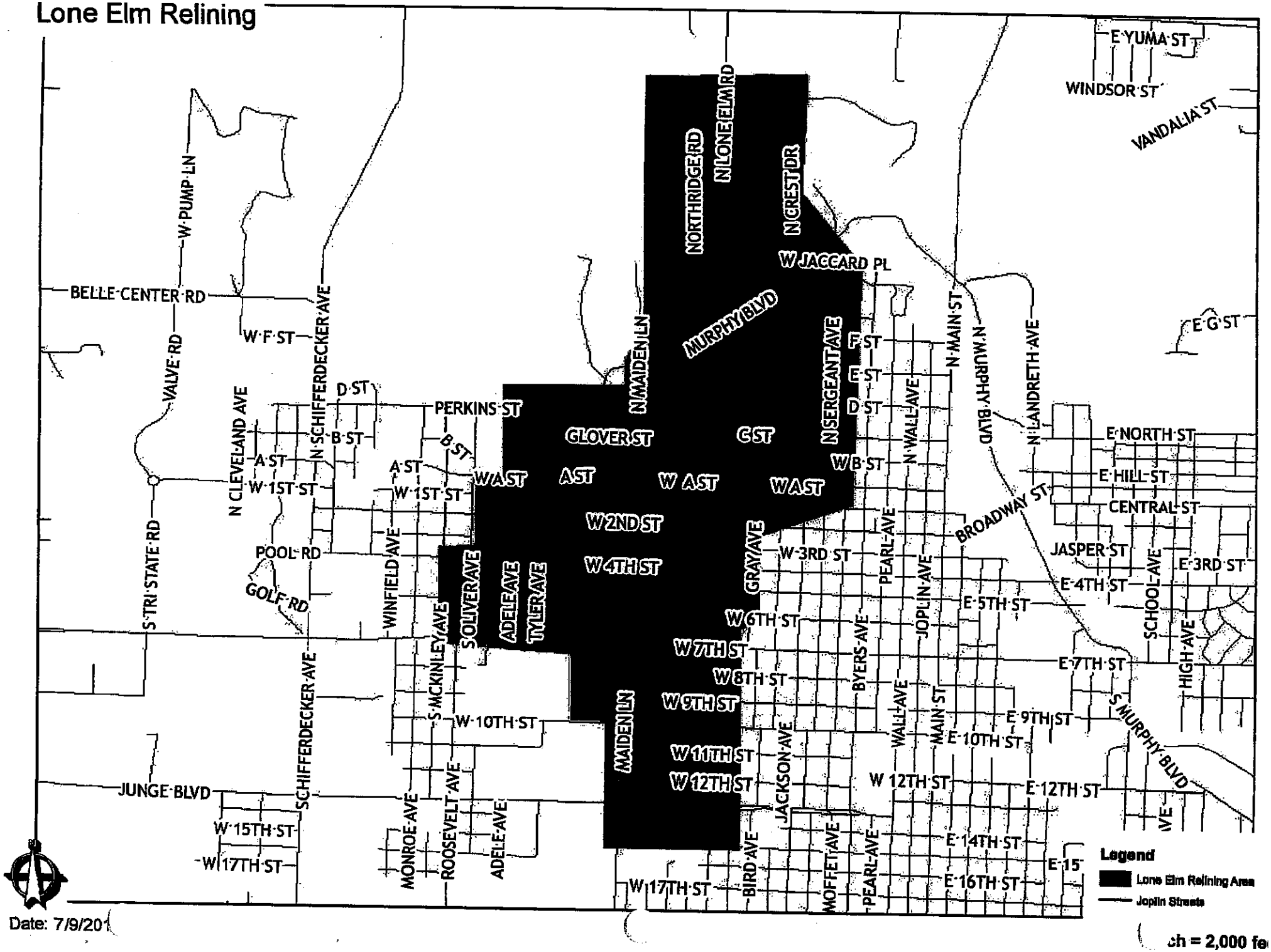
Recommended Action: Approval of Amendment No. 1 to Consultant Agreement with Allgeier, Martin & Associates, Inc. for design, professional engineering consultation and advice for a project that includes improvements to the Turkey Creek WWTP and the sanitary sewers in the Lone Elm drainage basin. The Amendment adds $242,500 to the original fee for cleaning, video inspecting, and some smoke testing of the existing sewers in the Lone Elm Reach.

Background: City staff has evaluated the benefit of allowing the consultant to procure the clean & TV and inspection services rather than having the work performed under a contract with the City. The City's consultant will be using the data from the video inspections to determine the best sewers to perform smoke testing on. From information gained from the smoke testing, the video inspections, and the manhole inspections the City's consultant will develop a complete rehabilitation plan for the entire Lone Elm Reach sewer system. The report will also include an evaluation of the 60 inch reinforced concrete sewer main that runs from the old Lone Elm WWTP to the new Turkey Creek WWTP. The 60 inch main was constructed in the early 1980's and at approximately 30 years old should be evaluated.

Discussion: City staff has reviewed the fees for the services provided and found the fees to be within industry standards. City staff has verified that the Department of Natural Resources grant administrators have approved of this additional service being added to the consultant agreement through an amendment to the agreement. The grant is 50% City and 50% DNR funded.

Recommendation: City staff recommends that the Amendment No. 1 to the Consultant Agreement with Allgeier, Martin & Associates, Inc. for the amount of $242,500.00 be approved.

Lone Elm Relining



Date: 7/9/201

ch = 2,000 fe

AMENDMENT NO. 1 TO
AGREEMENT BETWEEN THE CITY OF
JOPLIN, MISSOURI
AND ALLGEIER, MARTIN AND ASSOCIATES, INC.
FOR PROFESSIONAL SERVICES

It is hereby mutually agreed by the parties hereto that the Agreement between the City of Joplin, Missouri (OWNER) and Allgeier, Martin and Associates, Inc., a Missouri corporation located in Joplin, Missouri (ENGINEER), executed on July 18, 2012 for wastewater collection and treatment system improvements is hereby amended as follows:

OWNER and ENGINEER, in consideration of their mutual covenants herein agree in respect of the performance of professional engineering services by ENGINEER and the payment for those services by OWNER as set forth below.

SECTION 1 – ADDITIONAL ENGINEERING SERVICES

1.1 The ENGINEER shall provide the following additional services:

1.1.1 Per paragraph 2.1.17 of the original project Agreement, the additional service to provide wastewater collection system television inspection, manhole inspection, cleaning, smoke testing, and compiling of inspection data for the Lone Elm drainage basin shall be added to Section 1 - Basic Services of the Engineer for this project. The additional service scope of work more specifically includes: Basic cleaning and CCTV inspection of 88,965 L.F. of 8" diameter, 3,587 L.F. of 10" diameter, 2,724 L.F. of 12" diameter, 7,834 L.F. of 15" diameter, 99 L.F. of 16" diameter, 2,623 L.F. of 18" diameter, and 9,800 L.F. of 60" diameter gravity sewer, 415 manhole inspections, 50,000 L.F. of smoke testing, and the cleaning of 100 L.F. of 4" diameter, 9,000 L.F. of 8" diameter, 400 L.F. of 10" diameter, 300 L.F. of 12" diameter, 800 L.F. of 15" diameter, 99 L.F. of 16" diameter, and 300 L.F. of 18" diameter gravity sewer. Also included within this scope of work shall be the review of collected data and prioritization of future rehabilitation efforts within the Lone Elm drainage basin, including printing of maps and reports.

SECTION 2 – PAYMENTS TO ENGINEER

2.1 The OWNER agrees to pay the ENGINEER for the additional services as follows:

2.1.1 For services rendered under Section 1.1.1 of this Amendment, Owner shall pay ENGINEER for the actual time expended and expenses incurred in the performance of the additional service for said inspection work at the rates as outlined in Exhibit B, contained herein, and for associated Engineering Services at the rates as outlined in Exhibit A of the original Engineering Services Agreement with a total maximum fee of $242,500. However, it is

understood that the actual line sizes, lengths of line and quantity of manholes indicated for the designated Lone Elm drainage basin inspection area may differ from those anticipated by the ENGINEER and reflected in the scope of work and associated fee specified above; therefore a future amendment may be required after actual field conditions are determined in this area. The maximum fee indicated above shall not be exceeded without prior approval of the OWNER.

SECTION 3 – SPECIAL PROVISIONS AND EXHIBITS

3.1 No paragraphs or exhibits of the Agreement, other than those described above, are added or amended by this Amendment, nor are any other terms of the Agreement altered by this Amendment. Any further amendment, supplementation, modification, or cancellation of the Agreement may only be effected by a duly executed written instrument.

3.2 This Amendment (consisting of 2 pages), together with the exhibits identified above and with the original Agreement, constitute the entire understanding between OWNER and ENGINEER and supersede all prior written or oral understandings.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment as of _____, 2013.

OWNER:	ENGINEER:
The City of Joplin, Missouri	Allgeier, Martin and Associates, Inc.
By_____	By_____
(Authorized Signature)	(Authorized Signature)
_____	Chris Erisman, P.E.
(Printed Name)	(Printed Name)
_____	Vice President
(Title)	(Title)

EXHIBIT B
ALLGEIER, MARTIN and ASSOCIATES, INC.
Consulting Engineers and Surveyors

RATE SCHEDULE

NON-LABOR RATES

Item	Rate
8" Diameter Clean and TV Inspection	$1.35 per foot
10" Diameter Clean and TV Inspection	$1.40 per foot
12" Diameter Clean and TV Inspection	$1.45 per foot
15" Diameter Clean and TV Inspection	$1.55 per foot
16" Diameter Clean and TV Inspection	$1.55 per foot
18" Diameter Clean and TV Inspection	$1.55 per foot
60" Diameter Clean, TV and Sonar Inspection	$3.50 per foot
Manhole Inspection	$25.00 per manhole
4" Diameter Heavy Cleaning	$0.75 per foot
8" Diameter Heavy Cleaning	$0.75 per foot
10" Diameter Heavy Cleaning	$0.75 per foot
12" Diameter Heavy Cleaning	$0.75 per foot
15" Diameter Heavy Cleaning	$2.10 per foot
16" Diameter Heavy Cleaning	$2.10 per foot
18" Diameter Heavy Cleaning	$4.00 per foot
Smoke Testing	$0.50 per foot
Compiling the Data Obtained From Inspection	Above Cost + 7.5%

COUNCIL BILL NO. 2013- 180 ORDINANCE NO.

