INFORMAL AGENDA

August 5, 2013

5:15 p.m.

1. Vote to move September 16, 2013 council meeting to September 23 due to some council members attending the 2013 MML conference in Branson, MO.

2. REMINDER: The September 2, 2013 council meeting will be moved to Tuesday, September 3, 2013 due to the Labor Day holiday.

3. Training Center Update

4. Tornado shelter update

5. Appointments/reappointments – Boards and Commissions

6. Any other business

COUNCIL A G E N D A

August 5, 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**

4. **Finalization of Consent Agenda**

5. **Reports and Communications**

6. **Citizen Requests and Petitions**

7. **Public Hearings**

Public Hearing Procedures

1. COUNCIL BILL NO. 2013-278 - AN ORDINANCE providing for the vacation of a 10-foot wide utility easement located at 1123 South Range Line Road in the City of Joplin, Jasper County, Missouri. (Requested by McDonald's Corporation. Planning and zoning recommended approval).

2. COUNCIL BILL NO. 2013-279 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of the Missouri Route 166 right-of-way between Interstate 44 and the Missouri/Kansas State Line, in Newton County, Missouri. (Requested by Missouri Department of Transportation. Planning and Zoning recommended approval).

3. COUNCIL BILL NO. 2013-280 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of Nee Road between the Missouri Route 166 right-of-way and the Missouri/Kansas State Line, in Newton County, Missouri. (Requested by Newton County, Missouri. 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.

4. COUNCIL BILL NO. 2013-281 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of Nee Road between the Missouri Route 166 right-of-way and Greenwood Drive, in Newton County, Missouri. (Requested by Newton County, Missouri. Planning and Zoning recommended approval).

5. COUNCIL BILL NO. 2013-282 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located south of Nee Road between the Missouri/Kansas State Line and the Missouri Route 166 right-of-way, in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

6. COUNCIL BILL NO. 2013-283 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northwest corner of Nee Road and the Missouri Route 166 roundabout and the southwest corner of Nee Road and the Missouri Route 166 roundabout, in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

7. COUNCIL BILL NO. 2013-284 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of Nee Road and the Missouri Route 166 roundabout in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

8. COUNCIL BILL NO. 2013-285 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of the Nee Road and Missouri Route 166 roundabout, east of Nee Road and the Missouri Route 166 roundabout, and south of Nee Road and the Missouri Route 166 roundabout in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

9. COUNCIL BILL NO. 2013-286 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located near the southeast corner of Nee Road and Greenwood Drive in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

10. COUNCIL BILL NO. 2013-287 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 150 feet east of the Nee Road and Greenwood Drive intersection in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

11. COUNCIL BILL NO. 2013-288 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 485 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

12. COUNCIL BILL NO. 2013-289 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 810 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

13. COUNCIL BILL NO. 2013-290 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 1,230 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. Planning and Zoning recommended approval).

14. COUNCIL BILL NO. 2013-291 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 1,675 feet west of the Interstate 44 South Outer Road and Douglas Fir Road intersection in Newton County, Missouri. (Requested by Public Works Director of the City of Joplin, Missouri. P & Z Recommended this case be stricken from the agenda).

8. Consent Agenda

1. Minutes of the July 15, 2013 meeting

2.COUNCIL BILL NO.2013-618 - AN ORDINANCE approving the application of Emancipation Committee's Emancipation Celebration Park Day 2013; Spiva Center for the Art's, Tools in Motion Exhibition; Bright Futures USA, Bright Futures Community Engagement Conference; Joplin Disc Golf, Four States Open and Rufus Racing's, Joplin Triathlon Weekend; for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

9. Resolutions

10. Ordinances – Emergency

1. COUNCIL BILL NO. 2013-004 - AN ORDINANCE submitting to the electors of the City of Joplin, at a Special Election on Tuesday, November 5, 2013, the question of whether the City shall impose a local use tax at the same rate as the total local sales tax rate, currently Two and Five-Eighths Percent ($2^{5/8ths}$ %), on all retail sales subject to taxation pursuant to the provisions of §144.600 through §144.761 RSMo.; providing for the use tax to be reduced or raised in the same amount as any City sales tax is reduced or raised; and imposing a local use tax of $2^{5/8ths}$ %, on all retail sales subject to taxation pursuant to §144.757 RSMo., upon the approval of a majority of the qualified electors voting; prescribing a form of Ballot thereof; and, containing an emergency clause.

2. COUNCIL BILL NO. 2013-005 - AN ORDINANCE approving and authorizing payment into the Circuit Court of Jasper County, Missouri, the amount of the Commissioners' Award and the Commissioners' fees in the case styled City of Joplin, Missouri v. Molandco, Inc., a

Missouri Corporation, et al, Case No. 13AO-CC00067, from the Capital Improvement Sales Tax Fund, Account No. 145-4565-520-8650, Project No. TC-0509, to complete the acquisition of right-of-way across property generally located at 2705 Washington, in Joplin, Jasper County, Missouri; and containing an emergency clause.

3. COUNCIL BILL NO. 2013- 212 - AN ORDINANCE approving the contract with Vance Brothers in the amount of One Million Six Hundred Two Thousand Nine Hundred and no/100 Dollars ($1,602,900.00) for Microsurfacing of Streets in Various Locations for 2013 in the City of Joplin, Missouri; providing how the cost shall be made and levied; and containing an emergency clause.

4. COUNCIL BILL NO. 2013-620 - AN ORDINANCE Authorization to accept a grant from the Department of Transportation, Federal Aviation Administration, (FAA) Airport Improvement Program (AIP) for the construction of a Taxiway at the Joplin Regional Airport; and containing an emergency clause.

5. COUNCIL BILL NO. 2013-621 - AN ORDINANCE approval of an Agreement by and between the City of Joplin and Branco Construction for the construction of a Taxiway at the Joplin Regional Airport and containing an emergency clause.

6. COUNCIL BILL NO. 2013-622 - AN ORDINANCE approval of Amendment to the Original Agreement by and between the City of Joplin and Garver, LLC for Construction Observation Services for the Taxiway construction at the Joplin Regional Airport and containing an emergency clause.

11. Ordinances – First Reading

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

1. Set the date for the public hearing on the 2013 property tax levy for August 19, 2013.

2. Set the date for the public hearing on the FY 2013-14 proposed budget for August 19, 2013.

3.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. The City Council shall adjourn at the end of the session.

Notice posted at 4:30p.m. on this the 1st day of August, 2013. (RSMo 610.020)

PUBLIC HEARINGS

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 5, 2013

Item: COUNCIL BILL NO. 2013-278
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 036-13: 1123 S. Range Line Road – A request for the vacation of a 10 foot wide utility easement – McDonald's Corporation.

STAFF SUMMARY:
The original alley was vacated in 1959, along with the utility easement for utilities that were not located in the easement at that time. It is unclear which utilities were located in the easement before the existing McDonald's was constructed over the easement. McDonald's is currently in the process of demolishing and rebuilding a new prototype and would like to officially vacate all utilities in this easement to avoid any issues in the future.

The vacation will clear up any confusion that may be caused by the language from the previous vacation published in 1959. There will be no impact on any utilities, as there are no utilities currently located in the easement, nor do any plan to in the future.

Staff recommends approval of Case 036-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Richard Dayton, Ozark Civil Engineering, Bentonville, Arkansas, represented McDonald's to request the vacation of this utility easement.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Vacation

CASE 036-13:

A request for the vacation of a 10 foot wide utility easement.

APPLICANT: McDonald's Corporation

REPRESENTATIVE: Ozark Civil Engineering, Inc.

LOCATION: 1123 S. Range Line Road

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Utility	10' x 182'

REASON FOR VACATION:

The original alley was vacated in 1959, along with the utility easement for utilities that were not located in the easement at that time. It is unclear which utilities were located in the easement before the existing McDonald's was constructed over the easement. McDonald's is currently in the process of demolishing and rebuilding a new prototype and would like to officially vacate all utilities in this easement to avoid any issues in the future.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: No

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: No

DISCUSSION:

The vacation will clear up any confusion that may be caused by the language from the previous vacation published in 1959. There will be no impact on any utilities, as there are no utilities currently located in the easement, nor do any plan to in the future.

Staff recommends approval of Case 036-13.

ENCLOSURES: None

RECEIVED
8-1-13

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

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

For Office Use Only

Case No.: 036-13
Filing Fee: $ 350.00
Date Advertised: 10-23-13
Date Notices Sent: N/A
Public Hearing Date: 7-8-13

I. Applicant Name: McDonald's Corporation Phone: 913-217-3800

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

Address: 10801 Mastin Blvd. Suite 400, Overland Park, KS Zip: 66210

II. Type of vacation requested (check one):

Street Vacation ☐

Alley Vacation ☐

Utility vacation ☒

Other (Please specify)_____

III. Legal Description of area requested to be vacated:

All of the North-South alley between Lots 22, 23, 24, 25, and 26

in Hatten's Second Subdivision in the City of Joplin, Jasper County, Missouri.

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

1. Private rights will not be injured or endangered by the vacation. _____

   McDonald's Corporation is the sole owner of the property surrounding the easement area.

2. The vacation will not cause the public to suffer a loss or inconvenience. _____

   There are no utilities in the easement area at the present time and none are planned for the future

3. In justice to the applicant(s) the vacation should be granted. _____

   The alley has been vacated and the easement shound also be vacated.

V. Required Attachments:

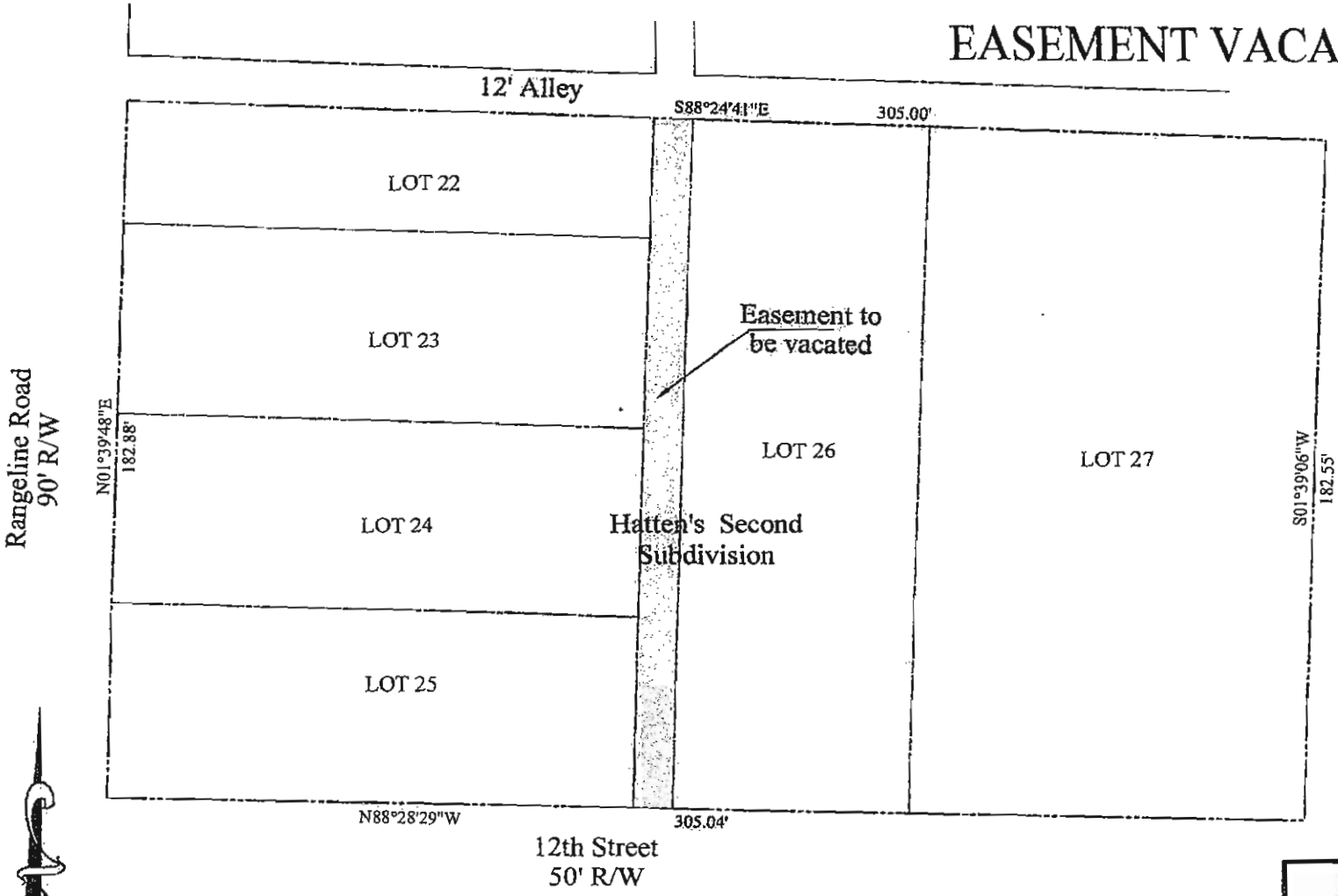
1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

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

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

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

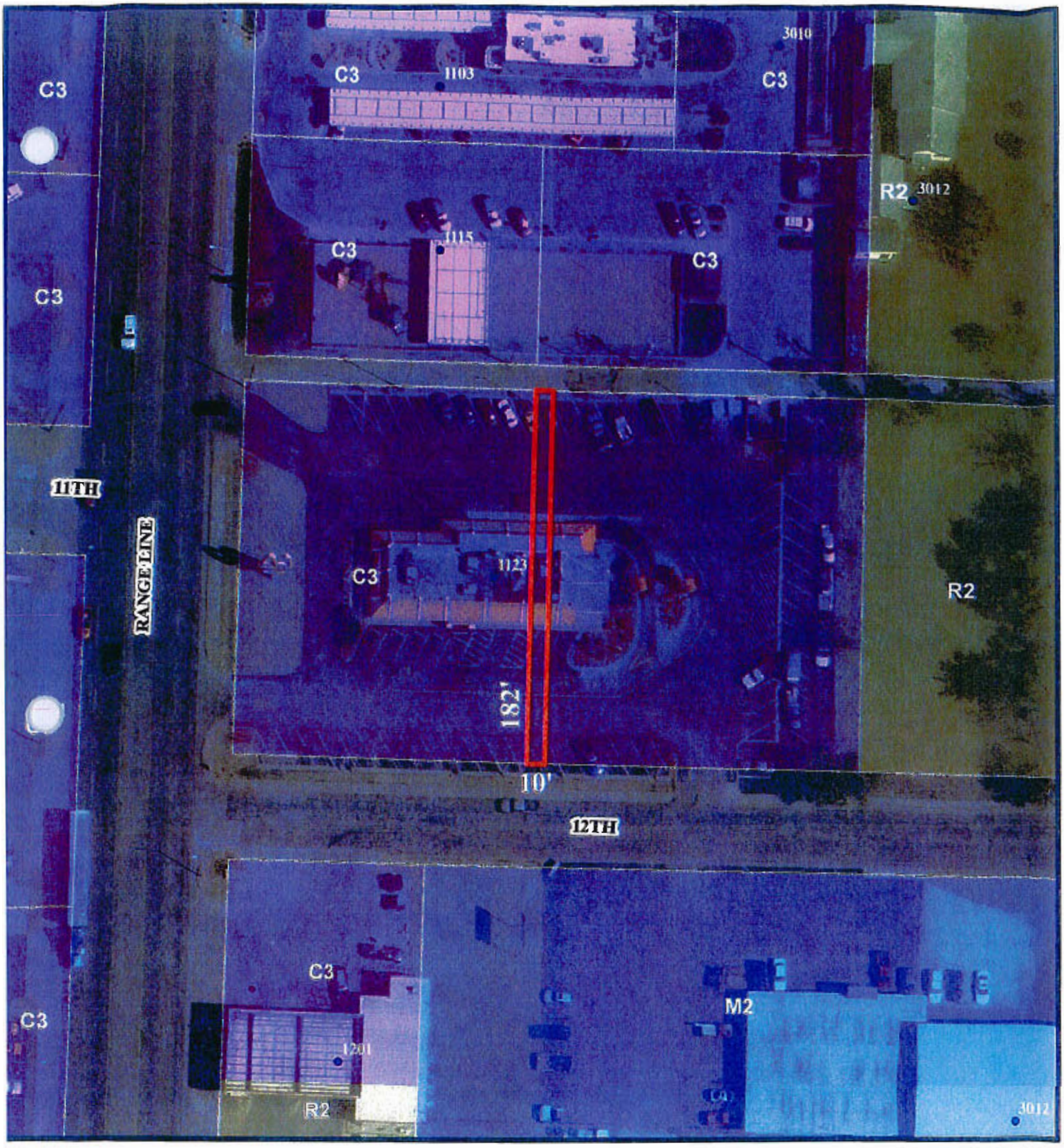
EASEMENT VACATION



All of the North-South alley between Lots 22, 23, 24, 25, and 26 In Hatten's Second Subdivision in the City of Joplin, Jasper County, Missouri.

Ozark
Civil Engineering Inc.
Bentonville • Kansas City • Austin
3214 NW Avignon Way, Suite 4
Bentonville, AR 72712
479-464-8850

SCALE: 1"=40'	DATE: 5-15-13
DRAWN BY: RD	
CHECKED BY: EH	



0 60 120 240 360 480 Feet

Case 036-13: A request for the vacation of a 10 foot wide utility easement located between L 22, 23, 24, 25, and 26 in Hatten's Second Subdivision. Located at 1123 S. Range Line Road. - McDonald's Corporation

N

Case 036-13: 1123 S. Range Line Road – A request for the vacation of a 10 foot wide utility easement – McDonald's Corporation.

Mr. Harrington opened the public hearing for Case 036-13.

Mr. Richard Dayton, Ozark Civil Engineering, Bentonville, Arkansas, represented McDonald's to request the vacation of this utility easement.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 036-13.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 036-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 036-13
McDonald's Corporation
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-278 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of a 10-foot wide utility easement located at 1123 South Range Line Road in the City of Joplin, Jasper County, Missouri.

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

Section 1. That all that part of a 10-foot utility easement located at 1123 South Range Line Road in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

All of the North-South utility easement between Lots 22, 23, 24, 25, and 26 in Hatten's Second Subdivision in the City of Joplin, Jasper County, Missouri.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ 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: August 5, 2013

Item: COUNCIL BILL NO. 2013-279
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 037-13: MO Rte. 166 right-of-way between I-44 and MO/KS State Line – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Missouri Department of Transportation (MoDOT).

STAFF SUMMARY:
The applicant is requesting to voluntarily annex the existing MO. Rte. 166 right-of-way. The right-of-way is connected to Interstate 44 right-of-way, which is already in the City of Joplin.

Staff recommends approval of Case 037-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 037-13:

A request to voluntarily annex MO Rte. 166 right-of-way between Interstate 44 and the MO/KS State Line.

LOCATION: MO Rte. 166 between I-44 and MO/KS State Line

APPLICANT: Missouri Department of Transportation (MoDOT)

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Right-of-Way	610,250 ft² / 14.00 acres

DISCUSSION

The applicant is requesting to voluntarily annex the existing MO Rte. 166 right-of-way. The right-of-way is connected to Interstate 44 right-of-way, which is already in the City of Joplin.

Staff recommends approval of Case 037-13.

ENCLOSURES:

None

MoDOT

Missouri Department of Transportation

Southwest District
Becky Baltz, District Engineer

3025 East Kearney Street
P.O. Box 868
Springfield, Missouri 65801
417.895.7600
Fax: 417.895.7637
1.888.ASK MODOT (275.6636)

June 25, 2013

Mr. Matt Wright
City of Joplin
602 South Main
Joplin, Missouri 64801

Re: Petition for Voluntary Annexation
Casino Roundabout

Dear Mr. Wright,

Please find enclosed an executed petition for voluntary annexation of the roundabout near the state line and I-44.

If you have any questions, please contact me by e-mail at Andrew.Seiler@modot.mo.gov, or by telephone at (417) 895-7696.

Sincerely,

Andrew Seiler
Senior Transportation Planner

Enclosure

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.

Becky Baltz

District Engineer

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 25 day of JUNE 2013, before me appeared BECKY BALTZ, to me known to be the DISTRICT ENGINEER of MHTC, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said BECKY BALTZ acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

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

My commission expires: APRIL 29, 2014.

Andrew J. Ellsworth

Notary Public

ANDREW J. ELLSWORTH
NOTARY PUBLIC
NOTARY SEAL
COMMISSION #10435454
BARRY COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 4/29/14



0 385 770 1,540 2,310 3,080 Feet

Case 037-13: A request to voluntarily annex into the corporate limits of the City of Joplin, [illegible] all of MO Route 166 right-of-way between Interstate 44 and Missouri-Kansas State Line. - Missouri Department of Transportation (MoDOT)

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

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Case 037-13: MO Rte. 166 right-of-way between I-44 and MO/KS State Line – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Missouri Department of Transportation (MoDOT).

Mr. Harrington opened the public hearing for Case 037-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 037-13.

MR. BROWN MOVED, SECONDED BY MR. DUNCAN, THAT CASE 037-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 037-13
Missouri Department of Transportation
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-279 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of the Missouri Route 166 right-of-way between Interstate 44 and the Missouri/Kansas State Line, in Newton 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 Missouri Route 166 Right-of-Way bounded on the Northerly extent by the Missouri-Kansas State Line and bounded on the Southerly extent by the North Right-of-Way line of Interstate 44, more particularly described as follows: All that portion of the Southeast Quarter (SE ¼) of Section 2, Township 26 North, Range 34 West, of the Fifth Principal Meridian, Newton County, Missouri, lying within the Right-of-Way of Missouri Route 166, AND, All that portion of the Southwest Fractional Quarter (SW FRAC ¼) of Section 2, Township 26 North, Range 34 West, of the Fifth Principal Meridian, Newton County, Missouri, lying within the Right-of-Way of Missouri Route 166, AND Also, All that portion of the Southwest Fractional Quarter (SW FRAC ¼) of Section 2, Township 26

North, Range 34 West, of the Fifth Principal Meridian, Newton County, Missouri described in Book 357 at Page 566 of the Newton County land records as follows: All that part of the Southwest Fractional Quarter of Section 2, Township 26 North, Range 34 West, Newton County, Missouri, described as follows: Commencing at the Southwest corner of said Section 2, thence N02°14'52"W along the West line of said section, 1301.36 feet; thence N87°45'08"E, 717.87 feet to a point on the Easterly Right-of-Way line of Missouri Route 166 and the Point of Beginning; thence N61°02'30"E, 189.87 feet; thence N14°26'08"E, 41.22 feet; thence S73°13'56"E, 101.76 feet; thence S13°26'09"W, 366.18 feet to a point on said Easterly Right-of-Way line of Missouri Route 166; thence N36°39'13"W along said Easterly Right-of-Way line, 316.19 feet to the Point of Beginning. Containing 1.2 acres, more or less. AND All that part of the Southwest Fractional Quarter of Section 2, Township 26 North, Range 34 West, Newton County, Missouri, described as follows: Commencing at the Southwest corner of said Section 2, thence N02°14'52"W along the West line of said section, 1065.28 feet; thence N89°51'01"E, 208.53 feet; thence N73°13'18"E, 173.72 feet to the Point of Beginning; thence continuing N73°13'18"E, 138.88 feet; thence N02°08'42"W, 156.84 feet to a point on the Westerly Right-of-Way line of Missouri Route 166; thence S36°40'00"E along said Westerly Right-of-Way line, 366.17 feet; thence continuing along said Westerly Right-of-Way line, S00°44'49"E, 42.58 feet; thence N66°59'39"W, 165.57 feet; thence S75°11'57"W, 163.26 feet; thence N17°12'25"W, 121.90 feet to the Point of Beginning. Containing 1.0 acres, more or less.

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 Newton 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 October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-280
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: David Hertzberg	Date: 7/26/2013
City Attorney: Brian Head	Date: 7-29-13
City Manager: R. Mark Rohr	Date: 7-29-13
Board or Commission: Planning and Zoning Commission	Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 038-13: Nee Road between MO Rte. 166 right-of-way and MO/KS State Line – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Newton County, Missouri.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex the existing Nee Road right-of-way, which is the main entry drive to Downstream Casino.

Staff recommends approval of Case 038-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 038-13:

A request to voluntarily annex Nee Road right-of-way between MO Rte. 166 right-of-way and MO/KS State Line.

LOCATION: Nee Road between MO Rte. 166 and MO/KS State Line

APPLICANT: Newton County, MO

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Right-of-Way	41,100 ft² / .94 acres

DISCUSSION

The applicant is requesting to voluntarily annex the existing Nee Road right-of-way, which is the main entry drive to Downstream Casino.

Staff recommends approval of Case 038-13.

ENCLOSURES:

None

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.

Marilyn Huestman

Jim Jackson Alan Cook

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 19th day of June 2013, before me appeared Marilyn Huestman, Alan Cook, Jim Jackson, to me known to be the Commissioners of Newton County and the seal affixed to the foregoing instrument is the ~~corporate~~ seal of said ~~corporation~~ County, and that said instrument was signed and sealed on behalf of said ~~corporation~~ County by authority of its ~~Board of Directors~~ County Commission of the consideration stated therein and no other, and said Commissioners acknowledged said instrument to be the free act and deed of said ~~corporation~~ County and that the allegations contained therein are true.

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

My commission expires: NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

SHARON M. SHAFER
My Commission Expires
July 23, 2016
Newton County
Commission #12371001

Sharon M. Shafer
Notary Public



0 385 770 1,540 2,310 3,080 Feet

Case 038-13 & 039-13: A request to voluntarily annex into the corporate limits of the City of Joplin, MO Nee Road right-of-way between Missouri-Kansas State Line and MO Rt. 166 and Nee Road right-of-way between MO Rt. 166 and Greenwood Drive. - Newton County, Missouri

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 038-13: Nee Road between MO Rte. 166 right-of-way and MO/KS State Line – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Newton County, Missouri.

Mr. Harrington opened the public hearing for Case 038-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 038-13.

MR. DUNCAN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 038-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 038-13
Newton County, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-280 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of Nee Road between the Missouri Route 166 right-of-way and the Missouri/Kansas State Line, in Newton 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 Southwest Fractional Quarter of Section 2, Township 26 North, Range 34 West, Newton County, Missouri, described as follows: Commencing at the Southwest corner of said Section 2, thence N02°14'52"W along the West line of said section, 1065.28 feet; thence N89°51'01"E, 20.01 feet to a point on the East Right-of-Way line of State Line Road and the Point of Beginning; thence continuing N89°51'01"E, 188.52 feet; thence N73°13'18"E, 173.72 feet; thence S17°12'25"E, 121.90 feet; thence S75°11'57"W, 106.69 feet; thence S86°31'27"W, 283.95 feet to a point on said East Right-of-Way line of State Line Road; thence N02°14'52"W along said East Right-of-Way line, 110.36 feet to the Point of Beginning. Containing 0.9 acres, more or less.

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 Newton 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 October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-281
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 039-13: Nee Road between MO Rte. 166 right-of-way and Greenwood Drive – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Newton County, Missouri.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex the existing Nee Road right-of-way.

Staff recommends approval of Case 039-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 039-13:

A request to voluntarily annex Nee Road right-of-way between MO Rte. 166 right-of-way and Greenwood Drive.

LOCATION: Nee Road between MO Rte. 166 and Greenwood Drive

APPLICANT: Newton County, MO

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Right-of-Way	48,940 ft² / 1.12 acres

DISCUSSION

The applicant is requesting to voluntarily annex the existing Nee Road right-of-way.

Staff recommends approval of Case 039-13.

ENCLOSURES:

None

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.

Marilyn Huestman

Jim Jackson Alan Cook

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 19th day of June 2013, before me appeared Marilyn Huestman, Alan Cook, Jim Jackson, to me known to be the Commissioners of Newton County, and the seal affixed to the foregoing instrument is the ~~corporate~~ seal of said ~~corporation~~ County, and that said instrument was signed and sealed on behalf of said ~~corporation~~ County by authority of its ~~Board of Directors~~ Commissioners of the consideration stated therein and no other, and said Commissioners acknowledged said instrument to be the free act and deed of said ~~corporation~~ County and that the allegations contained therein are true.

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

My commission expires: _____.

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

SHARON M. SHAFER
My Commission Expires
July 23, 2016
Newton County
Commission #12371001

Sharon M. Shafer
Notary Public



0 385 770 1,540 2,310 3,080 Feet

Case 038-13 & 039-13: A request to voluntarily annex into the corporate limits of the City of Joplin, MO Nee Road right-of-way between Missouri-Kansas State Line and MO Rt. 166 and Nee Road right-of-way between MO Rt. 166 and Greenwood Drive. - Newton County, Missouri

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 039-13: Nee Road between MO Rte. 166 right-of-way and Greenwood Drive – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Newton County, Missouri.

Mr. Harrington opened the public hearing for Case 039-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 039-13.

MR. BROWN MOVED, SECONDED BY MR. EASTMAN, THAT CASE 039-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 039-13
Newton County, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-281 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of Nee Road between the Missouri Route 166 right-of-way and Greenwood Drive, in Newton 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 Southwest Fractional Quarter of Section 2, Township 26 North, Range 34 West, Newton County, Missouri, described as follows: Commencing at the Southwest corner of said Section 2, thence N02°14'52"W along the West line of said section, 1301.36 feet; thence N87°45'08"E, 717.87 feet to a point on the Easterly Right-of-Way line of Missouri Route 166; thence N61°02'30"E, 189.87 feet; thence N14°26'08"E, 41.22 feet to the Point of Beginning; thence continuing N14°26'08"E, 229.59 feet; thence N48°34'55"W, 147.51 feet to a point on the South Right-of-Way line of Greenwood Drive; thence S88°27'02"E along said South Right-of-Way line, 111.99 feet; thence S88°21'23"E continuing along said South Right-of-Way line, 250.37 feet to a point on

the East line of a tract described in Deed Book 354 at Page 1520 in the Newton County Recorder's office; thence S59°04'44"W, 177.36 feet; thence S13°26'24"W, 254.92 feet; thence N73°13'56"W, 101.76 feet to the Point of Beginning; Containing 1.1 acres, more or less.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:03 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-282
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr RMR Date: 7-29-13
Board or Commission: Planning and Zoning Commission MDW Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 040-13: South of Nee Road between MO/KS State Line and MO Rte. 166 right-of-way – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property south of Need Road near the entrance drive to Downstream Casino.

Staff recommends approval of Case 040-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 040-13:

A request to voluntarily annex property south of Nee Road between the MO/KS State Line and MO Rte. 166 right-of-way.

LOCATION: South of Nee Road, between MO/KS State Line and MO Rte. 166

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	614,300 ft² / 14.10 acres

DISCUSSION

The applicant is requesting to voluntarily annex property south of Nee Road near the entrance drive to Downstream Casino.

Staff recommends approval of Case 040-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

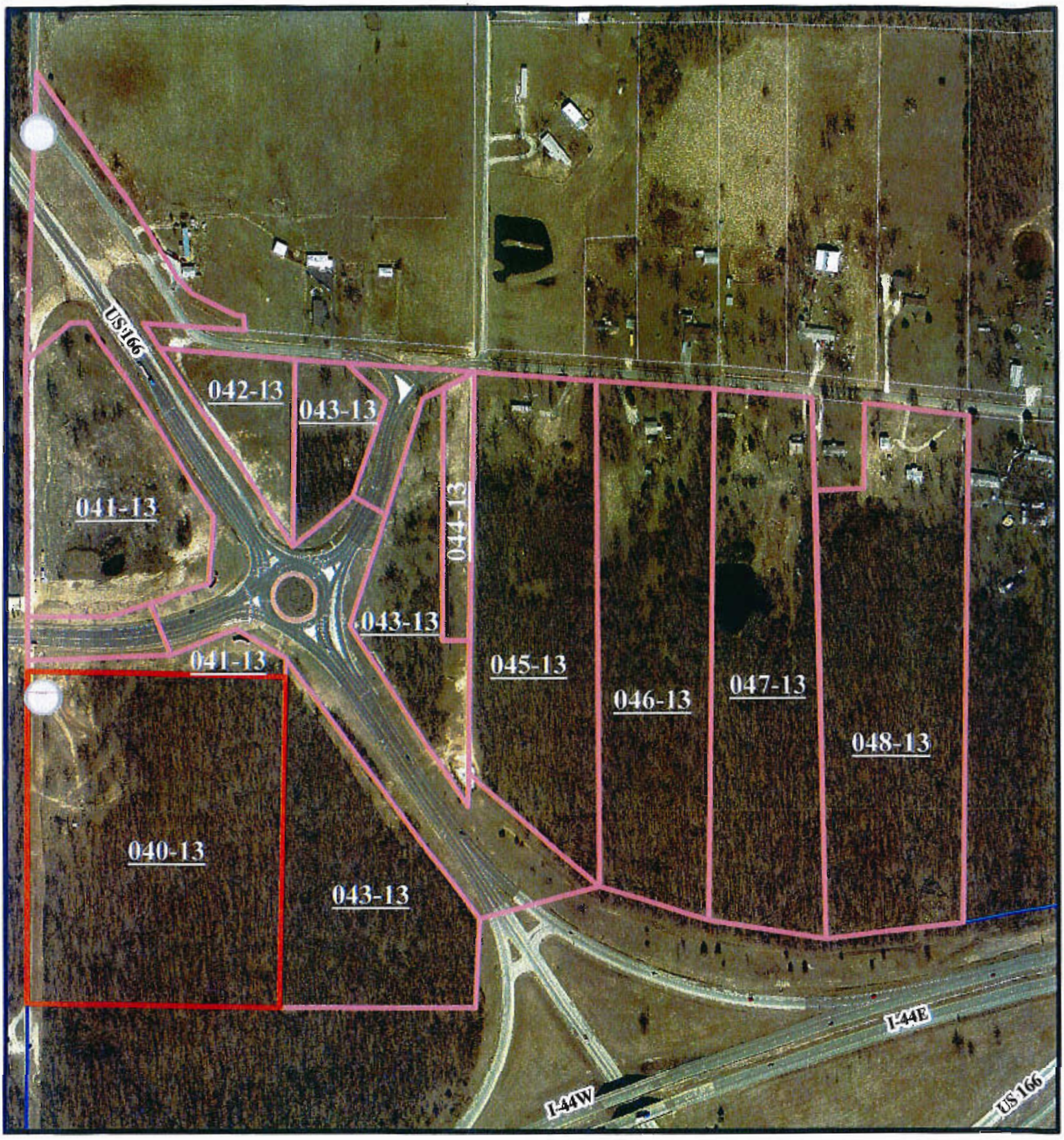
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29, 2016.

Lindsay J. Dunn
LINDSAY J. DUNN

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12390334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 320 640 1,280 1,920 2,560 Feet

Case 040-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property South of Nee Road between MO/KS State Line and MO Rte. 166 right-of-way. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 040-13: South of Nee Road between MO/KS State Line and MO Rte. 166 right-of-way – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 040-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 040-13.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 040-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 040-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-282 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located south of Nee Road between the Missouri/Kansas State Line and the Missouri Route 166 right-of-way, in Newton 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 Southwest Fractional Quarter of Section 2, Township 26, Range 34, described as beginning at the Southwest corner of Section 2, thence North along the State Line (also being the West line of Section 2), 951 feet, thence East 706 feet, thence South 951 feet to the South line of Section 2, thence West along the South line of Section 2, 685.5 feet to the point of beginning, all in Newton County, Missouri. Said Tract being the same tract described in that certain Special Warranty Deed filed in Book 356 at Page 2330 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:04 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-283
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~	Date: 7/26/2013
City Attorney: Brian Head	Date: 7-29-13
City Manager: R. Mark Rohr	Date: 7-29-13
Board or Commission: Planning and Zoning Commission	Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 041-13: Northwest corner of Nee Road and MO Rte. 166 roundabout and Southwest corner of Nee Road and MO Rte. 166 roundabout – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property north and south of Nee Road near the entrance drive to Downstream Casino.

Staff recommends approval of Case 041-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City

after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 041-13:

A request to voluntarily annex property at the northwest corner of the Nee Road and MO Rte. 166 roundabout, and southwest corner of the Nee Road and MO Rte. 166 roundabout.

LOCATION: Northwest and southwest corner of Nee Road and MO Rte. 166 roundabout.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	323,790 ft² / 7.43 acres

DISCUSSION

The applicant is requesting to voluntarily annex property north and south of Nee Road near the entrance drive to Downstream Casino.

Staff recommends approval of Case 041-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said _____ acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

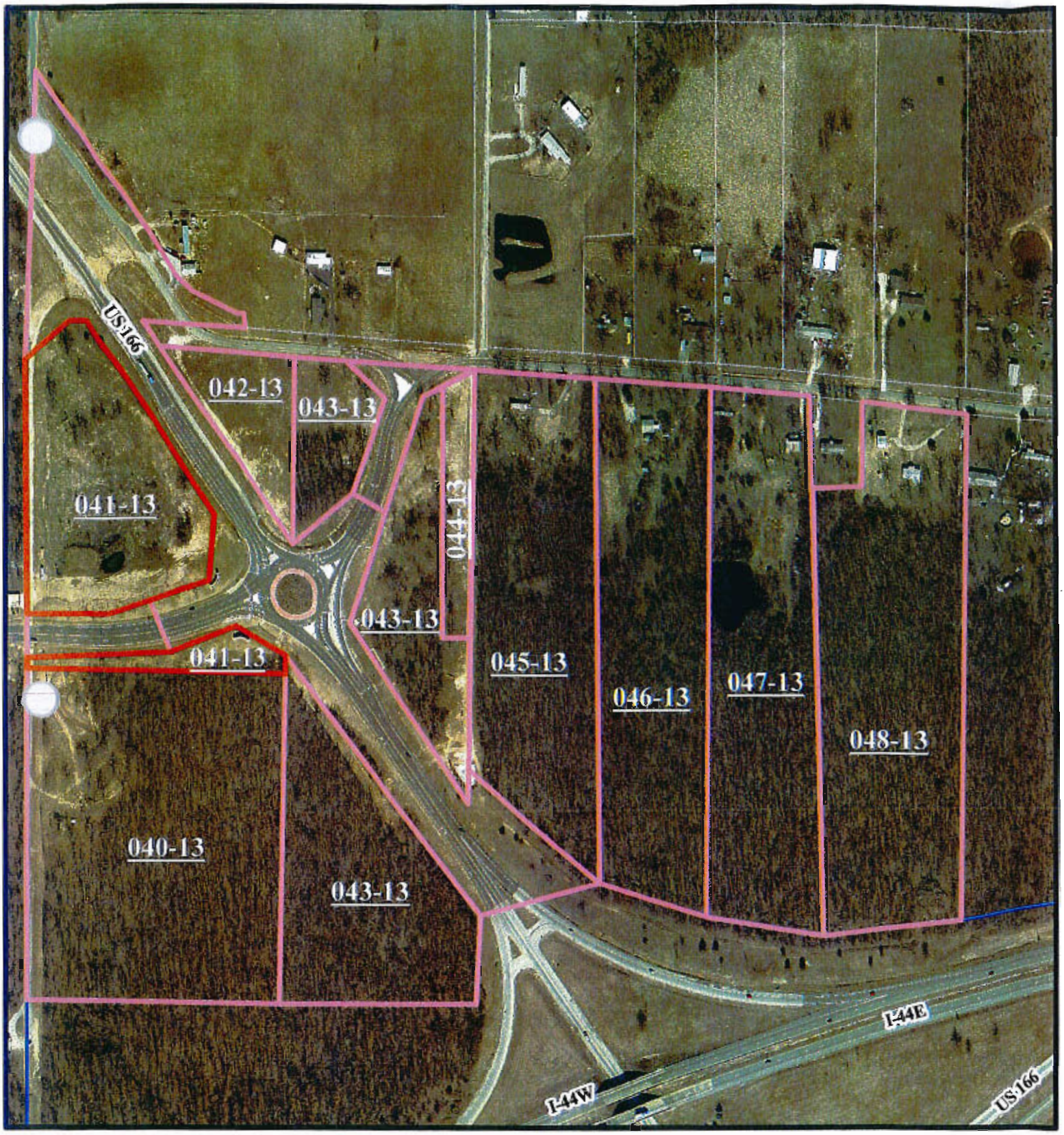
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29, 2016.

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016

Lindsay J. Dunn

Notary Public



0 320 640 1,280 1,920 2,560 Feet

Case 041-13: A request to voluntarily annex into the corporate limits of the City of Joplin, I property at the northwest corner of the Nee Road and MO Rte. 166 roundabout and the southwest corner of the Nee Road and MO Rte. 166 roundabout. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 041-13: Northwest corner of Nee Road and MO Rte. 166 roundabout and Southwest corner of Nee Road and MO Rte. 166 roundabout – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 041-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 041-13.

MR. DUNCAN MOVED, SECONDED BY MR. CORTEZ, THAT CASE 041-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 041-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-283 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northwest corner of Nee Road and the Missouri Route 166 roundabout and the southwest corner of Nee Road and the Missouri Route 166 roundabout, in Newton 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 that part of the following described tract lying South and West of Route 166 in the Southwest Fractional Quarter of Section 2, Township 26, Range 34: Beginning at a point 951 feet North of the Southwest corner of said Southwest Fractional Quarter, thence East parallel with the South line of said tract 706 feet, thence North parallel with the West line of said Southwest Fractional Quarter 819 feet, more or less, to the center line of the public road, thence in a Northwesterly direction along the center line of said road to the west line of said Southwest Fractional Quarter, thence South along said West line to the

point of beginning, EXCEPT road or highway right-of-way. Said Tract being the same tract described in that certain Special Warranty Deed filed in Book 356 at Page 2328 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:05 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-284
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Sara Hensley Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 042-13: Northeast corner of Nee Road and MO Rte. 166 roundabout – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property north of the Nee Road and MO Rte. 166 roundabout.

Staff recommends approval of Case 042-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 042-13:

A request to voluntarily annex property at the northeast corner of the Nee Road and MO Rte. 166 roundabout.

LOCATION: Northeast corner of Nee Road and MO Rte. 166 roundabout

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Gas Station/Convenience Store/Truck Stop	95,740 ft² / 2.20 acres

DISCUSSION

The applicant is requesting to voluntarily annex property north of the Nee Road and MO Rte. 166 roundabout.

Staff recommends approval of Case 042-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

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

My commission expires: June 29 2016.

Lindsay J Dunn

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 320 640 1,280 1,920 2,560 Feet

Case 042-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property at the northeast corner of the Nee Road and MO Rte. 166 roundabout. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 042-13: Northeast corner of Nee Road and MO Rte. 166 roundabout – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 042-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 042-13.

MR. CORTEZ MOVED, SECONDED BY MR. EASTMAN, THAT CASE 042-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 042-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-284 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of Nee Road and the Missouri Route 166 roundabout in Newton 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 that part of the following described tract lying North and East of Route 166 in the Southwest Fractional Quarter of Section 2, Township 26, Range 34, Newton County, Missouri: Beginning at a point 951 feet North of the Southwest corner of said Southwest Fractional Quarter, thence East parallel with the South line of said tract 706 feet, thence North parallel with the West line of said Southwest Fractional Quarter 819 feet, more or less, to the center line of the public road, thence in a Northwesterly direction along the center line of said road to the West line of said Southwest Fractional Quarter, thence South along said West line to the point of beginning, EXCEPT road or highway

right-of-way. Said Tract being the same tract described as "Tract 2" in that certain Warranty Deed filed in Book 359 at Page 6093 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:06 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-285
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 043-13: Northeast corner of Nee Road and MO Rte. 166 roundabout, East of Nee Road and MO Rte. 166 roundabout, and South of Nee Road and MO Rte. 166 roundabout – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property north, east, and south of the Nee Road and MO Rte. 166 roundabout. The portion of the property north of the roundabout has been developed with a gas station/convenience store/truck stop business.

Staff recommends approval of Case 043-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of

the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 043-13:

A request to voluntarily annex property at the northeast corner of the Nee Road and MO Rte. 166 roundabout, east of the Nee Road and MO Rte. 166 roundabout, and south of the Nee Road and MO Rte. 166 roundabout.

LOCATION: Northeast, east, and south of the Nee Road and MO Rte. 166 roundabout.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Gas Station/Convenience Store/Truck Stop & undeveloped	566,550 ft² / 13.00 acres

DISCUSSION

The applicant is requesting to voluntarily annex property north, east, and south of the Nee Road and MO Rte. 166 roundabout. The portion of the property north of the roundabout has been developed with a gas station/convenience store/truck stop business.

Staff recommends approval of Case 043-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

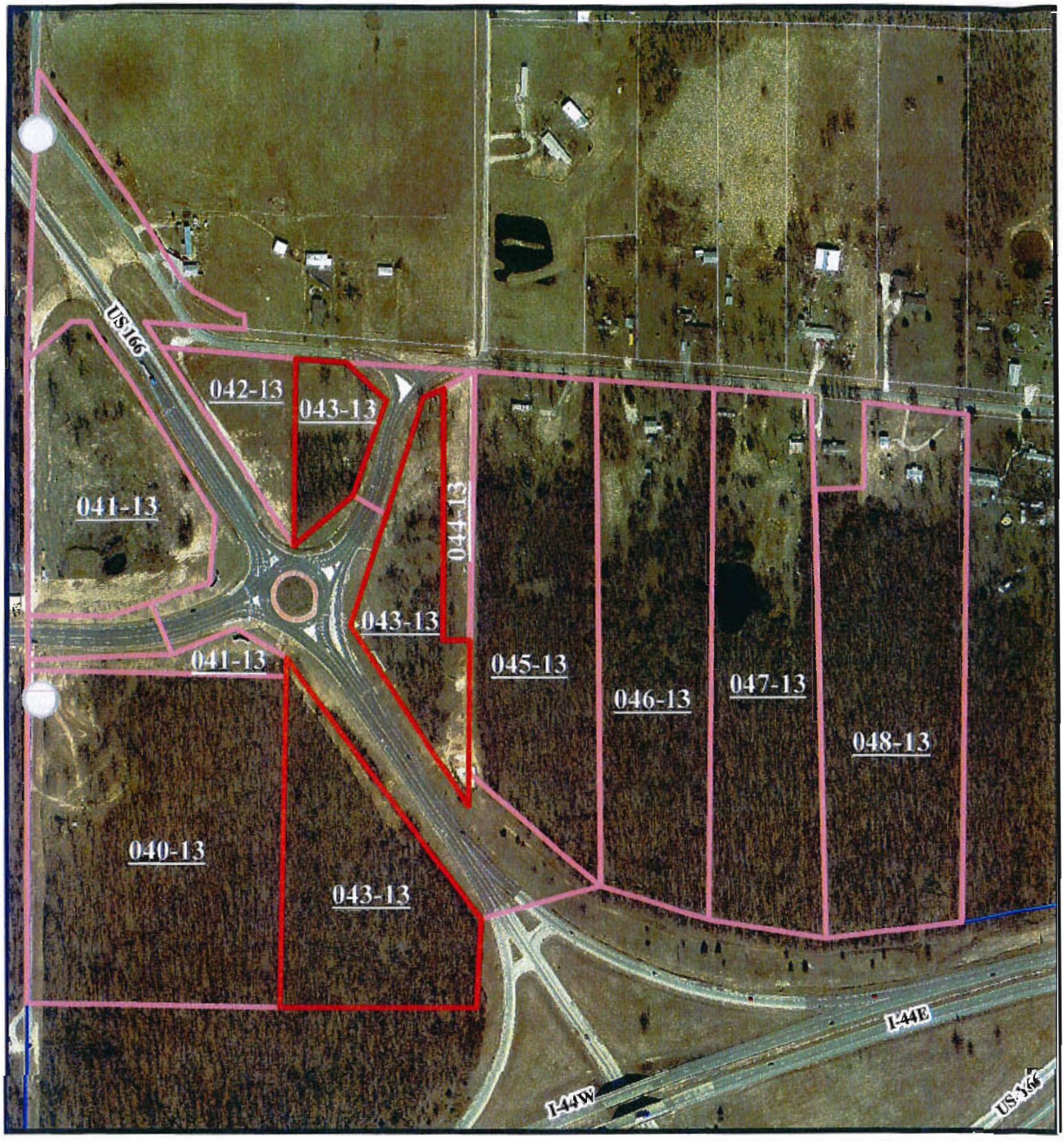
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29, 2016.

Lindsay J. Dunn

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 320 640 1,280 1,920 2,560 Feet

Case 043-13: A request to voluntarily annex into the corporate limits of the City of Joplin, l[illegible] property at the northeast corner of the Nee Road and MO Rte. 166 roundabout, east of the roundabout, and south of the roundabout. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

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Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 043-13: Northeast corner of Nee Road and MO Rte. 166 roundabout, East of Nee Road and MO Rte. 166 roundabout, and South of Nee Road and MO Rte. 166 roundabout – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 043-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 043-13.

MR. SMITH MOVED, SECONDED BY MR. DUNCAN, THAT CASE 043-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 043-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-285 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located at the northeast corner of the Nee Road and Missouri Route 166 roundabout, east of Nee Road and the Missouri Route 166 roundabout, and south of Nee Road and the Missouri Route 166 roundabout in Newton 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:

Part of the East Half (E ½) of the Southwest Quarter (SW ¼) of Section 2, Township 26 North, Range 34 West, beginning at a point 250.25 feet West of the Southeast Corner of the Southwest Quarter (SW ¼), thence North and parallel with the East line of said Section 2, 1741.50 feet more or less to the center of Joplin and Miami Road, thence West along the center line of said road, 250.25 feet, thence South parallel with the East line of said SW ¼, thence East 250.25 feet to the point of beginning, AND Beginning at the

Southeast Corner of the SW ¼ of Section 2, Township 26 North, Range 34 West, thence running North 1741.50 feet, thence West 250.25 feet, thence South 1741.50 feet more or less to the South Line of said Section, thence East 250.25 feet to the point of beginning, EXCEPT road or highway right-of-way. Said Tracts being the same tracts described in that certain Quit Claim Deed filed in Book 360 at Page 131 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:07 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-286
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 044-13: Near the southeast corner of Nee Road and Greenwood Drive – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property near the southeast corner of Nee Road and Greenwood Drive.

Staff recommends approval of Case 044-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

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Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 044-13:

A request to voluntarily annex property near the southeast corner of Nee Road and Greenwood Drive.

LOCATION: Southeast corner of Nee Road and Greenwood Drive.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	52,000 ft² / 1.19 acres

DISCUSSION

The applicant is requesting to voluntarily annex property near the southeast corner of Nee Road and Greenwood Drive.