AN ORDINANCE authorizing the execution of an Agreement by and between the City of Joplin and Allgeier, Martin & Associates, Inc. to provide engineering services for the Turkey Creek WWTP and Lone Elm Sewer Improvements Project Amendment, not to exceed Two Hundred Forty Two Thousand Five Hundred and No/100 Dollars ($242,000.00) and authorizing the Director of Public Works to execute said Agreement; and containing an emergency clause.

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the City enter into an Amended Agreement between the City of Joplin and Allgeier, Martin & Associates, Inc. to provide engineering services for the Turkey Creek WWTP and Lone Elm Sewer Improvements Project Amendment, not to exceed Two Hundred Forty Two Thousand and No/100 Dollars ($242,000.00).

Section 2. That the Director of Public Works of the City of Joplin, Missouri, is hereby authorized to execute said Agreement for and on behalf of the City of Joplin.

Section 3. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

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

_____, 2013 by a _____ vote.

ATTEST: _____
Melodee Colbert Kean, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
City Attorney

I hereby certify that a sufficient amount is available in the said Facility Improvements and Sewer Rehabilitation Projects Fund No. 415-4542-540-8675 to pay the amount called for in said Agreement.

_____
Leslie Haase, Director of Finance

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013
Council Bill No. 2013-181

Item: Purchase of Property for Widening of Maiden Lane 9th – 30th
Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Council Bill No. 2013-181

Engineering Department: Jack Schaller JS	Date: 4/29/13
Department Head: David Hertzberg DH JKH	Date: 4/29/13
Finance Department: Leslie Haase LH	Date: 4-30-13
City Attorney: Brian Head BH	Date: 4-30-13
City Manager: Mark Rohr DW for C.M.	Date: 4/30/13

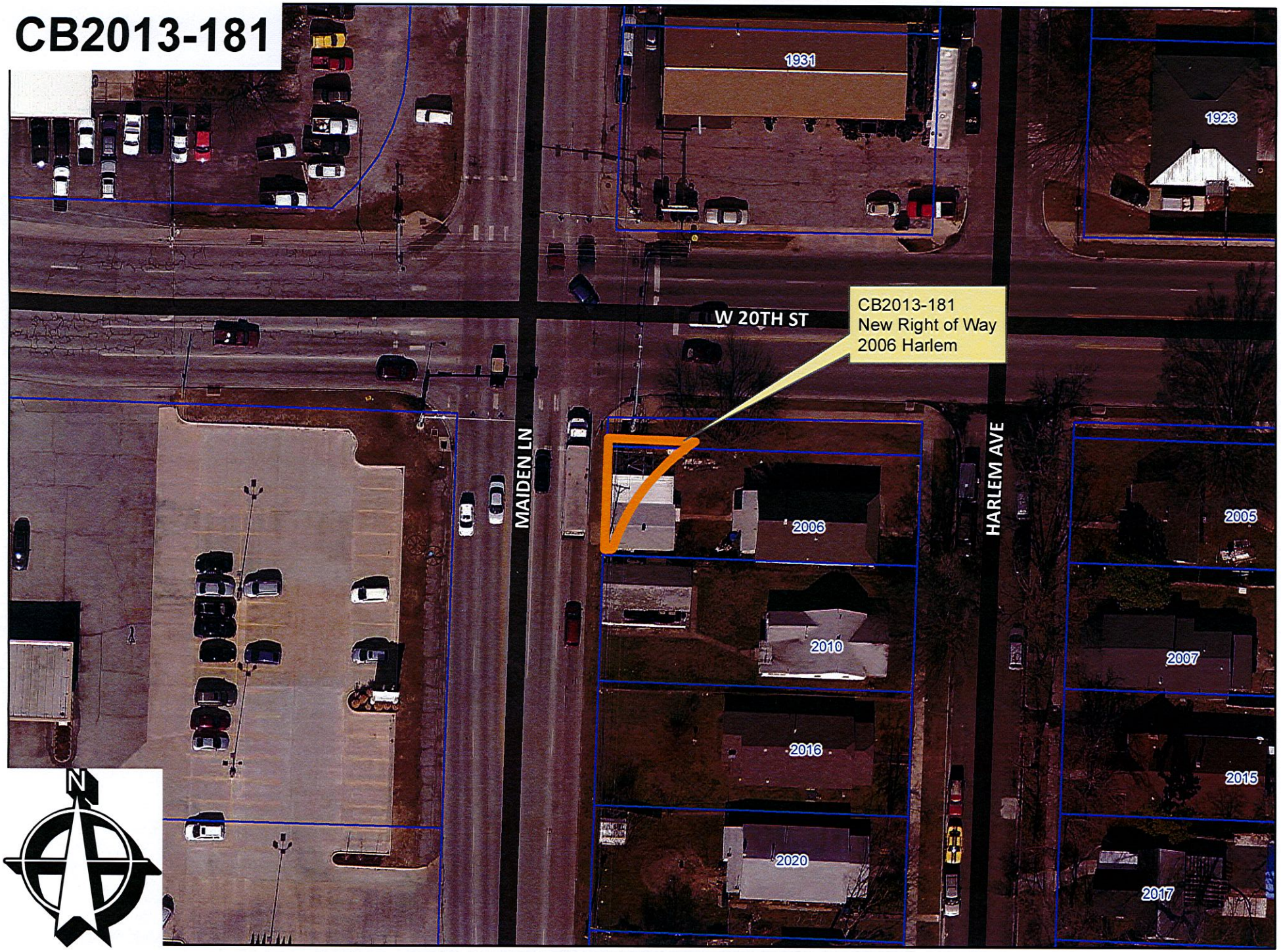
Recommended Action: Purchase of permanent right of way and a temporary construction easement at 2006 Harlem Avenue from Steven Duff, for the Maiden Lane Widening from 9th Street to 30th Street project.

Background: Maiden Lane from 9th Street to 30nd Street is in need of widening from a four-lane road to a five-lane road due to the increase traffic volume over the last several years. This project was listed as priority number 5 and 6 on the previously passed 3/8-cent Transportation Sales Tax. The total estimated cost for this project is $4,300,000 including construction, engineering, surveying and right-of-way acquisition. In order to complete the widening project it is necessary to purchase right of way and a temporary construction easement from the described property located at 2006 Harlem. This acquisition will be the 65th of 72 parcels.

Discussion: Staff has reached an agreement with Steven Duff for Twenty-Six Thousand Eight Hundred Fifty Dollars, ($26,850.00). This is within the appraisal range for this acquisition.

Recommendation: Staff recommends approval for payment of $26,850.00 for the purchase of right of way and a temporary construction easement at 2006 Harlem Avenue.

CB2013-181



1 inch = 50 feet

Date: 4/25/2013

COUNCIL BILL NO. 2013-181 ORDINANCE NO.

AN ORDINANCE approving the purchase of right of way and a temporary construction easement from property at 2006 Harlem Avenue, consisting of part of Lot Numbered Three Hundred Seventy-Five (375) in T.W. Cunningham's Addition to the Joplin, Jasper County, Missouri; and authorizing the payment of Twenty-Six Thousand Eight Hundred Fifty and 00/100 dollars ($26,850.00) and containing an emergency clause.

WHEREAS, Steven Duff is legal owner of property at 2006 Harlem, consisting of part of Lot Numbered Three Hundred Seventy-Five (375) in T.W. Cunningham's Addition to the City of Joplin, Jasper County, Missouri and;

WHEREAS, the Council of the City of Joplin approved in the 2012-2013 budget funds for the purchase of right of way for the Street Widening Improvements on Maiden Lane.

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire right of way and a temporary construction easement at 2006 Harlem Avenue, described herein.

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

Section 1. That the City of Joplin approve the purchase of right of way and a temporary construction easement at 2006 Harlem Avenue, consisting of:

New Right of Way:

A tract of land being a part of Lot 375 in T.W. Cunningham's Addition to the City of Joplin and described as beginning at a point 6 feet South of the Northwest corner of said Lot 375; thence South 87°57'48" East, along the North line of said Lot 375, 34.17 feet; thence 55.05 feet along a curve to the left and having a radius of 79.00 feet, a chord distance of 53.95 feet on a bearing of South 37°23'17" West to a point on the South line of said Lot 375; thence North 87°57'48" West, 2.94 feet to the Southwest corner of said Lot; thence North 02°00'53" East, 44.00 feet to the Point of Beginning.

Temporary Construction Easement:

A tract of land being a part of Lot 375 in T.W. Cunningham's Addition to the City of Joplin and described as commencing at a point 6 feet South of the Northwest corner of said Lot 375; thence South 87°57'48" East, along the North line of said Lot 375, 34.17 feet to the Point of Beginning; thence 55.05 feet along a curve to the left and having a radius of 79.00 feet, a chord distance of 53.95 feet on a bearing of South 37°23'17" West to a point on the South line

of said Lot 375; thence South 87°57'48" East, 41.40 feet; thence North 02°02'12" East, 44.00 feet; thence North 87°57'48" West, 10.18 feet to the Point of Beginning.

Section 2. That the City of Joplin authorizes placing $26,850, in escrow for the purchase of right of way and a temporary construction easement at 2006 Harlem Avenue. Payment will be made from account #145-4565-520-8105 Project TC0505.