Staff recommends approval of Case 044-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

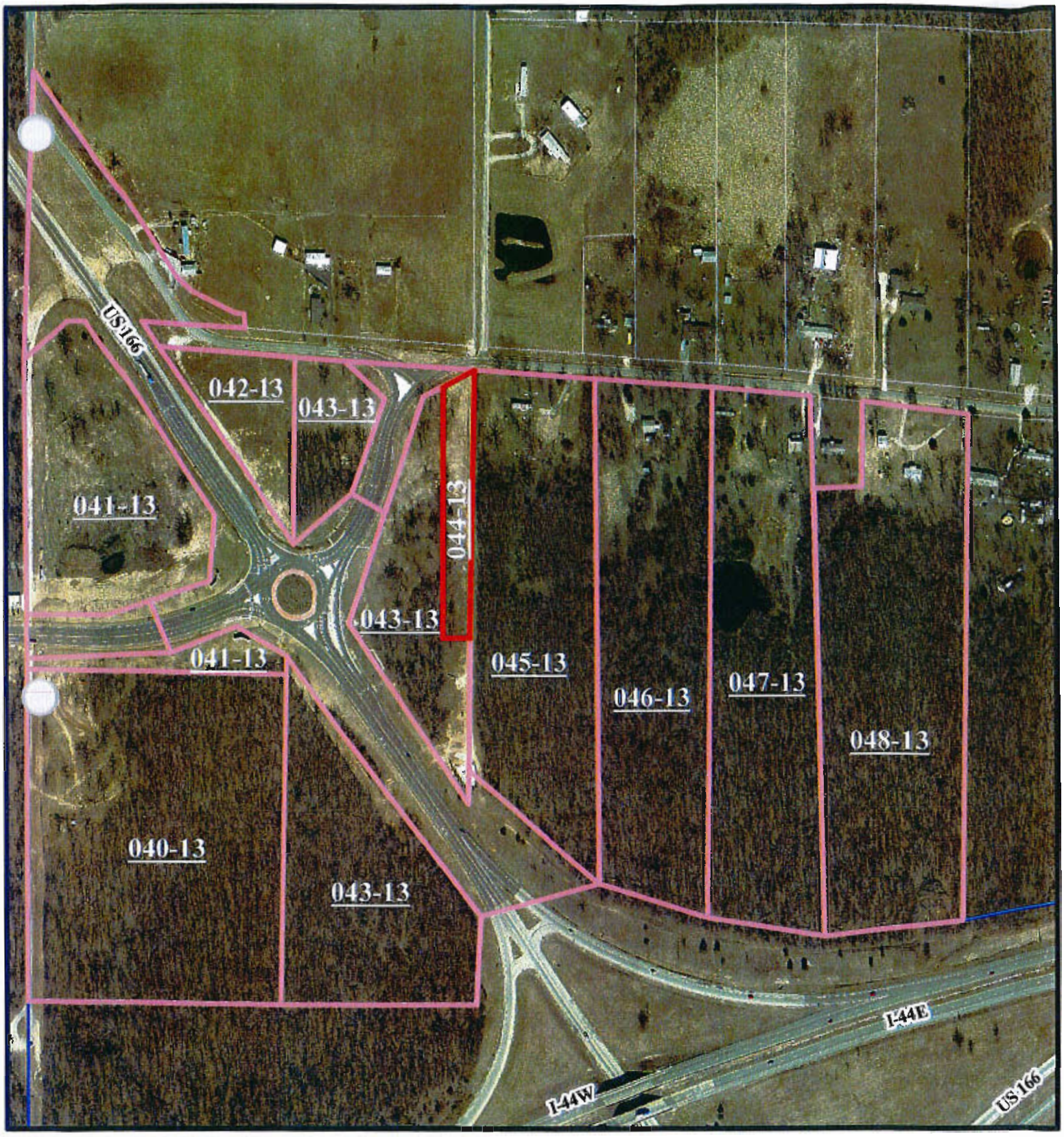
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29 2016.

Lindsay J. Dunn

Notary Public

LINDSAY J. DUNN
MY COMMISSION EXPIRES 6-29-2016
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI



0 320 640 1,280 1,920 2,560 Feet

Case 044-13: A request to voluntarily annex into the corporate limits of the City of Joplin, [illegible] property near the southeast corner of Nee Road and Greenwood Drive. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

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Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 044-13: Near the southeast corner of Nee Road and Greenwood Drive – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 044-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 044-13.

MR. BROWN MOVED, SECONDED BY MR. SMITH, THAT CASE 044-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 044-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-286 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located near the southeast corner of Nee Road and Greenwood Drive in Newton 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:

Beginning at a found iron pin in the center of the formerly Joplin and Miami Road now known as Greenwood Drive and the East line of the Southwest Quarter (SW ¼) of Section 2, Township 26 North, Range 34 West, thence Westerly along said center of Greenwood Drive 112.00 feet, thence South parallel with said East line of the SW ¼, 777.86 feet, thence Easterly parallel with Greenwood Drive, 112.00 feet to a point on said East line of the SW ¼, thence North along said East line 777.86 feet to the point of beginning, EXCEPT road or highway right-of-way. Said Tract being the same tract described in that certain Quit Claim Deed filed in Book 360 at Page 131 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:08 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-287
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 045-13: Approximately 150 feet east of the Nee Road and Greenwood Drive intersection – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property approximately 150 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 045-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City

after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 045-13:

A request to voluntarily annex property approximately 150 feet east of the Nee Road and Greenwood Drive intersection.

LOCATION: 150 feet east of Nee Road and Greenwood Drive.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	418,870 ft² / 9.62 acres

DISCUSSION

The applicant is requesting to voluntarily annex property approximately 150 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 045-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

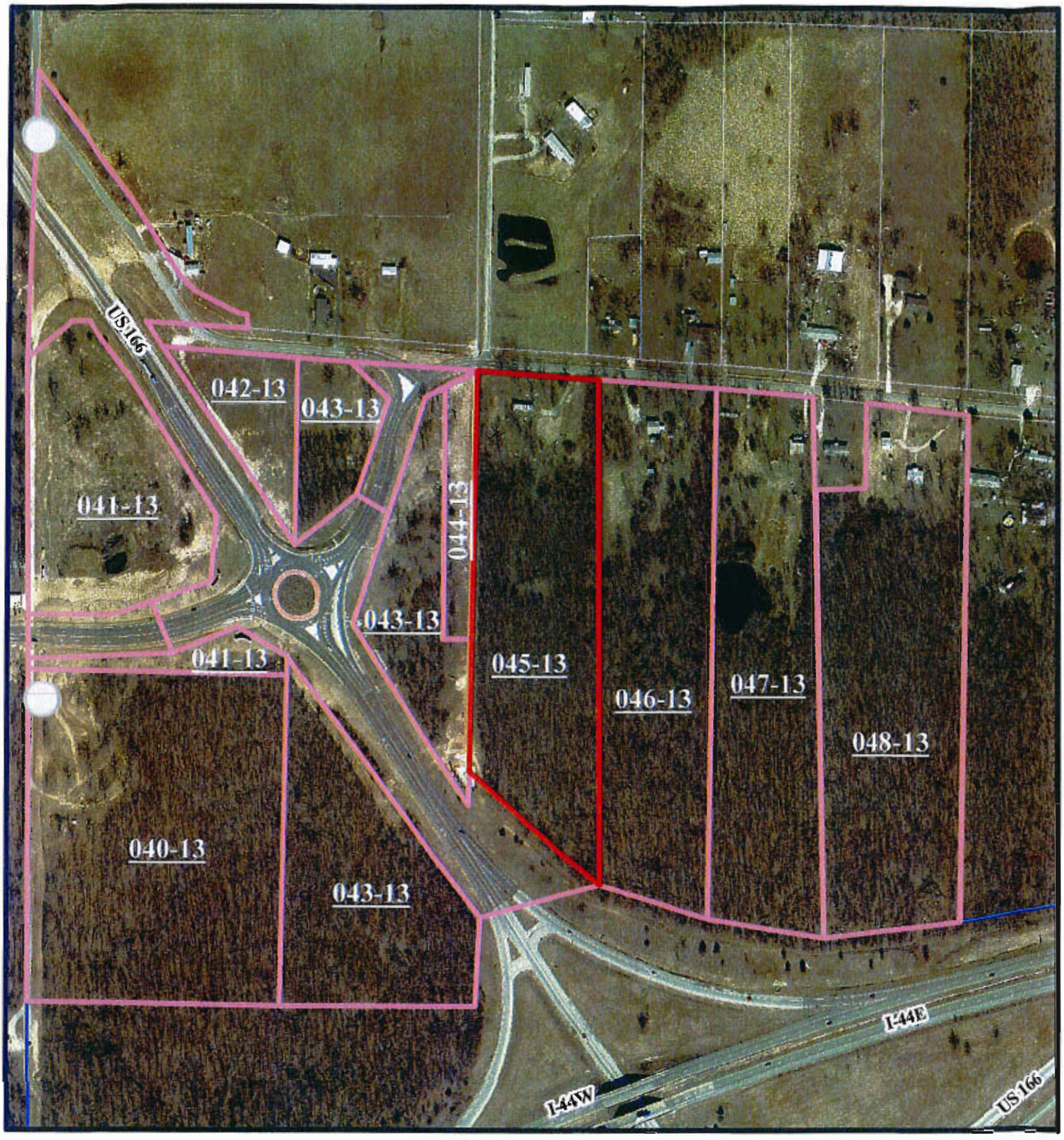
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29 2016.

Lindsay J. Dunn

Notary Public

LINDSAY J. DUNN
MY COMMISSION EXPIRES 6-29-2016
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI



0 320 640 1,280 1,920 2,560 Feet

Case 045-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property approximately 150 feet east of Nee Road and Greenwood Drive. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 045-13: Approximately 150 feet east of the Nee Road and Greenwood Drive intersection – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 045-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 045-13.

MR. CORTEZ MOVED, SECONDED BY MR. EASTMAN, THAT CASE 045-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 045-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-287 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 150 feet east of the Nee Road and Greenwood Drive intersection in Newton 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:

The West 320.4 feet of the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 2, Township 26 North, Range 34 West, lying South of the County Road, Newton County, Missouri. Said Tract being the same tract described in that certain Quit Claim Deed filed in Book 360 at Page 131 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:09 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-288
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 046-13: Approximately 485 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property approximately 485 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 046-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of

the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 046-13:

A request to voluntarily annex property approximately 485 feet east of the Nee Road and Greenwood Drive intersection.

LOCATION: 485 feet east of Nee Road and Greenwood Drive.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	426,380 ft² / 9.79 acres

DISCUSSION

The applicant is requesting to voluntarily annex property approximately 485 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 046-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 19th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

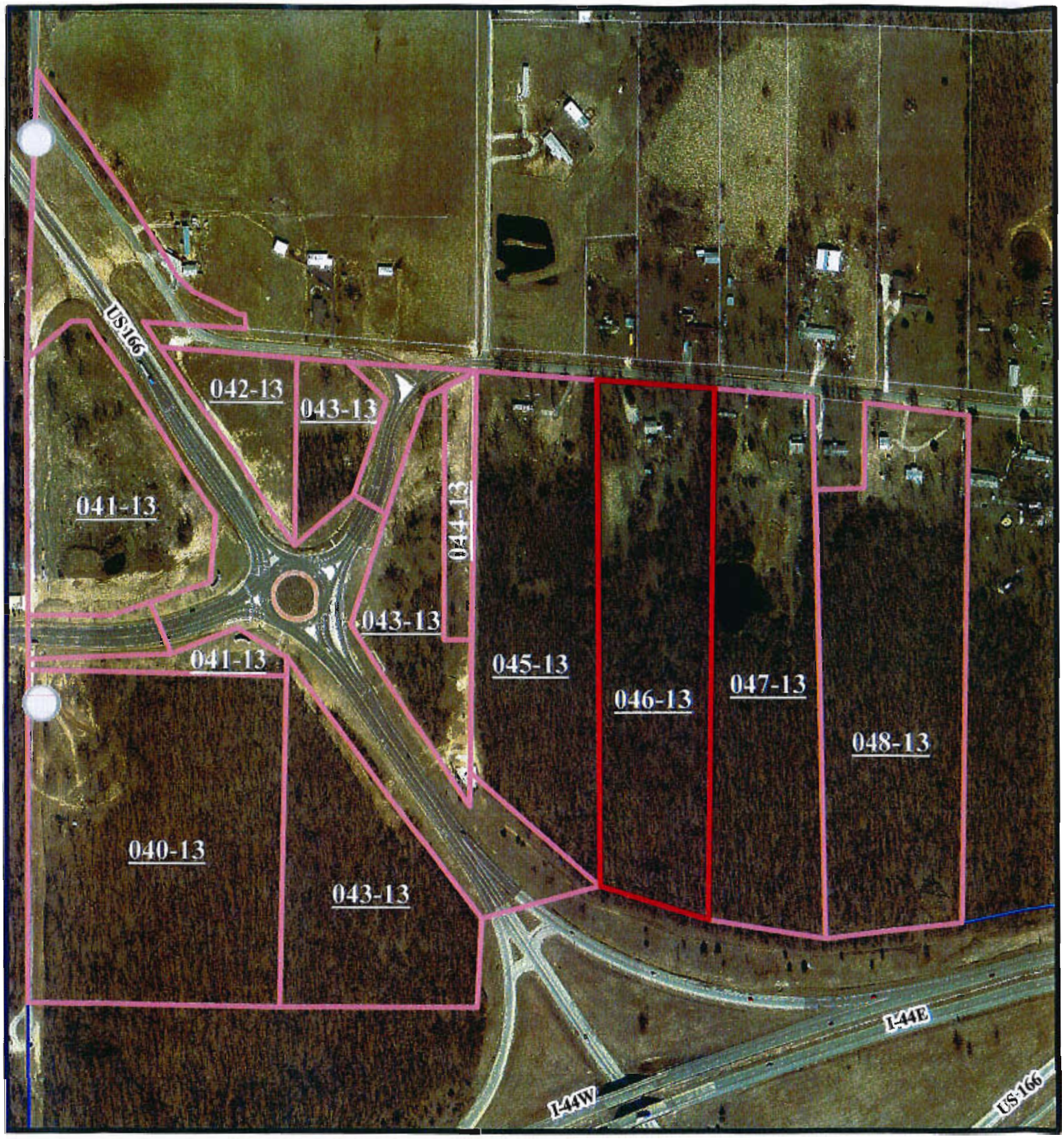
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29, 2016.

Lindsay J. Dunn

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 320 640 1,280 1,920 2,560 Feet

Case 046-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property approximately 485 feet east of Nee Road and Greenwood Drive. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

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Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 046-13: Approximately 485 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 046-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 046-13.

MR. CORTEZ MOVED, SECONDED BY MR. EASTMAN, THAT CASE 046-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 046-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-288 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 485 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 in Newton 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 West Half (W ½) of the Southeast Quarter (SE ¼) of Section 2, Township 26 North, Range 34 West, described in metes and bounds as follows: Beginning at a point in the center of the Main Road, 320.4 feet East of the West line of said 80 acres, thence East 320.5 feet, thence South to the South line of said 80 acres, thence West 320.5 feet, thence North to the point of beginning, EXCEPT road or highway right-of-way. Said Tract being the same tract described in that certain Quit Claim Deed filed in Book 360 at Page 131 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:10 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-289
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 047-13: Approximately 810 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property approximately 810 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 047-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of

the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 047-13:

A request to voluntarily annex property approximately 810 feet east of the Nee Road and Greenwood Drive intersection.

LOCATION: 810 feet east of Nee Road and Greenwood Drive.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	426,150 ft² / 9.78 acres

DISCUSSION

The applicant is requesting to voluntarily annex property approximately 810 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 047-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

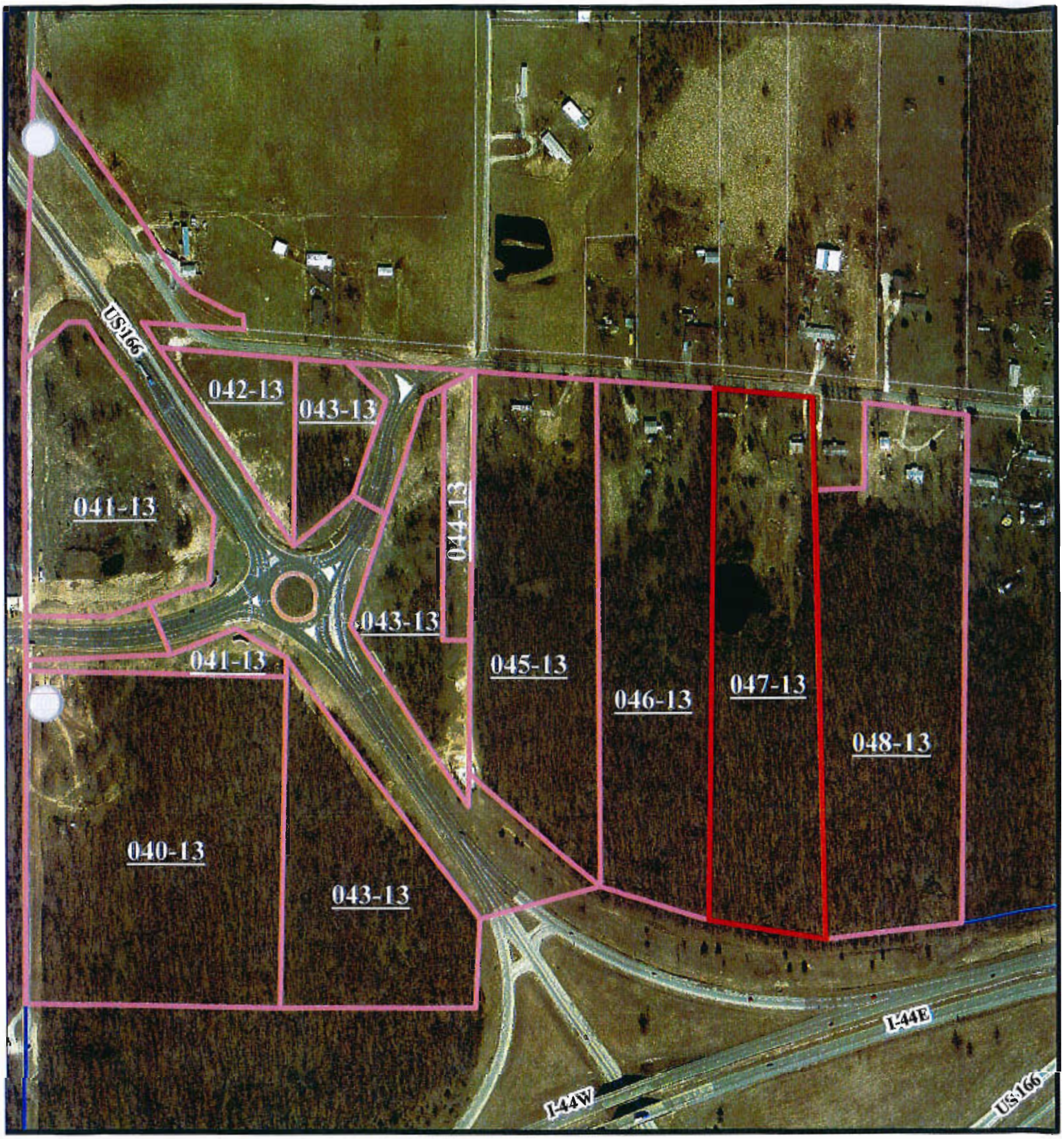
On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

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

My commission expires: June 29, 2016.

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 320 640 1,280 1,920 2,560 Feet

Case 047-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property approximately 810 feet east of Nee Road and Greenwood Drive. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 047-13: Approximately 810 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 047-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 047-13.

MR. DUNCAN MOVED, SECONDED BY MR. SMITH, THAT CASE 047-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 047-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-289 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 810 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 in Newton 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 that part of the West Half of the Southeast Quarter of Section 2, Township 26, Range 34, Newton County, Missouri, beginning at a point in the center of Main Road on the East side of said 80 acres, 408.7 feet West of the East line of said 80 acres, thence West 275 feet, thence South to the South line of said 80 acres, thence East 275 feet, thence North to the point of beginning, EXCEPT road or highway right-of-way. Said Tract being the same tract described in that certain Missouri Warranty Deed filed in Book 357 at Page 7509 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:11 a.m., on the First (1st) day of October, 2013.

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-290
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission Date: 7/8/2013

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

SUMMARY/REQUEST:
Case 048-13: Approximately 1,230 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex property approximately 1,230 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 048-13.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of

the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 048-13:

A request to voluntarily annex property approximately 1,230 feet east of the Nee Road and Greenwood Drive intersection.

LOCATION: 1,230 feet east of Nee Road and Greenwood Drive.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Undeveloped	515,945 ft² / 11.84 acres

DISCUSSION

The applicant is requesting to voluntarily annex property approximately 1,230 feet east of Nee Road and Greenwood Drive. The southern boundary of the property is along the Interstate 44 and MO Rte. 166 interchange.

Staff recommends approval of Case 048-13.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 8th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Works Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

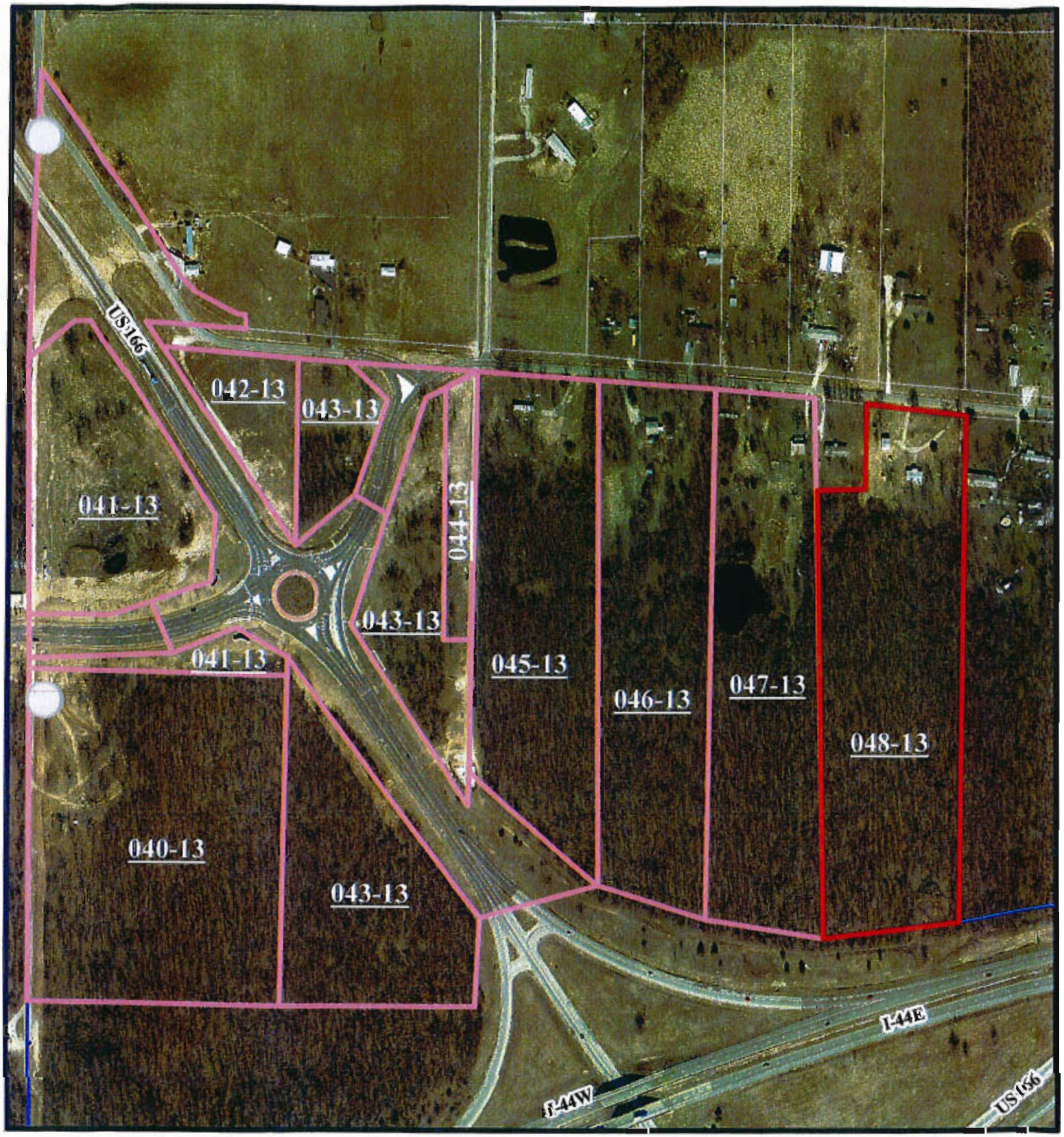
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29, 2016.

Lindsay J. Dunn
LINDSAY J. DUNN

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 320 640 1,280 1,920 2,560 Feet

Case 048-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property approximately 1,230 feet east of Nee Road and Greenwood Drive. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 048-13: Approximately 1,230 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 048-13. He asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 048-13.

MR. BROWN MOVED, SECONDED BY MR. EASTMAN, THAT CASE 048-13 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 048-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended Approval)

COUNCIL BILL NO. 2013-290 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 1,230 feet east of the Nee Road and Greenwood Drive intersection, between Greenwood Drive and Interstate 44 in Newton 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 that part of the Southeast Quarter of Section 2, Township 26 North, Range 34 West, Newton County, Missouri, described as follows: Beginning at a point 916.6 feet East of the Southwest corner and on the South line of said Southeast Quarter, thence North to a point in the center of the main road which traverses said Southeast quarter, thence East following the center of said main road to a point 1,192.3 feet East of the West line of said Southeast Quarter, thence South to a point on the South line of said Southeast Quarter 1,192.3 feet East of the Southwest corner of said Southeast Quarter, thence West 275.7 feet to the point of beginning, EXCEPT road or highway right-of-way. AND also,

Beginning at a point 1,192.3 feet East of the Southwest corner and on the South line of said Southeast Quarter, thence North to center of main road which traverses said Southeast Quarter, thence East following the center of said main road to East line of the West Half of the Southeast Quarter, thence South to Southeast corner of said West Half of Southeast Quarter, thence West to the point of beginning, EXCEPT, Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 2, Township 26, Range 34, Newton County, Missouri, thence South 0°04' East 981.0 feet along East line of said Quarter to the center line of a county road , thence North 86°09' West 268.30 feet to the point of beginning, thence South 296.34 feet, thence West 135.70 feet, thence North 305.50 feet, thence South 86°09' East 136.0 feet to the point of beginning, EXCEPT road or highway right-of-way. Said Tracts being the same tracts described in that certain General Warranty Deed filed in Book 357 at Page 6019 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

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

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: August 5, 2013

Item: COUNCIL BILL NO. 2013-291
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Public Works Director: ~~David Hertzberg~~ Samuel Anselm Date: 7/26/2013
City Attorney: Brian Head Date: 7-29-13
City Manager: R. Mark Rohr Date: 7-29-13
Board or Commission: Planning and Zoning Commission MDW Date: 7/8/2013

Recommended Action: Planning and Zoning Commission recommended striking this case from the agenda by a vote of "6 in favor, 1 absent"

SUMMARY/REQUEST:
Case 049-13: Approximately 1,675 feet west of the I-44 S. Outer Road and Douglas Fir Road intersection – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

STAFF SUMMARY:
Since the case was advertised on Sunday, June 23, 2013, staff has learned that the property is not eligible for annexation. Newton County, MO has verified that the property is part of the Village of Loma Linda, MO.

Staff recommends Case 049-13 be stricken.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

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Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

PUBLIC COMMENT:
None.

Z&P Meeting: July 8, 2013
City Council Meeting: August 5, 2013

STAFF PLANNING REPORT
Voluntary Annexation

CASE 049-13:

A request to voluntarily annex property along the S. Outer Road approximately 1.675 feet west of the I-44 S. Outer Road and Douglas Fir Road intersection.