Section 3. That the Director of Public Works is hereby authorized to accept this right of way on behalf of the City of Joplin.

Section 4. That the City of Joplin declares that this ordinance relating to 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 the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

COUNCIL BILL NO. 2013-181 ORDINANCE NO.

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

_____, 2013 by a vote of _____.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013
Council Bill No. 2013-182

Item: Purchase of Property for Widening of Maiden Lane 9th – 30th
Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Council Bill No. 2013-182

Engineering Department: Jack Schaller JS	Date: 4/29/13
Department Head: David Hertzberg DH	Date: 4/29/13
Finance Department: Leslie Haase LH	Date: 4-30-13
City Attorney: Brian Head BH	Date: 4-30-13
City Manager: Mark Rohr MR for C.M.	Date: 4/30/13

Recommended Action: Purchase of permanent right of way and a temporary construction easement at 2116 Harlem Avenue from Michael and Kelly Yoders, for the Maiden Lane Widening from 9th Street to 30th Street project.

Background: Maiden Lane from 9th Street to 30nd Street is in need of widening from a four-lane road to a five-lane road due to the increase traffic volume over the last several years. This project was listed as priority number 5 and 6 on the previously passed 3/8-cent Transportation Sales Tax. The total estimated cost for this project is $4,300,000 including construction, engineering, surveying and right-of-way acquisition. In order to complete the widening project it is necessary to purchase right of way and a temporary construction easement from the described property located at 2116 Harlem. This acquisition will be the 66th of 72 parcels.

Discussion: Staff has reached an agreement with Michael and Kelly Yoders for Fifteen Thousand Seven Hundred Dollars, ($15,700.00). This is within the appraisal range for this acquisition.

Recommendation: Staff recommends approval for payment of $15,700.00 for the purchase of right of way and a temporary construction easement at 2116 Harlem Avenue.

CB2013-182



1 inch = 50 feet

Date: 4/25/2013

COUNCIL BILL NO. 2013-182 ORDINANCE NO.

AN ORDINANCE approving the purchase of right of way and a temporary construction easement from property at 2116 Harlem Avenue, consisting of part of Lot Numbered Three Hundred Sixty-Five (365) in T.W. Cunningham's Addition to the Joplin, Jasper County, Missouri; and authorizing the payment of Fifteen Thousand Seven Hundred and 00/100 dollars ($15,700.00) and containing an emergency clause.

WHEREAS, Michael and Kelly Yoders are the legal owners of property at 2116 Harlem, consisting of part of Lot Numbered Three Hundred Sixty-Five (365) in T.W. Cunningham's Addition to the City of Joplin, Jasper County, Missouri and;

WHEREAS, the Council of the City of Joplin approved in the 2012-2013 budget funds for the purchase of right of way for the Street Widening Improvements on Maiden Lane.

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire right of way and a temporary construction easement at 2116 Harlem Avenue, described herein.

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

Section 1. That the City of Joplin approve the purchase of right of way and a temporary construction easement at 2116 Harlem Avenue, consisting of:

New Right of Way:

A tract of land being a part of Lot 365 in T.W. Cunningham's Addition to the City of Joplin and described as beginning at the Northwest corner of said Lot 365; thence South 87°57'48" East, 13.49 feet; thence South 00°28'50" West, 50.00 feet; thence North 87°57'48" West, 14.83 feet; thence North 02°00'53" East, 50.00 feet to the Point of Beginning.

Temporary Construction Easement:

A tract of land being a part of Lot 365 in T.W. Cunningham's Addition to the City of Joplin and described as commencing at the Northwest corner of said Lot 365; thence South 87°57'48" East, 13.49 feet to the Point of Beginning; thence South 87°57'48" East, 37.33; thence South 01°12'46" West, 46.92 feet; thence North 88°24'36" West, 36.72 feet; thence North 00°28'50" East, 47.22 feet to the Point of Beginning.

Section 2. That the City of Joplin authorizes placing $15,700, in escrow for the purchase of right of way and a temporary construction easement at 2116 Harlem Avenue. Payment will be made from account #145-4565-520-8105 Project TC0505.

Section 3. That the Director of Public Works is hereby authorized to accept this right of way on behalf of the City of Joplin.

Section 4. That the City of Joplin declares that this ordinance relating to 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 the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

COUNCIL BILL NO. 2013-182 ORDINANCE NO.

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

_____, 2013 by a vote of _____.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013
Council Bill No. 2013-183

Item: Purchase of Property for Widening Schifferdecker Final Phase
Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Council Bill No. 2013-183

Department Head: David Hertzberg DKH	Date: 4/29/13
Engineering Department: Jack Schaller JS	Date: 4-29-13
Finance Department: Leslie Haase LH	Date: 4-30-13
City Attorney: Brian Head ~~BDH~~	Date: 4-30-13
City Manager: Mark Rohr DAP for C.M.	Date: 4/30/13

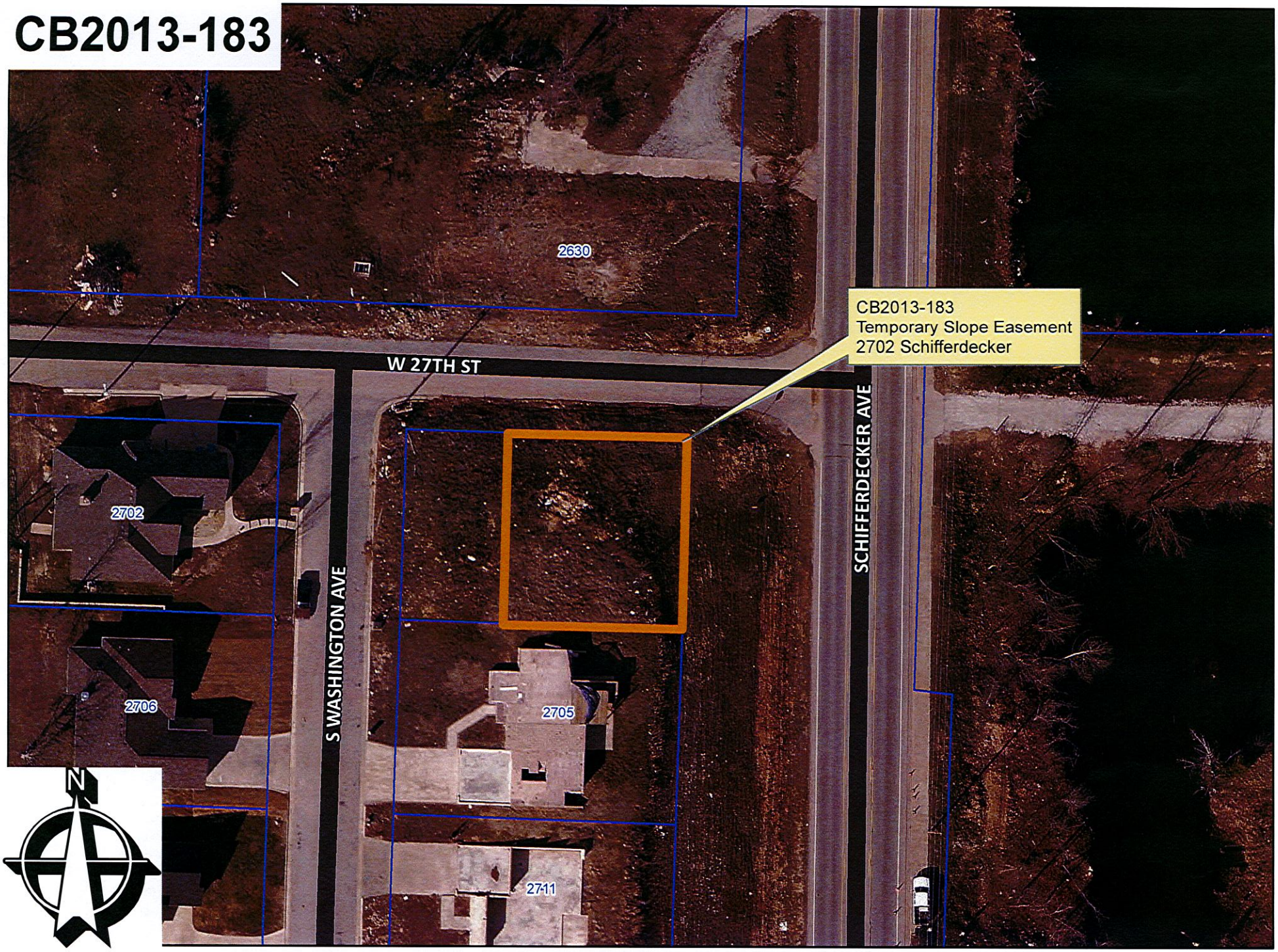
Recommended Action: Purchase of a Temporary Slope Easement at 2702 Schifferdecker, for the Schifferdecker Widening Project.

Background: The City of Joplin has budgeted money for the completion of the Schifferdecker widening project. This project was listed as priority number nine among projects included in the 3/8-cent Transportation Sales Tax issue approved by voters in November of 2004. The final phase of construction will complete the scheduled improvements to this major arterial corridor. In order to complete the project it is necessary to purchase a temporary slope easement from the described property located at 2702 Schifferdecker Avenue. This will be the 19th of 23 parcels to be acquired.

Discussion: Staff has reached an agreement with Parker Properties for Nineteen Thousand Five Hundred Dollars, ($19,500). This is within the appraisal range for this acquisition.

Recommendation: Staff recommends approval for payment of $19,500 for the purchase of the described temporary slope easement at 2702 Schifferdecker Avenue.

CB2013-183



1 inch = 50 feet

Date: 4/25/2013

ANDERSON ENGINEERING INC

EMPLOYEE OWNED

ACCEPTANCE FORM

Project	Schifferdecker Avenue between 20th Street and 32nd Street
Property Owner(s)	Parker Development Properties 1100 Illinois, Ste. 1 Joplin, MO 64801
Property Address	2702 S. Schifferdecker Avenue
Total Compensation	$19,500

We accept the above offer for compensation from the City of Joplin for temporary easement as described.