LOCATION: 1,675 feet west of S. Outer Road and Douglas Fir Road.

APPLICANT: Public Works Director of the City of Joplin, MO through power of attorney

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EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Newton County, MO)	Commercial	101,380 ft² / 2.33 acres

DISCUSSION

Since the case was advertised on Sunday, June 23, 2013, staff has learned that the property is not eligible for annexation. Newton County, MO has verified that the property is part of the Village of Loma Linda, MO.

Staff recommends Case 049-13 be stricken.

ENCLOSURES:

None

BEFORE THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI

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

TO WHOM IT MAY CONCERN:

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

David Hertzberg

Public Works Director

STATE OF MISSOURI)
) ss:
COUNTY OF NEWTON)

On this 18th day of June 2013, before me appeared David Hertzberg, to me known to be the Public Work Director of City of Joplin, and the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors of the consideration stated therein and no other, and said David Hertzberg acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

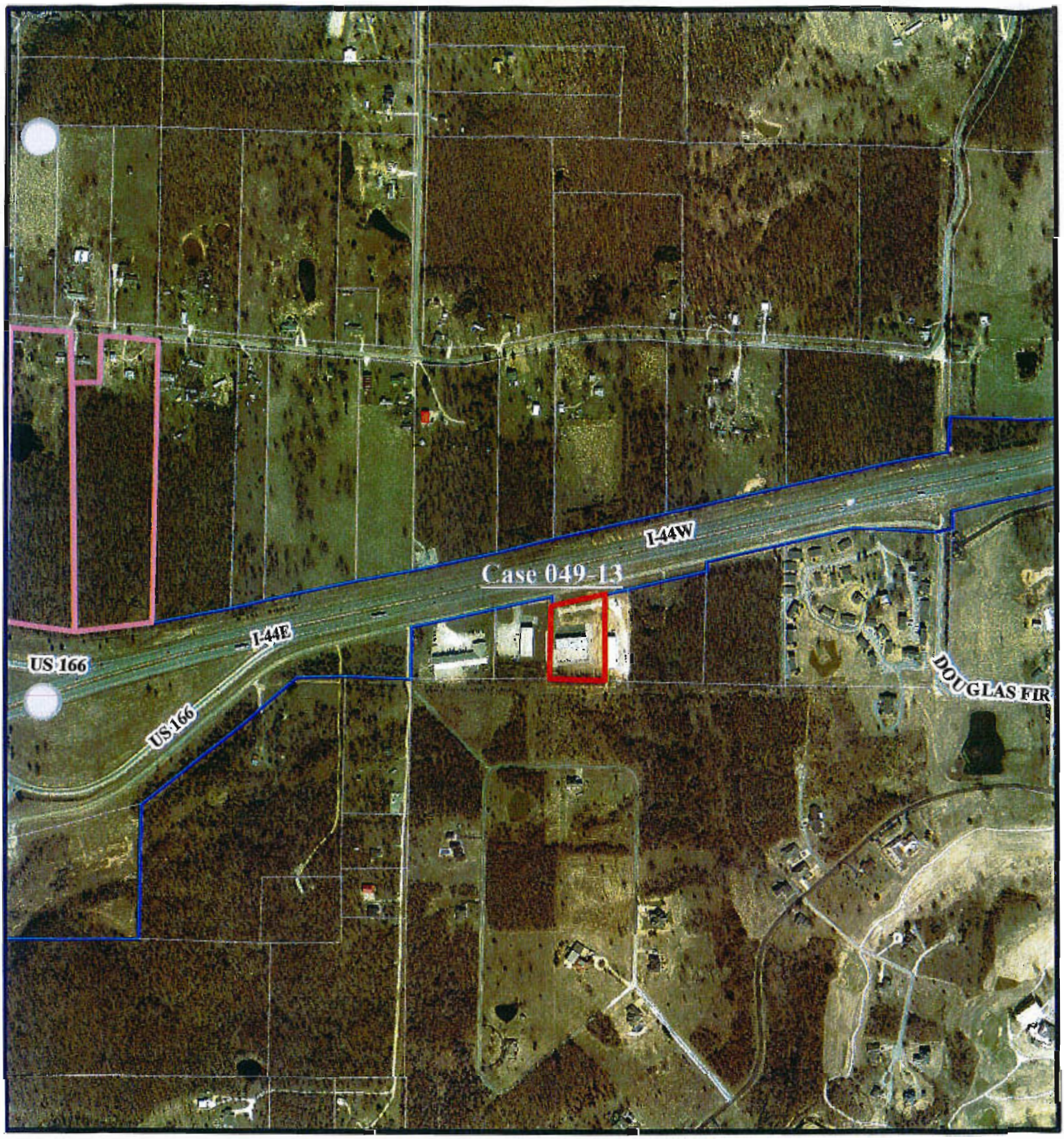
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: June 29 2016.

Lindsay J Dunn

Notary Public

LINDSAY J. DUNN
NOTARY PUBLIC
NOTARY SEAL
#12380334
JASPER COUNTY
STATE OF MISSOURI
MY COMMISSION EXPIRES 6-29-2016



0 600 1,200 2,400 3,600 4,800 Feet

Case 049-13: A request to voluntarily annex into the corporate limits of the City of Joplin, M property along S. Outer Road approximately 1,675 feet west of the I-44 S. Outer Road and Douglas Fir Road intersection. - Public Works Director of the City of Joplin, MO through power of attorney

N

Mr. Wright made one presentation for Cases 037-13 through 049-13. These annexations are generally located near the Route 166 and Nee Road roundabout, which is located north of the I-44 and Route 166 interchange.

Case 037-13 is the annexation of the Missouri Department of Transportation's (MoDOT's) right-of-way for Route 166 between I-44 and the Missouri/Kansas state line. Cases 038-13 and 039-13 are the annexation of Newton County's right-of-way for both ends of the Nee Road and Route 166 roundabout between the Kansas and Missouri state line all the way up to Greenwood Drive.

Cases 040-13 through 048-13 are for properties currently owned by the Quapaw Tribe. These properties are part of a sewer agreement signed in 2008 that gives the Public Works Director of the City of Joplin authority, through power of attorney, to annex these properties into the City after a certain time period. That agreement states that after three years, the City may annex. These nine properties are located around the roundabout and south of Greenwood Drive.

Case 049-13 is located south of I-44 along the south outer road. Since advertising that case, Newton County has confirmed that the property is part of Loma Linda, and therefore, staff has requested that Case 049-13 be stricken from the agenda.

Mr. Harrington asked for questions from the commissioners.

Mr. Eastman asked where the City limits touch on these properties, and Mr. Wright replied that all of I-44 is in the City limits.

Mr. Smith asked about going into Kansas, and Mr. Wright replied that Joplin can't annex property in other states.

Mr. Duncan asked about the three-year delay, and Mr. Bolander was not sure if all the property owners were agreeable to annexation into the City of Joplin just yet. The City staff is doing these annexations by a power of attorney as per the agreement that was signed between the City of Joplin and the property owner. The staff gave them an additional two years to see if they can get all their members agreeable to the annexation, but the City of Joplin is using the power of attorney through the Public Works Director to annex the properties.

Mr. Duncan asked if the owners need to vote on the annexation if the City of Joplin approves it. Mr. Bolander replied no, in that the City Council has the full authority to approve the annexation themselves.

Mr. Duncan asked if the owners have signed to voluntarily annex the properties. Mr. Bolander replied this was part of the sewer agreement, in that they currently use the City sewer for that area.

Mr. Harrington asked about voting on all the cases at once, and Mr. Bolander replied that they must be handled individually. There must be a contiguous approval as one property is annexed, then the next one contiguous with it to make that connection.

Case 049-13: Approximately 1,675 feet west of the I-44 S. Outer Road and Douglas Fir Road intersection – A request to voluntarily annex into the corporate limits of the City of Joplin, MO – Public Works Director of the City of Joplin, MO through power of attorney.

Mr. Harrington opened the public hearing for Case 049-13. Mr. Bolander recommended striking this case from the agenda.

Mr. Harrington asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 049-13.

MR. CORTEZ MOVED, SECONDED BY MR. EASTMAN, THAT CASE 049-13 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION THAT THIS CASE BE STRICKEN FROM THE AGENDA, 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, AND MR. SMITH VOTING "AYE"; AND WITH MR. LANDRITH BEING ABSENT (6 IN FAVOR, 1 ABSENT).

P & Z Case 049-13
Public Works Director of the City of Joplin, Missouri
(P & Z Recommended this case
be stricken from the agenda)

COUNCIL BILL NO. 2013-291 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property located approximately 1,675 feet west of the Interstate 44 South Outer Road and Douglas Fir Road intersection in Newton 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 that part of the South Half of the Southwest Quarter of Section 1, Township 26, Range 34, Newton County, Missouri, described as commencing at a sandstone found at the Southwest corner of said Section 1, thence East along the South line of said Section, 678.75 feet to an iron pin found at the Southeast corner of a tract of land described in Corporation Warranty Deed filed in Book 352 at Page 8094, and the point of beginning, thence North (deed call) North 0 degrees, 31 minutes, 07 seconds East, 364.26 feet (measured) North 0 degrees, 33 minutes, 59 seconds East, 364.90 feet along the East line of said described tract to an iron pin found on the South right-of-way line of Interstate

Route 44, thence North 77 degrees, 03 minutes, 47 seconds East along said right-of-way line 270.95 feet, thence South 1 degree, 58 minutes, 14 seconds East parallel with the West line of a tract of land described in Warranty Deed filed in Book 341 at Page 4056, a distance of 425.96 feet to a point on the South line of said Section 1, being 125 feet West of the Southwest corner of said described tract, thence North 89 degrees, 57 minutes, 56 seconds West along said line of Section 1, a distance of 282.33 feet to the point of beginning, EXCEPT road or highway right-of-way. Said Tract being the same tract described in Exhibit A of that certain Missouri Warranty Deed filed in Book 357 at Page 7510 in the Office of the Newton County Recorder.

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 Newton County, Missouri.

Section 3. That this Ordinance shall be in full force and effect as of 12:13 a.m., on the First (1st) day of October, 2013.

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

CONSENT AGENDA

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES July 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 – Motion by Dr. Rosenberg, Second by Mr. Golden to excuse Council Member Raney. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Seibert, Shaw, and Woolston 7. Nays: 1, Scearce.

INVOCATION - read by City Clerk, Barbara Hogelin

FLAG SALUTE – led by Mr. Woolston

PRESENTATIONS - Proclamation presentation to JOMONOLA. Mayor Colbert-Kean presented a Proclamation to Jarred Hogan of the JOMONOLA group for successfully riding 800 miles to New Orleans, LA and raising funds for Rebuild Joplin for 3 families in Joplin, New Orleans, LA and on the east coast. Audie Dennis of The Memorial Run presented a check to JOMONOLA for $10,151 putting the riders over the top of their $150,000 goal needed.

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

PUBLIC HEARINGS

CONSENT AGENDA APPROVED - Motion by Mr. Golden, Second by Mr. Shaw, to Approve the Consent Agenda. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Absent: 1. Raney. Nays: 0.

Minutes of the July 1, 2013 meeting

AMENDED COUNCIL BILL NO. 2013-272 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District M-2 and including in District R-3-PD property as described below and located approximately 500 feet east of North Florida Avenue and 860 feet south of Newman Road in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-150. Council Member Woolston abstained on this council bill.

COUNCIL BILL NO. 2013-273 - AN ORDINANCE providing for the vacation of a 20-foot wide sewer easement located approximately 80 feet east of Rex Avenue between 17th and 20th Streets in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-151

COUNCIL BILL NO. 2013-274 - AN ORDINANCE providing for the vacation of a 20-foot wide public alley located between South Main Street and South Virginia Avenue beginning at the north right-of-way line of 12th Street north approximately 197 feet in the City of Joplin, Jasper County, Missouri. Ordinance No. 2013-152

COUNCIL BILL NO. 2013-275 - AN ORDINANCE providing for the vacation of a public street and utility easement for Old Main Street beginning at the south right-of-way line of 32nd Street south approximately 306 feet, in the City of Joplin, Newton County, Missouri. Ordinance No. 2013-153

COUNCIL BILL NO. 2013-276 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-3 and District C-1 and including in District C-3-PD property as described below and located at the southeast corner of 32nd Street and Hearnes Boulevard in the City of Joplin, Newton County, Missouri. Ordinance No. 2013-154

COUNCIL BILL NO.2013-277- AN ORDINANCE providing for the vacation of (undeveloped) public streets in the original Kelsey Norman subdivision plat (existing Park Plaza Mobile Home Park) including (Old) 34th Street and Wisconsin Avenue, in the City of Joplin, Newton County, Missouri. Ordinance No. 2013-155

RESOLUTIONS

ORDINANCES-EMERGENCIES

Mr. Glaze introduced Council Bill No. 2013-207. Motion by Mr. Glaze, Second by Mr. Seibert to Adopt Council Bill No.2013-207. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1. Raney.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-156

AN ORDINANCE approving a contract with Blevins Asphalt Construction Company Inc. in the amount of Two Million Six Hundred Twenty Thousand One Hundred Forty Five and 04 /100 Dollars ($2,620,145.04) for Resurfacing in Various Locations 2013 project 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. 2013-208 - Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No. 2013-208. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1. Raney.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-157

AN ORDINANCE approving the Purchase Order with the Diamond International of Joplin, in the amount of One Hundred Thirty Thousand Nine Hundred Fifty Six and no/100 Dollars ($130,956.00), in the City of Joplin, Missouri; and containing and emergency clause.

Mr. Seibert introduced Council Bill No. 2013-209 - Motion by Mr. Seibert Second by Mr. Glaze to Adopt Council Bill No. 2013-209. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1. Raney.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-158

AN ORDINANCE approving the Purchase Order with the John Fabick Tractor Company, in the amount of One Hundred Sixty Nine Thousand Five Hundred and no/100 Dollars ($169,500.00), in the City of Joplin, Missouri; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-210 - Motion by Mr. Shaw Second by Mr. Golden to Adopt Council Bill No. 2013-210. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1. Raney.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-159

AN ORDINANCE approving the Purchase Order with Mohrlang Fabrication, in the amount of One Hundred Sixty Five Thousand One Hundred and no/100 Dollars ($165,100.00), in the City of Joplin, Missouri; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2013-211 - Motion by Mr. Shaw Second by Mr. Seibert to Adopt Council Bill No. 2013-211. Voting in favor were Council Members: Colbert-Kean, Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 8. Nays: 0. Absent: 1. Raney.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-160

AN ORDINANCE approving the City of Joplin to enter into an Agreement with Olsson & Associates for review and evaluation services for the Bridge over 20th Street in an amount not to exceed Thirty Six Thousand Three Hundred No/100 Dollars ($36,300.00) and authorizing the Public Works to execute said Agreement; and containing an emergency clause.

Mr. Seibert introduced Council Bill No. 2013-619 - Motion by Mr. Seibert Second by Mr. Glaze to Adopt Council Bill No. 2013-619. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Seibert, Shaw, and Woolston 6. Nays: 2, Golden, Scearce. Absent: 1, Raney.

The Council Bill was declared Adopted and entitled Ordinance No. 2013-161

AN ORDINANCE amending the Classification and Pay Plan adopted by Ordinance No. 2012-173 and authorizing a new classification title for the Planning and Community Development Department and containing an emergency clause.

Dr. Rosenberg introduced Council Bill No. 2013-618. Motion by Dr. Rosenberg Second by Mr. Golden to Place Council Bill 2013-618 on First Reading Advance to Second and Third Reading. Voting in favor were Council Members: Glaze, Golden, Rosenberg, Scearce, Seibert, Shaw, and Woolston 7. Nays: 0. Absent: 1, Raney. Abstention: 1, Colbert-Kean.

The bill was read as being COUNCIL BILL NO. 2013-618

AN ORDINANCE approving the application of Emancipation Committee's Emancipation Celebration Park Day 2013; Spiva Center for the Art's, Tools in Motion Exhibition; Bright Futures USA, Bright Futures Community Engagement Conference; Joplin Disc Golf, Four States Open and Rufus Racing's, Joplin Triathlon Weekend; for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

ORDINANCES – FIRST READING

ORDINANCES – SECOND READING AND THIRD READING

NEW BUSINESS

There being no further business the meeting adjourned at 6:47p.m.

Respectfully submitted,

Barbara L Hogelin

Barbara Hogelin, City Clerk, MMC/MPCC

City of Joplin — City Council Agenda Item

Requested Council Meeting Date: July 15, 2013

ITEM: Council Bill No. 2013-618. This Council Bill approves the Joplin Convention & Visitor Bureau's (JCVB) Grant distribution for FY2013 relating to special events, festivals and celebrations.

ORIGINATING DEPARTMENT: Convention and Visitors Bureau
ATTACHMENTS: Council Bill No. 2013-618.

DEPARTMENT HEAD:	Patrick Tuttle	DATE: 7/2/13
CITY MANAGER:	R. Mark Rohr	DATE: 7/9/13
CITY ATTORNEY:	Brian W. Head	DATE: 7-8-13
FINANCE DEPARTMENT:	Leslie Haase	DATE: 7-8-13

INTRODUCTION:

This Council Bill approves the Joplin Convention & Visitor Bureau's (JCVB) Grant distribution for FY2013 special events, festivals and celebrations. Funding comes from a portion of the Occupational License Tax (JCVB Hotel/Motel tax) monies collected resulting from Ordinance No. 2000-048 as authorized by City of Joplin voters on November 7, 2000.

SUMMARY:

The purpose of this Grant Program is to assist qualified organizations with the promotion of tourism activities striving to directly increase hotel/motel occupancy and create positive image building for Joplin. Qualifying applicants must meet the following criteria:

- Not-For-Profit and For Profit organizations may apply;
- Events must be held between November 1, 2012 & October 31, 2013;
- Events must be held within 20 miles of Joplin city limits;
- Events must be open to the general public.

On May June 18, 2013, the JCVB Advisory Board held a meeting to review and discuss applications submitted for the Redistribution of FY13 Special Event Grant funds offered through the Convention & Visitors Bureau. Funds in the amount of $24,500 were available for redistribution due to the cancellation of Dogs in Downtown Festival ($5,000) and Boomtown Days ($19,500). Funding requests from the five applications totaled $14,320. Taking into consideration many factors including application and presentation, tourism draw, community development, potential room nights, growth potential, previous funding and reporting standards and overall appeal; the JCVB Advisory Board offers the following funding recommendations.

- **Emancipation Celebration park Day 2013, August 2-4, 2013.**
  Requested = $5,000, **Recommended = $4,200**. In commemoration of the 150th anniversary of the signing of the Emancipation Proclamation by President Abraham Lincoln, The Emancipation Park Day Celebration remembers this important course in America's history. Funding will be used primarily for entertainment, print marketing and the rental of a tent.

- **Spiva Center for the Art's Tools in Motion, September 21 – November 8, 2013.**
  Requested = $3,270, **Recommended = $3,270**. This is a family friendly, national traveling exhibition that brings together art works by major artists that incorporate everyday tools and hardware. *Tools in Motion* is designed to help viewers develop an appreciation of tools not only their utility, but also for their aesthetic value. Funding will be used for design and marketing outside a 50 mile radius.

- **Bright Futures Community Engagement Conference, October 13-16, 2013.**
  Requested = $3,525, **Recommended = $3,525**. The goal of this conference is to bring together community leaders, community members, education and business leaders and faith-based organizations where everyone can learn about and discuss the various routes to community engagement. The events of the conference will share t-he success Joplin has experienced through engagement with communities across the nation. Funding will be used conference promotions, supplies and postage.

- **Joplin Disc Golf Club 4 State Open, September 25-27, 2013.**
  Original Award = $7,000, **Recommended = $2,500**. This is the fourth year this event has received funding and each year the event has grown bigger. The event organizers are consistent, not only in reporting, but also in the efforts to develop new aspects of the event that will continue to encourage overnight stays. Funding is recommended for prizes and advertising.

- **Rufus Racing's Summer Roundup Triathlon and Big Time Youth Triathlon, June 28 & 30, 2013.**
  Original Award = $12,000, **Recommended = $625**. This event has been funded through the grant program for three years. Each year, Rufus Racing has designed elements into the event that will increase attendance and participation and draw from outside regions. The Big Time Youth Triathlon is a one of a kind event that has a focus on child athletes with autism, a component that is not featured in any other triathlon in the nation. Funding will be used primarily for advertising, printing and awards.

RECOMMENDATION:

The JCVB Advisory Board and CVB Staff recommend the Joplin City Council approve the funding recommendation of $14,120 and that Grants be awarded for the five (5) events described above.

ATTACHMENTS:

Grant Applicant snap shots (5 pages)

FY13 CVB GRANT FUNDS REQUEST (1 OF 5)

ORGANIZATION:	Emancipation Committee
EVENT:	EMANCIPATION CELEBRATION PARK DAY 2013
EVENT DATE:	August 3-5, 2013
EVENT LOCATION:	Ewert Park, Joplin
PROJECTED ATTENDANCE:	
ESTIMATED # OF ROOM NIGHTS:	
ESTIMATED # OF DAY TRIPPERS:	
TARGET AUDIENCE:	Surrounding area to include: Tulsa, OK; Springfield, MO; Kansas City, MO; Fayetteville, AR and Ft Scot, KS.
MARKET ORIGIN OF ATTENDEES:	
AMOUNT REQUESTED:	$5,000
PORTION OF BUDGET:	80.6%
FUNDS REQUESTED FOR:	**Entertainment, $3,900** **Marketing (Printing), 150** **Kids Picnic, $300 ($150 for tent rental)**
FUNDING HISTORY:	None in the past 4 years
SOCIAL MEDIA PROGRAM:	
TYPE GRANT REQUEST:	Community Grant: ☐ Special Event Grant ■
DATE OF APPLICATION:	June 4, 2013
JCVB-AB RECOMMENDATION:	**$3,900 for Entertainment** **$ 150 for Picnic Tent Rental** **$ 150 for Print Marketing** **$4,200**
SPECIAL INSTRUCTIONS/NOTES:	This year is the 150th anniversary of the Emancipation Proclamation. Could increase attendance and interest.

All items as requested qualify for reimbursement

(Continuation of Green Sheet for Council Bill No. 2013-618 approving the Joplin Convention & Visitors Bureau (JCVB) Grant distribution in FY2013 for special events, festivals and celebrations.)

FY13 CVB Grant Funds Request (2 of 5)

Organization:	Spiva Center for the Arts
Event:	Tools in Motion Exhibition
Event date:	September 21 – November 8, 2013
Event location:	Spiva Center for the Arts
Projected attendance:	800
Estimated # of room nights:	5-8
Estimated # of day trippers:	50+
Target audience:	All ages, socio-economic backgrounds and interest.
Market origin of attendees:	Central Missouri, KC Metro, NW Ark, Tulsa, OK and Kansas
Amount requested:	$3,270
Portion of budget:	7%
Funds requested for:	**Marketing (Magazine), $2,620** **Marketing (Ad Design), $650**
Funding history:	New event
Social media program:	
Type grant request:	Community Grant: ☐ Special Event Grant ■
Date of Application:	June 5, 2013
JCVB-AB Recommendation:	**$2,620 for Marketing Placement** **$ 650 for Ad Design** **$3,270**
Special Instructions/Notes:	

All items as requested qualify for reimbursement

(Continuation of Green Sheet for Council Bill No. 2013-618 approving the Joplin Convention & Visitors Bureau (JCVB) Grant distribution in FY2013 for special events, festivals and celebrations.)

FY13 CVB Grant Funds Request (3 of 5)

Organization:	Bright Futures USA
Event:	Bright Futures Community Engagement Conference
Event Date:	October 13-16, 2013
Event Location:	Missouri Southern State University
Projected Attendance:	500
Estimated # of room nights:	50
Estimated # of day trippers:	
Target Audience:	Community leaders and advocates nationwide
Market Origin of Attendees:	MO, KS primary affiliates. Others have been invited
Amount Requested:	$3,525.00
Portion of Budget:	1/10
Funds Requested For:	**Conference Bags, $1,000** **Conference Program Printing (500/50), $750** **Banner, $150** **Lanyards/badges, $255** **Invitations mailers, $410** **Buses for tour, $960**
Funding History:	New event
Social Media Program:	Yes
Type Grant Request:	Community Grant: ☐ Special Event Grant ■
Date of Application:	May 1, 2013
JCVB-AB Recommendation:	**$1,000 for Conference Bags** **$ 750 for Printing Conference Program** **$ 150 for Banners** **$ 255 for Lanyards/Badges **** **$ 410 Invitation Postage (1,000 invitations)** **$ 960 for Buses for Tours** **$3,525** ** Maybe able to use CVB inventory
Special Instructions/Notes:	None

All items as requested qualify for reimbursement

FY13 CVB Grant Funds Request (4 of 5)

Organization:	Joplin Disc Golf Club
Event:	8th Annual Four State Open
Event Date:	September 25-27, 2013
Event Location:	McClelland Park Disc Golf Course
Projected Attendance:	150+
Estimated # of room nights:	70+
Estimated # of day trippers:	
Target Audience:	Recreational and professional disc golfers
Market origin of attendees:	4-state region, Tulsa, Kansas City and St Louis
Amount Requested:	$900.00 (Original request) $1,000 new (Tent and Band)
Portion of Budget:	70% original
Funds Requested For:	**Entertainment at Players Party, $500** **Tent rental for Players Party, $500**
Funding History:	8th Year
Social Media Program:	Yes
Type Grant Request:	Community Grant: ☐ Special Event Grant ■
Date of Application:	June 4, 2013
JCVB-AB Recommendation:	**$ 600 for Facebook Marketing (Jul/Aug, $300 each month)** **$ 900 to max out Basket Prizes** **$ 500 for Entertainment for Players party** **$ 500 for Tent Rental** **$2,500 in addition to the $7,000 already approved.**
Special Instructions/Notes:	None

All items as requested qualify for reimbursement

FY13 CVB GRANT FUNDS REQUEST (5 OF 5)

ORGANIZATION:	Rufus Racing
EVENT:	JOPLIN TRIATHLON WEEKEND
EVENT DATE:	June 28-30, 2013
EVENT LOCATION:	MSSU Pool and Scroggs Lake
PROJECTED ATTENDANCE:	350 youth and adult racers
ESTIMATED # OF ROOM NIGHTS:	75 + with some 2 night stays
ESTIMATED # OF DAY TRIPPERS:	200 racers with approx. 400 spectators
TARGET AUDIENCE:	
MARKET ORIGIN OF ATTENDEES:	CA, TX, WY, GA, IL, OK, KS, MO, AR, WI, IA, FL
AMOUNT REQUESTED:	$12,625 (Original request) $12,000 Awarded
PORTION OF BUDGET:	30% original
FUNDS REQUESTED FOR:	**Insurance and Sanctioning Permit - $400** **Design/Artwork - $300** **Printing fliers (6000) for 10 local & regional races - $1800** **Mailing (2000) promotional pieces - $560** **Tabbing & Labeling mailed pieces (2000) - $150** **Home page ad on Trifind.com – MO, KS, OK, AR - $750** **Ad in Autism Report Magazine - $300** **Facebook click thru ads to athletes 50-150 mile radius outside of Joplin - $200** **Timing - $3000** **Website updates - $300** **Awards - $4365** **Tent, table & chairs - $500**
FUNDING HISTORY:	3rd year
SOCIAL MEDIA PROGRAM:	Yes
TYPE GRANT REQUEST:	Community Grant: ☐ Special Event Grant ■
DATE OF APPLICATION:	June 4, 2013
JCVB-AB RECOMMENDATION:	**$ 625 to fully funds FY13 program.** **$625**
SPECIAL INSTRUCTIONS/NOTES:	None

All items as requested qualify for reimbursement

COUNCIL BILL NO. 2013-618 ORDINANCE NO.

AN ORDINANCE approving the application of Emancipation Committee's Emancipation Celebration Park Day 2013; Spiva Center for the Art's, Tools in Motion Exhibition; Bright Futures USA, Bright Futures Community Engagement Conference; Joplin Disc Golf, Four States Open and Rufus Racing's, Joplin Triathlon Weekend; for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000; authorizing the City Manager to execute appropriate agreements with each such organization for the utilization of such funds.

WHEREAS, the voters of the City of Joplin approved an increase in the Occupational License Tax for transient sleeping accommodations at an election held on November 7, 2000; and,

WHEREAS, pursuant to the provisions of Ordinance No. 2000-148, a portion of said funds are to be utilized for festivals or celebrations intended to attract visitors from the region to the City and other related activities in the City; and,

WHEREAS, the Convention & Visitors Advisory Board established an application procedure and reviewed the applications of numerous organizations, and, have recommended to the Council that certain festivals or celebrations and other events be funded utilizing a portion of said proceeds; and,

WHEREAS, after having a Public Hearing thereon, as required by said ordinance, the Council of the City of Joplin desires to utilize a portion of the proceeds from said tax in accordance with the recommendations of the Convention & Visitors Advisory Board.

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

Section 1. That the Application of Emancipation Celebration Park Day (August 2-4, 2013) in the amount of Four Thousand Two Hundred Dollars ($4,200); Spiva Center for the Art's; Tools In Motion (September 21 – November 8, 2013) in the amount of Three Thousand Two Hundred and Seventy Dollars ($3,270); Bright Futures USA, Bright Futures Community Engagement Conference (October 13-16, 2013) in the amount of Three Thousand Five Hundred, Twenty Five Dollars ($3,525); Joplin Disc Golf Club 4 State Open (September 25-27, 2013) in the amount of Two Thousand Five Hundred Dollars ($2,500) and Rufus Racing's Joplin Triathlon Weekend (June 28 & 30, 2013) in the amount of Six Hundred Twenty Five Dollars ($625); for utilization of FY2013 Festivals and Celebrations support pursuant to Ordinance No. 2000-148, as authorized by the voters on November 7, 2000, be and the same are hereby approved.

Section 2. That the City Manager is hereby authorized and directed to execute appropriate Agreements, by and on behalf of the City of Joplin, with each said organization for the expenditure of said funds in accordance with the recommendation of the Joplin Convention & Visitors Bureau, and, in accordance with Ordinance No. 2000-148.

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

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
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 CVB Fund, Account No. 105-4080-560-7505, to pay the grant amounts awarded.

Leslie Haase, Director of Finance

EMERGENCY ORDINANCES

City of Joplin — City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: AUGUST 5, 2013

ITEM: COUNCIL BILL NO. 2013-004

ORIGINATING DEPARTMENT: FINANCE DEPARTMENT

Finance Director: Leslie Haase LH — **Date:** 7-29-13
City Attorney: Brian Head — **Date:** 7-29-13
City Manager: Mark Rohr — **Date:** 7-29-13

INTRODUCTION:

This Council Bill authorizes submitting a local use tax to the electors of the City of Joplin on November 5, 2013.

DISCUSSION:

Prior to the Supreme Court ruling in January of 2012, all state and local taxation on car and boat purchases, no matter the origin of purchase, has been collected in the form of sales tax. However, in *Craig A. Street v. Director of Revenue,* the Missouri Supreme Court ruled that sales taxes can't be collected by local governments on such items as motor vehicles, boats, trailers, etc. purchased out-of-state, unless a local use tax has been imposed. With this region's proximity to three neighboring states, this ruling could have a devastating impact on the region's local and county governments, as well as local businesses.

In April of 2012, the State estimated the lost sales tax for each governmental entity based on this court ruling. They estimated that Joplin would lose approximately $431,600 annually due to the change. For the first two quarters of 2013, the sales tax for the vehicle & motor vehicle part category is down 21.5% or nearly $188,000.

The Governor recently signed both SB 99 and SB 23. Both of these bills include a temporary legislative "fix" for taxing out-of-state car & boat purchases. The relief the two acts offer is short-term for cities without a "use" tax, until November 2016. In the meantime, these acts apply the local sales tax on car and boat purchases made across state lines for cities without a use tax in place. These acts eliminate both state and local "use" taxes on the storage, use or consumption of motor vehicles, trailers, boats, or outboard motors. The acts specify that a sales tax is to be collected for the titling of such property.

With this temporary fix, communities without a "use" tax have two options. One is to put to a vote of the people whether to ***discontinue*** collecting sales tax on the titling of motor vehicles and boats purchased from a source other than a licensed Missouri dealer. This option only addresses

the titled property issue and is worded as discontinuing a sales tax.

Option two is for a community to pass a "use" tax, which is not a "conventional" tax, since it is collected on large purchases out-of-state. Once a jurisdiction passes a "use" tax, it addresses all purchases made outside the State, as set forth in the recent Supreme Court Ruling. Without a "use" tax in place, it is likened to offering our residents a *discount not to buy locally*. This tax levels the playing field for our local businesses and doesn't offer a tax "break" by buying outside the State.

Therefore, a local use tax is the only viable option to address this issue permanently. The City hopes to address this issue in a regional manner with other counties and cities placing this issue on the ballot in November.

RECOMMENDATION:

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

COUNCIL BILL NO. 2013-004 ORDINANCE NO.

AN ORDINANCE submitting to the electors of the City of Joplin, at a Special Election on Tuesday, November 5, 2013, the question of whether the City shall impose a local use tax at the same rate as the total local sales tax rate, currently Two and Five-Eighths Percent ($2^{5/8ths}$ %), on all retail sales subject to taxation pursuant to the provisions of §144.600 through §144.761 RSMo.; providing for the use tax to be reduced or raised in the same amount as any City sales tax is reduced or raised; and imposing a local use tax of $2^{5/8ths}$ %, on all retail sales subject to taxation pursuant to §144.757 RSMo., upon the approval of a majority of the qualified electors voting; prescribing a form of Ballot thereof; and, containing an emergency clause.

WHEREAS, the electors of the City have approved, and the City has imposed, a total local sales tax, as defined in §32.085 RSMo., at the rate of $2^{5/8ths}$ %; and,

WHEREAS, the City is authorized under Section 144.757 RSMo., to impose a local use tax at a rate equal to the rate of the total local sales taxes in effect in the City; and,

WHEREAS, proposed City use tax cannot become effective until being submitted to the qualified voters of the City of Joplin, Missouri, and approved by a majority of the qualified voters voting thereon.

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

Section 1. That pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.761 RSMo., a use tax for general revenue purposes, is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.

Section 2. 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 5th day of November, 2013, the following question concerning whether the City of Joplin shall impose a local use tax, pursuant to the provisions of RSMo.§144.757, et. seq., said question to be as follows:

"SHALL THE CITY OF JOPLIN, MISSOURI, IMPOSE A LOCAL USE TAX AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE, CURRENTLY TWO AND FIVE-

EIGHTHS PERCENT ($2^{5/8ths}$ %,), PROVIDED THAT IF THE LOCAL SALES TAX RATE IS REDUCED OR RAISED BY VOTER APPROVAL THE LOCAL USE TAX RATE SHALL ALSO BE REDUCED OR RAISED BY THE SAME ACTION? A USE TAX RETURN SHALL NOT BE REQUIRED TO BE FILED BY PERSONS WHOSE PURCHASES FROM OUT-OF-STATE VENDORS DO NOT IN TOTAL EXCEED TWO THOUSAND DOLLARS IN ANY CALENDAR YEAR."

Section 3. That said election shall be governed in all things by the provisions of the Statutes of Missouri and the Charter and Ordinances of the City of Joplin, Missouri, 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 said City as set out in a Notice to be published by the County Clerks of Newton and Jasper County, Missouri, according to law. 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 4. That 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, and request that they conduct said election as required by law.

Section 5. That the ballot of submission shall be in substantially the following form:

. . . . . .

OFFICIAL BALLOT

Election – Tuesday, November 5, 2013

PROPOSITION "A"

"SHALL THE CITY OF JOPLIN, MISSOURI, IMPOSE A LOCAL USE TAX AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE, CURRENTLY TWO AND FIVE-EIGHTHS PERCENT ($2^{5/8ths}$ %,), PROVIDED THAT IF THE LOCAL SALES TAX RATE IS REDUCED OR RAISED BY VOTER APPROVAL, THE LOCAL USE TAX RATE SHALL ALSO BE REDUCED OR RAISED BY THE SAME ACTION? A USE TAX RETURN SHALL NOT BE REQUIRED TO BE FILED BY PERSONS WHOSE PURCHASES FROM OUT-OF-STATE VENDORS DO NOT IN TOTAL EXCEED TWO THOUSAND DOLLARS

($2,000.00) IN ANY CALENDAR YEAR."

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 6. That, if a majority of the qualified voters of the City of Joplin, Missouri approve the imposition of a use tax as provided in this ordinance, then the use tax shall be effective on the first day of the first calendar quarter after the Director of Revenue of the State of Missouri receives notice of adoption of the tax.

Section 7. That within ten (10) days after approval by the qualified voters of the City of Joplin, Missouri, of the use tax hereinabove described, the City Clerk is hereby authorized and directed to forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with the certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

Section 8. 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.

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: August 5, 2013

ITEM: Council Bill No. 2013-005 approving and authorizing payment of the Commissioners' Award and payment of the Commissioners' Fees in the condemnation matter of City of Joplin v. Molandco, Inc.

ORIGINATING DEPARTMENT: Legal Department.
ATTACHMENTS: Council Bill No. 2013-005

DEPARTMENT HEAD:	Brian W. Head BWH	**DATE:** 7/24/13
CITY MANAGER:	R. Mark Rohr RMR	**DATE:** 7-29-13
PUBLIC WORKS:	Sam Anselm	**DATE:** 7/24/13
FINANCE DIRECTOR:	Leslie Haase LH	**DATE:** 7/24/13

INTRODUCTION:

This Council Bill approves payment of the Commissioners' Award and Commissioner Fees for the City's acquisition of property owned by Molandco, Inc., at 2705 Washington, in Joplin.

DISCUSSION:

The acquisition of the Molandco property was the last property acquisition required to facilitate the final phase of the Schifferdecker widening project that extends from 7th Street south to 32nd Street. The funding for the final phase of construction is included in the TIGER Grant for these improvements. This final phase of the project commenced back in October, 2012.

The City entered into negotiations with Molandco to acquire a voluntary acquisition of the necessary right-of-way, and when those negotiations were not successful, the Council authorized the institution of a condemnation proceeding through Ordinance No. 2013-050, on February 19th, 2013.

The Court appointed three Commissioners to assess damages for the taking. The Commissioners viewed the property and recently filed their Report of Commissioners with the Jasper County Circuit Court. The Commissioners' Report, signed by all three (3) Commissioners, found damages for the total acquisition of the property to be the sum of

Fifty-Three Thousand Dollars ($53,000.00). We recommend payment of this amount into the Court at this time so that the City may take possession of the property and allow the project to proceed to conclusion.

In addition, the Commissioners, Bruce Vaughan, Seth Dermott, and Richard Crow, submitted a fee bill for their time on this project, in the total amount of Four Thousand, Five Hundred Dollars, ($4,500.00).

This Council Bill approves and authorizes payment of the Commissioners' Award and payment of the Commissioners' Fees.

RECOMMENDATION:

Staff recommends this Council Bill be adopted on an emergency basis.

PCE:ab
attachment


W 27TH ST
S WASHINGTON AVE
SCHIFFERDECKER AVE
New Right-0f-Way Line
CB 2013-050
2705 Washington Ave
Molandco
N
1' = 100'

COUNCIL BILL NO. 2013-005 ORDINANCE NO.

AN ORDINANCE approving and authorizing payment into the Circuit Court of Jasper County, Missouri, the amount of the Commissioners' Award and the Commissioners' fees in the case styled City of Joplin, Missouri v. Molandco, Inc., a Missouri Corporation, et al, Case No. 13AO-CC00067, from the Capital Improvement Sales Tax Fund, Account No. 145-4565-520-8650, Project No. TC-0509, to complete the acquisition of right-of-way across property generally located at 2705 Washington, in Joplin, Jasper County, Missouri; and containing an emergency clause.

WHEREAS, the City of Joplin, Missouri, has commenced a condemnation action for the acquisition of certain real property for public use necessary for street widening improvements from 7th Street south to 32nd Street in the City of Joplin, in a case styled City of Joplin, Missouri v. Molandco, Inc., a Missouri Corporation, et al, Case No. 13AO-CC00067, filed in the Circuit Court of Jasper County, Missouri, at Joplin; and,

WHEREAS, on June 16, 2013, the Report of Commissioners was filed, setting the amount of compensation for the interest to be acquired from Molandco, Inc., in the total amount of Fifty-Three Thousand Dollars ($53,000.00), and the Commissioners' Fee Bill was filed in the office of the Circuit Clerk of Jasper County, Missouri, setting the Commissioners' Fees in the total amount of Four Thousand, Five Hundred Dollars, No Cents ($4,500.00).

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

Section 1. That payment of the Commissioners' Award in the total amount of Fifty-Three Thousand Dollars ($53,000.00), and the Commissioners' Fees, for the three Commissioners, in the total amount of Four Thousand, Five Hundred Dollars ($4,500.00), is hereby authorized and directed to be made to the Circuit Clerk of Jasper County, Missouri, from the Capital Improvement Sales Tax Fund, Account No. 145-4565-520-8650, Project No. TC-0509.

Section 2. That this Ordinance dealing with a public improvement is an emergency within the meaning of Section 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, 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 of _____.

_____
Melodee Colbert-Kean, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Brian W. Head, City Attorney

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
AT JOPLIN

CITY OF JOPLIN, MISSOURI, A Municipal Corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 13AO-CC00067
Molandco, Inc., a Missouri Corporation, et al Defendants.	)	

FILED
LINDA WILLIAMS-CLERK
JUL - 2 2013
JASPER COUNTY CIRCUIT CLERK
JOPLIN, MISSOURI

QUALIFYING OATH OF COMMISSIONERS

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

The undersigned, being duly appointed Commissioners do solemnly swear that we are wholly disinterested in the outcome of this proceeding; that we are freeholders and residents of Jasper County; that we will forthwith view the property and forthwith return, under oath, to the Circuit Clerk, the Report of Commissioners, in duplicate, setting out, in accordance with the Order Appointing Commissioners the assessment of net damages, if any, on the respective tracts of land/property by reason of the apportionment of said land, property or rights as set out in the Condemnation Petition, taking into consideration the benefits, if any, to be derived by the owner, as well as the damages, if any, sustained by it, and that we will faithfully and impartially perform and discharge all of our duties as Commissioners in this cause in accordance with the law and the constitution.

Dated this 20th day of June, 2013.

BRUCE VAUGHAN

SETH DERMOTT

RICHARD CROW

Subscribed and sworn to before me this 2nd day of July, 2013.

Linda Williams, Circuit Clerk

By: M. Stevenson
Deputy

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
AT JOPLIN

CITY OF JOPLIN, MISSOURI,	)	
A Municipal Corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 13AO-CC00067
	)	
Molandco, Inc.,	)	
a Missouri Corporation, et al	)	
Defendants.	)	

REPORT OF COMMISSIONERS

COME NOW Richard Crow, Bruce Vaughan and Seth Dermott, three (3) disinterested freeholders and residents of Jasper County, Missouri, appointed Commissioners herein by the Circuit Court of Jasper County, Missouri, by an Order of Condemnation dated June 12, 2013, and respectfully make a return under said Order, and say that they determine that the fair market value of the real estate described in Paragraph 7 in the Condemnation Petition, and the damages which the Defendants named therein will suffer by reason of the taking of the property and do make return under oath of such assessment and award of damages to the Clerk of the Court as follows:

1. We determine the fair market value of the following described real property, to wit: land, property or interest, ownership of or legal rights which are claimed by Defendants, in which they may have an ownership interest, to-wit:

Molandco, Inc.

FILED
LINDA WILLIAMS-CLERK
JUL 02 2013
JASPER COUNTY CIRCUIT CLERK
JOPLIN, MISSOURI

"ALL OF LOT NUMBER SEVEN (7) IN PARKER DEVELOPMENT SUBDIVISION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF."

as set forth in Paragraph 7 of the Condemnation Petition, and damages which the Defendants will suffer by reason of the taking of said property in the sum of Fifty Three Thousand ($53,000) Dollars, which is assessed by the Commissioners as damages for the appropriation of the same.

And having in all respects complied with the terms of the aforesaid Order, Commissioners pray that the report of their proceedings be accepted and confirmed, and that they be discharged and allowed compensation for their services.

IN WITNESS WHEREOF, the undersigned Commissioners have hereunto set their hands this 2 day of July, 2013.

RICHARD CROW

BRUCE VAUGHAN

SETH DERMOTT

Subscribed and sworn to before me this 2nd day of July, 2013.

Linda Williams, Circuit Clerk

By: M. Stevenson
Deputy

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

Before me, the undersigned Circuit Clerk of the Circuit Court of Jasper County, Missouri, personally appeared Seth Dermott, Richard Crow, and Bruce Vaughan, to me known to be the persons described in and who executed the foregoing instrument in writing, and by me being first duly sworn on their oath did subscribe their names to the same and did say that the matters and things set forth in the foregoing award are true, and that the assessments of damages as made therein are reasonable, fair, just and impartial, and that they have executed the foregoing instrument as a true act and deed of the Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City of Joplin, Jasper County, Missouri, this 2nd day of July, 2013.

Linda Williams, Circuit Clerk

By: M. Stevenson
Deputy

STATE OF MISSOURI)
)**SS.**
COUNTY OF JASPER)

I, Linda Williams, Clerk of the Circuit Court, within and for the County of Jasper, in the State of Missouri, hereby certify that the above and foregoing is a full, true and complete copy of the

REPORT OF COMMISSIONERS
13AO-CC00067
CITY OF JOPLIN, MISSOURI V MOLANDCO INC ET AL

entered in the cause therein named, as fully as the same appear of record in my office.

In testimony whereof, witness my hand as Clerk and the seal of said Court hereto affixed. Done at my office in the city of Joplin, Jasper County, Missouri, this 16th day of July 2013.

LINDA WILLIAMS, CIRCUIT CLERK

Tina Sandefer D.C.

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
AT JOPLIN

CITY OF JOPLIN, MISSOURI, A Municipal Corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 13AO-CC00067
Molandco, Inc., a Missouri Corporation, et al	)	
Defendants.	)	

NOTICE OF FILING OF COMMISSIONER'S REPORT

TO: Defendants:

Molandco, Inc.
c/o Norman Rouse

DT Land Co.
c/o Steve Hays

Dean Dankelson
Jasper County Prosecuting Attorney
601 S. Pearl
Joplin, Missouri 64801

FILED
LINDA WILLIAMS-CLERK
JUL 16 2013
JASPER COUNTY CIRCUIT CLERK
JOPLIN, MISSOURI

and such other unknown person, persons, or corporations as may derive or claim title as consorts, husband, wife, grantees, successors, heirs, assigns, lessees or devisees of the persons named in the Petition.

YOU, AND EACH OF YOU, are hereby notified that the Commissioners appointed by the Circuit Court of Jasper County to assess and report the damages, if any, that will be sustained by each of you by reason of the condemnation of certain

parcels of land described in Plaintiff's Petition for the purposes mentioned in the Petition did, on the 2nd day of July, 2013, file and return under oath, their Report and assessment of the damages that will be sustained by each of you in said cause. A true and accurate copy of said Report of Commissioners is attached hereto.

Dated this 16th day of July, 2013.

Linda Williams, Circuit Clerk

By: Tina Sandefer
Deputy/Clerk

I hereby certify that I, Tina Sandefer, Deputy/Clerk, did mail a copy of this notice, which has attached to it, a copy of the Report of Commissioners, by Certified Mail, Return Receipt Requested, to the individuals set forth herein, and that I have posted a copy of the same in the Circuit Clerk's Office, pursuant to Rule 86.08.

Linda Williams, Circuit Clerk

By: Tina Sandefer D.C.
Deputy/Clerk

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
AT JOPLIN

CITY OF JOPLIN, MISSOURI, A Municipal Corporation,	)	
Plaintiff,	)	
vs.	)	Case No. 13AO-CC00067
Molandco, Inc., a Missouri Corporation, et al	)	
Defendants.	)	

FEE BILL OF COMMISSIONERS

TO: Seth Dermott, service as Commissioner in the above entitled cause, $ 1500.00.

TO: Richard Crow, service as Commissioner in the above entitled cause, $ 1500.00.

TO: Bruce Vaughan, service as Commissioner in the above entitled cause, $1500.00.

We certify the above bill to be correct and just and that the services were rendered as stated.

FILED
LINDA WILLIAMS-CLERK
JUL 02 2013
JASPER COUNTY CIRCUIT CLERK
JOPLIN, MISSOURI

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

Subscribed and sworn to before me this 2nd day of July, 2013.

Linda Williams, Circuit Clerk

By: M. Stevenson
Deputy/Clerk

STATE OF MISSOURI)
)SS.
COUNTY OF JASPER)

I, Linda Williams, Clerk of the Circuit Court, within and for the County of Jasper, in the State of Missouri, hereby certify that the above and foregoing is a full, true and complete copy of the

FEE BILL OF COMMISSIONERS
13AO-CC00067
CITY OF JOPLIN, MISSOURI V MOLANDCO INC ET AL

entered in the cause therein named, as fully as the same appear of record in my office.

In testimony whereof, witness my hand as Clerk and the seal of said Court hereto affixed. Done at my office in the city of Joplin, Jasper County, Missouri, this 16th day of July 2013.

LINDA WILLIAMS, CIRCUIT CLERK

Tina Sandefer D.C.

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 5, 2013
Council Bill No. 2013-212
Item: Microsurfacing of Various Streets 2013, Award of Contract
Originating Department: PUBLIC WORKS – ENGINEERING

Attachments: 1) Location Map
2) Street List
3) Bid Tabulation
4) Council Bill No. 2013-212

Engineering Department: Jack Schaller	Date: 7-24-13
Department Head: Sam Anselm	Date: 7/24/13
Finance Department: Leslie Haase	Date:
City Attorney: Brian Head	Date: 7-29-13
City Manager: Mark Rohr	Date: 7-29-13

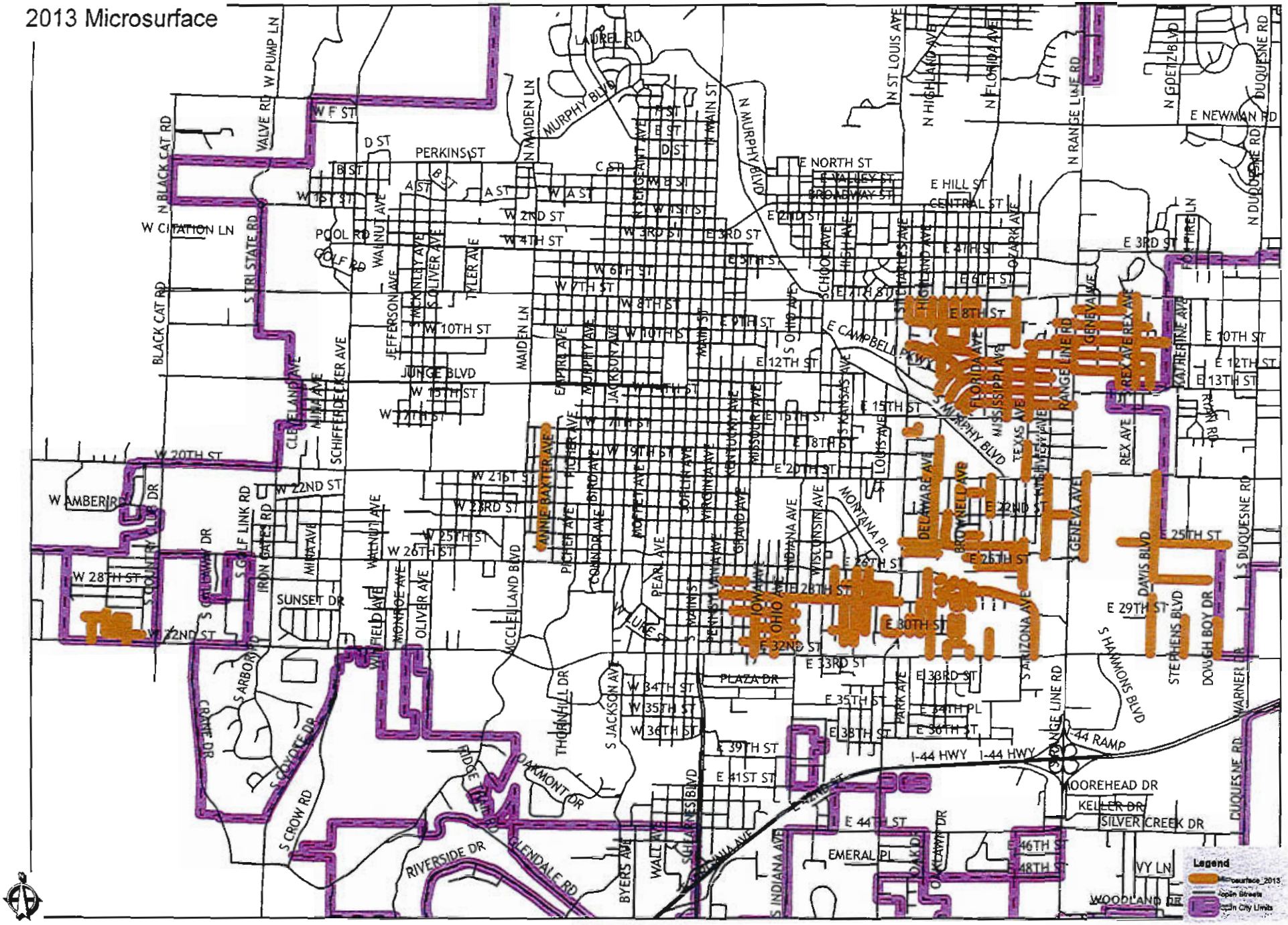
Recommended Action: Approval of an Award of Contract with Vance Brothers in the amount of $1,602,900.00 for the Microsurfacing of Streets 2013 project.