Printed Name Kevin Parker

Signature _____ Date 4/10/13

for Parker Development Properties

Upon receipt of your acceptance of the city's offer of compensation for the permanent right of way and temporary easement, your agreement will be forwarded to the city council for approval and preparation of your check. You will then be contacted to arrange for your signature on the legal documents and to deliver your check.

COUNCIL BILL NO. 2013-183 ORDINANCE NO.

AN ORDINANCE approving the purchase of a temporary slope easement from property at 2702 Schifferdecker Avenue, consisting of land described as part of Lot Numbered Eight (8) in Parker Development Addition to City of Joplin, Jasper County, Missouri; and authorizing the payment of Nineteen Thousand Five Hundred and 00/100 dollars ($19,500) and containing an emergency clause.

WHEREAS, Parker Development is the legal owners of property at 2702 Schifferdecker Avenue, consisting of land described as part of Lot Numbered Right (8) in Parker Development Addition, to the City of Joplin, Jasper County, Missouri ;and;

WHEREAS, the Council of the City of Joplin approved in the 2012-2013 budget funds for the completion of the Street Widening Improvements on Schifferdecker Avenue.

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire a temporary slope easement at 2702 Schifferdecker Avenue, described herein.

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

Section 1. That the City of Joplin approve the purchase of a temporary slope easement, consisting of:

Temporary Slope Easement (Will terminate upon completion and acceptance of the improvements)

All of the East Seventy (70) feet of the following described tract:

All of Lot Numbered Eight (8) in PARKER DEVELOPMENT SUBDIVISION in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

Containing 5460 square feet, more or less.

Section 2. That the City of Joplin authorize placing $19,500 in escrow for the purchase of the temporary slope easement. Payment will be made from account #145-4565-520-8105 Project TC0509.

Section 3. That the Director of Public Works is hereby authorized to accept this right of way on behalf of the City of Joplin.

Section 4. That the City of Joplin declares that this ordinance relating to 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 the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

COUNCIL BILL NO. 2013-183 ORDINANCE NO.

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

_____, 2013 by a vote of _____.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____

Brian W. Head, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013
Council Bill No. 2013-184

Item: Parking Lot & Trail Sealing 2013-184
Originating Department: Public Works – Engineering

Attachments: 1) Location Map and Table
2) Bid Tabulation
3) Council Bill No. 2013-184

Engineering Department: Jack Schaller JS	Date: 4-29-13
Department Head: David Hertzberg DH	Date: 4/29/13
City Manager: Mark Rohr DLR for C.M.	Date: 4/30/13
City Attorney: Brian Head ~~BDH~~	Date: 4-30-13
Finance Department: Leslie Haase LH	Date: 4-30-13

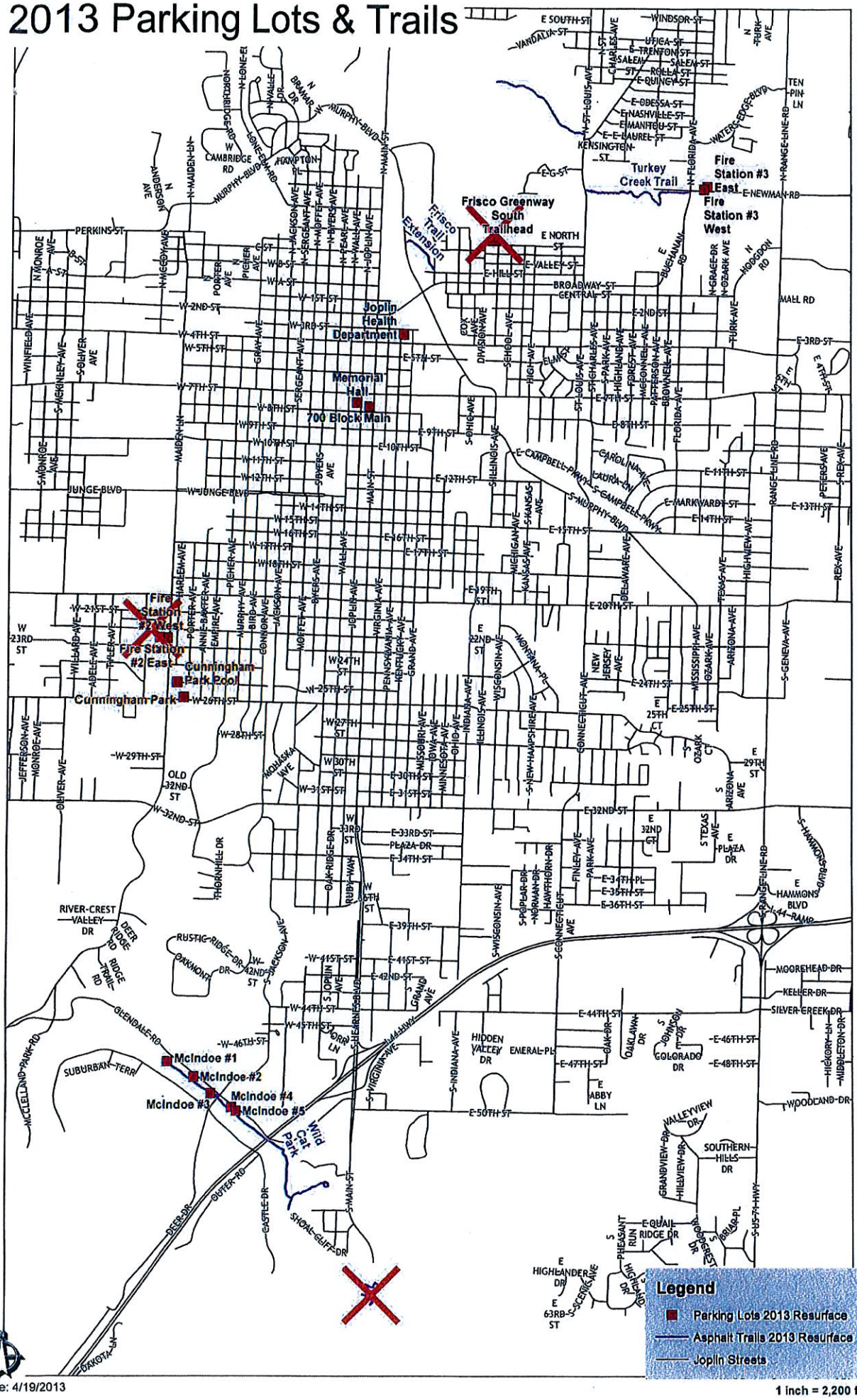
Recommended Action: Approval of an Award of Contract to Ball Paving Company in the amount of $26,989.54 for the Parking Lot & Trail Sealing 2013 project.

Background: City staff annually evaluates the conditions of the City parking lots and recommends certain lots that need improvements. Based on this decision matrix it has been determined that preventative maintenance is key to pavement longevity. Part of this preventative maintenance strategy is sealing of lower use asphaltic cement pavements such as parking lots. One third of all lots are sealed or resurfaced each year and will be an annual housekeeping maintenance project. This year's focus is on Parks, Fire Stations, Trails and Memorial Hall in the City of Joplin.

Discussion:
The sealing process recommended will prevent further loss of volatiles and aggregate in the existing asphalt while protecting it from oxidizing. City owned lots are broken down into 3 groups based on a 3 year life cycle of parking lot sealing material. The lots studied this year were structurally sound, just in need of a seal course. The low bid submitted for parking lot seal coating was Balll Paving Company for $26,989.54 determined by the unit price of .0770 per square foot. This is within the engineer's estimate and the allocated budget.

Recommendation: City staff recommends Award of Contract to Ball Paving Company in the amount of $26,989.54 for the Parking Lot & Trail Sealing 2013 project and will be paid from the 3/8 cent transportation sales tax.

2013 Parking Lots & Trails



Date: 4/19/2013

1 inch = 2,200 feet

2013

Location	SF
Joplin Health Department	44557.0
Memorial Hall	67261.0
700 Block Main St	9876.0
Fire Station # 3 East	8311.0
Fire Station # 3 West	2704.0
Cunningham Park	9891.0
Cunningham Pool	41849.0
Mc Indoe # 1	4978.0
Mc Indoe # 2	5665.0
Mc Indoe # 3	4943.0
Mc Indoe # 4	3450.0
Mc Indoe # 5	3677.0
Mc Indoe Trail	33639.5
Wild Cat Park	47664.0
Turkey Creek Trail	62048.0
Total	**350513.5**

BID TABULATION

PROJECT: Parking Lot and Trail Sealing 2013
DATE OF BID OPENING: April 24, 2013 10:00 a.m.

CONTRACTOR	BID
Ball Paving	26,989.54
Pavement Management	45,496.65
Hicklin Asphalt	46,618.30
Springfield Stripping	48,020.35
Blevins Midwest	57,834.73

COUNCIL BILL NO. 2013-184 **ORDINANCE NO.**

AN ORDINANCE approving a contract with Ball Paving Company in the amount of Twenty Six Thousand Nine Hundred Eighty Nine and 54/100 Dollars ($26,989.54) for the Parking Lot & Trail Sealing 2013 project in the City of Joplin, Missouri; providing how the cost shall be made and levied, and containing an emergency clause;

BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That the contract is awarded to Ball Paving Company in the amount of Twenty Six Thousand Nine Hundred Eighty Nine and 54/100 Dollars ($26,989.54) for the Parking Lot & Trail Sealing 2013 project in the City of Joplin, Missouri

Section2. That the Director of Public Works is hereby authorized to enter into a contract on behalf of the City of Joplin with said contractor.