Background: As a part of the annual street maintenance program, the City provides preventive maintenance on asphalt streets on a seven year cycle. The Street Slurry Seal projects have been a major part of this seven-year preventive maintenance program since 1982. Staff has chosen to use Microsurfacing over the Type II Slurry Seal used in the past. Microsurfacing sets up much quicker and is more durable. This should allow roads to be opened up to the public in a faster time frame. Microsurfacing was first used in 2004 and the Engineering Department took significantly less complaint calls as a result. This year more funding was provided to make up for no microsurfacing being done last year due to the tornado recovery. Because part of the focus area is now being funded by CDBG money next year, part of this year's program area was deleted. The contract bid at 900,000 square yards. This means 475,000 additional square yards outside of the CDBG area will be added to the 425,000 square yards mapped out.

Discussion: Notice to Contractors was published for 1 day in the Joplin Globe. Two firms picked up the bid proposal and two firms submitted bids for Microsurfacing on Various Streets in the City of Joplin for 2013 on July 10, 2013 (See attached Bid Tabulation). The 2013 price per square yard is $ 1.78. The 2011 price per square yard is $ 1.64. The 2010 price per square yard was $1.67. Vance Brothers has been a contractor for the City of Joplin in the past and has provided mixed results. This year, Vance Brothers has re-organized their microsurface staff and hired in new management to repair relationships with customers and provide superior service.

Recommendation: It is recommended that a contract be awarded to Vance Brothers Construction in the amount of $1,602,900.00 for the Microsurfacing of Streets 2013 project. This price is within engineers estimate.

2013 Microsurface



Date: 6/17/2013

1 inch = 3,600 feet

Name	Location	Area-SqYd
11th	Range Line - Campbell	15491.6
12th	Highview - Campbell	12485.6
13th	Campbell - Eastern End	12160.0
14th	Range Line - Campbell	12748.0
21st	Brownell - Florida	869.6
22nd	Highview - Rangeline	1904.0
24th	Connecticut - Texas	10935.6
25th	Texas - Florida	3764.2
25th	End - End	2698.2
25th	East of Davis	8237.6
25th	West of Davis	2541.3
26th	29th - Florida	7480.9
27th	Tracks East	1337.8
27th	Pennsylvania - Grand	1846.0
27th	Kansas - St. Louis	3651.6
28th	Jamestown - End	2126.2
28th	Pennsylvania - Indiana	6167.0
28th	Indiana - Connecticut	8149.6
29th	Kentucky - Indiana	5254.0
30th	Missouri - Indiana	3628.0
30th	Connecticut - Terri	1075.0
30th	Michigan - Michigan	251.3
30th (Cedar Ridge)	Even - West End	1721.8
30th (Cedar Ridge)	Eiler - Jennifer	875.3
31st	McConnell - End	1097.8
31st	Grand - Indiana	4348.0
31st (Cedar Ridge)	Even - Heartland	2964.0
airport		20000.0
Alabama	20th - 22nd	3047.8
Arizona	29th - 32nd	4658.0
Ashwood	30th - 32nd	2025.1
Brownell	30th - 29th	1412.7
Carolina	12th - Connecticut	6228.4
Carolyn	20th - N End	967.8
Chris	Connecticut - End	1126.7
Davis	20th - 27th	8250.7
Delaware	17th - 20th	1338.0
Delaware	20th - 24th	5497.6
Delaware	24th - 25th	898.4
Delaware	26th - 28th	2582.7
Delaware	Delaware Ct	606.7
Delaware	28th - 30th	2608.7
Delaware	30th - 32nd	1889.3
Eiler (Cedar Ridge)	30th - 31st	1352.0
Even (Cedar Ridge)	140' north of 30th - 31st	1753.6
Florida	Florida Ct	317.8

Florida	26th - 28th	803.1
Geneva	20th - 24th	8753.8
Highland	28th - 30th	2614.4
Highview	20th - 24th	9340.0
Jamestown	McConnell - End	436.2
Jamestown	28th - End	1282.7
Jennifer (Cedar Ridge)	30th - 32nd	2022.2
Kansas	28th - End	3929.3
Lyndell	Florida - End	1077.6
Massachusetts	27th - 28th	1294.2
McConnell	24th - 22nd	2756.0
McConnell	26th - 28th	1782.7
McConnell	McConnell Ct	329.3
McConnell	31st - 32nd	1123.8
Michigan	26th - End	6029.1
Minnesota	28th - 32nd	5217.0
Mississippi	11th - 12th	1604.0
Mississippi	12th - 15th	4920.0
Mississippi	Mississippi Ct from 32nd	2100.2
Missouri	28th - 32nd	4894.0
New Hampshire	26th - End	6173.6
New Jersey	20th - 19th	791.6
New Jersey	24th - End	2004.9
Ohio	28th - 31st	3842.0
Ozark	24th - 25th	1860.4
Park	29th - 30th	1300.0
Patterson	22nd - End	2160.9
Patterson	30th - End	1372.2
Peters	12th South to City Limit	1193.1
Porter	17th - 25th	10322.0
Rex	7th - City Limit	8238.2
Rosedale	Florida - End	996.7
St Louis	27th - 28th	1285.6
Terri	30th - End	1149.8
Texas	17th - 20th	4036.0
Texas	15th - 13th	3512.9
Texas	13th - 11th	3200.0
Texas	25th - End	1437.3
Texas	Arizona - End	3940.0
Vermont	26th - 30th	5174.0
Village	26th North (Village Ct)	329.3
Waggoner	11th - City Limit	2446.9
Davis	Tracks - 32nd	4389.3
10th	Rex - City Limits	2533.6
10th	Rex - Range Line	5540.9
10th	Range Line - Highview	1126.0
10th	Highview - Western End	2262.0

10th	Forest - 11th	4143.3
11th	Rex - Waggoner	1265.3
11th	Range Line - Peters	4172.0
12th	Rex - Waggoner	1365.8
12th	Range Line - Rex	5767.8
8th	Range Line - Peters	3868.2
8th	Range Line - Highview	1836.7
8th	Ozark - Connecticut	8984.4
9th	Range Line - Eastern End	4022.7
9th	Rex - Greenwood	1138.2
9th	Range Line - Highview	1586.0
Brownell	7th - 8th	1921.1
Carolia Circle	Carolina - Carolina	650.0
Carolina Place		808.9
Dough Boy		3053.6
Forest	7th - End	5058.4
Forest	Carolina - 10th	790.0
Forest	Laura - Carolina	1620.9
Highland	7th - End	2513.3
McConnell	7th- 8th	1926.9
Ozark	7th - 9th	3741.1
Park	7th - 8th	1944.2
Patterson	7th - End	4840.0
Peters	7th - 8th	1248.0
St Charles	7th - 8th	1762.2
Stephens	32nd Street South	5260.4
Stevens	32nd North to Tanglewood	595.1
Texas	11th - 10th	1707.3

EXHIBIT A Total 424892.3

BID TABULATION

PROJECT: Microsurfacing 2013
DATE OF BID OPENING: July 10, 2013 10:00 a.m.

CONTRACTOR	BID
Vance Brothers	1,602,900.00
Intermountain Slurry Seal	1,767,700.00

COUNCIL BILL NO. 2013- 212 ORDINANCE NO.

AN ORDINANCE approving the contract with Vance Brothers in the amount of One Million Six Hundred Two Thousand Nine Hundred and no/100 Dollars ($1,602,900.00) for Microsurfacing of Streets in Various Locations for 2013 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 be awarded with Vance Brothers in the amount of One Million Six Hundred Two Thousand Nine Hundred and no/100 Dollars ($1,602,900.00) for Microsurfacing of Streets in Various Locations for 2013 in the City of Joplin, Missouri.

Section 2. 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 140-4520-530-2545 and 140-4520-530-8650.

Section 3. That the Director of Public Works is hereby authorized to proceed with said awarding of contract with Vance Brothers.

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.

_____
Melodee Colbert Kean, Mayor

ATTEST:

_____
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 140-4520-530-2545in the amount of $1,500,000.00 and 140-4520-530-8650 in the amount of $102,900.00 to pay the amount called for in said contract on the basis of estimates made by the City Engineer.

_____

Leslie Haase, Director of Finance

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 5, 2013

Item: COUNCIL BILL NO. 2013-620
Originating Department: PUBLIC WORKS - AIRPORT

Attachments: 1) Copy of Agreement
2) Copy of Council Bill

Airport Manager:	Steve Stockam SS	Date: 7/29/13
Department Head:	Sam Anselm	Date: 7/29/13
Finance Department:	Leslie Haase LH	Date: 7-29-13
City Attorney:	Brian Head	Date: 7-29-13
City Manager:	Mark Rohr	Date: 7-29-13

Recommended Action: Authorization to accept a grant from the Department of Transportation, Federal Aviation Administration, (FAA) Airport Improvement Program (AIP) for the construction of a Taxiway at the Joplin Regional Airport on and emergency basis.

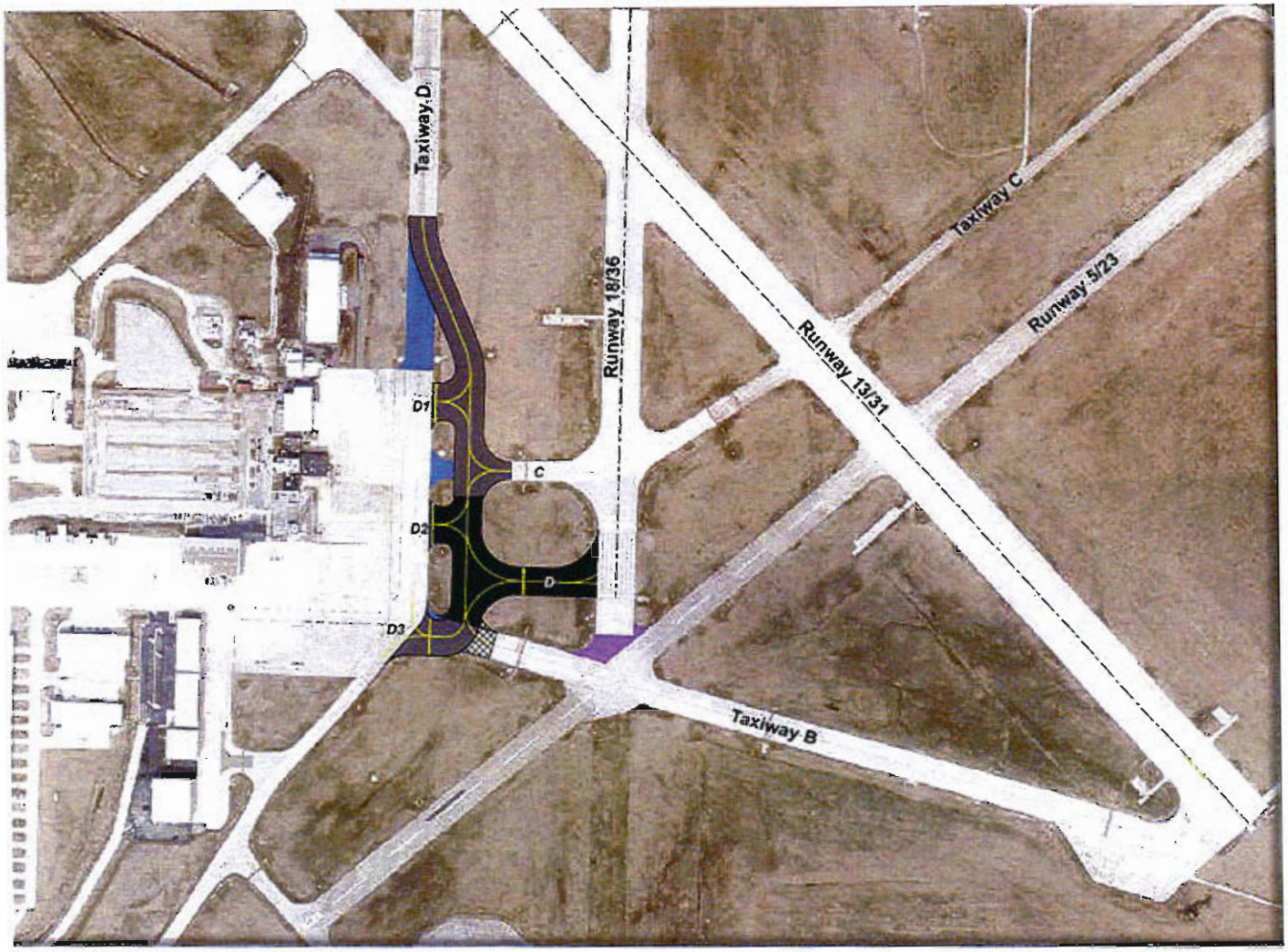
Summary: On December 10, 2012 the Federal Aviation Administration (FAA) issued the Joplin Regional Airport what is referred to as a "GO" letter which is the initiation of work for a proposed project. The FAA has directed the Airport to design and construct a connecting taxiway at the approach end of Runway 36 as part of the mitigation of the complex intersection issue. This intersection has been the focus of the Federal Runway Safety Team program (RSAT) due to the potential of "wrong runway takeoff" of departing traffic. Per the letter the Federal Grant for this project will be issued upon receipt of the final bid amount.

The engineering firm of Garver, LLC was selected to design the project and Council approved that contract in February of this year. Garver then designed and bid the project on July 2, 2013. The bid price along with the associated project cost was submitted to FAA in order to calculate the total project cost for the Grant.

Discussion: The FAA has issued this Airport Improvement Grant (AIP) for $1,391,195.00 for the construction of the RSAT Taxiway project as outlined in the GO letter. The Grant amount is based on the projected final project cost. All cost for this project will be paid from this Federal Grant based on a 95/5 Federal/Local share. The Local Share will be approximately $75,824.00 to be paid from the Transportation Sales Tax fund.

Recommendation: Staff requests the adoption of this council bill on an emergency basis.

RSAT Improvements – Phase 1



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I – OFFER

Date of Offer
Joplin Regional
(herein called the "Airport")
3-29-0037-034-2013
Grant No
010649846
DUNS No

TO: **City of Joplin, Missouri**
(herein called the "Sponsor")
FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated **July 11, 2013**, for a grant of Federal funds for a project at or associated with the Joplin Regional Airport, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

WHEREAS, the FAA has approved a project for the Airport (or Planning Area) (herein called the "Project") consisting of the following:

Construct Taxiway (Connector Taxiway to Runway 36 Threshold - Phase 1)
all as more particularly described in the Project Application.

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NOW THEREFORE, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act," and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this Offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States' share of the allowable costs incurred in accomplishing the Project, ninety-five (95) per centum thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS**:

CONDITIONS

1. The maximum obligation of the United States payable under this Offer shall be **$1,391,195**. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:

   $ 0 for planning

   $ **1,391,195** for airport development or noise program implementation

   The source of this Grant may include funding from the Small Airport Fund.

2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.

3. Payment of the United States' share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.

4. The Sponsor shall carry out and complete the Project without undue delays and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.

5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before **August 23, 2013**, or such subsequent date as may be prescribed in writing by the FAA.

7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.

8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

9. **CENTRAL CONTRACTOR REGISTRATION AND UNIVERSAL IDENTIFIER REQUIREMENTS**

   A. Requirement for Central Contractor Registration (CCR)

   Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions

For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at https://www.sam.gov/portal/public/SAM/).

2. Data Universal Numbering System

DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866–705–5711) or the Internet (currently at http://fedgov.dnb.com/webform).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR Part 25, Subpart C:

a. A Governmental organization, which is a State, local government, or Indian Tribe;

b. A foreign public entity;

c. A domestic or foreign nonprofit organization;

d. A domestic or foreign for-profit organization; and

e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. 210 of the attachment to OMB Circular A–133, "Audits of States, Local Governments, and Non-Profit Organizations"). A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

a. Receives a subaward from you under this award; and

b. Is accountable to you for the use of the Federal funds provided by the subaward.

c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

10. **ELECTRONIC GRANT PAYMENT(S):** The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for FAA grantees. Each payment request under this grant agreement must be made electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees. The following are the procedures for accessing and utilizing the Delphi eInvoicing System.

A. Grant Recipient Requirements.

(1) Grantees must have Internet access to register and submit payment requests through the Delphi eInvoicing system unless, under limited circumstances, a waiver is granted by the FAA and DOT under section (c) below.

(2) Grantees must submit payment requests electronically and the FAA will process payment requests electronically.

B. System User Access.

(1) Grantees must contact the FAA Airports District/Regional Office and officially submit a written request to sign up for the system. The FAA Office of Airports will provide the grantee's name, email address and telephone number to the DOT Financial Management Office. The DOT will then invite the grantee via email to sign up for the system and require the grantee to complete two forms. The grantee will complete a web based DOT registration form and download the Proof of Identification form to verify the grantee's identity.

(2) The grantee must complete the Proof of Identification form, and present it to a Notary Public for verification. The grantee will return the notarized form to:

DOT Enterprise Services Center
FAA Accounts Payable, AMZ-100
PO Box 25710
Oklahoma City, OK 73125

(3) The DOT will validate the both forms and email a user ID and password to the grantee. Grantees should contact the FAA Airports District/Regional Office with any changes to their system information.

Note: Additional information, including access forms and training materials, can be found on the DOT eInvoicing website (http://www.dot.gov/cfo/delphi-einvoicing-system.html).

C. Waivers. DOT Financial Management officials may, on a case by case basis, waive the requirement to register and use the electronic grant payment system based on user requests and concurrence of the FAA. Waiver request forms can be obtained on the DOT eInvoicing website (http://www.dot.gov/cfo/delphi-einvoicing-system.html) or by contacting the FAA Airports District/Regional Office. Recipients must explain why they are unable to use or access the Internet to register and enter payment requests.

(1) All waiver requests should be sent to the FAA Airports District/Regional Office for concurrence, prior to sending to the Director of the Office of Financial Management, US Department of Transportation, Office of Financial Management, B-30, room W93-431, 1200 New Jersey Avenue SE, Washington DC 20590-0001, DOTElectronicInvoicing@dot.gov. The Director of the DOT Office of Financial Management will confirm or deny the request within approximately 30 days.

(2) If a grantee is granted a waiver, the grantee should submit all hard-copy invoices directly to:

DOT/FAA
PO Box 25082
AMZ-110
Oklahoma City, OK 73125

11. **INFORMAL LETTER AMENDMENT OF AIP PROJECTS:** It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by $25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. Conversely, if there is an overrun in the total actual eligible and allowable project costs, FAA may increase the maximum grant obligation of the United States to cover the amount of the overrun not to exceed the statutory percent limitation and will advise the Sponsor by letter of the increase. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.

12. **AIR AND WATER QUALITY:** Approval of the project included in this agreement is conditioned on the Sponsor's compliance with applicable air and water quality standards in accomplishing project construction. Failure to comply with this requirement may result in suspension, cancellation, or termination of Federal assistance under this agreement.

13. **PAVEMENT MAINTENANCE MANAGEMENT PROGRAM:** For a project to replace or reconstruct pavement at the airport, the Sponsor shall implement an effective airport pavement maintenance management program as is required by Airport Sponsor Assurance Number C-11. The Sponsor shall use such program for the useful life of any pavement constructed, reconstructed, or repaired with federal financial assistance at the airport. As a minimum, the program must conform with the provisions outlined below:

Pavement Maintenance Management Program

An effective pavement maintenance management program is one that details the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed. An airport sponsor may use any form of inspection program it deems appropriate. The program must, as a minimum, include the following:

a. **Pavement Inventory.** The following must be depicted in an appropriate form and level of detail:

(1) location of all runways, taxiways, and aprons;
(2) dimensions;
(3) type of pavement, and;
(4) year of construction or most recent major rehabilitation.

For compliance with the Airport Improvement Program (AIP) assurances, pavements that have been constructed, reconstructed, or repaired with federal financial assistance shall be so depicted.

b. **Inspection Schedule.**

(1) **Detailed Inspection.** A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," the frequency of inspections may be extended to three years.

(2) **Drive-By Inspection.** A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition.

c. **Record Keeping.** Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The types of distress, their locations, and remedial action, scheduled or performed, must be documented. The minimum information to be recorded is listed below:

(1) inspection date,
(2) location,
(3) distress types, and
(4) maintenance scheduled or performed.

For drive-by inspections, the date of inspection and any maintenance performed must be recorded.

d. **Information Retrieval.** An airport sponsor may use any form of record keeping it deems appropriate, so long as the information and records produced by the pavement survey can be retrieved to provide a report to the FAA as may be required.

e. **Reference.** Refer to Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements and establishing an effective maintenance program. Specific types of distress, their probable causes, inspection guidelines, and recommended methods of repair are presented.

14. **PROJECTS WHICH CONTAIN PAVING WORK IN EXCESS OF $250,000**: The Sponsor agrees to perform the following:

a. Furnish a construction management program to FAA prior to the start of construction which shall detail the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program shall include as a minimum:

(1) The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
(2) Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
(3) Procedures for determining that testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation, referenced in the contract specifications (D 3666, C 1077).
(4) Qualifications of engineering supervision and construction inspection personnel.
(5) A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.

(6) Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.

b. Submit at completion of the project, a final test and quality control report documenting the results of all tests performed, highlighting those tests that failed or that did not meet the applicable test standard. The report shall include the pay reductions applied and the reasons for accepting any out-of-tolerance material. An interim test and quality control report shall be submitted, if requested by the FAA.

c. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, shall, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction shall be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.

d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.

15. **BUY AMERICAN REQUIREMENT:** Unless otherwise approved by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for airport development or noise compatibility for which funds are provided under this grant. The Sponsor will include in every contract a provision implementing this special condition.

16. **MAXIMUM OBLIGATION INCREASE FOR PRIMARY AIRPORTS:** In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer

a. may not be increased for a planning project;

b. may be increased by not more than 15 percent for development projects;

c. may be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.

SPECIAL CONDITIONS

17. **NON-AIP WORK IN APPLICATION:** It is understood and agreed by and between the parties hereto that notwithstanding the fact that the Project Application includes therein the costs associated with third party insurance and corrective action for surface painted hold position signs, said work shall not be a part of this project and, if or to the extent accomplished by the Sponsor, such accomplishment shall be without any participation in the costs thereof by the United States under this project; it is further understood and agreed that, in the event the work which is excluded from the project is accomplished by the Sponsor, the Sponsor shall maintain as a portion of the cost records covering this project, separable cost records pertaining to the above-identified work excluded from Federal participation under this project, which records shall be made available for inspection and audit by the FAA to the end that the cost of the excluded work may be definitely determined.

18. **RUNWAY PROTECTION ZONES:** The Sponsor agrees to take the following actions to maintain and/or acquire a property interest, satisfactory to the FAA, in the Runway Protection Zones:

a. **Existing Fee Title Interest in the Runway Protection Zone:** The Sponsor agrees to prevent the erection or creation of any structure or place of public assembly in the Runway Protection Zone, except for NAVAIDS that are fixed by their functional purposes or any other structure approved by the FAA. Any existing structures or uses within the Runway Protection Zone will be cleared or discontinued unless approved by the FAA.

b. **Existing Easement Interest in the Runway Protection Zone:** The Sponsor agrees to take any and all steps necessary to ensure that the owner of the land within the designated Runway Protection Zone will not build any structure in the Runway Protection Zone that is a hazard to air navigation or which might create glare or misleading lights or lead to the construction of residences, fuel handling and storage facilities, smoke generating activities, or places of public assembly, such as churches, schools, office buildings, shopping centers, and stadiums.

c. **Future Interest in the Runway Protection Zone:** The Sponsor agrees that it will acquire fee title or less-than-fee interest in the Runway Protection Zones for runways that presently are not under its control within 5 years of this Grant Agreement. Said interest shall provide the protection noted in above Subparagraphs a and b.

19. **UPDATE APPROVED EXHIBIT "A" FOR EXISTING AIRPORT PROPERTY:** It is understood and agreed by and between the parties hereto that notwithstanding the fact that this Grant Offer is made and accepted upon the basis of the current Exhibit A Property Map, the Sponsor hereby covenants and agrees that upon completion of this project, it will update said Exhibit A Property Map to standards satisfactory to the Federal Aviation Administration (FAA) and submit said documentation in final form to the FAA. It is further understood and agreed by and between the parties hereto that the United States shall make no payment which could cause the aggregate of all payments under this project to exceed 90 percent of the estimated United States' share of the total estimated project costs, excluding contingency items, or 90 percent of the maximum United States' obligation stated in this Grant Agreement, whichever is lower, until the Sponsor has submitted an Exhibit A Property Map which shows all airport property interests held by Sponsor, both fee and easement, and said Exhibit A has been found satisfactory by the FAA.

20. **PLANS & SPECIFICATIONS APPROVAL BASED UPON CERTIFICATION:** It is mutually understood and agreed that FAA approval of the Sponsor's Plans and Specification is based primarily upon the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the Secretary.

    It is further understood that:

    a) The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project.

    b) The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements; if the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are eligible under the Airport Improvement Program.

    c) If the FAA determines the Sponsor has knowingly made false certification statements, the Sponsor may be subject to penalties as may apply per 49 USC § 47126.

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The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

(Signature)

Jim A. Johnson

(Name)

Manager, Airports Division

(Title)

DRAFT

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application. I declare under penalty of perjury that the foregoing is true and correct. [1]

Executed this _____ day of _____, _____.

City of Joplin, Missouri
(Name of Sponsor)

(SEAL)

_____
(Signature of Sponsor's Designated Official Representative)

By: _____
(Printed Name of Sponsor's Designated Official Representative)

Title: _____
(Title of Sponsor's Designated Official Representative)

Attest: _____.

_____.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____ , acting as Attorney for the Sponsor do hereby certify:
(Printed Name of Sponsor's Attorney)

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Missouri. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____

this _____day of _____, _____. By _____
(Signature of Sponsor's Attorney)

[1] Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS PHASE 1A
AS-BID BUDGET

SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED AMOUNT
SS-120-3.1	Site Preparation	LS	1	$190,000.00	$190,000.00
SS-130-4.1	Trench and Excavation Safety Systems	LS	1	$2,195.00	$2,195.00
SS-300-5.1	Lockout/Tagout and Constant Current Regulator Calibration Procedures	LS	1	$933.00	$933.00
SS-310-5.1	Existing Stake Mounted Edge Light, Removed	EA	14	$77.00	$1,078.00
SS-310-5.2	Existing Base Mounted Guidance Sign, Removed	EA	13	$228.00	$2,964.00
SS-310-5.3	Existing Base Mounted Elevated Runway Guard Light, Removed with Base to Remain	EA	3	$77.00	$231.00
SS-310-5.4	Existing Base Mounted Elevated Runway Guard Light, Removed with Base Demolished	EA	3	$228.00	$684.00
SS-310-5.5	Existing Base Mounted Elevated Runway Guard Light, Reinstalled on New or Existing Foundation with New Isolation Transformer, Lamps, and Connectors	EA	2	$472.00	$944.00
SS-310-5.6	New L-804(L) LED Base Mounted Elevated Runway Guard Light, Installed on New or Existing Foundation with New Isolation Transformer, Lamps, and Connectors	EA	6	$4,308.00	$25,848.00
SS-310-5.7	Runway Threshold Light Bar, Installed	EA	1	$16,571.00	$16,571.00
SS-310-5.8	L-861T Quartz Stake Mounted Taxiway Edge Light, Installed	EA	26	$472.00	$12,272.00
SS-310-5.9	L-861T Quartz Base Mounted Taxiway Edge Light, Installed	EA	5	$905.00	$4,525.00
SS-310-5.10	L-862E Quartz Base Mounted Runway Threshold Light, Installed on Runway Threshold Light Bar	EA	8	$840.00	$6,720.00
SS-310-5.11	L-858 Quartz Base Mounted, Size 2, 2-Module Guidance Sign, Installed	EA	1	$4,656.00	$4,656.00
SS-310-5.12	L-858 Quartz Base Mounted, Size 2, 3-Module Guidance Sign, Installed	EA	3	$5,021.00	$15,063.00
SS-310-5.13	L-858 Quartz Base Mounted, Size 2, 3-Module Guidance Sign, Installed on Oversized Foundation for Runway Guard Light	EA	2	$9,060.00	$18,120.00
SS-310-5.14	L-858 Quartz Base Mounted, Size 2, 4-Module Guidance Sign and 3-Module Guidance Sign, Concurrently Installed on Oversized Foundation for Runway Guard Light	EA	1	$15,035.00	$15,035.00
SS-310-5.15	L-853 Elevated Retroreflective Markers, Installed on Pavement	EA	3	$192.00	$576.00
SS-310-5.16	Temporary Airfield Lighting	LS	1	$9,718.00	$9,718.00
SS-310-5.17	Airfield Lighting Spare Equipment	LS	1	$1,334.00	$1,334.00
P-101-5.1a	Asphaltic Concrete Pavement Removal	SY	888	$30.00	$26,640.00
P-101-5.1b	Joint and Crack Repair	LF	800	$13.20	$10,560.00
P-101-5.1c	Paint and Rubber Removal	SF	3,991	$3.30	$13,170.30
P-101-5.1d	Cold Planing	SY	200	$35.70	$7,140.00
P-152-4.1	Unclassified Excavation	CY	2,826	$22.00	$62,172.00
P-152-4.2	Unsuitable Excavation	CY	200	$27.45	$5,490.00
P-156-5.1	Temporary Erosion Control	LS	1	$11,600.00	$11,600.00
P-158-8.1	Fly Ash Treated Subgrade	SY	5,900	$7.90	$46,610.00
P-158-8.2	Fly Ash	TN	260	$65.85	$17,121.00
P-209-5.1	Crushed Aggregate Base Course (12-inch Thickness)	SY	5,900	$9.20	$54,280.00
P-209-5.2	Crushed Aggregate Base Course (24-inch Thickness)	SY	40	$48.85	$1,954.00
P-401-8.1	Bituminous Surface Course	TN	1,360	$124.00	$168,640.00
P-403-8.1	Bituminous Base Course	TN	1,710	$116.35	$198,958.50
P-620-5.1	Runway and Taxiway Painting (Temporary)	SF	1,300	$2.00	$2,600.00
P-620-5.2	Runway and Taxiway Painting (Permanent)	SF	8,600	$3.30	$28,380.00
EB-44B-5.1	Coal-Tar Sealer/Rejuvenator	SY	1,200	$8.80	$10,560.00
D-701-5.1	18-in Reinforced Concrete Pipe (Class IV)	LF	574	$71.40	$40,983.60
D-705-5.1	6-in Perforated Underdrain Pipe	LF	1,200.0	$28.55	$34,260.00
D-705-5.2	6-in Non-Perforated Outlet Pipe	LF	160	$27.75	$4,440.00
D-751-5.1	Airfield Grate Inlet	EA	5	$4,738.00	$23,690.00
T-901-5.1	Seeding	AC	2.0	$2,579.00	$5,158.00
T-904-5.1	Sodding	SY	1,600	$6.50	$10,400.00
T-905-5.1	Topsoiling (4" Thickness)	SY	9,600	$2.20	$21,120.00
L-107-5.1	L-806, 8-Foot (240 cm) Supplemental Wind Cone, in Place	EA	2	$4,375.00	$8,750.00

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L-107-5.2	Existing Wind Cone, Removed	EA	2	$154.00	$308.00
L-108-5.1	Trenching for Direct-Buried Cable, 18" Minimum Depth	LF	2,100	$5.50	$11,550.00
L-108-5.2	No. 8 AWG 5kV, L-824C Cable, Installed in Trench, Duct Bank or Conduit	LF	5,700	$1.60	$9,120.00
L-108-5.3	No. 6 AWG Solid, Bare Counterpoise Wire, Installed in Trench, Above the Duct Bank or Conduit, Including Ground Rods and Ground Connectors	LF	3,750	$1.76	$6,600.00
L-108-5.4	Trenching for Direct-Buried Bare Counterpoise Wire, 8" Minimum Depth	LF	1,400	$2.41	$3,374.00
L-110-5.1	Concrete Encased, Electrical Duct Bank, 2-Way 2"C	LF	235	$33.00	$7,755.00
L-110-5.2	Electrical Conduit 1-Way 2"C	LF	190	$11.00	$2,090.00
L-115-5.1	Concrete Encased, Electrical Junction Structure, L-867 Class 1, Size 16" Diameter by 24" Depth, Installed	EA	4	$878.00	$3,512.00
SP-C-01	Third Party Insurance	LS	1	$1,646.00	$1,646.00

Total As-Bid Construction Cost **$1,190,099.40**

ADMINISTRATION EXPENSES	**$5,000.00**

ARCHITECTURAL ENGINEERING BASIC FEES	
SURVEYS	$16,200.00
GEOTECHNICAL INVESTIGATION	$8,400.00
DESIGN SERVICES - PHASE 1A	$98,100.00
BIDDING SERVICES - PHASE 1A	$9,500.00
REBIDDING SERVICES	$8,200.00
MARKING & SIGNAGE PLAN UPDATE	$6,400.00
AIRPORT DIAGRAM UPDATE	$4,000.00
TOTAL ARCHITECTURAL ENGINEERING FEES	**$150,800.00**

PROJECT INSPECTION FEES	
CONSTRUCTION PHASE SERVICES	$99,500.00
CONSTRUCTION MATERIALS TESTING	$15,170.00
SUBCONSULTANT CONTRACT ADMINISTRATION	$2,750.00
CLOSEOUT SERVICES	$3,700.00
TOTAL PROJECT INSPECTION FEES	**$121,120.00**

TOTAL ESTIMATED PROJECT COST	**$1,467,019.40**

NON-AIP ELIDGIBLE ITEMS		UNIT	EST. QNTY	UNIT PRICE	AMOUNT
P-101-5.1c	Paint and Rubber Removal	SF	150	$3.30	$495.00
P-620-5.2	Runway and Taxiway Painting (Permanent)	SF	140	$3.30	$462.00
SP-C-01	Third Party Insurance	LS	1	$1,646.00	$1,646.00
TOTAL NON-AIP ELIDGIBLE ITEMS					**$2,603.00**

TOTAL ESTIMATED PROJECT COST (AIP-ELIGIBLE)	**$1,464,416.40**

PROJECT FUNDING	
FAA AIP (95%)	$1,391,195.00
SPONSOR (remainder)	$75,824.40
TOTAL FUNDING	**$1,467,019.40**

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COUNCIL BILL NO. 2013-620 **ORDINANCE NO.**

AN ORDINANCE Authorization to accept a grant from the Department of Transportation, Federal Aviation Administration, (FAA) Airport Improvement Program (AIP) for the construction of a Taxiway at the Joplin Regional Airport on an emergency basis.

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

Section 1. Authorization to accept a grant from the Department of Transportation, Federal Aviation Administration, (FAA) Airport Improvement Program (AIP) for the construction of a Taxiway at the Joplin Regional Airport, a true and accurate copy of said agreement being attached hereto and incorporated herein and the same is hereby approved.

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

Section 3. That this Ordinance dealing with the public improvements, is an emergency within the meaning of Section 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri, and, shall be in full force and effect immediately after its passage 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

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 5, 2013

Item: COUNCIL BILL NO. 2013-621
Originating Department: PUBLIC WORKS - AIRPORT

Attachments: 1) Copy of Agreement
2) Copy of Council Bill

Airport Manager:	Steve Stockam SS	Date: 7/29/13
Department Head:	Sam Anselm	Date: 7/26/13
Finance Department:	Leslie Haase LH	Date: 7-29-13
City Attorney:	Brian Head	Date: 7-29-13
City Manager:	Mark Rohr	Date: 7-29-13

Recommended Action: Approval of an Agreement by and between the City of Joplin and Branco Construction for the construction of a Taxiway at the Joplin Regional Airport on an emergency basis.

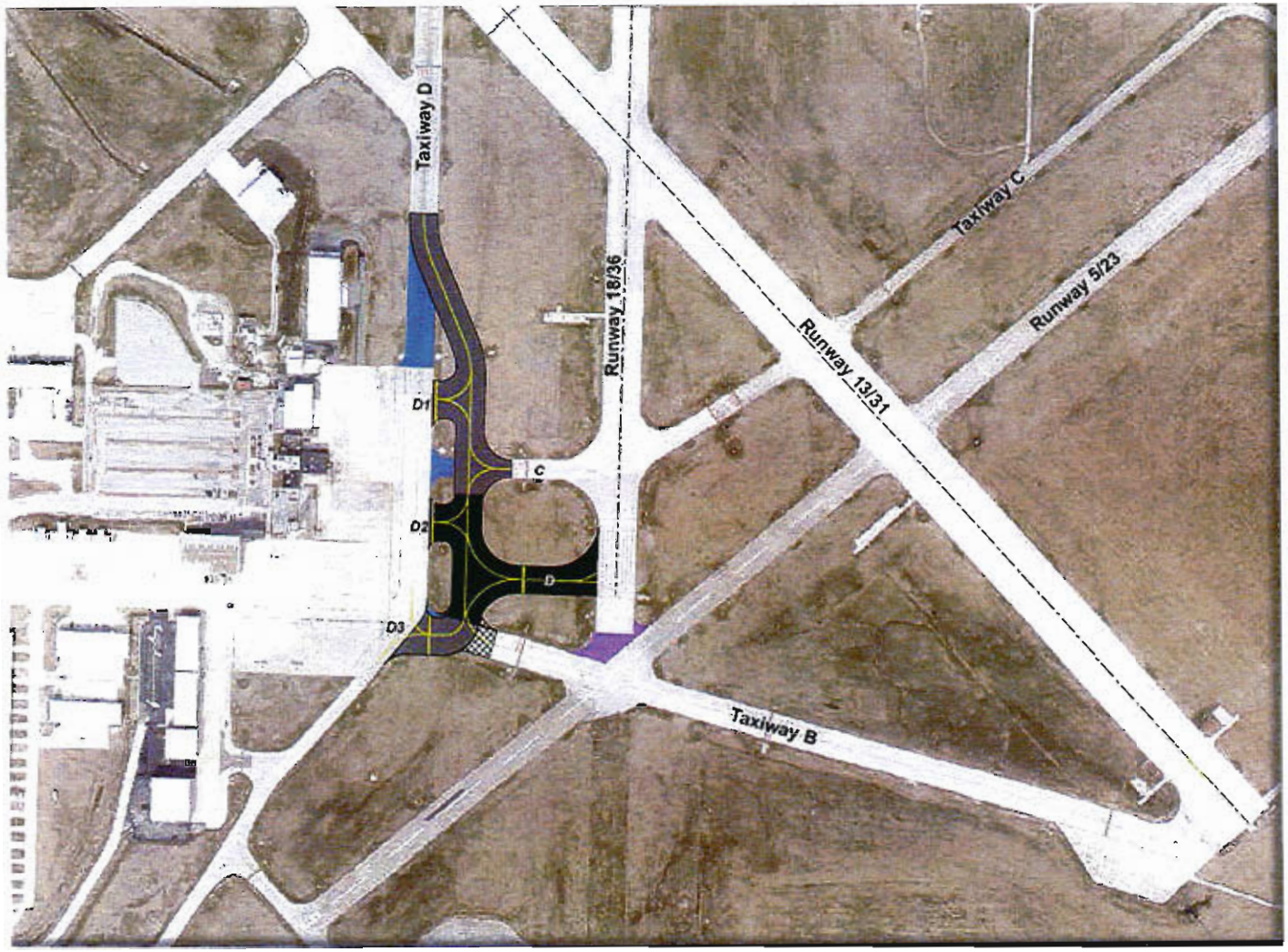
Background: On December 10, 2012 the Federal Aviation Administration (FAA) issued the Joplin Regional Airport what is referred to as a "GO" letter which is the initiation of work for a proposed project. The FAA has directed the Airport to design and construct a connecting taxiway at the approach end of Runway 36 as part of the mitigation of the complex intersection issue. This intersection has been the focus of the Federal Runway Safety Team program (RSAT) due to the potential of "wrong runway takeoff" of departing traffic. Per the letter the Federal Grant for this project will be issued upon receipt of the final bid amount.

The engineering firm of Garver, LLC was selected to design the project and Council approved that contract in February of this year. Garver then designed and bid the project on behalf of the Joplin Regional Airport on July 2, 2013. Branco Construction was the low bidder on the project. Garver reviewed the bids and recommended award of the contract Branco. FAA concurred.

Discussion: The FAA has issued a Grant for the project and all the cost for this construction agreement will be paid from the Grant based on a 95/5 Federal/Local share. This contract amount is $1,190,099.40. The Local Share will be approximately $59,504 to be paid from the Transportation Sales Tax fund.

Recommendation: Staff recommends approval of the agreement by and between the City of Joplin and Branco Construction for the construction of a Taxiway at the Joplin Regional Airport on an emergency basis.

RSAT Improvements – Phase 1



2049 E. Joyce Blvd.
Suite 400
Fayetteville, AR 72703

TEL 479.527.9100
FAX 479.527.9101

www.GarverUSA.com

July 9, 2013

Mr. Steve Stockam
Joplin Regional Airport
602 S. Main Street
Joplin, MO 64801

Re: Joplin Regional Airport
RSAT Airfield Improvements Phase 1A
Recommendation of Award

Dear Steve:

Bids were received for the "RSAT Airfield Improvements Phase 1A" project at the Joplin City Hall, 3rd floor engineering conference room at 2:00 p.m. on July 2, 2013. The bids have been checked for accuracy and for compliance with the contract documents. A tabulation of the bids received is enclosed with this letter.

A total of 2 bids were received on the project. Branco Enterprises, Inc. submitted the low bid for the project in the amount of $1,190,099.40. The Engineer's Opinion of Probable Cost was $1,030,000.00.

We believe that the bid submitted by Branco Enterprises, Inc. represents a good value for Joplin Regional Airport. Contingent upon a grant agreement, we recommend that the construction contract for the RSAT Airfield Improvements Phase 1A be awarded to Branco Enterprises, Inc.

Please call me if you have any questions.

Sincerely,

Keith Tencleve, P.E.
Project Manager

Attachments: Bid Tab
As-Bid Project Budget

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JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS PHASE 1A
BID TABULATION
BID OPENING: Tuesday, July 2, 2013; 2:00 PM

SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE		Branco Enterprises, Inc.		Wells Excavating	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
SS-120-3.1	Site Preparation	LS	1	$125,323.50	$125,323.50	$190,000.00	$190,000.00	$85,000.00	$85,000.00
SS-130-4.1	Trench and Excavation Safety Systems	LS	1	$2,000.00	$2,000.00	$2,195.00	$2,195.00	$5,000.00	$5,000.00
SS-300-5.1	Lockout/Tagout and Constant Current Regulator Calibration Procedures	LS	1	$2,000.00	$2,000.00	$933.00	$933.00	$4,500.00	$4,500.00
SS-310-5.1	Existing Stake Mounted Edge Light, Removed	EA	14	$70.00	$980.00	$77.00	$1,078.00	$396.00	$5,544.00
SS-310-5.2	Existing Base Mounted Guidance Sign, Removed	EA	13	$700.00	$9,100.00	$228.00	$2,964.00	$577.00	$7,501.00
SS-310-5.3	Existing Base Mounted Elevated Runway Guard Light, Removed with Base to Remain	EA	3	$175.00	$525.00	$77.00	$231.00	$833.00	$2,499.00
SS-310-5.4	Existing Base Mounted Elevated Runway Guard Light, Removed with Base Demolished	EA	3	$400.00	$1,200.00	$228.00	$684.00	$833.00	$2,499.00
SS-310-5.5	Existing Base Mounted Elevated Runway Guard Light, Reinstalled on New or Existing Foundation with New Isolation Transformer, Lamps, and Connectors	EA	2	$300.00	$600.00	$472.00	$944.00	$1,000.00	$2,000.00
SS-310-5.6	New L-804(L) LED Base Mounted Elevated Runway Guard Light, Installed on New or Existing Foundation with New Isolation Transformer, Lamps, and Connectors	EA	6	$3,000.00	$18,000.00	$4,308.00	$25,848.00	$4,800.00	$28,800.00
SS-310-5.7	Runway Threshold Light Bar, Installed	EA	1	$15,000.00	$15,000.00	$16,571.00	$16,571.00	$10,000.00	$10,000.00
SS-310-5.8	L-861T Quartz Stake Mounted Taxiway Edge Light, Installed	EA	26	$725.00	$18,850.00	$472.00	$12,272.00	$846.00	$21,996.00
SS-310-5.9	L-861T Quartz Base Mounted Taxiway Edge Light, Installed	EA	5	$1,200.00	$6,000.00	$905.00	$4,525.00	$1,200.00	$6,000.00
SS-310-5.10	L-862E Quartz Base Mounted Runway Threshold Light, Installed on Runway Threshold Light Bar	EA	8	$850.00	$6,800.00	$840.00	$6,720.00	$945.00	$7,560.00
SS-310-5.11	L-858 Quartz Base Mounted, Size 2, 2-Module Guidance Sign, Installed	EA	1	$6,750.00	$6,750.00	$4,656.00	$4,656.00	$5,400.00	$5,400.00
SS-310-5.12	L-858 Quartz Base Mounted, Size 2, 3-Module Guidance Sign, Installed	EA	3	$8,500.00	$25,500.00	$5,021.00	$15,063.00	$5,000.00	$15,000.00
SS-310-5.13	L-858 Quartz Base Mounted, Size 2, 3-Module Guidance Sign, Installed on Oversized Foundation for Runwey Guard Light	EA	2	$11,600.00	$23,200.00	$9,060.00	$18,120.00	$7,500.00	$15,000.00
SS-310-5.14	L-858 Quartz Base Mounted, Size 2, 4-Module Guidance Sign and 3-Module Guidance Sign, Concurrently Installed on Oversized Foundation for Runway Guard Light	EA	1	$19,000.00	$19,000.00	$15,035.00	$15,035.00	$10,000.00	$10,000.00
SS-310-5.15	L-853 Elevated Retroreflective Markers, Installed on Pavement	EA	3	$200.00	$600.00	$192.00	$576.00	$334.00	$1,002.00
SS-310-5.16	Temporary Airfield Lighting	LS	1	$7,500.00	$7,500.00	$9,718.00	$9,718.00	$6,000.00	$6,000.00
SS-310-5.17	Airfield Lighting Spare Equipment	LS	1	$10,000.00	$10,000.00	$1,334.00	$1,334.00	$2,500.00	$2,500.00
P-101-5.1a	Asphaltic Concrete Pavement Removal	SY	888	$10.00	$8,880.00	$30.00	$26,640.00	$15.00	$13,320.00
P-101-5.1b	Joint and Crack Repair	LF	800	$2.50	$2,000.00	$13.20	$10,560.00	$5.00	$4,000.00
P-101-5.1c	Paint and Rubber Removal	SF	3,991	$1.50	$5,986.50	$3.30	$13,170.30	$3.50	$13,968.50
P-101-5.1d	Cold Planing	SY	200	$10.00	$2,000.00	$35.70	$7,140.00	$34.50	$6,900.00
P-152-4.1	Unclassified Excavation	CY	2,826	$10.00	$28,260.00	$22.00	$62,172.00	$18.00	$50,868.00
P-152-4.2	Unsuitable Excavation	CY	200	$15.00	$3,000.00	$27.45	$5,490.00	$25.00	$5,000.00
P-156-5.1	Temporary Erosion Control	LS	1	$10,000.00	$10,000.00	$11,600.00	$11,600.00	$5,000.00	$5,000.00
P-158-8.1	Fly Ash Treated Subgrade	SY	5,900	$6.00	$35,400.00	$7.90	$46,610.00	$18.00	$106,200.00
P-158-8.2	Fly Ash	TN	260	$60.00	$15,600.00	$65.85	$17,121.00	$100.00	$26,000.00

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SPEC. NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	ENGINEER'S ESTIMATE UNIT PRICE	ENGINEER'S ESTIMATE AMOUNT	Branco Enterprises, Inc. UNIT PRICE	Branco Enterprises, Inc. AMOUNT	Wells Excavating UNIT PRICE	Wells Excavating AMOUNT
P-209-5.1	Crushed Aggregate Base Course (12-inch Thickness)	SY	5,900	$16.00	$94,400.00	$9.20	$54,280.00	$19.50	$115,050.00
P-209-5.2	Crushed Aggregate Base Course (24-inch Thickness)	SY	40	$32.00	$1,280.00	$48.85	$1,954.00	$50.00	$2,000.00
P-401-8.1	Bituminous Surface Course	TN	1,360	$100.00	$136,000.00	$124.00	$168,640.00	$126.00	$171,360.00
P-403-8.1	Bituminous Base Course	TN	1,710	$100.00	$171,000.00	$116.35	$198,958.50	$119.00	$203,490.00
P-620-5.1	Runway and Taxiway Painting (Temporary)	SF	1,300	$1.25	$1,625.00	$2.00	$2,600.00	$3.75	$4,875.00
P-620-5.2	Runway and Taxiway Painting (Permanent)	SF	8,600	$2.00	$17,200.00	$3.30	$28,380.00	$3.25	$27,950.00
EB-44B-5.1	Coal-Tar Sealer/Rejuvenator	SY	1,200	$10.00	$12,000.00	$8.80	$10,560.00	$10.00	$12,000.00
D-701-5.1	18-in Reinforced Concrete Pipe (Class IV)	LF	574	$60.00	$34,440.00	$71.40	$40,983.60	$60.00	$34,440.00
D-705-5.1	6-in Perforated Underdrain Pipe	LF	1,200.0	$18.00	$21,600.00	$28.55	$34,260.00	$20.00	$24,000.00
D-705-5.2	6-in Non-Perforated Outlet Pipe	LF	160	$15.00	$2,400.00	$27.75	$4,440.00	$31.25	$5,000.00
D-751-5.1	Airfield Grate Inlet	EA	5	$6,500.00	$32,500.00	$4,738.00	$23,690.00	$5,000.00	$25,000.00
T-901-5.1	Seeding	AC	2.0	$2,000.00	$4,000.00	$2,579.00	$5,158.00	$6,000.00	$12,000.00
T-904-5.1	Sodding	SY	1,600	$5.50	$8,800.00	$6.50	$10,400.00	$6.25	$10,000.00
T-905-5.1	Topsoiling (4" Thickness)	SY	9,600	$1.75	$16,800.00	$2.20	$21,120.00	$5.21	$50,016.00
L-107-5.1	L-806, 8-Foot (240 cm) Supplemental Wind Cone, in Place	EA	2	$7,500.00	$15,000.00	$4,375.00	[illegible]	$6,000.00	$12,000.00
L-107-5.2	Existing Wind Cone, Removed	EA	2	$2,000.00	$4,000.00	$154.00	$308.00	$600.00	$1,200.00
L-108-5.1	Trenching for Direct-Buried Cable, 18" Minimum Depth	LF	2,100	$2.50	$5,250.00	$5.50	$11,550.00	$7.14	$14,994.00
L-108-5.2	No. 8 AWG 5kV, L-824C Cable, Installed in Trench, Duct Bank or Conduit	LF	5,700	$2.50	$14,250.00	$1.60	$9,120.00	$4.39	$25,023.00
L-108-5.3	No. 6 AWG Solid, Bare Counterpoise Wire, Installed in Trench, Above the Duct Bank or Conduit, Including Ground Rods and Ground Connectors	LF	3,750	$2.00	$7,500.00	$1.76	$6,600.00	$2.00	$7,500.00
L-108-5.4	Trenching for Direct-Buried Bare Counterpoise Wire, 8" Minimum Depth	LF	1,400	$2.00	$2,800.00	$2.41	$3,374.00	$5.36	$7,504.00
L-110-5.1	Concrete Encased, Electrical Duct Bank, 2-Way 2"C	LF	235	$40.00	$9,400.00	$33.00	$7,755.00	$38.00	$8,930.00
L-110-5.2	Electrical Conduit 1-Way 2"C	LF	190	$10.00	$1,900.00	$11.00	$2,090.00	$10.50	$1,995.00
L-115-5.1	Concrete Encased, Electrical Junction Structure, L-867 Class 1, Size 16" Diameter by 24" Depth, Installed	EA	4	$1,200.00	$4,800.00	$878.00	$3,512.00	$1,100.00	$4,400.00
SP-C-01	Third Party Insurance	LS	1	$1,000.00	$1,000.00	$1,646.00	$1,646.00	$5,000.00	$5,000.00
TOTALS					$1,030,000.00		$1,190,099.40		$1,260,784.50

[redacted] Corrected Prices

010600 - CONTRACT

THIS AGREEMENT made this _____ day of _____, _____, by and between _____ a Corporation organized and existing under the laws of the State of _____ hereinafter called the "Contractor", and the City of Joplin, hereinafter called the "Owner".