Section 3. Upon the final approval and acceptance of the contractor's work under said contract in writing by the Director of Public Works, and his certification to that effect to the Director of Finance, the contractor shall be paid from the Transportation Sales Tax Fund, Account Number 130-6550-560-8652 Project TS501.

Section 4. This ordinance is an emergency within the meaning of Section 2.12 (6) in that said ordinance provides for public improvements and is considered an emergency by the Council and as such shall become effective immediately upon this passage as provided by the Home Rule Charter for the City of Joplin.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2013, by a _____ vote.

ATTEST: Melodee Colbert Kean, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney

I hereby certify that a sufficient amount is available in the said Transportation Sales Tax Fund, Account Number 130-6550-560-8652 Project TS0501 to pay the amount called for in said contract on the basis of estimates made by the City Engineer.

Leslie Haase, Finance Department

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: May 6, 2013
Council Bill No. 2013-185

Item: Missouri Department of Transportation (MoDOT) Barrier Wall Change Order for the Zora & Main Interchange Project

Originating Department: Public Works – Engineering
Attachments: 1) Council Bill No. 2013-185

Engineering Department: Jack Schaller JS	Date: 4-29-13
Department Head: David Hertzberg DH	Date: 4/29/13
City Attorney: Brian Head ~~BDH~~	Date: 4/30/13
Finance Department: Leslie Haase LH	Date: 4-30-13
City Manager: Mark Rohr DNP for C.M.	Date: 4/30/13

Recommended Action: Approval of a change order with the Missouri Department of Transportation for the Zora and Main Interchange Project.

Background: The agreement with MoDOT between the City of Joplin and MoDOT approved on December 19, 2011 under Council Bill 2011-195 allows the City to reimburse MoDOT for costs not covered by MoDOT. The City entered into an agreement under Council Bill 2009-171, passed by council on September 8, 2009, that stated under item 8 section B The City shall be responsible for all acquisition/project costs (of both Phase I and Phase II) in excess of the Commission's above described maximum contribution ($1,000,000) sub-section i which states: The City shall remit a check to pay the Commission in the amount of the estimated project cost, minus the Commission's above-described maximum contribution and any eligible STP funds, at least ninety (90) days prior to the letting date of the project. Sub-section ii which states: If the awarded amount is above the estimated cost of construction, the City shall deposit with the Commission the balance of the awarded amount above the estimated amount minus any eligible STP funds remaining, within thirty (30) days of execution of the construction contract.

Discussion: During construction activities, there were several items that were modified by change orders to continue construction. Some were additive and some were deductive and all were on a smaller amount than this change order. The net change order price with additive and deductive prices prior to this change order is just under of $14,000. The anticipated additive change estimated on this change order is just under of $75,000. This is to erect a visible safety barrier to protect the residents on Missouri Avenue as well as stop the lights from shining into their houses. Also some noise reduction from this construction of a slatted fence on a barrier wall is anticipated. We are seeking Council's ok to proceed with this modification to the contract. Currently the City has reserved $3 million from our CIP program plus an additional approximately $1.5 million for the Murphy and 7th improvements to pay the City's local share of the project. Currently the City's portion is approximately $1.925 million. Taking out all

additional city costs such as consulting fees and utility relocations, we still have approximately $0.5 million extra reserved for this project. Therefore this change could be done with no additional cost to the city from what we had reserved for this project.

Recommendation: It is recommended the council allow this change order to be processed thru MoDOT for the addition of the barrier wall.

COUNCIL BILL NO. 2013-185 ORDINANCE NO.

AN ORDINANCE authorizing a change order with the Missouri Department of Transportation for the Zora and Main Barrier Wall in an amount not to exceed One Hundred Thousand and no/100 Dollars ($100,000.00) and containing an emergency clause.

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

Section 1. That the City enter into a change order with the Missouri Department of Transportation for the Zora and Main barrier wall in an amount not to exceed One Hundred Thousand and no/100 Dollars ($100,000.00), be and the same is hereby approved.

Section 2. That the Director of Public Works of the City of Joplin is authorized to execute this Ordinance. Such documents as may be required to fulfill.

Section 3. That the Council hereby declares that this Ordinance is an emergency within the meaning of Section 2.12 (1) (6) of the Home Rule Charter of the City and that the additional warning devices are necessary for the public safety, and this ordinance involves a public improvement and as such it shall become effective immediately upon its passage.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2013, by a _____ vote.

ATTEST:

_____
Melody Colbert Kean, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of Joplin **City Council Agenda Item**

REQUESTED COUNCIL MEETING DATE: May 6, 2013

ITEM: Council Bill No. 2013-452 authorizes the execution of a Pharmacy Services Agreement between the City of Joplin Health Department and Joplin Professional Pharmacy dba The Medicine Shoppe of Joplin.

ORIGINATING DEPARTMENT: Health Department
ATTACHMENTS: Council Bill No. 2013-452, together with a copy of the agreement.

CITY ATTORNEY:	Brian W. Head	**DATE:** 4-29-13
CITY MANAGER:	R. Mark Rohr	**DATE:** 4/29/13
HEALTH DEPARTMENT:	Dan Pekarek	**DATE:** 4/29/13
FINANCE DIRECTOR:	Leslie Haase	**DATE:** 4-29-13

RECOMMENDED ACTION:
Staff recommends approval of this Council Bill on an emergency basis.

SUMMARY:

The Health Department requests consideration of Council Bill No. 2013-452 that authorizes a Pharmacy Services Agreement between the City of Joplin, Health Department (Department) and The Medicine Shoppe pharmacy of Joplin.

The Department has for the last several years contracted with private pharmacies to provide necessary pharmaceutical services for the Health Department in its agreement with the Community Clinic of Joplin. In the city's agreement with the Community Clinic, Joplin residents that attend the Clinic and receive a prescription from clinic physicians are referred to the city's contract pharmacy to have these prescriptions filled. In order to contain costs, the Department utilizes the generic formulary developed and maintained by the Clinic for the bid process. The generic formulary is a list of generic medications used by the clinic physicians when they need to order a prescription for clinic patients.

The Medicine Shoppe pharmacy was selected through a recently completed competitive bid process. In this process, a formal bid packet was developed including bid specifications that included the Community Clinic Generic Formulary. Some key points of the bid specifications document include:

- Bid prices must remain in effect for a one-year period from the date of a signed agreement.
- All items listed on the formulary must be available from the successful contractor.

Local pharmacies were notified by mail of the bid process advertisement and the bid request was advertised in the Joplin Globe as well as on the city website. Three local pharmacies, The Medicine Shoppe (the current vendor), Pronto Pharmacy and Dillon's Pharmacy submitted bids.

After review of submitted bids it was deemed that The Medicine Shoppe submitted the bid representing the lowest and best bid.

Funds are provided in the fiscal year 2013 budget for this program.

Staff recommends approval of this Council Bill on an emergency basis.

BID RESPONSE FORM
BID 2013-21; Pharmacy Services

ANTIBIOTICS				
	TYPE	**DSG**	**AMOUNT**	**COST**
Azithromycin	Tabs-(5days)	250 mg.	6	4-00
Amoxicillin	Suspension	125 mg/5 ml	150 ml	2-00
	Suspension	250mg/5ml	150 ml	4-00
	Suspension	400 mg/5ml	100 ml	4-00
	Caps	250 mg	30	4-00
	Caps	500 mg	40	4-00
	Chews	250 mg	30	4-00
Cephalexin	Suspension	125 mg/5 ml	200 ml	4-00
	Suspension	250 mg/5 ml	200 ml	4-00
	Caps	250 mg	30	4-00
	Caps	500 mg	30	4-00
Ciprofloxacin	Tabs	250mg	14	4-00
Ciprofloxacin	Tabs	500mg	14	4-00
Clindamycin	Caps	150mg	30	4-00
Doxycycline	Tabs	100 mg	20	4-00
Metronidazole	Tabs	500 mg	21	4-00
TMP/SMX DS	Tabs		20	4-00

ANALGESICS - NSAIDS				
	TYPE	DSG	AMOUNT	COST
Fioricet (Generic)	Tabs		60	5.00
Fioricet (Generic)	Tabs		90	10.00
Ibuprofen	Tabs	400 mg	60	4.00
	Tabs	600 mg	60	4.00
	Tabs	800 mg	60	4.00
Meloxicam	Tabs	7.5 mg	30	4.00
Meloxicam	Tabs	15 mg	30	4.00
Naproxyn	Tabs	500 mg	60	5.00

ANTICONVULSANTS				
	TYPE	DSG	AMOUNT	COST
Carbamazepine	Tabs	200 mg	60	6.00
		200 mg	120	8.00
Divalproex DR	Tabs	250 mg	30	4.00
		250 mg	60	5.00
Phenytoin	Caps	100 mg	120	12.00
Divalproex DR	Tabs	500 mg	30	4.00
		500 mg	60	8.00

ANTIDIABETIC				
	TYPE	**DSG**	**AMOUNT**	**COST**
Glimepiride	Tabs	2 mg	30	4-00
Glimepiride	Tabs	4 mg	30	4-00
Glipizide	Tabs	5 mg	30	4-00
Glyburide	Tabs	5 mg	30	4-00
Metformin	Tabs	500 mg	60	4-00