W I T N E S S E T H:

That the Contractor and the Owner for the consideration stated herein mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, incidentals and services, including utility and transportation services and perform and complete all work required for the construction of **JLN RSAT Airfield Improvements – Phase 1A** in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price. The Owner will pay the Contractor, because of his performance of the Contract, for the total quantities of work performed at the lump sum and unit prices stipulated in the Proposal subject to additions, and deductions as provided in the General Provisions.

ARTICLE 3. Contract Time. The Contractor agrees to begin work within ten (10) calendar days after issuance by the Owner of a "Work Order" or "Notice to Proceed" and to complete the work within ninety (90) consecutive calendar days thereafter, including no more than three (3) nights for Phase B construction, except as modified in accordance with the General Provisions of these Contract Documents. If the Contractor shall fail to complete the work within the time specified, he and his Surety shall be liable for payment to the Owner, as liquidated damages ascertained and agreed, and not in the nature of a penalty, the amount specified in Special Provisions of these Contract Documents for each day of delay. To the extent sufficient in amount, liquidated damages shall be deducted from the payments to be made under this Contract.

ARTICLE 4. Contract. The executed Contract Documents shall consist of the following:

a. Executed Agreement
b. Addenda (if any)
c. Advertisement for Bids
d. Instructions to Bidders
e. Proposal
f. Statement of Bidder's Qualifications
g. List of Proposed Subcontractors
h. Performance and Payment Bonds
i. General Provisions
j. Special Provisions
k. Supplemental Specifications
l. Technical Specifications
m. Drawings
n. Certificates of Insurance and Insurance Policies
o. Third Party Insurance

This Agreement, together with other Documents enumerated in this Article 4, which said other Documents are as fully a part of the Contract as if hereto attached or herein repeated, form the Contract between the

parties hereto. In the event that any provisions in any component part of this Contract conflicts with any provision of any other component part, the conflict shall be resolved by the Engineer whose decision shall be final.

The Contractor understands and agrees all certifications made by the Contractor within their original Proposal apply under this AGREEMENT as if full written herein.

ARTICLE 5. Surety. The Surety on the Performance-Payment Bond shall be a surety company of financial resources satisfactory to the Owner, authorized to do business in the State of Missouri, and shall comply with applicable Missouri laws.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in four (4) counterparts, each of which shall be considered an original on the day and year first above written.

_____
(Contractor)

ATTEST:_____ By_____

Title:_____

_____
(Street)

_____
(City)

_____
(Owner)

ATTEST:_____ By _____

_____Title:_____
(Print the names underneath all signatures)

COUNCIL BILL NO. 2013-621 **ORDINANCE NO.**

AN ORDINANCE Approval of an Agreement by and between the City of Joplin and Branco Construction for the construction of a Taxiway at the Joplin Regional Airport on an emergency basis.

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

Section 1. That a Change Order Agreement by and between the City of Joplin and Branco Construction for the construction of the taxiway at the Joplin Regional Airport, a true and accurate copy of said agreement being attached hereto and incorporated herein and the same is hereby approved.

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

Section 3. That this Ordinance dealing with the public improvements, is an emergency within the meaning of Section 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri, and, shall be in full force and effect immediately after its passage 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

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: August 5, 2013

Item: COUNCIL BILL NO. 2013-622
Originating Department: PUBLIC WORKS - AIRPORT

Attachments: 1) Copy of Agreement
2) Copy of Council Bill

Airport Manager:	Steve Stockam SS	Date: 7/29/13
Department Head:	Sam Anselm	Date: 7/26/13
Finance Department:	Leslie Haase LH	Date: 7-29-13
City Attorney:	Brian Head	Date: 7-29-13
City Manager:	Mark Rohr RWR	Date: 7-29-13

Recommended Action: Approval of Amendment to the Original Agreement by and between the City of Joplin and Garver, LLC for Construction Observation Services for the Taxiway construction at the Joplin Regional Airport on an emergency basis.

Summary: On December 10, 2012 the Federal Aviation Administration (FAA) issued the Joplin Regional Airport what is referred to as a "GO" letter which is the initiation of work for a proposed project. The FAA has directed the Airport to design and construct a connecting taxiway at the approach end of Runway 36 as part of the mitigation of the complex intersection issue. This intersection has been the focus of the Federal Runway Safety Team program (RSAT) due to the potential of "wrong runway takeoff" of departing traffic. Per the letter the Federal Grant for this project will be issued upon receipt of the final bid amount.

The engineering firm of Garver, LLC was selected to design the project and Council approved that contract in February of this year. Garver then designed and bid the project on behalf of the Joplin Regional Airport on July 2, 2013. Branco Construction was the low bidder on the project. Garver reviewed the bids and recommended award of the contract to Branco. This agreement is an amendment to the original design contract and will include construction observation, contract administration, closeout services, and Airport Diagram updates. Federally funded projects do not allow us to operate on estimates and we could not know what the scope of the observation services were until the project had been designed and approved by FAA.

Discussion: The FAA has issued a Grant for the project and all the cost for this agreement will be paid from the Grant based on a 95/5 Federal/Local share. The original contract involving the design of the Taxiway Project was for $132,200 with this amendment adding an additional $139,720. The combined Local Share will be approximately $13,596 to be paid from the Transportation Sales Tax fund.

Recommendation: Staff requests the adoption of this council bill on an emergency basis.

RSAT Improvements – Phase 1



AMENDMENT TO AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
CITY OF JOPLIN
JOPLIN, MISSOURI

CONTRACT AMENDMENT NO. 1

This Contract Amendment No. 1 shall amend the original contract between the City of Joplin (Client) and Garver, LLC (Garver), dated February 22, 2013, referred to in the following paragraphs as the Original Agreement. Execution of the agreement by Garver and the Client constitutes the Client's written authorization to Garver to proceed on the date last written below with the services described herein.

This Contract Amendment No. 1 adds/modifies professional engineering and surveying services for the following improvements:

Reconfigure the taxiway alignments in the vicinity of the Runway 36 threshold to comply with FAA RSAT requirements.

The original contract is hereby modified as follows:

SECTION 3 – PAYMENT

Section 3 of the Original Agreement is hereby amended as follows:

The table below presents a summary of the fee amounts and fee types added by this Contract Amendment No. 1 and does not incorporate previously agreed upon totals from the Original Agreement.

WORK DESCRIPTION	AMENDMENT 1 FEE AMOUNT	FEE TYPE
PHASE 1A		
Rebidding Services	$8,200	Lump Sum
Construction Phase Services	$99,500	Cost + FF
Subconsultant Contract Administration	$2,750	Lump Sum
Construction Materials Testing	$15,170	Cost
Closeout Services	$3,700	Lump Sum
Marking & Signage Plan Update	$6,400	Lump Sum
Airport Diagram Update	$4,000	Lump Sum
TOTAL FEE	$ 139,720	

Construction Phase Services:
The Client will pay Garver, for time spent on the project, at the unburdened hourly payroll rate of each of Garver's personnel during the performance of these services for work time directly connected with the project, plus payroll and general overhead costs of 191.95 percent of the unburdened hourly rate, plus direct reimbursable expenses normal and necessary for the completion of the project, plus a fixed fee of $5,329.58. Estimated cost of these services, including the fixed fee is $99,500. The actual total fee may exceed this estimate if approved by the Airport Manager. For informational purposes, a breakdown of Garver's estimated costs is included in Appendix 1-B with approximate current hourly rates for each employee classification.

As allowed under 48 CFR Part 31, expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.

Construction Materials Testing:
The Client will pay Garver an amount submitted by a subconsultant. The fee for Construction Materials Testing will be negotiated with Palmerton & Parrish, Inc, as a subconsultant to Garver, and is estimated to be $15,170.

Lump Sum Services:
For the Rebidding Services, Subconsultant Contract Administration, Closeout Services, Marking & Signage Plan Update, and Airport Diagram Update, the total lump sum amount to be paid under this agreement is $25,050. For informational purposes, a breakdown of Garver's estimated costs is included in Appendix 1-B with approximate current hourly rates for each employee classification.

APPENDIX A – SCOPE OF SERVICES

Appendix A of the Original Agreement is hereby amended as follows:

2.5 Bidding Services

2.5.1 Rebidding Services – Phase 1A

Garver will assist in rebidding the project as requested by the Owner. Services will include all services outlined required in the Original Contract for bidding services except that no additional time is included for issuing the Notice to Proceed and compiling construction contracts since those were not included in the previous bidding phase.

2.6 Construction Phase Services

2.6.1 Construction Phase & Closeout Services – Phase 1A

During the construction phase of work, Garver will accomplish the following:

1. Prior to issuing the Notice to Proceed letter, Garver will prepare a "Construction Management Plan" to be submitted to the Federal Aviation Administration (FAA) for approval. At a minimum, the plan shall list key construction personnel, qualifications of construction management personnel, and materials quality assurance information. The plan will be reviewed by the FAA project manager and must be approved along with the final plans and specifications for construction.
2. Issue a Notice to Proceed letter to the Contractor and conduct the preconstruction meeting.
3. Attend an estimated three progress/coordination meetings with the Client/Contractor. At these meetings, the Project Manager and Project Engineer shall attend. It is anticipated that the Electrical Engineer shall attend one of these meetings.
4. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents but will include review of the mix design and compliance with Buy American preferences. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
5. Consult with and advise the Client during the construction period. Garver will submit, when requested by the Client, written reports to the Client on the progress of the construction including any problem areas that have developed or are anticipated to develop. In addition, Garver shall supply to Client such periodic reports and information as may be required by the FAA.
6. Issue instructions to the Contractor on behalf of the Client and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
7. Prepare and submit notification to the FAA regarding Strategic Events and coordination of facility shutdowns and startups.
8. In accordance with the requirements of FAA AC 150/5370-12, review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the Client regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
9. Maintain a set of working drawings and prepare and furnish record drawings. Two hard copy sets of drawings and one electronic copy will be provided to the Client.
10. Provide full-time resident construction observation services for the 90-calendar-day construction contract performance time. The proposed fee is based on approximately 50 hours per week during the construction contract performance time for the full-time resident construction observer. In addition, secondary construction observation support shall be provided during critical periods of work and is estimated to be 80 hours for the project. If the construction time extends beyond the

time established in this agreement or if the Client wishes to increase the time or frequency of the observation, the Client will pay Garver an additional fee agreed to by the Client and Garver.

11. When authorized by the Client, prepare change orders or supplemental agreements, as appropriate, for ordering changes in the work from that originally shown on the Plans and Specifications. If re-design or substantial engineering is required in the preparation of these documents, payment for extra services involved will be made in addition to the payment provided in basic engineering services. For new contract items, Garver will prepare an engineer's estimate for the proposed work prior to negotiating with the contractor and will conduct a cost analysis after receipt of the contractor's proposal.
12. Participate in final project inspection, prepare punch list, review final project closeout documents, and submit final pay request.

Construction observation services will be provided by Garver's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the Client during the construction period.
- Conduct safety meetings with the contractor at the start and end of each week's operations and immediately prior to the transition between phases.
- Coordinate with the firm providing construction materials quality assurance testing under separate contract with the Client. Coordinate with this firm to insure that all material tests required for construction are scheduled and accomplished in a manner that will not delay the Contractor unnecessarily and will meet specification requirements as to location and frequency.
- Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information.
- In accordance with FAA AC 150/5370-12A, maintain a project diary which will contain information pertinent to each site visit.
- Prepare requests for monthly and final payments to the Contractor.
- Provide information for preparation of record drawings of the completed project. This information will be incorporated into final record drawings completed as part of Closeout Services and final record drawings will be provided to the Client after project completion.
- Submit FAA Form 5370-1, Construction Progress and Inspection Report, or equivalent form to the appropriate FAA field office on a monthly basis.
- Administer the "Construction Management Plan" prepared by Garver.
- Monitor the contractor's conformance to the approved construction safety and phasing plan.
- Prepare a Construction Materials Quality Control Summary to be submitted to the FAA at the completion of the project. At a minimum, the summary shall include a list of all tests performed showing the date, location, pass or fail, results of retests, and whether or not the test is eligible or ineligible under the A.I.P. program. The Summary will include a certification that all testing was completed in accordance with the "Construction Management Plan."
- Assist the Client in the observation of Contractor's operations for proper classification of workers, and review of Contractor's payrolls as necessary to determine compliance with the Davis Bacon wage rates. Garver will keep the Contractor's payroll records on file demonstrating compliance with the Davis Bacon requirements. In addition, Garver will monitor the contractor's posting of the required EEO notice and provide general oversight of any obvious instance of a segregated work place.

In performing construction observation services, Garver will endeavor to protect the Client against

defects and deficiencies in the work of the Contractor(s); but Garver does not guarantee the performance of the Contractor(s), nor is Garver responsible for the actual supervision of construction operations. Garver does not guarantee the performance of the contracts by the Contractors nor assume any duty to supervise safety procedures followed by any Contractor or subcontractor or their respective employees or by any other person at the job site. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the Client immediately, so that appropriate action under the Client's contract with the Contractor can be taken.

As a minimum, Garver's project engineer or his qualified representative will visit the site of the work on the average of once during each fifteen (15) working days of the construction period. These visits should be scheduled to coincide with each new phase of construction, scheduled FAA inspections, and other times when his presence is desirable. Garver's project engineer or his qualified representative will be available at all times work is in progress for telephone contact by the construction observer. Garver's project engineer shall direct, supervise, advise, and counsel the construction observer in the accomplishment of his duties.

At the conclusion of construction, Garver will assist the Client with project closeout by proving a final construction report which will include all construction documents as required by Section 1620 of the FAA Central Region AIP Sponsor Guide. Closeout documentation will be provided within 90 days of completion of the project.

2.6.2 Construction Materials Testing – Phase 1A

Through a subconsultant, Garver shall provide the quality assurance testing for the project as required by the Plans and Specifications.

2.6.3 Marking & Signage Plan Update

Based on the results of the project and incorporation of existing information obtained from the Client, Garver will update the airport's existing Part 139 Marking & Signage Plan. This document will be based on the existing document that will be provided by the Client and will conform to Part 139 requirements. The updated plan shall be submitted to the airport's Part 139 inspector prior to reopening the pavement at the completion of the project.

2.6.4 Airport Diagram Update

The airport's airport diagram will be updated and submitted to the National Flight Data Center (NFDC) for inclusion in the aeronautical charts.

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Client and Garver have executed this Contract Amendment No. 1 effective as of the date last written below.

CITY OF JOPLIN	GARVER, LLC
By: _____ *Signature*	By: Digitally Signed 2013-06-27 15:10-05:00 _____ *Signature*
Name: _____ *Printed Name*	Name: _____ *Printed Name*
Title: _____	Title: _____
Date: _____	Date: _____
Attest: _____	Attest: Digitally Signed 2013-07-25 10:19-05:00 _____

APPENDIX 1-B

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

FEE SUMMARY

	Fees
PHASE 1A CONSTRUCTION	
Rebidding Services	$8,200.00
Construction Phase Services	$99,500.00
Subconsultant Contract Administration	$2,750.00
Construction Materials Testing	$15,170.00
Closeout Services	$3,700.00
Marking & Signage Plan Update	$6,400.00
Airport Diagram Update	$4,000.00
TOTAL FEE	**$139,720.00**

APPENDIX 1-B

JDPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

REBIDDING SERVICES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	C-2	C-1
	$85.00 hr	$62.40 hr	$50.75 hr	$43.68 hr	$35.10 hr	$31.20 hr	$32.76 hr	$25.06 hr	$38.95 hr	$27.71 hr
1. Civil Engineering										
Online Plan Room Setup						1				
Addendums/Inquiries				4		4		6		
Pre-Bid Meeting				6		6				
Bid Opening				4		4				
Prepare bid tabulation				1		4		4		
Evaluate bids and recommend award				2		4				
Prepare construction contracts										
Notice to Proceed										
Subtotal - Civil Engineering	0	0	0	17	0	23	0	10	0	0
2. Structural Engineering										
Subtotal - Structural Engineering	0	0	0	0	0	0	0	0	0	0
3. Mechanical Engineering										
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering										
Addendums/Inquiries				4		8				
Pre-Bid Meeting				4						
Subtotal - Electrical Engineering	0	0	0	8	0	8	0	0	0	0
Hours	0	0	0	25	0	31	0	10	0	0
Salary Costs	$0.00	$0.00	$0.00	$1,092.00	$0.00	$967.20	$0.00	$250.64	$0.00	$0.00

SUBTOTAL - SALARIES:		**$2,309.84**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$4,433.74**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$144.88	
Postage/Freight/Courier	$100.00	
Travel Costs	$200.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$444.88**
SUBTOTAL:		**$7,188.46**
SUBCONSULTANTS FEE:		**$0.00**
PROFESSIONAL FEE (15% of Salaries, Labor, & OH)		**$1,011.54**
TOTAL FEE:		**$8,200.00**

APPENDIX 1-B

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

CONSTRUCTION PHASE SERVICES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	C-2	C-1
	$85.00 hr	$62.40 hr	$50.75 hr	$43.68 hr	$35.10 hr	$31.20 hr	$32.76 hr	$25.06 hr	$38.95 hr	$27.71 hr
1. Civil Engineering										
Construction Management Plan				2		8				
Notice to Proceed				1		1				
Preconstruction Meeting				6		8				
Monthly Pay Requests				4		16				
Shop Drawings/Material Submittals				8		40				
On-Site Progress Meetings (Estimate 3 Monthly Mtgs)				24		24				
Secondary Construction Observation Assistance (Est. 80 hrs total)									80	
Subconsultant Coordination & Report Review				13		26				
Prepare Change Orders				4		8				
Final Project Inspection and Punchlist				6		8				
Subtotal - Civil Engineering	0	0	0	68	0	139	0	0	80	0
2. Structural Engineering										
Subtotal - Structural Engineering	0	0	0	0	0	0	0	0	0	0
3. Mechanical Engineering										
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering										
On-Site Progress Meetings (Estimate 1 Monthly Mtgs)				8						
Shop Drawings/Materials Submittals				4		24				
Subconsultant Coordination				8		4				
Subtotal - Electrical Engineering	0	0	0	20	0	28	0	0	0	0
Hours	0	0	0	88	0	167	0	0	80	0
Salary Costs	$0.00	$0.00	$0.00	$3,843.84	$0.00	$5,210.40	$0.00	$0.00	$3,115.84	$0.00

SUBTOTAL - SALARIES:		**$12,170.08**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$23,360.47**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$150.39	
Postage/Freight/Courier	$108.56	
Travel Costs	$1,500.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$1,758.95**
SUBTOTAL:		**$37,289.50**
SUBCONSULTANTS FEE:		**$56,880.92**
PROFESSIONAL FEE (15% of Salaries, Labor, & OH)		**$5,329.58**
TOTAL FEE:		**$99,500.00**

APPENDIX 1-B

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

SUBCONSULTANT CONTRACT ADMINISTRATION

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	X-2	X-1
	$85.00	$62.40	$50.75	$43.68	$35.10	$31.20	$32.76	$25.06	$23.08	$16.87
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering										
RPR Contract Coordination				4						
Materials Testing Contract Coordination				4						
Construction Observation Billing Administration				2					6	
Materials Testing Billing Administration				2					6	
Subtotal - Civil Engineering	0	0	0	12	0	0	0	0	12	0
2. Structural Engineering										
Subtotal - Structural Engineering	0	0	0	0	0	0	0	0	0	0
3. Mechanical Engineering										
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering										
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0	0
Hours	0	0	0	12	0	0	0	0	12	0
Salary Costs	$0.00	$0.00	$0.00	$524.16	$0.00	$0.00	$0.00	$0.00	$276.96	$0.00

SUBTOTAL - SALARIES:		**$801.12**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$1,537.75**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$52.43	
Postage/Freight/Courier	$0.00	
Travel Costs	$0.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$52.43**
SUBTOTAL:		**$2,391.30**
PROFESSIONAL FEE		**$358.70**
TOTAL FEE:		**$2,750.00**

APPENDIX 1-B

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

CLOSEOUT SERVICES

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	C-2	C-1
	$85.00	$62.40	$50.75	$43.68	$35.10	$31.20	$32.76	$25.06	$38.95	$27.71
	hr	hr	hr	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering										
Record Drawings				1		6		12		
Final Project Report				1		4				
Final Reconciliation Change Order				1		3				
FAA Closeout Documents				1		2				
Subtotal - Civil Engineering	0	0	0	4	0	15	0	12	0	0
2. Structural Engineering										
Subtotal - Structural Engineering	0	0	0	0	0	0	0	0	0	0
3. Mechanical Engineering										
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering										
Record Drawings				1		1				
Final Project Report				1						
Subtotal - Electrical Engineering	0	0	0	2	0	1	0	0	0	0
Hours	0	0	0	6	0	16	0	12	0	0
Salary Costs	$0.00	$0.00	$0.00	$262.08	$0.00	$499.20	$0.00	$300.77	$0.00	$0.00

SUBTOTAL - SALARIES:		**$1,062.05**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$2,038.60**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$50.00	
Postage/Freight/Courier	$66.74	
Travel Costs	$0.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$116.74**
SUBTOTAL:		**$3,217.39**
PROFESSIONAL FEE		**$482.61**
TOTAL FEE:		**$3,700.00**

APPENDIX 1-B

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

MARKING & SIGNAGE PLAN UPDATE

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	X-2	X-1
	$85.00 hr	$62.40 hr	$50.75 hr	$43.68 hr	$35.10 hr	$31.20 hr	$32.76 hr	$25.06 hr	$23.08 hr	$16.87 hr
1. Civil Engineering										
Create Base File				1		4		40		
Update for Current Project				1		4		12		
Coordination with Owner				2				4		
Submission to FAA						2				
Subtotal - Civil Engineering	0	0	0	4	0	10	0	56	0	0
2. Structural Engineering										
Subtotal - Structural Engineering	0	0	0	0	0	0	0	0	0	0
3. Mechanical Engineering										
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering										
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0	0
Hours	0	0	0	4	0	10	0	56	0	0
Salary Costs	$0.00	$0.00	$0.00	$174.72	$0.00	$312.00	$0.00	$1,403.36	$0.00	$0.00

SUBTOTAL - SALARIES:		**$1,890.30**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$3,628.44**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$46.48	
Postage/Freight/Courier	$0.00	
Travel Costs	$0.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$46.48**
SUBTOTAL:		**$5,565.22**
PROFESSIONAL FEE		**$834.78**
TOTAL FEE:		**$6,400.00**

APPENDIX 1-B

JOPLIN REGIONAL AIRPORT
RSAT AIRFIELD IMPROVEMENTS
PHASE 1

AIRPORT DIAGRAM UPDATE

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1	X-2	X-1
	$85.00 hr	$62.40 hr	$50.75 hr	$43.68 hr	$35.10 hr	$31.20 hr	$32.76 hr	$25.06 hr	$23.08 hr	$16.87 hr
1. Civil Engineering										
Create Base File						2		20		
Update for Current Project				1		1		12		
Coordination with Owner				1		1		4		
Submission to FAA						2				
Subtotal - Civil Engineering	0	0	0	2	0	6	0	36	0	0
2. Structural Engineering										
Subtotal - Structural Engineering	0	0	0	0	0	0	0	0	0	0
3. Mechanical Engineering										
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0	0	0	0
4. Electrical Engineering										
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0	0	0
Hours	0	0	0	2	0	6	0	36	0	0
Salary Costs	$0.00	$0.00	$0.00	$87.36	$0.00	$187.20	$0.00	$902.30	$0.00	$0.00

SUBTOTAL - SALARIES:		**$1,176.86**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$2,258.99**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$42.41	
Postage/Freight/Courier	$0.00	
Travel Costs	$0.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$42.41**
SUBTOTAL:		**$3,478.26**
PROFESSIONAL FEE		**$521.74**
TOTAL FEE:		**$4,000.00**

COUNCIL BILL NO. 2013-622 **ORDINANCE NO.**

AN ORDINANCE Approval of Amendment to the Original Agreement by and between the City of Joplin and Garver, LLC for Construction Observation Services for the Taxiway construction at the Joplin Regional Airport on an emergency basis.

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

Section 1. That an Amendment to the Original Agreement by and between the City of Joplin and Garver, LLC for Construction Observation Services for the Taxiway construction at the Joplin Regional Airport, a true and accurate copy of said agreement being attached hereto and incorporated herein and the same is hereby approved.

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

Section 3. That this Ordinance dealing with the public improvements, is an emergency within the meaning of Section 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri, and, shall be in full force and effect immediately after its passage 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