CARDIOVASCULAR				
	TYPE	DSG	AMOUNT	COST
Amlodipine	Tabs	2.5mg	30	4-00
	Tabs	5 mg	30	4-00
		5 mg	60	5-00
	Tabs	10 mg	30	4-00
		10 mg	60	5-00
Atenolol	Tabs	25 mg	30	4-00
	Tabs	50 mg	30	4-00
Benazepril	Tabs	10mg	30	4-00
	Tabs	20mg	30	4-00
	Tabs	40 mg	30	4-00
Carvedilol	Tabs	6.25 mg	30	4-00
		6.25 mg	60	5-00
	Tabs	12.5 mg	30	4-00
		12.5 mg	60	5-00
	Tabs	25 mg	30	4-00
		25 mg	60	5-00
Clonidine	Tabs	0.1 mg	60	4-00
	Tabs	0.3 mg	30	4-00
Clopidogrel (Plavix)	Tabs	75 mg.	30	
Diltiazem CD	Caps	120 mg	30	12-00
	Caps	180 mg	30	12-00
	Caps	240 mg	30	15-00
Enalapril(Vasotec)	Tabs	5 mg	30	4-00
	Tabs	10 mg	30	4-00
	Tabs	20 mg	30	4-00
Furosemide	Tabs	20 mg	30	4-00
	Tabs	40 mg	30	4-00
Gemfibrozil	Tabs	600 mg	60	10-00
Hydrochlorothiazide (HCTZ)	Caps	12.5 mg	30	4-00
	Tabs	25 mg	30	4-00
	Tabs	50 mg	30	4-00
Labetalol	Tabs	100 mg	60	5.00

Lisinopril	Tabs	5 mg	30	4.00
	Tabs	10 mg	30	4.00
	TYPE	**DSG**	**AMOUNT**	**COST**
Lisinopril (cont.)	Tabs	20 mg	30	4.00
	Tabs	30 mg	30	4.00
	Tabs	40 mg	30	4.00
Losartan	Tabs	50 mg.	30	4.00
	Tabs	100 mg.	30	4.00
Metoprolol	Tabs	25 mg	30	4.00
	Tabs	50 mg	30	4.00
	Tabs	100 mg	30	4.00
Nifedipine ER	Tabs	60 mg	30	24.00
Propranolol	Tabs	10 mg	30	4.00
		10 mg	60	5.00
	Tabs	20 mg	30	4.00
		20 mg	60	5.00
Potassium Chloride	Tabs	10 meq	30	10.00
	Tabs	20 meq	30	12.00
Simvastatin	Tabs	10 mg	30	4.00
	Tabs	20 mg	30	4.00
	Tabs	40 mg	30	4.00
	Tabs	80 mg	30	4.00

COUGH & COLD				
	TYPE	**DSG**	**AMOUNT**	**COST**
Benzonatate	Perles	100 mg	14	3.00
Diphenhydramine	Caps	25 mg	30	3.00
		25 mg	60	4.00
Guiatuss	Syrup		120 ml	3.00
Guiatuss DM	Syrup		120 ml	3.00

CREAMS, OINTMENTS & SUPPOSITORIES				
	TYPE	**DSG**	**AMOUNT**	**COST**
Silver Sulfadiazine 1%`	Cream	1 %	25 Gm	4.00
			50 Gm	4.00
Triamcinolone 0.01%	Cream	0.01 %	30 Gm	4.00
	Ointment	0.01 %	15 Gm	4.00

EAR, NOSE & THROAT				
	TYPE	**DSG**	**AMOUNT**	**COST**
Albuterol	solution.5% Inh		20 ml	4.00
Cortisporin Otic	Solution		10 ml	4.00
Ear Wax	Drops		15 ml	4.00
Gentamycin Ophthalmic	Drops		5 ml	4.00
Maxitrol (generic) Ophthalmic	Drops		5 ml	4.00
Saline mist			45 ml	3.00
Sulfacetamide 10% Ophthalmic	Drops		5 ml	3.00

H_2-ANTAGONISTS & ANTACIDS				
	TYPE	**DSG**	**AMOUNT**	**COST**
Dicyclomine	Caps	10 mg	90	4.00
Omeprazole	Caps	20 mg	30	4.00
Pantoprazole DR	Tabs	40 mg.	30	4.00
Ranitidine	Tabs	150 mg	60	4.00

HORMONES				
	TYPE	**DSG**	**AMOUNT**	**COST**
Estradial	Tabs	0.5 mg	30	4.00
	Tabs	1 mg	30	4.00
	Tabs	2 mg	30	4.00
Medroxyprogesterone	Tabs	2.5 mg	30	4.00
	Tabs	5.0 mg	30	4.00

LAXATIVES & STOOL SOFTENERS				
	TYPE	**DSG**	**AMOUNT**	**COST**
DSS	Caps	100 mg	60	4.00
Docusate Calcium	Caps	240 mg	30	4.00

MISCELLANEOUS				
	TYPE	DSG	AMOUNT	COST
Allopurinnol	Tabs	100 mg	30	4-50
	Tabs	300 mg	30	4-00
Amitriptyline	Tabs	25 mg	30	4-00
		25 mg	60	5-00
Cyclobenzaprine	Tabs	10 mg	30	4-00
Fluoxetine	Caps	20 mg.	30	4-00
Hydroxyzine	Tabs	10 mg	30	4-00
	Caps	25 mg	30	4-00
Levothyroxine	Tabs	0.1 mg	30	4-00
	Tabs	0.15 mg	30	4-00
	Tabs	0.2 mg	30	4-00
Gabapentin	Caps	100 mg	60	4-00
	Caps	300 mg	60	4-00
Oxybutynin	Tabs	5 mg	60	4-00
Prednisone	Tabs	5 mg	30	4-00
	Tabs	10mg	30	4-00
	Tabs	20 mg	30	4-00
Pyridium (generic-Phenazopyridine)	Tabs	200 mg	9	2-00
Trazadone	Tabs	50 mg	30	4-00
Flomax(generic-Tamsulosin HCl)	Cap	0.4 mg.	30	4-00
Fosamax	Tabs	70 mg	4	4-00

COUNCIL BILL NO. 2013-452 ORDINANCE NO.

AN ORDINANCE approving a Pharmaceutical Services Agreement by and between the City of Joplin, Missouri, and Joplin Professional Pharmacy dba The Medicine Shoppe, providing generally for the utilization of The Medicine Shoppe pharmacy as the City's pharmaceutical provider; authorizing the City Manager of the City of Joplin, Missouri, to execute the same by and on behalf of the City of Joplin, Missouri, and containing an emergency clause.

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

Section 1. That the Pharmaceutical Services Agreement, by and between Joplin Professional Pharmacy dba The Medicine Shoppe, through its authorized representative, and the City of Joplin, Missouri, a true and accurate copy of the same being attached hereto, be and the same is hereby approved.

Section 2. That the City Manager of the City of Joplin, Missouri, is hereby authorized and directed to execute said Agreement by and on behalf of the City of Joplin.

Section 3. That this Ordinance dealing with the immediate preservation of public health, is an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, shall be in full force and effect immediately from and after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013, by a _____ vote.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

PHARMACEUTICAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into by and between the City of Joplin, Missouri, a Municipal Corporation, hereinafter referred to as "City", and Joplin Professional Pharmacy dba The Medicine Shoppe, a corporation, hereinafter referred to as "Medicine Shoppe" on this _____ day of _____, 20___.

W I T N E S S E T H

WHEREAS, the City through its Health Department provides pharmaceutical services to certain eligible residents of the City of Joplin, Missouri; and

WHEREAS, The Medicine Shoppe operates a full service pharmaceutical operation at 2131 E. 32nd St., Joplin, Missouri; and

WHEREAS after competitive bids, The Medicine Shoppe, in the opinion of City, submitted the best proposal to act as the City's pharmaceutical provider.

NOW, THEREFORE, in exchange for valuable consideration, each received from the other, the parties do hereby agree as follows:

1. **Term.** The term of this Agreement shall be for one (1) year commencing on or about May 13, 2013, and continuing to and until May 12, 2014. It shall be extended, one year at a time up to a maximum of three (3) years unless either party shall give sixty (60) days prior written notice of termination, or, unless The Medicine Shoppe is in breach of this Agreement pursuant to the provisions of Paragraph 6 herein.

2. **Compensation.** As and for compensation for the services provided herein, City will reimburse The Medicine Shoppe for prescriptions filled in accordance with the Bid Specifications For Pharmaceutical Services and the Bid Response Form BID

2013-21; Pharmacy Services, submitted by The Medicine Shoppe for pharmaceuticals set forth on said Bid Response Form, or as may be amended by formulary lists, provided by City, provided to The Medicine Shoppe, from time-to time, during the term of this Agreement.

3. **Billing and Payment Procedure.** The Medicine Shoppe shall submit a billing invoice at the end of each month for all prescriptions dispensed during that month for the Community Clinic Account. Each invoice shall list the name of the patient, the name of the prescription, the amount/dosage of the prescription, the gross price, the co-pay if any, and the net price charged to the City after reduced by the co-pay amount.

4. **Formulary Products and Price**. The products and prices listed on the BID Response Form BID 2013-21; Pharmacy Services, attached hereto as "Exhibit A" and incorporated herein by reference, shall be binding on both parties during the term of this Agreement. Any product or price changes to the formulary list that are to take effect in any extension term must be submitted to the City ninety (90) days before the start of any extension term, and are subject to approval by the City before such term is extended.

5. **Scope of Work.** The Medicine Shoppe shall fill only prescriptions that have been authorized by the Joplin Health Department or the Joplin residents referred by the Community Clinic and which are accompanied by the proper documentation of the same. The Medicine Shoppe shall pursue the use of generic substitution whenever possible.

6. **Termination of Agreement.** This Agreement shall immediately be terminated, if The Medicine Shoppe is no longer licensed by the State of Missouri to dispense pharmaceutical services, fails to operate a full-service pharmacy at its present

location or fails to perform to the satisfaction of the City. In these cases the City may terminate the Agreement, upon ten (10) days written notice.

7. **Agreement Subject to Ratification by Council and Annual Appropriation.** This Agreement is binding upon the City of Joplin only upon acceptance by its City Council. This Agreement is subject to the normal budgetary process of the City of Joplin, and, in the event the City of Joplin shall fail to appropriate sufficient funds to pay for the services provided by this contract, this contract shall immediately be terminated without recourse.

8. **Hold Harmless.** Each party shall hold the other harmless from any and all claims and assessments pursuant to this Agreement. The parties intend to create an independent contractor relationship and neither party may control the actions of the other.

9. **Prohibition on Assignment.** This contract and the rights granted herein may not be assigned by The Medicine Shoppe without the express written consent of the City being first obtained.

10. **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.

11. **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.

12. **Entire Agreement**. This Agreement (including any Exhibits) 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.

13. **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 be required to institute legal action to enforce any of its rights set forth in this Agreement, then City shall be entitled to reimbursement for all reasonable attorneys' fees and costs incurred as determined by the Court in any such cause of action.

14. **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.

15. **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.

16. **Record Confidentiality.** The Medicine Shoppe shall maintain strict confidentiality of all patient and client information or records supplied to it by the City or

the Community Clinic, pursuant to the provisions of HIPAA (Health Insurance Portability and Accountability Act). The protected information shall include, but not be limited to all Individually Identifiable Health Information, and this shall mean information that is a subset of health information, including demographic information collected from an individual, and (i) is created or received by a health care provider, health plan, employer or health care clearinghouse; and (ii) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, and (1) that identifies the individual; or (2) with respect to which there is a reasonable basis to believe the information can be used to identify the individual. Individually Identifiable Health Information includes many common identifiers (e.g. name, address, birth date, social security number). The contents of such records shall not be disclosed to anyone other than the City and the patient/client or the parent or legal guardian unless such disclosure is required by law.

17. **Work Authorization:** If the Contractor meets the definition of a business entity, as defined in Section 285.525, RSMo pertaining to Section 285.530, RSMo, the Contractor shall maintain enrollment and participation in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the contracted services herein.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

CITY OF JOPLIN, MISSOURI

A Municipal Corporation

By: _____

City Manager of the City of Joplin

ATTEST:

_____

City Clerk

THE MEDICINE SHOPPE,

A Corporation

By: _____

Date: _____

City of Joplin — City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: MAY 6, 2013

ITEM: COUNCIL BILL NO. 2013-507
ORIGINATING DEPARTMENT: FINANCE DEPARTMENT
ATTACHMENTS: 1) Copy of Council Bill with attached Schedule A

Department Head: Leslie Haase LH	**Date:** 4-26-13
City Attorney: Brian Head	**Date:** 4-29-13
City Manager: Mark Rohr ORR for C.M.	**Date:** 4/29/13

INTRODUCTION:
This Council Bill amends the adopted 2011-2012 Budget of the City of Joplin.

DISCUSSION:
In compliance with Charter regulations and accounting principles, the proposed adjustment is required to ensure that department expenditures do not exceed approved budget appropriations.

The purpose of the budget amendment is to recognize changes that have occurred since the annual budget was adopted. Due to the disaster, the 2012 budget was copied from the 2011 budget. Therefore, certain operational supplies, telephone costs, fuel costs, and grants were not appropriately budgeted.

The City has also incurred certain expenditures related to property repairs, fuel costs, and cleanup costs as a result of the tornado that struck our community. Additional revenues will be received to offset many of the expenditures included in this budget amendment.

This budget amendment increases expenditures by $3,257,300.

RECOMMENDATION:

City Staff recommends this Council Bill be approved on an emergency basis.

COUNCIL BILL NO. 2013-507 **ORDINANCE NO.**

AN ORDINANCE amending the Annual Budget of the City of Joplin for the Fiscal Year 2011-2012 as adopted by Ordinance 2011-136 on October 17, 2011, to adjust appropriations and estimated revenue in various funds and containing an emergency clause.

WHEREAS, the City of Joplin, Missouri passed Ordinance 2011-136 on October 17, 2011, which estimated revenues and appropriated funds for the fiscal year 2011-2012, 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 2011-2012 budgeted appropriations as adopted by Ordinance 2011-136 be amended by increasing appropriations by the total amount of Three Million Two Hundred Fifty-Seven Thousand Three Hundred Dollars and No Cents ($3,257,300.00) 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 and estimated revenues.

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, and as such shall become effective immediately upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2013, by a _____ vote.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

SCHEDULE A

CITY OF JOPLIN
BUDGET AMENDMENT
2011-2012 ADOPTED BUDGET
6-May-13

FUND	ACTIVITY	ACCOUNT	DESCRIPTION		REVENUES	EXPENDITURES
001	General Fund					
	Finance	001-2003-500-7020	Legal Notices	$		5,000
	Municipal Court	001-3001-500-3015	Postage			5,000
	City Facility Maintenance	001-4502-520-3005	Electric Charges			25,000
	Building Regulations	001-4503-520-1010	Regular Wages			15,000
	City Hall Maintenance	001-4504-520-3005	Electric Charges			10,000
	PW Operations	001-4506-520-2120	General Office Supplies			600
	PW Operations	001-4506-520-3205	Postage			600
	Police Patrol	001-5502-510-3115	Fuel, Oil, & Diesel			25,000
	Police Patrol	001-5502-510-4210	Central Garage Repairs			25,000
	Police Jail Services	001-5507-510-2205	Food & Beverage Supplies			7,000
	Fire Administration	001-6001-510-2825	Safety Equipment			2,000
	Emergency Management	001-7001-510-3005	Electric Charges			2,500
	Emergency Management	001-7002-510-5115	Temporary Employee Service			6,000
	Neighborhood Improvement	001-8001-520-8315	Computer Equipment			2,500
	Transfers	001-9003-500-9805	TIF Transfer			100,000
	Total General Fund			$	-	231,200
105	CVB Fund					
				$	-	
	CVB Special Programs	105-4080-560-7426	Joplin Sports Authority			40,000
	Total CVB Fund			$	-	40,000
110	Health Fund					
				$	-	
	Health Federal Grant	110-3590-550-5055	Contractor Fees			635,000
	Total Health Fund			$	-	635,000
115	Parks Fund					
				$	-	
	Parks Recreation Programs	115-6511-560-2050	Recreational Supplies			2,100
	Parks Athletic Complex	115-6516-560-4210	Central Garage Repairs			5,000
	Parks Athletic Complex	115-6516-560-7205	Resale Inventory			5,000
	Parks Stadium Maintenance	115-6530-560-8010	Building Improvements			5,000
	Total Parks Fund			$	-	17,100
120	Solid Waste Management Fund					
	Solid Waste Management	120-4510-540-2805	Promotional Materials	$		1,000
	Trash Services	120-4515-540-5030	WW/Trash Administration			10,000
	Grants-State	120-4591-540-2815	Special Events & Promotions			3,000
	Total SWM Fund			$	-	14,000
130	Parks/Stormwater Sales Tax					
	Parks Sales Tax	130-6550-560-8505	Parks Improvements	$	-	315,000
	Transfers	130-9003-530-9805	TIF Transfer			15,000
	Transfers	130-9003-560-9805	TIF Transfer			10,000

	Total Parks/Stormwater Sales Tax Fund			$	-	340,000
140	Transportation Sales Tax					
	Street Cleaning	140-4521-530-3115	Fuel, Oil, & Diesel	$	-	5,000
	Traffic Control	140-4530-530-2515	Traffic Signal Supplies			40,000
	Cab Assistance	140-5003-530-7425	Taxi Coupon Program			9,500
	Transfers	140-9003-530-9805	TIF Transfer			50,000
	Total Transportation Sales Tax Fund			$	-	104,500
145	Capital Improvement Sales Tax Fund					
	Transfers	145-9003-520-9805	TIF Transfer	$	-	40,000
	Total Capital Improvement Sales Tax Fund			$	-	40,000
150	Community Development Fund					
	CDBG Projects	150-1502-570-7440	Infrastructure	$	-	285,000
	Zoning & Planning	150-1505-570-6005	Travel Expenses			3,500
	CDBG Special Habitat	150-1516-570-7441	Housing Rehabilitation			5,000
	HOME Consortium	150-1520-570-7401	ESC			2,000
	Neighborhood Stabilization	150-1525-570-7416	NSP			220,000
	Total Community Development Fund			$	-	515,500
160	Economic Development Fund					
	Economic Development	160-0586-500-7424	Master Developer	$	-	10,000
	Total Economic Development Fund			$	-	10,000
205	Debt Service Fund					
	Debt Service	205-8703-500-7110	Interest Expense	$	-	50,000
	Debt Service	205-8730-500-7165	Bond Principal Fee			330,000
	Total Infrastructure Fund			$	-	380,000
415	Sanitary Sewer Fund					
				$		
	Billing & Collection	415-2002-540-5030	WW/Trash Administration			10,000
	Billing & Collection	415-2002-540-7005	Printing Services			25,000
	Billing & Collection	415-2002-540-7120	Bad Debt Expense			25,000
	Billing & Collection	415-2002-540-8315	Computer Equipment			20,000
	Transfers	415-9003-540-9996	Utility Tax Transfer			850,000
	Total Sanitary Sewer Fund			$	-	930,000
	Grand Total			$	-	3,257,300

City of Joplin — City Council Agenda Item

Requested Council Meeting Date: May 6, 2013

ITEM: Council Bill No. 2013-615. This Council Bill amends the FY2013 budget to fund the entertainment expenditures for the Route 66 International Festival.

ORIGINATING DEPARTMENT: Convention and Visitors Bureau
ATTACHMENTS: Council Bill No. ~~2012-619~~. 2013-615

DEPARTMENT HEAD:	Patrick Tuttle	DATE: 4/23/13
CITY MANAGER:	R. Mark Rohr per tel. c.m.	DATE: 4/30/13
CITY ATTORNEY:	Brian W. Head	DATE: 4/25/13
FINANCE DEPARTMENT:	Leslie Haase	DATE: 4/25/13

INTRODUCTION:

This Council Bill approves a budget amendment in the amount of Forty-Six Thousand Dollars ($46,000.00) for the entertainment related to hosting the Route 66 International Festival, Joplin, August 1-3, 2013.

SUMMARY:

The Joplin Convention & Visitors Bureau is hosting the 2013 Route 66 International Festival, August 1-3, 2013. Both Friday and Saturday nights have live entertainment as part of their scheduled events. Sponsorships have been received to cover 83% of the total entertainment. The anticipated entertainment expenditure is $19,600 and the production expenditure is $26,400 for a total of $46,000.00. Sponsorships in the amount of $38,000.00 have been received to date.

The JCVB Advisory Board has approved this event and the related expenditures.

RECOMMENDATION:

City Staff recommends this Council Bill be approved on an emergency basis.

City of Joplin

City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: May 6, 2013

ITEM: Council Bill 2013-616 amending the Classification and Pay Plan adopted by Ordinance No. 2012-173 and authorizing a new position of Day Camp Director for the Parks and Recreation Department on an emergency basis.

ORIGINATING DEPARTMENT: Department of Human Resources

ATTACHMENTS: Council Bill 2013-616, the position description, and Exhibit A.

HUMAN RESOURCES DIRECTOR:	Sam Anselm	**DATE:** 4/24/13
CITY MANAGER:	R. Mark Rohr for C.M.	**DATE:** 4/25/13
CITY ATTORNEY:	Brian Head	**DATE:** 4-26-13
FINANCE DIRECTOR:	Leslie Haase	**DATE:** 4-26-13
DEPARTMENT HEAD:	Christopher Cotten	**DATE:** 4-29-13

SUMMARY:

This Council Bill approves the position of Day Camp Director in the Department of Parks and Recreation.

DISCUSSION:

The position of Day Camp Director is a new seasonal position. During the informal meeting held on February 4, 2013, the Council voted to authorize the Department of Parks and Recreation to offer summer camp programming to residents. This position is being created to develop programming as well as help oversee the day-to-day activities of the camp.

The Day Camp Director position will be placed into the Salary Administration Plan as a seasonal hourly position, at pay range of 640, equivalent to the Aquatic Supervisor position. The hourly rate for the position ranges from $10.209/hr to $11.042/hr.

The position has been reviewed by the Personnel Board and approved. The City Manager has also reviewed and approved the position as described.

RECOMMENDATION:

Staff recommends approval of this Council Bill on an emergency basis.

SEASONAL DAY CAMP DIRECTOR

Definition: Under the direction of the recreation and events manager, the day camp director supervises the day-to-day operations of camp activities. Manages staff and helps plan and implement a variety of activities to provide quality recreational camp experiences for children.

Essential Functions: Essential functions include the following tasks, knowledge, skills and abilities. Attendance and dependability are extremely important in this job. Other duties may be assigned as necessary.

Tasks:

Supervises and evaluates staff to ensure they are prompt, courteous and well-prepared. Establishes program goals and assists in developing suitable activities to achieve desired results. Helps establish operational procedures to provide a safe summer camp environment. Communicates these procedures to the children, parents and staff.

Conducts staff meetings and/or training on a weekly basis. Assists in completing timesheets for payroll for employees under his/her direction. Follows and adheres to all safety policies and procedures set forth in the Summer Camp Training Manual issued by the Joplin Parks and Recreation Department. Supervises and instructs staff and volunteers on first-aid and safety standards and procedures.

Acts as a liaison between staff, parents, children, school personnel and the Joplin Parks and Recreation Department. Demonstrates positive, courteous and enthusiastic behavior with the children, camp personnel and parents in day to day activities.

Responsible for keeping site clean at all times. Acts as a leader in implementing severe weather and crises management procedures when needed. Completes special assignments or tasks as requested by immediate supervisor. Performs other duties as assigned.

Knowledge, Skills and Abilities:

Ability to work well and communicate with children, parents, school personnel and Park Department staff.
Knowledge of, and interest in, games, arts/crafts, nature, books, music and dance activities.
Skills in planning, directing and conducting activities to meet the summer camp program's goals.

Qualifications: An undergraduate degree in education, recreation, or related field. Two years of hands on experience working with children's programs. Must successfully complete a thorough background check. Must possess a valid vehicle operator's license. Must be able to successfully complete upon hire, the required CPR and First Aid Certification.

CITY OF JOPLIN
Council Meeting
May 6, 2013

Council Bill 2013-616
Classifications Changes

EXHIBIT A

Classification Title	Salary Range	Minimum Pay	Maximum Pay
Day Camp Director	640 (Seasonal)	$10.209/hr	$11.042/hr

COUNCIL BILL NO. 2013-616 **ORDINANCE NO.**

AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2012-173 authorizing a new classification title for the Parks and Recreation Department; and amending the Annual Budget of the City of Joplin for the Fiscal Year 2012-2013 as adopted by Ordinance 2012-186 on October 15, 2012 to adjust appropriations and revenue, and containing an emergency clause.

WHEREAS, the City Council of the City of Joplin, Missouri, upon the recommendation of the Carl S. Becker Company, Inc., approved and implemented a Classification and Pay Plan on October 16, 2000, revised November 1, 2006, and occasionally added to since that time;

WHEREAS, that the Classification and Pay Plan included provisions whereby the Plan was reviewed beginning in June 2007 with the Envisioning Process to determine second tier management staffing levels in specific departments and to be in line with the Blueprint for the Future I and II; and,

WHEREAS, the City Council of the City of Joplin, Missouri, upon recommendation of the City Staff, approved and implemented a new Classification and Salary Administration Plan on August 20, 2012 to be affected November 1, 2012;

WHEREAS, the City Manager has reviewed the new title for the Parks and Recreation Department requesting the creation of Day Camp Director to oversee the daily activities of day camp programming. The Personnel Board has reviewed and approved the new classification title and duties.

WHEREAS, the City Manager has reviewed the Classification and Pay Plan revisions and is recommending these to the Council as stated above;

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

Section 1. That the Classification and Pay Plan adopted by the Council of the City of Joplin, Missouri, on August 20, 2012, by Ordinance No. 2012-173, and having been amended to include functional and organizational changes.

Section 2. That the classification as attached hereto as "Exhibit A" is hereby established.

Section 3. That fiscal year 2012-2013 budgeted appropriations as adopted by Ordinance 2012-186 be amended by increasing revenues by the total amount of Forty-Seven Thousand Two Hundred and Fifty Dollars and No Cents ($47,250.00) and by increasing appropriations by the total amount of Forty-Five Thousand Eight Hundred Fifty-Three Dollars and No Cents ($45,853.00) for the summer day camp program.

Section 4. That the Director of Finance is hereby directed to make all necessary entries on the City records to show the increase in appropriations and estimated revenues.

Section 5. That this being an Ordinance affecting current expenditures of the City government and having to do with the expenditure of public funds, shall be considered an Emergency Ordinance 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 passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ___ day of _____, 2013, by a _____ vote.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

City of Joplin

City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: MAY 6, 2013

Item: Council Bill 2013-506

Finance Director: Leslie Haase LH	**Date:** 4-26-13
Public Works Director: David Hertzberg DKH	**Date:** 4/29/13
City Attorney: Brian Head ~~BCH~~	**Date:** 4-29-13
City Manager: Mark Rohr DNP for C.M.	**Date:** 4/29/13

INTRODUCTION:
This Council Bill changes language related to sewer billing.

DISCUSSION:
Since the City started the billing service in January, it has become apparent that the billing ordinance should be updated in order to accurately and efficiently bill the users.

The current ordinance language does not allow for prorating sewer charges for partial months. So, when customers are new to a location or leave a location, the ordinance requires a charge for the full month. This ordinance change makes provisions for prorating sewer charges for a partial month based on the number of days at the residence utilizing the same winter quarter average.

Additionally, the ordinance language sets forth a tiered penalty rate for delinquent balances. The tiered penalty does not work with our computer software and has affected the printing of the past due date on the bills. This ordinance change also changes the penalty effective date to 30 days (the due date is 15 days after the billing). It also changes the penalty to a flat ten percent on the entire outstanding balance and removes the tiered penalty rates. This will allow the bill to print the penalty and past due amount accurately.

The effective date of this change is June 15, 2013.

RECOMMENDATION:
City Staff recommends this Council Bill be approved on first reading.

COUNCIL BILL NO. 2013-506 **ORDINANCE NO.**

AN ORDINANCE amending Section 118-203, Basis for computation, and Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, of the Code of Ordinances of the City of Joplin to implement certain language changes; and setting a date when this Ordinance shall become effective.

WHEREAS, the City of Joplin provides sanitary sewer service and billing service to customers in Joplin, Missouri and has established charges for such services, and,

WHEREAS, the City has determined certain language changes are required to appropriately bill customers, and,

WHEREAS, the Council of the City of Joplin desires to make certain language changes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Section 118-203, Basis for computation, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, be amended to read as follows:

"Sec. 118-203. Basis for computation.

...

Sewer service charges for residential establishments shall be based upon the average consumption for the months of December, January, and February and shall be billed monthly for the twelve-month period beginning in April of each year on the basis of said average monthly water consumption for the immediately preceding months of December, January, and February.

Residential sewer service charges based upon the average consumption for a user at a location less than a full month shall be prorated to the number of days the same user is at the same location.

..."

Section 2. That Section 118-206, Billing and Collection Procedures, of Article II, Sewers and Sewage Disposal, of Division 6, Rates and Charges, of Chapter 118, Utilities, be amended to read as follows:

Council Bill 2013-506 (Continued)

...

(b) Every sewer service charge specified in this section remaining unpaid for ~~40~~ 30 days after the date of its billing may be increased by ten percent of the total outstanding balance. ~~and thereafter such sewer service charge may be increased an additional one and one-half (1 ½) percent for each thirty-day period such charge remains unpaid after the expiration of 40 days from the date of its billing~~.

..."

Section 3. That this ordinance shall become effective on June 15, 2013.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this

_____ day of _____, 2013.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney