C O U N C I L A G E N D A

December 1, 2014

6:00 P.M., Council Chambers

General Council Members	MAYOR	Zone Council Members
Mike Woolston	Michael L. Seibert	Gary Shaw
Morris Glaze (Mayor ProTem)		Melodee Colbert- Kean
Bill Scearce		Dr. Benjamin D. Rosenberg
Ryan Stanley		Michael Seibert
Miranda Lewis		

1. Call to Order
Invocation
Pledge of Allegiance

2. Roll Call

3. Presentations
1. Connect2Culture to make presentation on Memorial Hall.

4. Finalization of Consent Agenda

5. Reports and Communications

6. Citizen Requests and Petitions

7. Public Hearings
1. Public Hearing Procedures

1. COUNCIL BILL NO. 2014-278 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at the northwest corner and southeast corner of 32nd Street and Central City Road/Antelope Road in the City of Joplin, Jasper County and Newton County, Missouri. (Requested by Wildwood Ranch LLC Planning and Zoning recommended approval).

2. COUNCIL BILL NO. 2014-279 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-0-PD property as described below and located west of

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.

Connecticut Avenue generally between 24th Street and the Kansas City Southern Railroad right-of-way in the City of Joplin, Jasper County, Missouri. (Requested by Polsinelli, PC. Planning and Zoning recommended approval).

3. RESOLUTION NO. 2014-021 - A RESOLUTION granting a Special Use Permit (First Request) to Polsinelli PC and Verizon Wireless LLC for the installation of a wireless telecommunications tower located approximately 345 feet west of the northwest corner of 24th Street and Connecticut Avenue, in the City of Joplin, Jasper County, Missouri. (Requested by Polsinelli, PC. Planning and Zoning recommended approval for a permanent Special Use Permit).

4. COUNCIL BILL NO. 2014-280 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1, District C-1, and District C-1-PD and including in District C-3-PD property as described below and located generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place in the City of Joplin, Jasper County, Missouri. (Requested by Charles Kuehn. Planning and Zoning recommended approval).

5. COUNCIL BILL NO. 2014-281 - AN ORDINANCE providing for the vacation of all public street right-of-ways north of 20th Street between Delaware Avenue and Carolyn Place, including Delaware Avenue between 18th and 19th Streets and all of Carolyn Place, in the City of Joplin, Jasper County, Missouri. (Requested by Charles Kuehn. Planning and Zoning recommended approval).

6. COUNCIL BILL NO. 2014-282 - AN ORDINANCE approving the voluntary annexation by the City of Joplin of property east of Prigmore Avenue between Interstate 44 and East Alliance Parkway in Jasper County, Missouri. (Requested by Joplin Industrial Development Authority Planning and Zoning recommended approval).

8. Consent Agenda

1. Minutes of the November 17, 2014 Council Meeting

2. COUNCIL BILL NO. 2014-283 - AN ORDINANCE Request to Review the Final Plat of SCHUBER'S VALLEY located at the southeast corner of 26th Street and Oliver Avenue in the City of Joplin, Jasper County, Missouri.

9. Resolutions

10. Ordinances – Emergency

1. COUNCIL BILL NO. 2014-029 AN ORDINANCE authorizing the City of Joplin to enter into an Agreement with Jonathan D. Bhend for the purpose of employing him as Public Defender for the City of Joplin; authorizing the Mayor to execute said Agreement by and on behalf of the City of Joplin, Missouri; and containing an emergency clause.

2. COUNCIL BILL NO. 2014-188 - AN ORDINANCE approving the purchase of a property at 2719 E. 32nd Street, consisting of .578 acres located in the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, in the City of Joplin, Jasper County, Missouri and authorizing the payment of One Hundred Thirty-Two Thousand and 00/100 dollars ($132,000.00) and containing an emergency clause.

3. COUNCIL BILL NO.2014-189-AN ORDINANCE authorizing the execution of an Agreement by and between the City of Joplin and Allgeier, Martin & Associates, Inc. to provide engineering services for the Turkey Creek WWTP Project Amendment, not to exceed Two Hundred Twenty Two Thousand and No/100 Dollars ($222,000.00) and authorizing the Director of Public Works to execute said Agreement; and containing an emergency clause.

4. COUNCIL BILL NO. 2014-190 - AN ORDINANCE approving a contract with AT Urban Development. in the amount of Two Hundred Ten Thousand Four Hundred Fifty One and 30 /100 Dollars ($210,451.30) for the Eastmorland and Royal Heights Sidewalk project in the City of Joplin, Missouri and, amending the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-177 on October 20, 2014, and containing an emergency clause, pending MoDOT approval.

11. Ordinances – First Reading

1. COUNCIL BILL NO. 2014- 521 - AN ORDINANCE amending Division 3, Investment Policy, of Article V. Finance, in chapter 2, Administration, of the Code of Ordinances of the City of Joplin to implement certain language changes to the investment policy.

12. Ordinances – Second Reading and Third Reading

13. Unfinished Business

14. New Business

1. News from the PIO

2. Vote to go into closed session, which shall pertain to legal action, causes of action, or litigation including a public governmental body and any confidential or privileged communications between a governmental body or its representatives and its attorneys as set forth in Section 610.021(1) RSMo, as amended, 2013. 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 27th day of November, 2014. (RSMo 610.020)

PRESENTATIONS

Proposal for Memorial Hall Site

Presented by Connect2Culture (C2C)

December 1, 2014

Opening Comments

Connect2Culture

In 1923, the people of Joplin voted to have a place for public meetings and assemblies. They did this as a way to recognize those that gave their lives in World War 1 as well as honoring the veterans of that war. By ordinance, the building was called Memorial Hall. We believe this location at 8th Street, between Joplin and Wall Avenues, should continue to be a place for the public to gather, as was the intent of that original ordinance.

Connect2Culture

A letter was received dated October 1, 2014 signed by Chad Greer, AIA with Corner Greer & Associates, Neil Tappana, PE with Tappana Ondrick Structural Engineers, and Bennie Crossland with Crossland Construction Company concluding:

“With careful planning and further analysis, we believe that a reasonable solution for correcting the damaged portion of Memorial Hall is possible.”

The following motion has been passed by the individual Boards of Connect2Culture, George A. Spiva Center for the Arts, Pro Musica, and Downtown Joplin Alliance:

To approach the Joplin City Council and request their support to explore the potential of the Memorial Hall site becoming a community cultural arts center.

Connect2Culture

GEORGE A. SPIVA CENTER FOR THE ARTS

Pro Musica

Downtown Joplin Alliance

The primary components of the cultural arts center will be community spaces, a 500-seat proscenium theater for community use, the location for George A. Spiva Center for the Arts, and related meeting rooms, community arts office spaces, storage spaces, etc. The plan will also include redevelopment of the parking area now in front of Memorial Hall and will address adequate parking for the new plan.

Connect2Culture

An absolute essential for any plans to redevelop the property will include preserving and honoring all Veterans Memorials now located at Memorial Hall. Again, the intent of Joplin's residents 90 years ago was to recognize the sacrifices of those who served this country. Consequently, all memorials will be located in community spaces accessible and visible to the public and any other interested party. A meeting room for the Veterans Group will also be planned.

C2C
Connect2Culture

During this exploration, Connect2Culture will…

1. Raise the necessary funding to engage the architectural firms Corner Greer & Associates and Westlake Reed Leskosky to develop plans and site renderings for the Memorial Hall site using the programmatic spaces previously designed. The plans and site renderings will be in the form of Plan A and Plan B. Plan A will include the existing building frontage and shell and Plan B will be from ground up. As a demonstration of Plan A:

Connect2Culture



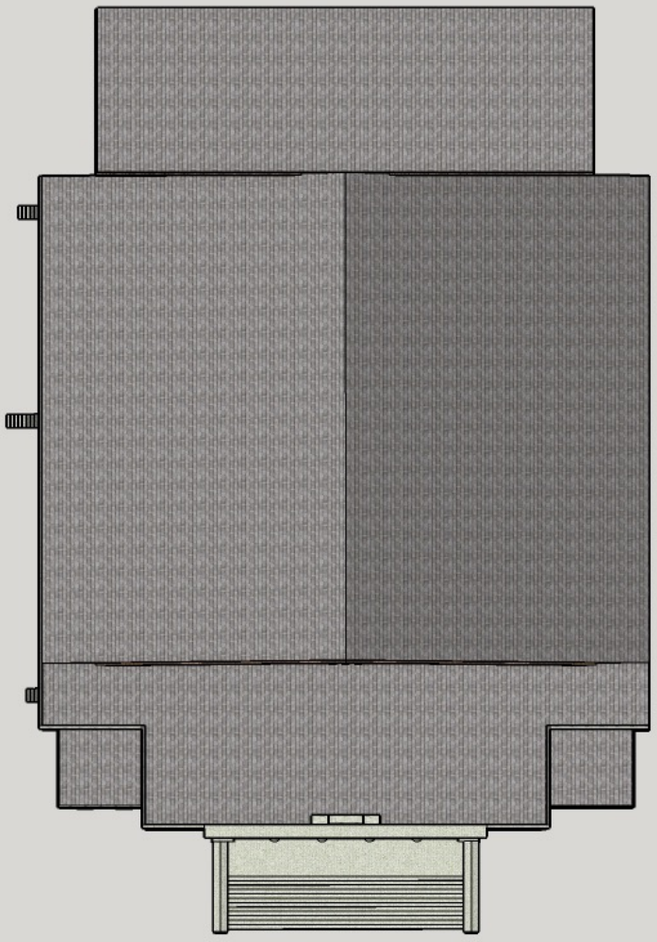
Connect2Culture



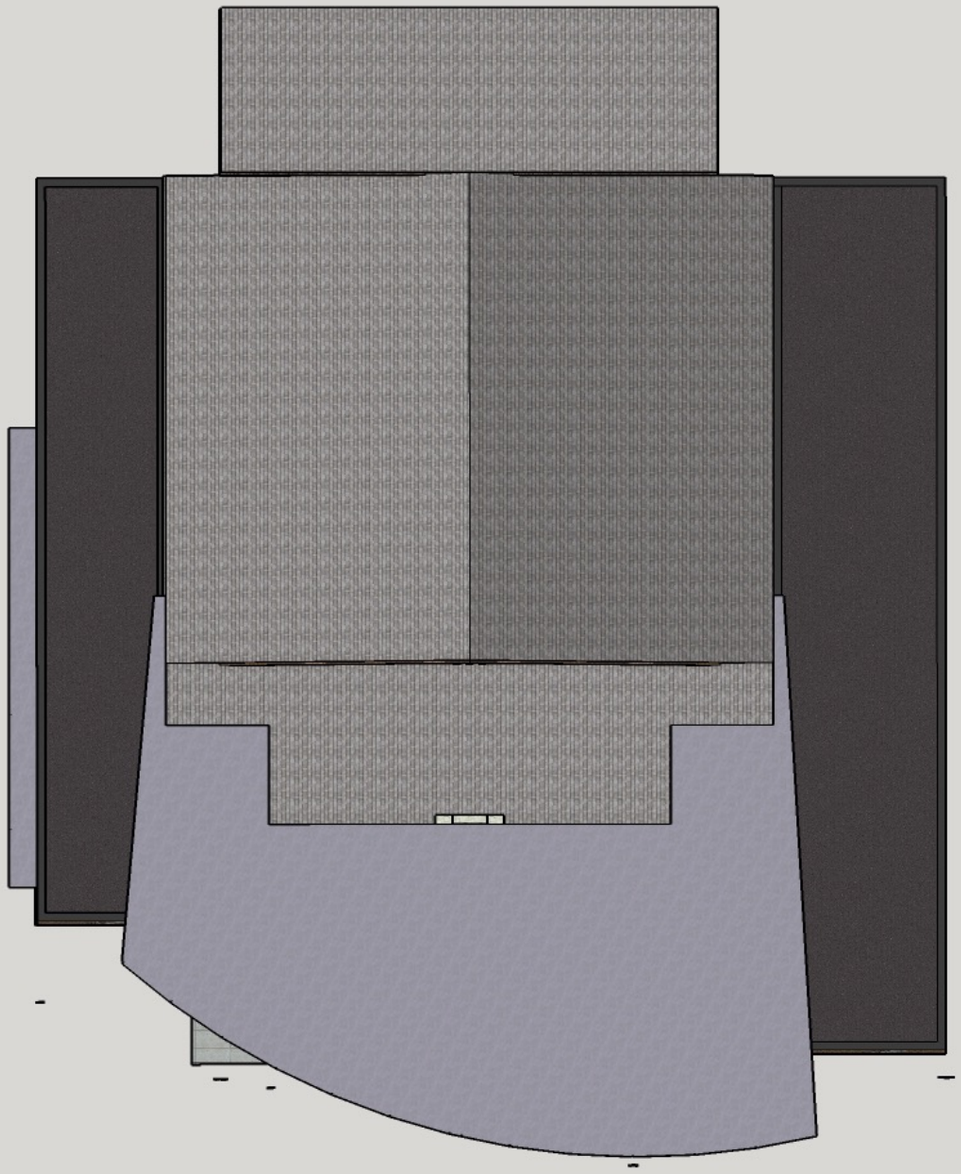
Connect2Culture



Connect2Culture



Connect2Culture



During this exploration, Connect2Culture will…

2. Continue its work with The North Group to develop a capital campaign from private sources for cultural arts in Joplin.

3. Develop a business plan for long-term sustainability for the redeveloped site.

Connect2Culture

During this exploration, the request is made that the City Council and the City Staff will:

1. Explore all possible funding sources for the redevelopment effort, whether from existing City sources or future sources, so that when plans are presented, a successful PUBLIC-PRIVATE PARTNERSHIP can be created sufficient to pay in full for the redeveloped Memorial Hall site.

2. Help to garner ownership of any real property necessary to facilitate the redevelopment plan.

Connect2Culture

Closing Remarks

Cultural arts, in all of its forms and presentations, is one of the vital threads for a community's growth, economic development, and quality of life. Connect2Culture pledges to proceed with this exploration effort in a prompt and prudent manner to bring forth a plan that is well thought out and sustainable. We are asking for you, the Joplin City Council along with the City Administration, to pledge your same effort as we work together in this Public-Private Partnership for the benefit of our Joplin citizens and the Region that surrounds us.

Connect2Culture

October 1, 2014

Connect 2 Culture
Attn: Mrs. Sharon Beshore, President
407 South Pennsylvania Avenue
Joplin, Mo 64801
417.625.6683

RE: **Memorial Hall – Site Review**

Mrs. Beshore,

At the request of Connect 2 Culture, a team was assembled on September 29th, 2014 to provide a preliminary site review of the existing conditions at Memorial Hall in Joplin, Mo. The team consisted of the following members:

Chad Greer, AIA	CGA Architects
Neil Tappana, PE	Tappana Ondrick Structural Engineers
Bennie Crossland	Crossland Construction Company
Darby Gilaberti	City of Joplin, Facility Maintenance (Memorial Hall)

A summary of our findings is as follows:

With the exception of the Northeast corner of the facility, the existing envelope appears to be in good condition for a building of this age and construction type. Non-invasive procedures represent the limits of our teams investigation.

The northeast corner of the building appears to have settlement issues. The exact cause of this is unknown at this time and cannot be determined without further investigation. Our team noted the presence of an open pipe near the elevator shaft that has eroded the soil conditions in this area. However, based on the extents of the perceived limits of settlement, it is our opinion that this is not the underlying cause.

It is our opinion that the building has settled in the northeast corner at the bearing walls. This settlement is evidenced by the interior slabs sloping towards the bearing walls from fracture points. The settlement of the bearing walls has transposed to the exterior brick finish and interior finishes, as indicated in the pictures below.

We do not believe that this is a result of recent seismic events or isolated to any singular occurrence, rather this has been a slow progressive failure of the structure to adequately support itself.

Our team discussed several strategies to remedy the damaged area of the building and it is our opinion that the bearing walls and locations in the northeast corner of the existing facility should be reworked with a new infill structure (based on anticipated use) that replaces this section, to include new footings and bearing conditions.

With careful planning and further analysis, we believe that a reasonable solution for correcting the damaged portion of Memorial Hall is possible.

Regards,

Chad Greer, AIA
CGA Architects
417.781.0206

Neil Tappana, PE
Tappana Ondrick Struct Engrs
417.673.0463

Bennie Crossland
Crossland Constr. Co.
620.429.1414

--- Photographs provided below for reference ---



Exterior – NE Corner – Brick Cracking

Corner Greer & Associates, Inc.
716 S. Main Street Joplin, MO 64801 o.417.206.3134 f.417.206.3137 www.cornergreer.com

CGA
architecture
planning
design



Exterior – NE Corner – Brick Cracking

Corner Greer & Associates, Inc.
716 S. Main Street Joplin, MO 64801 o.417.206.3134 f.417.206.3137 www.cornergreer.com

CGA
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Exterior – NE Corner – Brick Cracking

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Interior – Lobby – Settlement cracking at decorative moulding, NE Corner



Interior – Basement Storage at NE corner

C o r n e r G r e e r & A s s o c i a t e s , I n c .
716 S. Main Street Joplin, MO 64801 o.417.206.3134 f.417.206.3137 www.cornergreer.com



Interior – Basement at NE Corner



Interior – Basement at NE Corner – Restroom

Corner Greer & Associates, Inc.
716 S. Main Street Joplin, MO 64801 o.417.206.3134 f.417.206.3137 www.cornergreer.com



Interior – Elevator Shaft at NE Corner showing damaged underground piping



Interior – Basement Vestibule at NE Corner



Interior – Basement at NE Corner – fractured slab-on-grade



Exterior – Basement Entry at NE Corner

Corner Greer & Associates, Inc.
716 S. Main Street Joplin, MO 64801 o.417.206.3134 f.417.206.3137 www.cornergreer.com



Interior – Basement storage at NE Corner – fractured slab-on-grade

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Corner Greer & Associates, Inc.
716 S. Main Street Joplin, MO 64801 o.417.206.3134 f.417.206.3137 www.cornergreer.com

PUBLIC HEARINGS

PUBLIC HEARING PROCEDURES

Persons wishing to testify before the Joplin City Council regarding an item on the Council Agenda, are requested to follow these rules:

1. Approach the podium and state your **name and address** clearly for the record.

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

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

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

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

Thank you for your consideration and understanding.

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: COUNCIL BILL NO. 2014-278
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander TB Date: 11-24-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm Date: 11/24/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

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

SUMMARY/REQUEST:
Case 042-14: Northwest corner and Southeast corner of 32nd Street and Central City Road/ Antelope Road – A request to rezone properties from District R-1 (Single-Family Residential) to District C-3 (Commercial) for future commercial development – Wildwood Ranch LLC.

STAFF SUMMARY:
The properties were annexed in 2012 and are currently zoned R-1 (Single-Family), as all properties are zoned when annexed. Property at the southwest corner of 32nd Street and Central City Road was rezoned to C-O in July, 2014 for the future development of professional offices. The developer is requesting to rezone the properties to commercial to conform to the Wildwood Ranch Master Plan. The location at the intersection of two planned arterials is appropriate for higher-intensity commercial development. With continued growth in residential and office projected, demand for commercial-retail uses in close proximity will increase in the Wildwood Ranch area.

Staff recommends approval of Case 042-14.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Jimmer Pinjuv requested the rezoning of property located at 32nd Street and Central City Road/Antelope Road.

Mr. Duncan asked Mr. Pinjuv how many acres the property contains, and he replied about 30 acres. The property on the north side of 32nd Street contains about 20 acres, with 10 acres on the south side. Mr. Wright stated that the property altogether contains about 36.7 acres.

PUBLIC COMMENT: None.

P & Z Case 042-14
Wildwood Ranch LLC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2014-278 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-3 property as described below and located at the northwest corner and southeast corner of 32nd Street and Central City Road/Antelope Road in the City of Joplin, Jasper County and Newton County, Missouri.

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

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

All that part of the Southeast Quarter of Section 13, Township 27 North, Range 34 West, Jasper County, Missouri, described as follows: commencing at the Southeast corner of said Southeast Quarter of Section 13; thence North 01 degrees 48 minutes 09 seconds East, along the East line of said Southeast Quarter, 30.81 feet; thence North 01 degrees 49 minutes 48 seconds East, along the East line of said Southeast Quarter, 70.52 feet; thence North 90 degrees 00 minutes 00 seconds West, 30.02 feet to a point on the West right-of-way line of Central City Road, said point being the point of beginning; thence along the North right-of-way line of 32nd Street the following courses; thence South 46 degrees 24 minutes 37 seconds West, 28.49 feet; thence North 89 degrees 00 minutes 35 seconds West, 144.66 feet to a curve to the right having a radius of 1950.00 feet; thence along said curve a distance of 371.26 feet; thence North 05 degrees 36 minutes 08 seconds East, leaving said North right-of-way line, 882.90 feet; thence North 01 degrees 49 minutes 48 seconds East, 826.32 feet; thence South 88 degrees 39 minutes 24 seconds East, 476.08 feet to a point on the West right-of-way line of Central City Road; thence South 01 degrees 49 minutes 48 seconds West along said West right-of-way line, 1718.76 feet to the point of beginning. Subject to any restrictions or easements of record. Containing 19.5 acres more or less. AND All of the North 1155.00 feet of Lot 2 in the Northwest Factional Quarter of Section 19, Township 27 North, Range 33 West, Newton County, Missouri: except any part taken or deed for County road right-of-way. And except the following described tract: that portion of Lot 2 in the Northwest Fractional Quarter of Section 19, Township 27 North, Range 33 West, of the 5th Principal Meridian, Newton County, Missouri, described as follows: commencing at the Northwest Corner of Lot in the Northwest Fractional Quarter of Section 19, Township 27 North, Range 33 West, of the Fifth Principal Meridian, Newton County, Missouri; thence South 88 degrees 21 minutes 43 seconds East, along the North line of said Lot 2, a distance of 504.57 feet;

thence leaving said North line, South 01 degrees 50 minutes 46 seconds West, parallel with the East line of said Lot 2, a distance of 30.00 feet, to the South right-of-way line of West 32nd Street and the point of beginning; thence South 88 degrees 21 minutes 43 seconds East, along said right-of-way line, a distance of 324.00 feet, to a point on the East line of said Lot 2, lying 30.00 feet South of the Northeast corner thereof; thence South 01 degrees 50 minutes 46 seconds West, along said East line, a distance of 490.00 feet; thence leaving said East line, North 88 degrees 21 minutes 43 seconds West, parallel with the North line of said Lot 2, a distance of 828.75 feet to the West line of said Lot 2; thence North 01 degrees 51 minutes 58 seconds East, along said West line, a distance of 50.00 feet; thence leaving said West line, South 88 degrees 21 minutes 43 seconds East, a distance of 504.73 feet; thence North 01 degrees 50 minutes 46 seconds East, parallel with the East line of said Lot 2, a distance of 440.00 feet to the point of beginning. Subject to any restrictions or easements of record. Containing 17.2 acres more or less.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

RECEIVED 9-19-14

REZONING APPLICATION FORM

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

For Office Use Only
Case No.: 042-14
Filing Fee: $350.00
Date Advertised: 10-26-14
Date Notices Sent: 10-27-14
P&Z Date: 11-10-14
City Council Date: 12-1-14

APPLICANT: Wildwood Ranch LLC PHONE: 417-627-9675
ADDRESS: 1032 Antelope Road ZIP: 64804
EMAIL: wildwood9765@sbcglobal.net
OWNER: James Pinjuv PHONE: 417-529-6440
ADDRESS: 1032 Antelope Road ZIP: 64804
EMAIL: jimmer@wwrlife.com
LOCATION OF PROPERTY: 32nd & Central City
LEGAL DESCRIPTION: See Attach

Present Zoning R-1 Requested Zoning: C-3 Acreage:
Present Use of Property: Vacant
Proposed Use of Property: C-3

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Commercial	County - N/A.
South	Professional	C-O
East	Church & School	C-O
West	Medical Offices	C-O

CHARACTER OF THE NEIGHBORHOOD: Master planned community

RELATIONSHIP TO EXISTING ZONING PATTERN:

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

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Central City, 32nd, Wildwood Ranch.
2. Classification of Street(s): 32nd
   Arterial Central City Collector _____ Local Wildwood Ranch
3. Right-of-Way Width: _____
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   _____

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

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

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: _____ DATE: _____

BY: _____

TITLE: _____

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Rezoning

CASE 042-14:

A request to rezone from District R-1 (Single-Family) to District C-3 (Commercial) for properties located at the Northwest and Southeast corners of 32nd Street and Central City Road/Antelope Road for future commercial development.

APPLICANT: Wildwood Ranch, LLC

LOCATION: Northwest and Southeast corners of 32nd Street & Central City Road/Antelope Road

REQUESTED ZONING: C-3 (Commercial)

CORRIDOR: N/A (Planned Development not required)

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1 (Single-Family)	Undeveloped	36.7 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1, N/A	C-O, N/A	R-1, C-O
Land Use	Undeveloped, St. Mary's Church & School	St. Mary's Church & School, Fire Station, undeveloped	Undeveloped	Office, undeveloped

FUTURE LAND USE:

The 2012 Future Land Use Map designates this property as a Residential/Commercial Opportunity Area. This rezoning is also consistent with the Wildwood Ranch Master Land Use Plan updated in 2012.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
W. 32nd Street	Local	60'
Central City Road/Antelope Road	Local	60'

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

No.

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

These properties are suitable for commercial development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

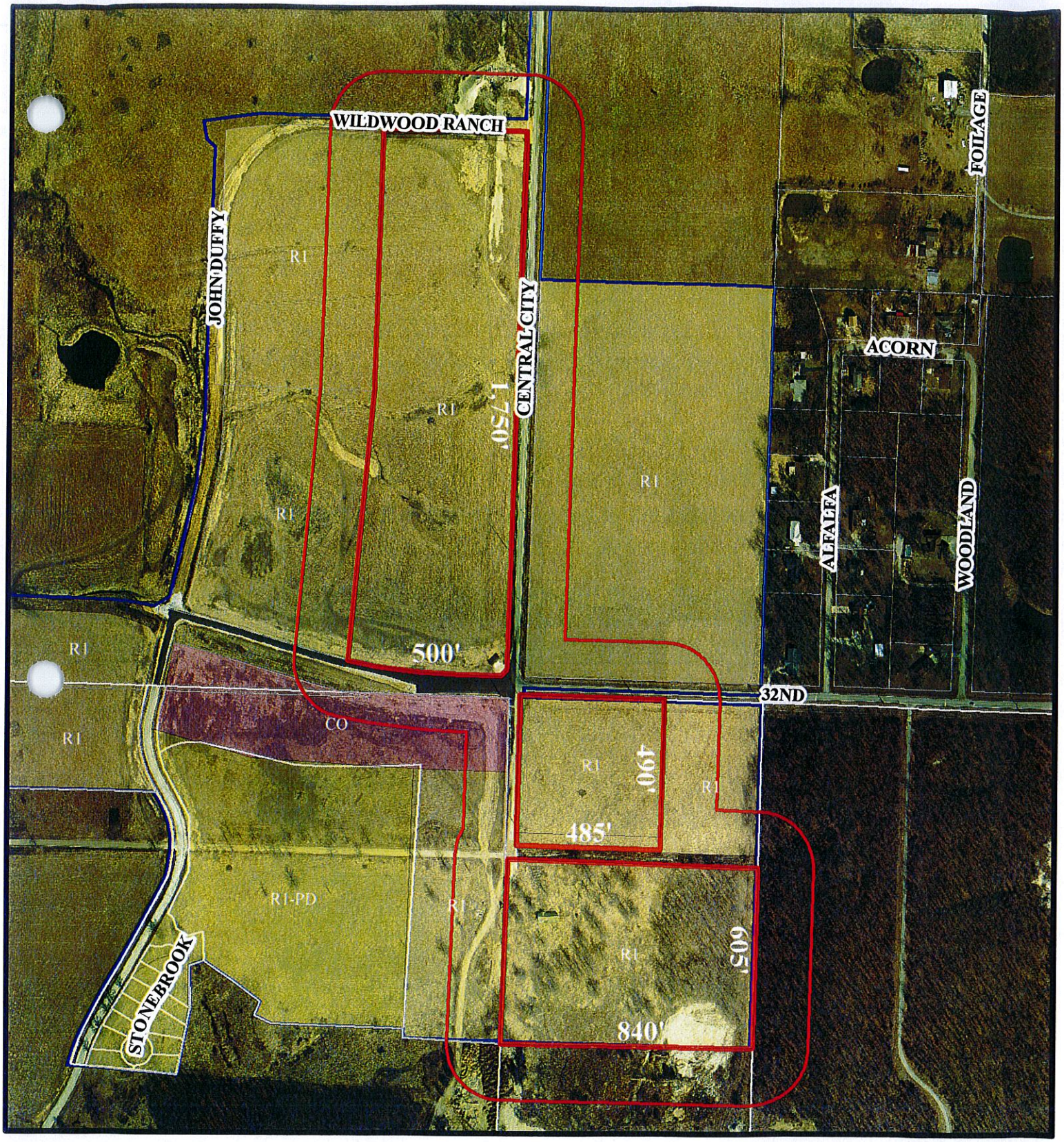
The proposed rezoning should not detrimentally affect nearby properties.

DISCUSSION

The properties were annexed in 2012 and are currently zoned R-1 (Single-Family), as all properties are zoned when annexed. Property at the southwest corner of 32nd Street and Central City Road was rezoned to C-O in July 2014 for the future development of professional offices. The developer is requesting to rezone the properties to commercial to conform to the Wildwood Ranch Master Plan. The location at the intersection of two planned arterials is appropriate for higher-intensity commercial development. With continued growth in residential and office projected, demand for commercial-retail uses in close proximity will increase in the Wildwood Ranch area.

Staff recommends approval of Case 042-14.

ENCLOSURES: None



0 387.5 775 1,550 2,325 3,100 Feet

C[illegible] 042-14: A request to rezone properties from District R-1 (Single-Family Residential) to District C-3 (Commercial) at the northwest and southeast corners of 32nd Street and Central City Road for future commercial development. - Wildwood Ranch LLC

N

Case 042-14: Northwest corner and Southeast corner of 32nd Street and Central City Road/Antelope Road – A request to rezone properties from District R-1 (Single-Family Residential) to District C-3 (Commercial) for future commercial development – Wildwood Ranch LLC.

Mr. Eastman opened the public hearing for Case 042-14.

Mr. Jimmer Pinjuv, 1032 Antelope Road, Joplin, appeared to request the rezoning of property located at 32nd Street and Central City Road/Antelope Road.

Mr. Eastman asked for questions from the commissioners.

Mr. Duncan asked Mr. Pinjuv how many acres the property contains, and he replied about 30 acres. The property on the north side of 32nd Street contains about 20 acres, with 10 acres on the south side. Mr. Wright stated that the property altogether contains about 36.7 acres.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 042-14.

MR. BROWN MOVED, SECONDED BY MR. SMITH, THAT CASE 042-14 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. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. CORTEZ BEING ABSENT (6 IN FAVOR, 1 ABSENT).

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: COUNCIL BILL NO. 2014-279
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander T.B. Date: 11-21-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm Date: 11/24/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

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

SUMMARY/REQUEST:
Case 043-14: West of Connecticut Avenue generally between 24th Street and the Kansas City Southern Railroad right-of-way – A request to rezone property from District R-1 (Single-Family Residential) to District C-O PD (Non-Retail – Planned Development) for the future installation of a wireless telecommunication tower – Polsinelli PC.

STAFF SUMMARY:
The proposed rezoning is to allow for the installation of a wireless telecommunication tower, which is not permitted in a residential zoning district. Rezoning to C-O PD is the least intensive zoning district that will permit a telecommunication tower with a Special Use Permit. The C-O PD zoning district also complements the adjacent properties to the north along Connecticut Avenue that are already zoned C-O. The Site Plan shows the future extension of 24th Street and Rhode Island Avenue to better access developable land with limited access due to the Kansas City Southern Railroad right-of-way. The proposed telecommunication tower is far enough to the north that it will not impact future right-of-way plans.

Staff recommends approval of Case 043-14.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Curtis Holland, Polsinelli PC, appeared on behalf of The Empire District Electric Company, the owner of the property in this request. The purpose for the rezoning is to permit a wireless communication facility on the property.

Under the current regulations for the City of Joplin, wireless communication facilities are not allowed on residentially zoned property. Even though the subject property is owned and utilized

as an electrical substation and an industrial use, it still has a residential zoning. The utility substation was permitted under a Special Use Permit issued by the City of Joplin.

Verizon Wireless provides service in Joplin, but in this particular area, the service is significantly lacking. They would like to improve their coverage in the central portion of Joplin.

Mr. Holland showed those present the specific location for the tower. Connecticut Avenue is to the east of the site, with the railroad tracks being shown on the map. A square box adjacent to Connecticut represents the utility substation improvements. Verizon's arrangement with Empire District Electric is a ground lease for the communication tower structure.

Joplin's setback requirements state that communication tower structures must be at least 200 feet from residentially zoned property. This location would be more than 400 feet away from any residential property. The utility substation is the dominant improvement onthe property, with the railroad tracks separating this property from the residential areas to the south and to the west.

A small strip off Connecticut Avenue represents Verizon's proposed access drive to the tower site. They visit the site once a month or a couple of times quarterly for maintenance reasons.

The proposed monopole will be 150 feet tall. The tower will be a round pole type tower structure and not the lattice tower structure. A small equipment compound would be located at the base of the tower, surrounded by a chain-link security fence. The City staff requested the facility not be placed where it might impact or interfere with the future location of a loop road connecting 24th Street with Rhode Island Avenue.

The tower is a monopole style that will not be lit. Verizon's goal is to improve coverage between I-44 and Seventh Street and between Main Street and Range Line Road.

Mr. Holland showed a radio frequency propagation map. The red circle highlights the site where the tower is to be located. The green colors represent existing sites, including a site approved in the City of Duquesne that has not been constructed. The other sites represent existing Verizon wireless sites. The green color represents the signal strength for Verizon's radio signals, with the green color representing a very strong signal that would provide in-building coverage to the user. As you move away from the tower structure, the signal strength starts to decrease.

The proposed tower would provide high-quality, reliable signal strength in this area. The selection of the zoning district, which is essentially office, is based on the fact that everything around the property, particularly to the north and west, is zoned or shown on the Comprehensive Plan to be offices. Multi-family residential uses exist to the north.

Mr. Duncan asked Mr. Holland if he is only trying to rezone the area in which the tower is to be located, since the map in the planning report shows a larger area. Mr. Holland is requesting the rezoning of the entire parcel that is owned by Empire District Electric.

The railroad tracks serve as a major buffer between the residential neighborhood and the property where the tower is to be located since the railroad tracks are elevated. Verizon tries to look for existing tower structures before they plan new towers.

There aren't any other structures in this area that Verizon can locate on. When there are no existing structures to use, the next step is to find an area where you could mitigate as much as possible any visual impacts from the structure itself. The poles and transmission lines with the substation already clutter the sky and the area, with a tower tending to blend in with the surrounding area. Trees are frequently planted around the lower portion of a tower, but the residents will not see any green space since they are at a lower elevation than the railroad tracks.

This site provides the signal strength that Verizon is looking for in this area. He asked the commissioners for their recommendation for approval on the request.

Mr. Eastman asked Mr. Holland if Verizon would share this tower with other carriers, and he replied yes. They allow other carriers to co-locate and have master co-location agreements with all the carriers to allow their facilities on Verizon's structures. The other carriers allow Verizon to locate on their structures.

Mr. Duncan asked Mr. Holland if the roadway extending back to the tower would be paved or gravel, and he replied gravel. Mr. Bolander stated that access roads and roadways must be dust-proofed, so a minimum chip and seal will be required.

Mr. Smith asked about the height of the tower, and Mr. Holland replied 150 feet.

Mr. Smith asked about placing a flashing light on the tower, and Mr. Holland replied these structures are heavily regulated by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA). All towers over 200 feet in height must be lit and marked. If a tower is below 200 feet, it may still need to be lit, but that depends on where the tower is located in relation to an airport. In this case, the tower doesn't need to be lit.

PUBLIC COMMENT:
Comments in opposition were received from the following:

Ms. Lora Tunnell, 2509 Montana Place, Joplin
Mr. Alan Buttram, 12570 County Road 240, Oronogo, Missouri (has property along Connecticut Avenue listed for sale)

They expressed concern about the tower being placed in this location and being very noticeable. Mr. Buttram asked about the tower to the south less intrusive location.

Mr. Holland stated the proposed location is the only spot where Empire District Electric has allowed the tower to be located. Due to the number of electrical facilities in the area, they are very sensitive about where the tower is placed. By moving the tower further south, less coverage would be created on the north end of the area that Verizon needs to serve. The geographic location of the tower is very critical.

P & Z Case 043-14
Polsinelli PC
(P & Z Recommended Approval)

COUNCIL BILL NO. 2014-279 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and including in District C-0-PD property as described below and located west of Connecticut Avenue generally between 24th Street and the Kansas City Southern Railroad right-of-way in the City of Joplin, Jasper County, Missouri.

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

Section 1. Having referred the subject matter of this ordinance to the City Planning and Zoning Commission and having given at least fifteen days notice of time and place of hearing on same by publication in the Joplin Globe, Ordinance No. 2004-256 is hereby amended by removing the following described property from District R-1 and including same in District C-0-PD:

All that part of Lot Numbered Ninety (90) in SOUTHMORLAND ACRES ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, being more particularly described as follows: Commencing at the Northeast corner of Lot 90 in Southmorland Acres Addition to the City of Joplin, Missouri, thence West, 319.00 feet, thence South, 500.00 feet to an iron pin found at the true point of beginning. Thence South 00 degrees 01 minutes East, 244.20 feet to a found iron pin, thence South 89 degrees 55 minutes East, 319.20 feet (319.00 record) to an iron pin found on the West right-of-way line of Connecticut Avenue, thence South, 513.54 feet along said right-of-way to a 5/8 inch iron pin set on the North right-of-way line of the Kansas City Southern Railroad, thence 824.63 feet along said right-of-way on a curve to the right with a radius of 1410.73 feet, a central angle of 33 degrees 29 minutes 30 seconds, and a long chord distance of 812.94 feet on a bearing of North 55 degrees 19 minutes West to a set 5/8 inch iron pin, thence North, 295.67 feet to a found iron pin, thence East, 349.27 feet to the point of beginning.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

REZONING APPLICATION FORM

RECEIVED 10-3-14

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

For Office Use Only
Case No.: 043-14
Filing Fee: $350.00
Date Advertised: 10-26-14
Date Notices Sent: 10-27-14
P&Z Date: 11-10-14
City Council Date: 12-1-14

APPLICANT: Polsinelli PC/Curtis Holland PHONE: 913-234-7411
ADDRESS: 6201 College Blvd. Ste.500, Overland Park ZIP: 66211
EMAIL: cholland@polsinelli.com Kansas
OWNER: The Empire District Electric Company PHONE: 417-625-6160
ADDRESS: 602 South Joplin Ave., Joplin, MO ZIP: 64801
EMAIL: BBarchak@expiredistrict.com (Bob Barchak)
LOCATION OF PROPERTY: 2330 South Connecticut Avenue
LEGAL DESCRIPTION: See attached.

Present Zoning R-1 Requested Zoning: CO/PD Acreage: 7.04
Present Use of Property: Substation with some vacant ground.
Proposed Use of Property: Substation with Wireless Communication Tower

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Office & Residential	CO & R2
South	Residential	R1
East	Residential	R1 & R2
West	Residential	R1

CHARACTER OF THE NEIGHBORHOOD: Office and Residential

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
   No
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
   If yes, explain: Yes. The zoning ordinance prohibits cell towers (proposed use) on residentially zoned property.

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ✓ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Connecticut Avenue
2. Classification of Street(s):
   Arterial ✓ Collector _____ Local _____
3. Right-of-Way Width: 90'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   No.

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

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

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

The property is currently utilized as a electrical substation.

SIGNATURE: Curtis M. Holland @ DATE: 12/1/2014

BY: Curtis M. Holland

TITLE: Attorney/Agent

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Rezoning

CASE 043-14:

A request to rezone from District R-1 (Single-Family Residential) to District C-O PD (Non-Retail – Planned Development) for the future installation of a wireless telecommunication tower.

APPLICANT: Polsinelli PC

LOCATION: West of Connecticut Avenue generally between 24th Street and the Kansas City Southern Railroad right-of-way

REQUESTED ZONING: C-O PD (Non-Retail – Planned Development)

CORRIDOR: Connecticut Avenue

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1	Electrical substation, undeveloped	7.04 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1, C-O	R-1, R-2 PD	R-1	R-1
Land Use	Vacant, Office	Vacant, Single- and Two-Family Residential	Railroad right-of-way, Single-Family, Church	Undeveloped

FUTURE LAND USE:

The 2012 Future Land Use Map designates this property as Low-Density Residential, but is included in the Connecticut Avenue Corridor. Rezoning to a higher-intensity zoning district requires a Site Plan Review and rezoning to a Planned Development (PD).

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Connecticut Avenue	Minor Arterial	80'

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

No.

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This property is suitable for non-retail development.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

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

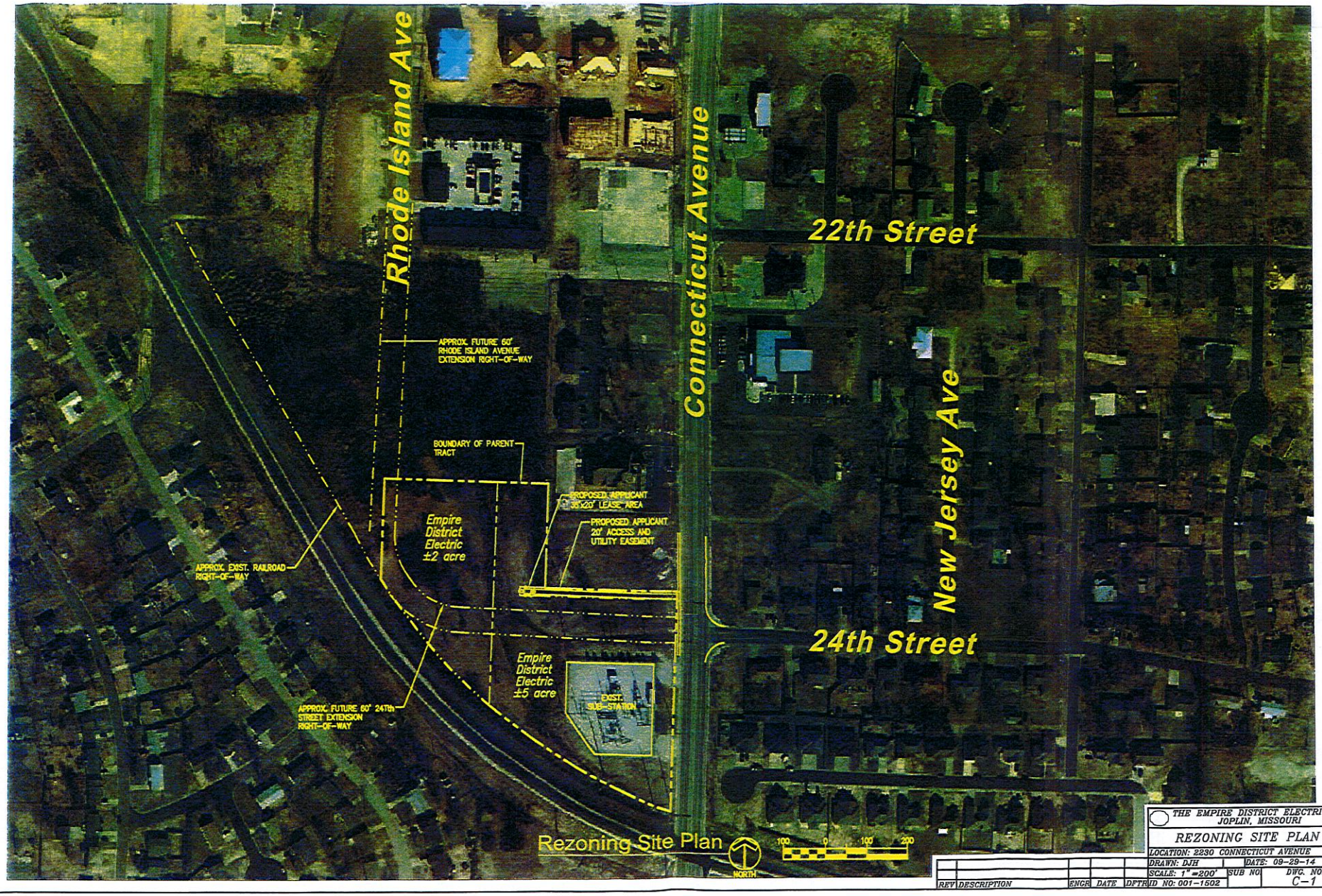
DISCUSSION

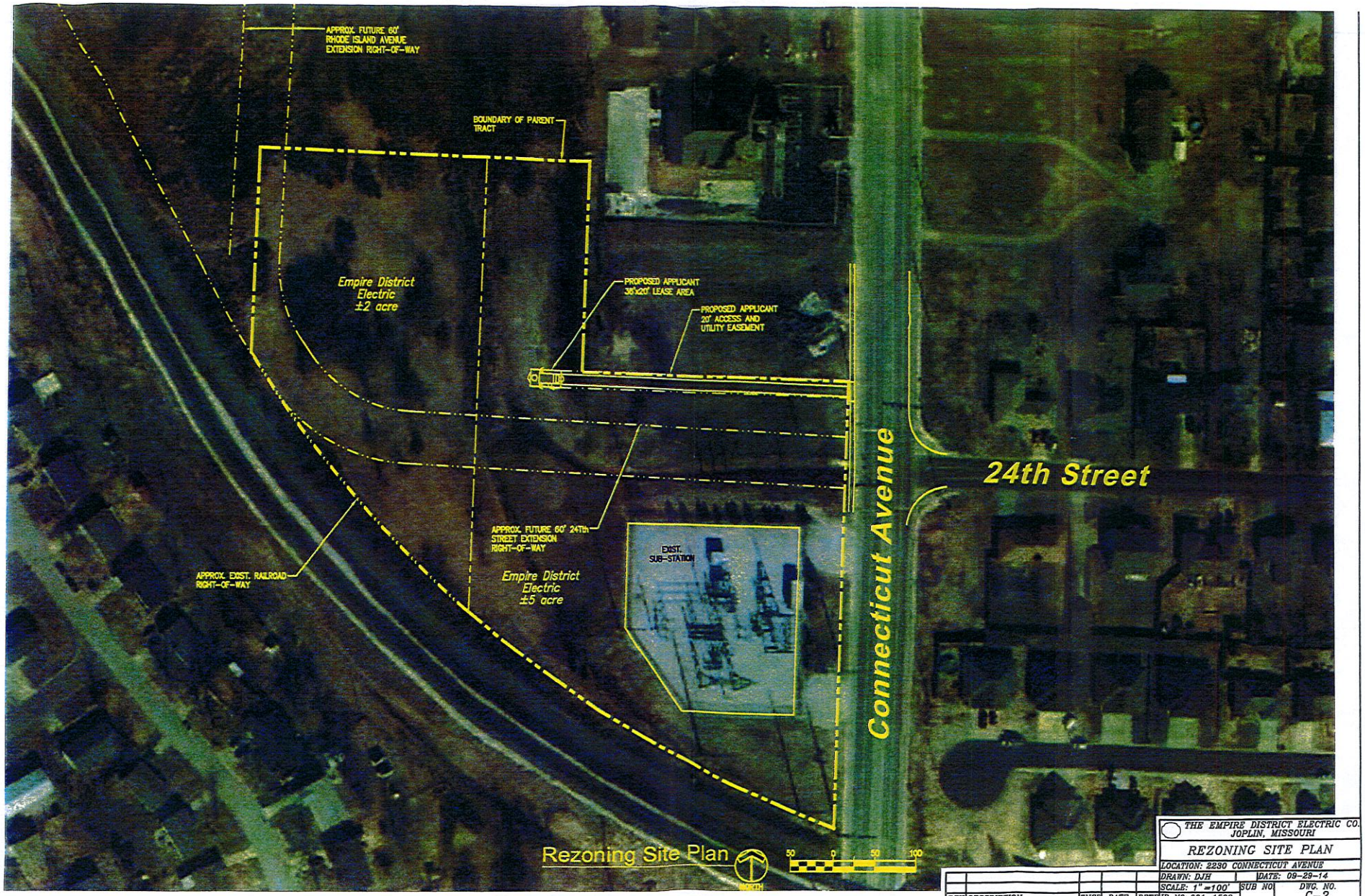
The proposed rezoning is to allow for the installation of a wireless telecommunication tower, which is not permitted in a residential zoning district. Rezoning to C-O PD is the least intensive zoning district that will permit a telecommunication tower with a Special Use Permit. The C-O PD zoning district also complements the adjacent properties to the north along Connecticut Avenue that are already zoned C-O. The Site Plan shows the future extension of 24th Street and Rhode Island Avenue to better access developable land with limited access due to the Kansas City Southern Railroad right-of-way. The proposed telecommunication tower is far enough to the north that it will not impact future right-of-way plans.

Staff recommends approval of Case 043-14.

ENCLOSURES:

Site Plans


Rhode Island Ave
Connecticut Avenue
22nd Street
New Jersey Ave
24th Street
APPROX. FUTURE 60' RHODE ISLAND AVENUE EXTENSION RIGHT-OF-WAY
BOUNDARY OF PARENT TRACT
PROPOSED APPLICANT ± 35'x20' LEASE AREA
PROPOSED APPLICANT 20' ACCESS AND UTILITY EASEMENT
Empire District Electric ±2 acre
APPROX. EXIST. RAILROAD RIGHT-OF-WAY
Empire District Electric ±5 acre
EXIST. SUB-STATION
APPROX. FUTURE 60' 24th STREET EXTENSION RIGHT-OF-WAY
Rezoning Site Plan
NORTH
100 0 100 200
THE EMPIRE DISTRICT ELECTRIC CO.
JOPLIN, MISSOURI
REZONING SITE PLAN
LOCATION: 2230 CONNECTICUT AVENUE
DRAWN: DJH
DATE: 09-29-14
SCALE: 1" =200'
SUB NO
DWG. NO.
C-1
REV DESCRIPTION ENGR DATE DFTR
ID NO: 001-1502



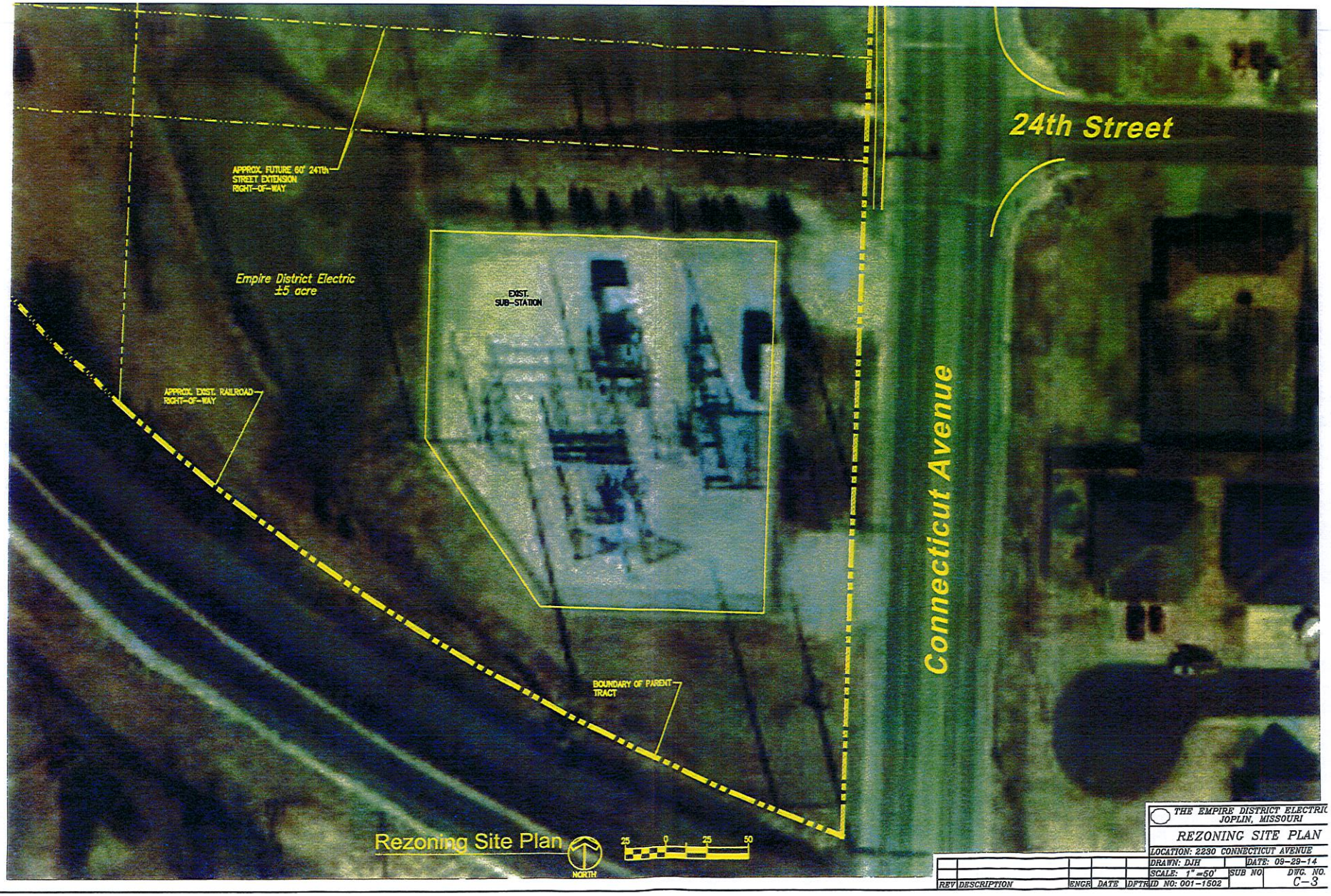
THE EMPIRE DISTRICT ELECTRIC CO.
JOPLIN, MISSOURI

REZONING SITE PLAN

LOCATION: 2230 CONNECTICUT AVENUE

REV	DESCRIPTION	ENGR	DATE	DFTR

DRAWN: DJH | DATE: 09-29-14
SCALE: 1"=100' | SUB NO
JOB NO: 001-1502 | DWG. NO. C-2



THE EMPIRE DISTRICT ELECTRIC
JOPLIN, MISSOURI

REZONING SITE PLAN

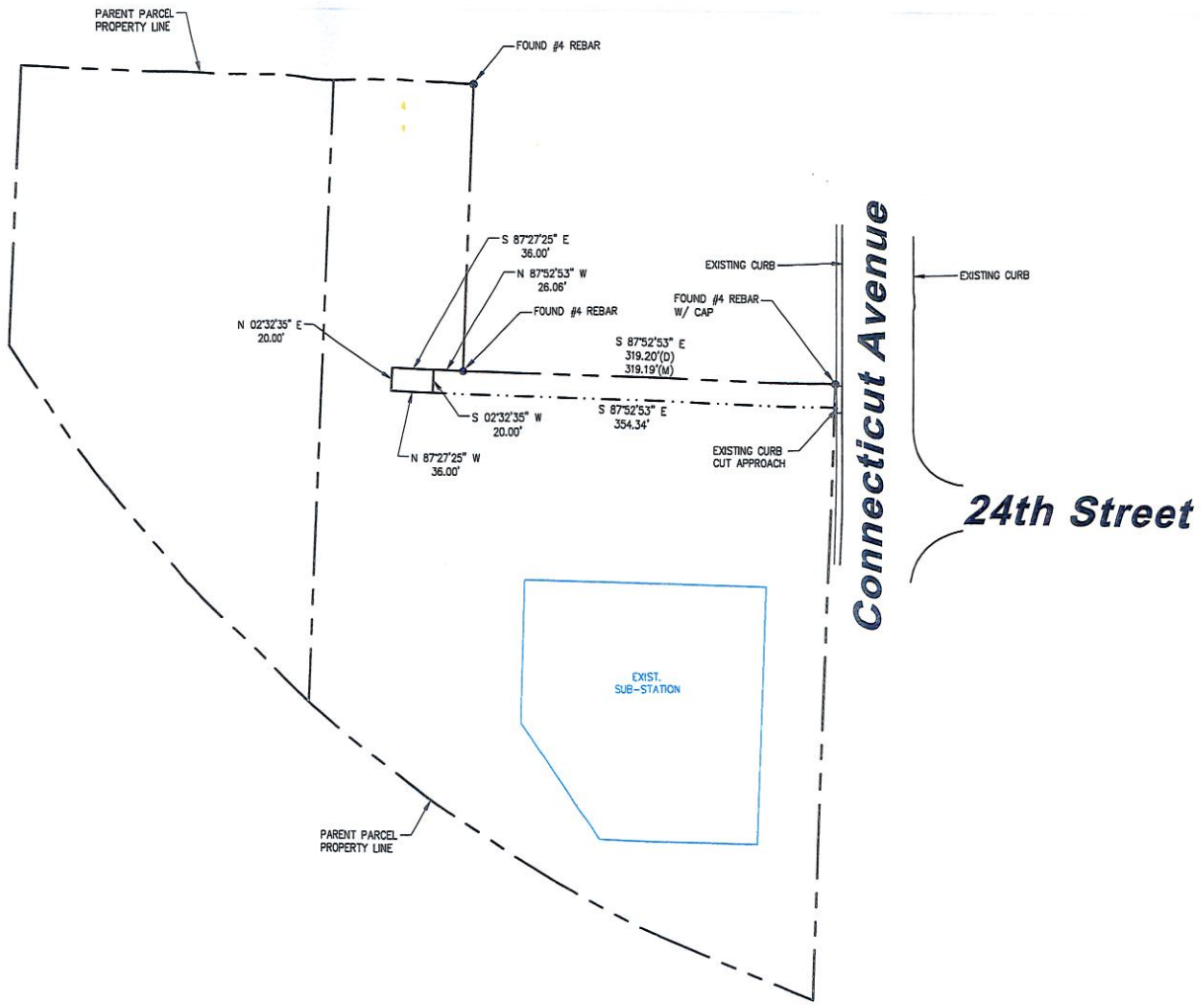
LOCATION: 2230 CONNECTICUT AVENUE

REV	DESCRIPTION	ENGR	DATE	DFTR

DRAWN: DJH | DATE: 09-29-14
SCALE: 1" =50' | SUB NO | DWG. NO. C-3
ID NO: 001-1502

PARENT PARCEL DESCRIPTION:

All that part of Lot Numbered Ninety (90) in SOUTHMORLAND ACRES ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, being more particularly described as follows:
Commencing at the Northeast corner of Lot 90 in Southmorland Acres Addition to the City of Joplin, Missouri, thence West, 319.00 feet, thence South, 500.00 feet to an iron pin found at the true point of beginning. Thence South 00 degrees 01 minutes East, 244.20 feet to a found iron pin, thence South 89 degrees 55 minutes East, 319.20 feet (319.00 record) to an iron pin found on the West right-of-way line of Connecticut Avenue, thence South, 513.54 feet along said right-of-way to a 5/8 inch iron pin set on the North right-of-way line of the Kansas City Southern Railroad, thence 824.63 feet along said right-of-way on a curve to the right with a radius of 1410.73 feet, a central angle of 33 degrees 29 minutes 30 seconds, and a long chord distance of 812.94 feet on a bearing of North 55 degrees 19 minutes West to a set 5/8 inch iron pin, thence North, 295.67 feet to a found iron pin, thence East, 349.27 feet to the point of beginning.



Rezoning Site Plan

NORTH

50 0 50 100

THE EMPIRE DISTRICT ELECTRIC CO.
JOPLIN, MISSOURI

REZONING SITE PLAN

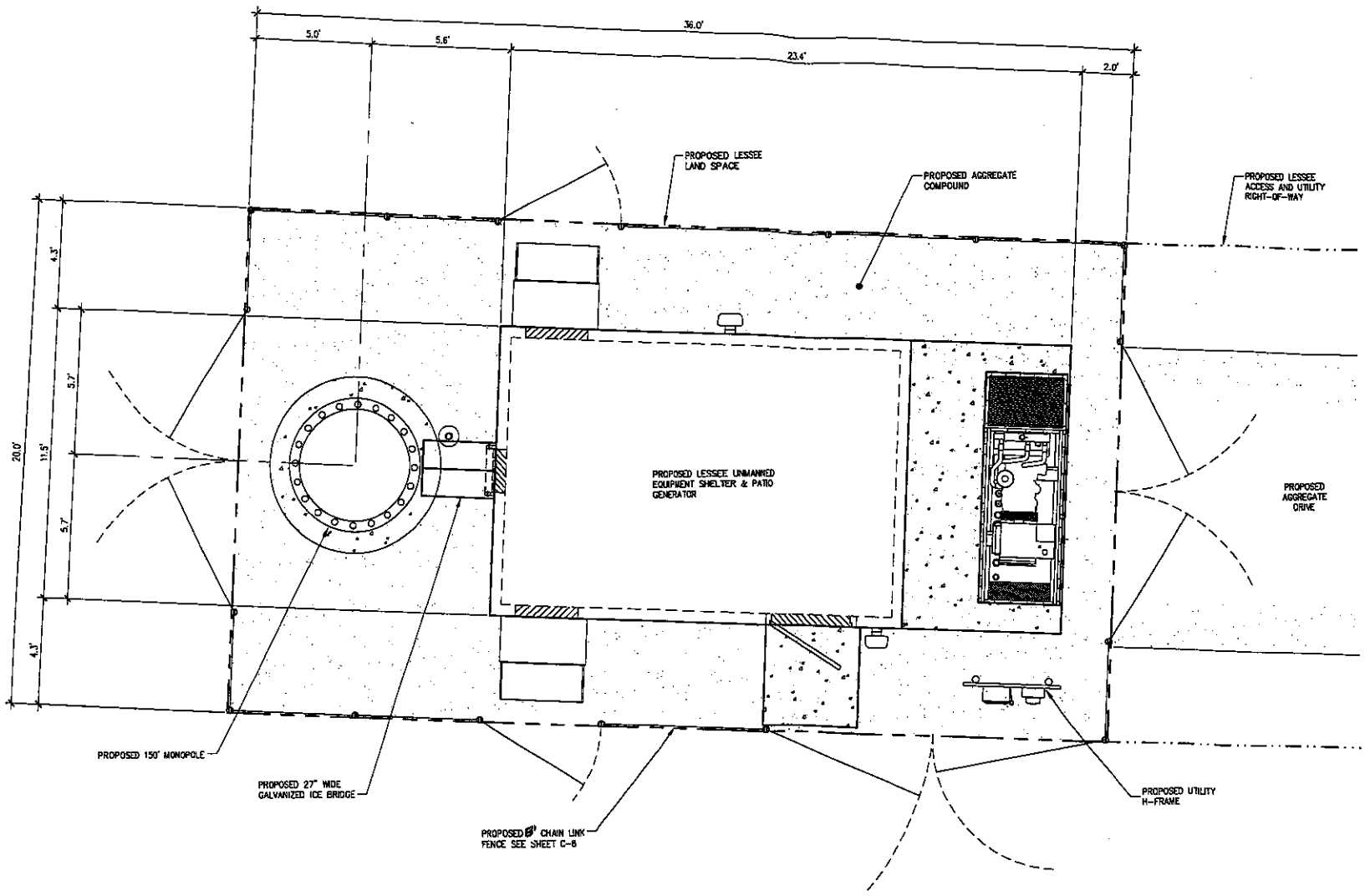
LOCATION: 2230 CONNECTICUT AVENUE

DRAWN: DJH | DATE: 09-29-14

SCALE: 1"=100' | SUB NO | DWG. NO. C-4

JD NO: 001-1502

REV	DESCRIPTION	ENGR	DATE	DFTR



Enlarged Site Plan

NORTH

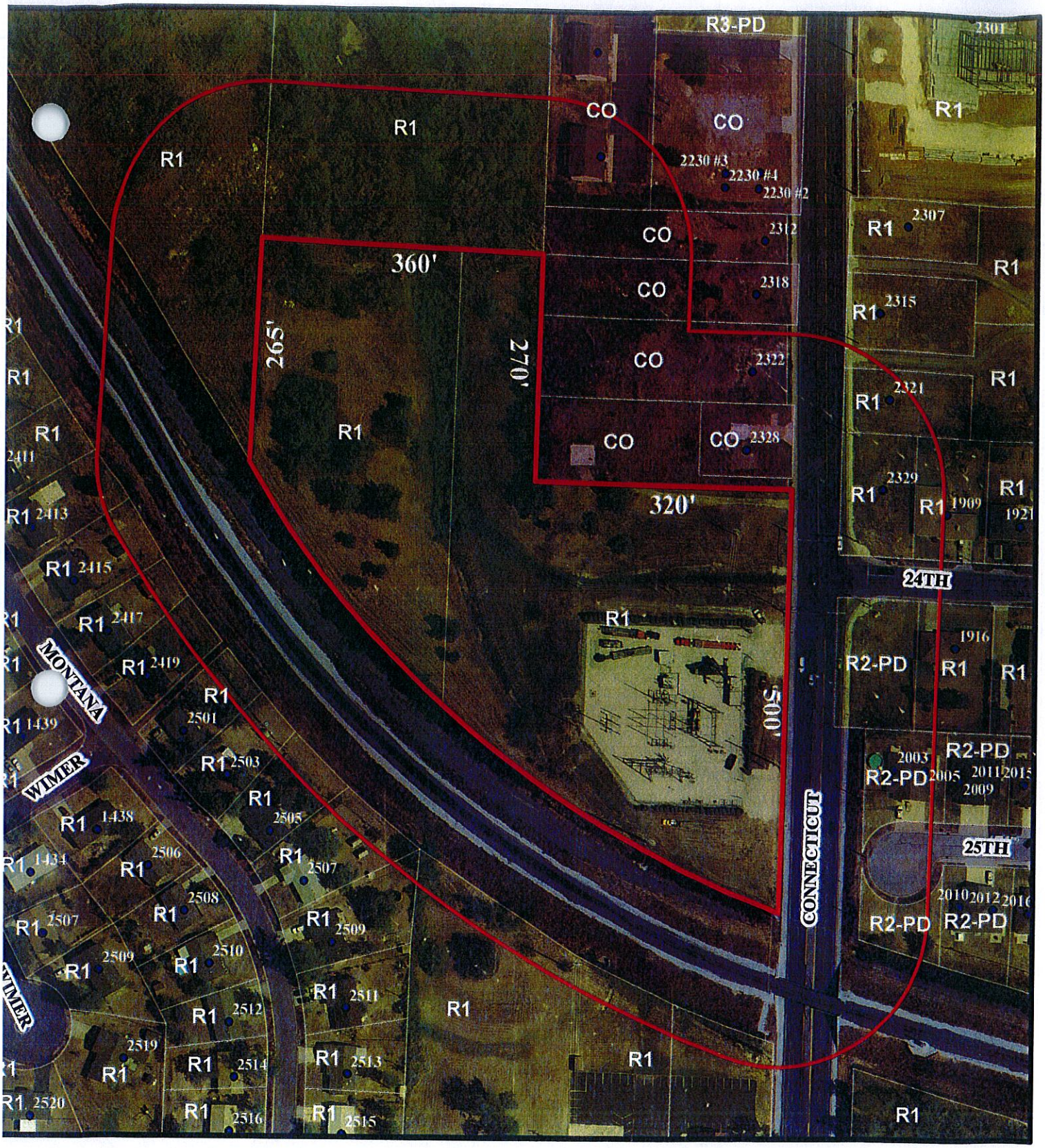
2 0 2 4

THE EMPIRE DISTRICT ELECTRIC CO.
JOPLIN, MISSOURI

ENLARGED SITE PLAN

LOCATION: 2230 CONNECTICUT AVENUE
DRAWN: DJH | DATE: 09-29-14
SCALE: 1" =4' | SUB NO | DWG. NO. C-5
JOB NO: 001-1502

REV	DESCRIPTION	ENGR	DATE	DFTR



0 137.5 275 550 825 1,100 Feet

Ca[illegible]043-14: A request to rezone properties from District R-1 (Single-Family Residential) to District C-O PD (Non-Retail - Planned Development) west of Connecticut Avenue approximately between 24th and 25th Streets for the installation of a wireless telecommunication tower. - Polsinelli

N

Case 043-14: West of Connecticut Avenue generally between 24th Street and the Kansas City Southern Railroad right-of-way – A request to rezone property from District R-1 (Single-Family Residential) to District C-O PD (Non-Retail – Planned Development) for the future installation of a wireless telecommunication tower – Polsinelli PC.

Mr. Eastman opened the public hearing for Case 043-14.

Mr. Curtis Holland, Polsinelli PC, 6201 College Boulevard, Suite 500, Overland Park, Kansas 66211, appeared on behalf of The Empire District Electric Company, the owner of the property in this request. The purpose for the rezoning is to permit a wireless communication facility on the property, being the subject for the application for the Special Use Permit in Case 044-14.

Under the current regulations for the City of Joplin, wireless communication facilities are not allowed on residentially zoned property. Even though the subject property is owned and utilized as an electrical substation and an industrial use, it still has a residential zoning. The utility substation was permitted under a Special Use Permit issued by the City of Joplin.

Mr. Holland hopes to obtain the commissioners' permission to construct a wireless communication tower on this electrical substation property for and on behalf of Verizon Wireless. They provide service in Joplin, but in this particular area of Joplin, the service is significantly lacking. They would like to improve their coverage in the central portion of Joplin, including increasing their calling capacity and data service in this area of Joplin.

Mr. Holland made a presentation and showed those present the specific location for the tower. Connecticut Avenue is to the east of the site, with the railroad tracks being shown on the map. A square box adjacent to Connecticut represents the utility substation improvements. Verizon's arrangement with Empire District Electric is a ground lease for the communication tower structure.

The setback requirements for the City of Joplin require the placement of communication tower structures at least 200 feet from residentially zoned property. This location would be more than 400 feet away from any residential property. The utility substation represents the dominant set of improvements on the property, with the railroad tracks separating this property from the residential areas to the south and to the west.

A small strip off Connecticut Avenue represents Verizon's proposed access drive to the tower site. They visit the site once a month or a couple of times quarterly during the year for maintenance reasons. Otherwise, no traffic is generated by this project. The tower would be located at the end of that access drive.

The proposed monopole will be 150 feet tall. The tower will be a round pole type tower structure and not the lattice tower structure. A small equipment compound would be located at the base of the tower, surrounded by a chain-link security fence. The City staff requested the facility not be placed where it might impact or interfere with the future location of a loop road connecting 24th Street with Rhode Island Avenue. The proposed roadway comes from the north and touches the right-of-way for the railroad line and then heads back east and ties into Connecticut at 24th Street.

Empire District Electric owns the property where the substation is located and where the proposed wireless facility would be located. They own all the land north to Rhode Island Avenue, but Mr. Holland is seeking rezoning for only the portion necessary for this wireless facility. The proposed roadway was drawn on the map to make sure the tower would not interfere with that roadway if and when it is ever constructed.

Mr. Holland showed those present what the tower would look like. It is a monopole style that will not be lit. Verizon's goal is to improve coverage in the central portion of Joplin between I-44 and Seventh Street and between Main Street and Range Line Road.

Mr. Holland showed those present a radio frequency propagation map. The red circle highlights the site where the tower is to be located. The green colors represent existing sites, including a site approved in the City of Duquesne that has not been constructed. The other sites represent existing Verizon wireless sites. The green color represents the signal strength for Verizon's radio signals, with the green color representing a very strong signal that would provide in-building coverage to the user. As you move away from the tower structure, the signal strength starts to decrease. The red circle represents Verizon's target for trying to provide better coverage.

The proposed tower would provide high-quality, reliable signal strength in this area. The rezoning is to permit the wireless structure. The selection of the zoning district, which is essentially office, is based on the fact that everything around the property, particularly to the north and west, is zoned or shown on the Comprehensive Plan to be offices. Multi-family residential uses exist to the north. This area was heavily damaged by the tornado, with many of the structures being rebuilt.

Mr. Holland thinks that the service in this area will be useful and very helpful for 911 service. The rezoning to District C-0 was discussed with the City staff, who suggested that as the designation that they would like the property to be rezoned to.

Mr. Eastman asked for questions from the commissioners.

Mr. Duncan asked Mr. Holland if he is only trying to rezone the area in which the tower is to be located, since the map in the planning report shows a larger area. Mr. Holland is requesting the rezoning of the entire parcel that is owned by Empire District Electric.

Mr. Eastman asked for comments from the audience.

Ms. Lora Tunnell, 2509 Montana Place, Joplin, appeared representing several neighbors who are in opposition to the request. They understand and appreciate that the new tower will not include lighting. She and her neighbors are still trying to make a decision whether or not they will petition against this request. They are curious if there are other towers in the area possibly from other carriers where Verizon could place their antennas and still achieve the same coverage.

Ms. Tunnell understood an amendment has been adopted regarding the wireless towers, and the City staff cannot require the owners to place landscaping around their fencing or around the tower. But since Mr. Holland is representing Empire District Electric, and they have already provided landscaping around their substation, Ms. Tunnell asked if landscaping be provided in the area surrounding the tower.

Ms. Tunnell stated that green space is definitely an issue for the neighbors, in that many trees were lost due to the tornado. She discussed the coverage provided by the towers and stated that her neighborhood is still mostly residential. She stated that most of the proposed commercial buildings aren't there yet and did not believe this is a critical tower or a critical need in her area.

Mr. Ramsour asked Mr. Tunnell where she lives, and she replied on Montana Place. Mr. Ramsour asked her how the elevation of the railroad track affects the neighborhood, and she replied that it helps quite a bit. She can see some of the spires from the substation but understood this tower would be much taller than that. It will still be very noticeable.

Mr. Alan Buttram, 12570 County Road 240, Oronogo, Missouri, asked Mr. Holland why the tower couldn't be located closer to the railroad tracks in a less intrusive location. He has property listed for sale between the proposed access road and the Ozark Prosthetic building. He thought moving the tower further south would be less detrimental to the property he has listed for sale.

Mr. Holland stated the proposed location is the only spot where Empire District Electric has allowed the tower to be located. Due to the number of electrical facilities in the area, they are very sensitive about where the tower is placed. By moving the tower further south, less coverage would be created on the north end of the area that Verizon needs to serve. The location of towers and facilities is much like a jigsaw puzzle, so the geographic location of the tower is very critical.

Mr. Holland stated that the railroad tracks serve as a major buffer between the residential neighborhood and the property where the tower is to be located since the railroad tracks are elevated. Verizon tries to look for existing tower structures before they plan new towers.

There aren't any other structures in this area that Verizon can locate on. When there are no existing structures to use, the next step is to find an area where you could mitigate as much as possible any visual impacts from the structure itself. The poles and transmission lines with the substation already clutter the sky and the area, with a tower tending to blend in with the surrounding area. Trees are frequently planted around the lower portion of a tower, but the residents will not see any green space since they are at a lower elevation than the railroad tracks.

Mr. Holland stated that this site provides the signal strength that Verizon is looking for in this area. He asked the commissioners for their recommendation for approval on the request.

Mr. Eastman asked Mr. Holland if Verizon would share this tower with other carriers, and he replied yes. They allow other carriers to co-locate and have master co-location agreements with all the carriers to allow their facilities on Verizon's structures. The other carriers allow Verizon to locate on their structures.

Mr. Duncan asked Mr. Holland if the roadway extending back to the tower would be paved or gravel, and he replied gravel. Mr. Bolander stated that access roads and roadways must be dust-proofed, so a minimum chip and seal will be required. Mr. Holland will meet whatever the City Code requires in that regard.

Mr. Smith asked about the height of the tower, and Mr. Holland replied 150 feet.

Mr. Smith asked about placing a flashing light on the tower, and Mr. Holland replied these structures are heavily regulated by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA). The FAA controls all the air space and what structures are required to be lit and how the structures are lit and marked. The general rule is that all towers over 200 feet in height must be lit and marked. If a tower is below 200 feet, it may still need to be lit, but that depends on where the tower is located in relation to an airport. In this case, the tower doesn't need to be lit.

Mr. Eastman asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 043-14.

MR. SMITH MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 043-14 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. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. CORTEZ BEING ABSENT (6 IN FAVOR, 1 ABSENT).

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: RESOLUTION NO. 2014-021
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander T. B Date: 11-24-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm Date: 11/24/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

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

SUMMARY/REQUEST:
Case 044-14: Approximately 345 feet West of the Northwest corner of 24th Street and Connecticut Avenue – A request for a permanent Special Use Permit (First Request) for the installation of a wireless telecommunication tower – Polsinelli PC.

STAFF SUMMARY:
The applicant is requesting a permanent Special Use Permit to install a wireless telecommunication tower on property being leased by Verizon Wireless from Empire District Electric. Based on Verizon's study of existing and future network capacity needs, they have selected the site as the most appropriate location to best serve current and future customers in Joplin.

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

1. This Special Use Permit is issued to Polsinelli PC and Verizon Wireless LCC for the installation and operation of a wireless communications tower at the approved location as indicated in the site plan for a planned development.
2. The term of this permit shall be permanent and is to begin when rezoning to District C-O PD (Non-Retail – Planned Development) is official.
3. Where the Wireless Telecommunications Facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. Any other conditions set by the City Council of the City of Joplin.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Curtis Holland, Polsinelli PC, appeared to request a Special Use Permit for a wireless telecommunications tower for Verizon Wireless LLC.

PUBLIC COMMENT:
None.

P & Z Case 044-14
Polsinelli PC
(P & Z Recommended approval
for a permanent Special Use Permit)

RESOLUTION NO. 2014-021

A RESOLUTION granting a Special Use Permit (First Request) to Polsinelli PC and Verizon Wireless LLC for the installation of a wireless telecommunications tower located approximately 345 feet west of the northwest corner of 24th Street and Connecticut Avenue, in the City of Joplin, Jasper County, Missouri.

WHEREAS, the Planning and Zoning Commission at a Public Hearing held on November 10, 2014, recommended that a Special Use Permit be granted to Polsinelli PC and Verizon Wireless LLC for the installation of a wireless telecommunications tower located approximately 345 feet west of the northwest corner of 24th Street and Connecticut Avenue, in the City of Joplin, Jasper County, Missouri.

WHEREAS, a public hearing was held before the City Council on December 1, 2014, in compliance with said request;

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

That a Special Use Permit be granted to Polsinelli PC and Verizon Wireless LLC for the installation of a wireless telecommunications tower in the City of Joplin, Missouri, on the following described real estate, to-wit:

> That part of Lot 90 in SOUTHMORLAND ACRES ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, being more particularly described as follows: Referring to a point 319.00 feet West, and 500.00 feet South, of the Northeast corner of said Lot 90 in Southmorland Acres Addition, a #4 rebar found for corner; thence southerly on an assumed bearing of South 01°59'21" West, 244.17 feet; thence westerly North 87°52'53" West, 26.06 feet, to the Point of Beginning for the described Land Space; thence following the perimeter of the described Land Space on the following bearings and distances: South 02°32'35" West, 20.00 feet; thence North 87°27'25" West, 36.00 feet; thence North 02°32'35" East, 20.00 feet; thence South 87°27'25" East, 36.00 feet, to the Point of Beginning for the described Land Space. Containing a total calculated area of 720 square feet or 0.016 acres, more or less.

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

1. This Special Use Permit is issued to Polsinelli PC and Verizon Wireless LCC for the installation and operation of a wireless communications tower at the approved location as indicated in the site plan for a planned development.
2. The term of this permit shall be permanent and is to begin when rezoning to District C-O PD (Non-Retail – Planned Development) is official.
3. Where the Wireless Telecommunications Facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. Any other conditions set by the City Council of the City of Joplin.

The violation of any condition set forth in this Resolution shall be interpreted as a violation of Appendix 29-A (Zoning Code) of the Municipal Codes of the City of Joplin and shall be administered in accordance with the provisions of Section 34 (Violation and Penalty) of Appendix 29-A of that Code. Conviction in Municipal Court for violation of any condition as set forth in this Resolution shall cause the immediate termination of this Special Use Permit and require the applicant as named in Item No. 1 above to reapply for renewal.

The Municipal Planner is hereby authorized and directed to issue said permit to Polsinelli PC and Verizon Wireless LLC in accordance with the plans and specifications on file in the Office of the Building Official.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST: _____
Barbara L. Hogelin, City Clerk

RECEIVED
10-3-14

SPECIAL USE PERMIT APPLICATION

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

For Office Use Only

Case No.: 044-14
Filing Fee: $ 350.00
Date Advertised: 10-26-14
Date Notices Sent 10-27-14
Public Hearing Date: 11-10-14 / 12-1-14

APPLICANT: Polsinelli PC / Curtis Holland PHONE: 913-234-7411

ADDRESS: 6201 College Blvd., Suite 500 EMAIL: cholland@polsinelli.com
Overland Park, KS 66211

OWNER: The Empire District Electric Company PHONE: 417-625-6160
c/o Bob Barchak

ADDRESS: 602 South Joplin Avenue EMAIL: BBarchak@empiredistrict.com
Joplin, MO 64801

LOCATION OF PROPERTY: 2330 South Connecticut Avenue

LEGAL DESCRIPTION: See attached.

PRESENT ZONING CLASSIFICATION: R-1 ACREAGE: 7.04 AC

PRESENT USE OF PROPERTY: Substation along with vacant ground

PROPOSED LAND USE ACTIVITY: Wirless Communication Tower

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	Office & Residential	CO & R2
South	Residential	R1
East	Residential	R1 & R2
West	Residential	R1

	Yes	No
Does the proposed special use meet the following standards? If yes, attach a separate sheet explaining why.		
1. Is deemed necessary for the public convenience at that location.	X	
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	X	

3. Is found to be generally compatible with the neighborhood in which it is proposed. X ____

4. Will comply with the height and area regulations of the district in which it is located unless specifically granted. X ____

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. X ____

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. X ____

Should this special use be valid only for a specific time period? Yes ___ No ___X_____
If Yes, what length of time? _____

Attachments Required:

1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may impact the character of the surrounding properties; and how the proposed use will benefit the City of Joplin.
3. Site plans and landscape plans must be submitted for the site before a Special Use Permit can be advertised for public hearing.

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

1. Hours of Operation. 24 hours/day
2. Days of Operation. 365 days/year
3. Number of Off-street Parking Spaces. 0
4. Signs (Generally signs are limited to one sign not larger that one (1) foot by two (2) feet set no more than six (6) feet off the ground and at least ten (10) feet inside the property line.)
5. Number of Assistants or employees. N/A
6. Nature of the Business. Wireless Communication Tower
7. Location of the Business. 2330 South Connecticut Avenue

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

SIGNATURE: Curtis M Holland DATE: 10/1/2014

BY: Curtis Holland TITLE: Attorney/Agent

Verizon Wireless/JOPP 20th & Connecticut
Compliance with SUP Standards

1. Is deemed necessary for the public convenience at that location?

Response. Yes. The general vicinity lacks adequate wireless services for Verizon Wireless customers. The proposed location will provide additional capacity to the Verizon Wireless network currently operating in Joplin, Missouri. Currently, Verizon Wireless provides wireless service coverage in and around the area of the proposed site. However, with increasing capabilities of wireless devices - including smart phones, tablets, and WiFi hotspots - wireless carriers are under constant pressure to provide faster data speeds for more devices and larger amounts of data. As a result, Verizon Wireless is working to increase wireless network capacity nationally within the existing network through capacity sites like the site being proposed herein. The proposed Site is an example of Verizon Wireless' efforts to increase capacity and ensure that our network remains reliable even with increased data usage by our customers.

2. Is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected?

Response. Yes. The proposed site will be operated in compliance with all applicable federal, state and local rules. This includes rules and regulations adopted by the Federal Communications Commission (FCC), the Federal Aviation Commission (FAA), rules and policies adopted pursuant to the National Environment Policy Act (NEPA), and the Missouri State Historic Preservation Office (SHPO), as well as the City of Joplin, including setbacks and other zoning regulations.

3. Is found to be compatible generally with the neighborhood in which it is proposed?

Response. Yes. The area is a mix of office and residential uses. The location is located on property used as an electrical substation (operated by Empire Electric) and is adjacent to a railroad tracks. Given the existing utility structure in the immediate vicinity, including tall high-voltage transmission towers, the property structure should blend in with the existing structures and uses in the neighborhood.

4. Will comply with the height and area regulations of the district in which it is located unless specifically granted?

Response. Yes.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect?

Response. Yes. But very little off-street parking is necessary, as the site will be visited very infrequently - usually only 1-2 service vehicles every other month.

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided?

Response. Yes.

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Special Use Permit

CASE 044-14:

A request for a permanent Special Use Permit (1st Request) for the installation of a wireless telecommunication tower located approximately 345 feet west of the northwest corner of 24th Street and Connecticut Avenue.

APPLICANT: Polsinelli PC

LOCATION: 345 feet west of the northwest corner of 24th & Connecticut

REQUESTED USE: Wireless Telecommunication Tower

CORRIDOR: Connecticut Avenue

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
Existing R-1 (Single-Family Residential) Proposed C-O PD (Non-Retail Commercial – Planned Development)	Undeveloped	.016 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1 (existing) C-O PD (proposed)	R-1 (existing) C-O PD (proposed)	R-1 (existing) C-O PD (proposed)	R-1 (existing) C-O PD (proposed)
Land Use	Undeveloped	Undeveloped	Electrical substation	Undeveloped

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Connecticut Avenue	Minor Arterial	80'

IS OFF STREET PARKING PROVIDED?

Not required for the special use requested.

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

No.

DISCUSSION:

The applicant is requesting a permanent Special Use Permit to install a wireless telecommunication tower on property being leased by Verizon Wireless from Empire District Electric. Based on Verizon's study of existing and future network capacity needs, they have selected the site as the most appropriate location to best serve current and future customers in Joplin.

CONDITIONS FOR CONSIDERATION:

1. This Special Use Permit is issued to Polsinelli PC and Verizon Wireless LCC for the installation and operation of a wireless communications tower at the approved location as indicated in the site plan for a planned development.
2. The term of this permit shall be permanent and is to begin when rezoning to District C-O PD (Non-Retail – Planned Development) is official.
3. Where the Wireless Telecommunications Facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the facility.
4. Any other conditions set by the City Council of the City of Joplin.

Staff recommends approval of Case 044-14.

ENCLOSURES:

Site Plans

Network Real Estate
Kansas Missouri Region
10740 Nall Avenue, Suite 400
Overland Park, Kansas 66211
913-344-2800

October 2, 2014

RE: Zoning Application for Proposed Wireless Communications Facility
VZW Site ID: JOPP 2oth & Connecticut
Site Address : 2330 S. Connecticut Ave., Joplin, Missouri

To Whom It May Concern,

Verizon Wireless is proposing a new tower build within Joplin, Missouri at the above-referenced address (Site Name: JOPP 20th & Connecticut). The proposed location will provide additional service and capacity to the Verizon Wireless network currently operating in Joplin. Verizon Wireless' Radio Frequency Engineering team has selected the proposed location after a careful study of existing and future network capacity needs and consideration of other alternate locations.

Currently, Verizon Wireless provides wireless service coverage in and around the area of the proposed site. However, with increasing capabilities of wireless devices - including smart phones, tablets, and WiFi hotspots - wireless carriers are under constant pressure to provide faster data speeds for more devices and larger amounts of data. As a result, Verizon Wireless is working to increase wireless network capacity nationally within the existing network through capacity sites like the site being proposed herein. The proposed Site is an example of Verizon Wireless' efforts to increase service and capacity and ensure that our network remains reliable even with increased data usage by our customers.

To further explain, while Verizon Wireless currently provides reliable voice and data service in this area, data usage is increasing exponentially due to services like wireless internet, mobile email and video streaming. Businesses are also increasingly dependent on our data network for mobile internet and enterprise applications. Most critically, many local and state public safety and emergency service providers rely on our network every day to ensure the safety of your community. Verizon Wireless is committed to best-in-class network reliability for all of these customers, and this proposed Site will allow Verizon to maintain this commitment.

In addition, Verizon Wireless will soon be upgrading its voice service, which will put even more demand on the existing data network. As a result, Verizon Wireless must make critical upgrades to its network in this area to maintain reliable data service for its customers who live and work

there, many of whom rely exclusively on wireless communications services and do not have landline phone service.

Your approval of this project will enable Verizon Wireless to continue to maintain the best, most reliable wireless service in your area. The proposed upgrade to our network in this area will provide businesses and residential customers with the reliable wireless service on which they have come to rely, and will ensure that emergency service and public safety customers can continue to ensure public safety for all of Joplin's citizens and visitors.

Thank you for your consideration.

Sincerely,

Marion S. Crable
Manager – Network Real Estate
Kansas Missouri Region

From: Joe Davis – RF Engineer, Verizon Wireless

September 29, 2014

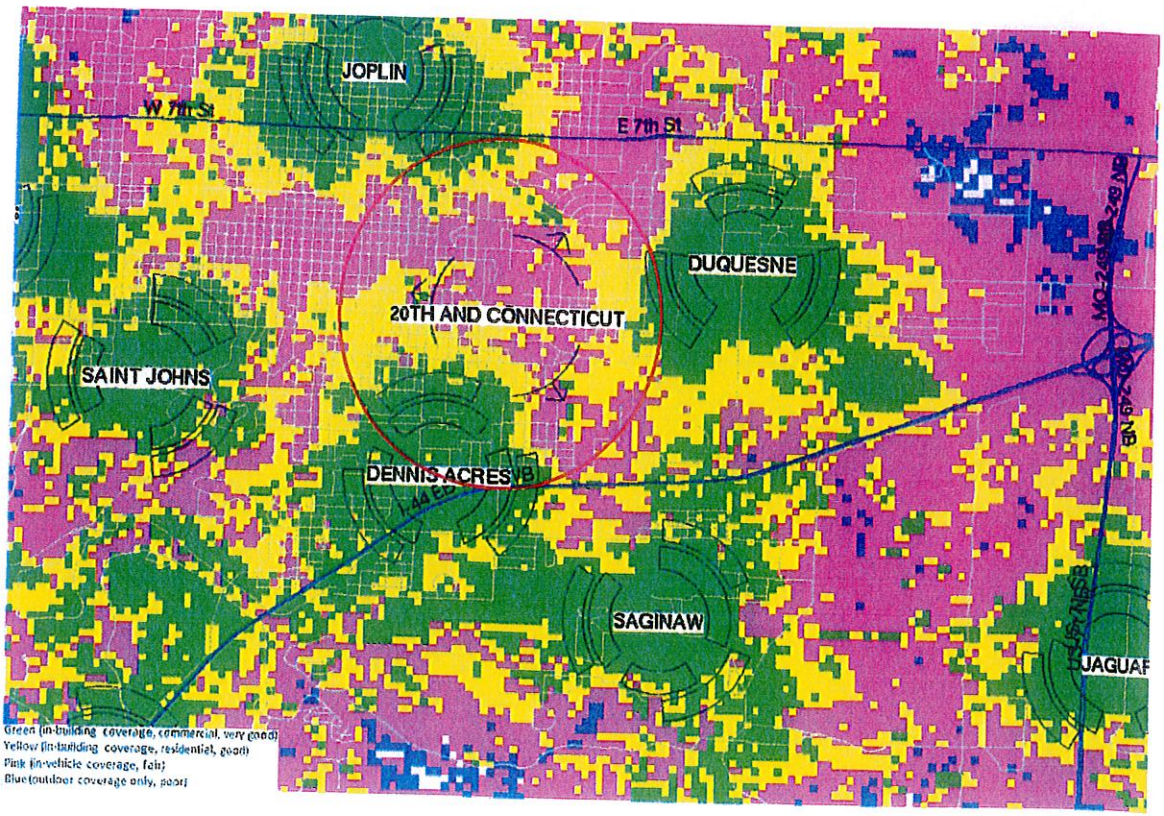
To: The City Representatives

RE: Proposed Site: 20th & Connecticut

Dear City Representatives,

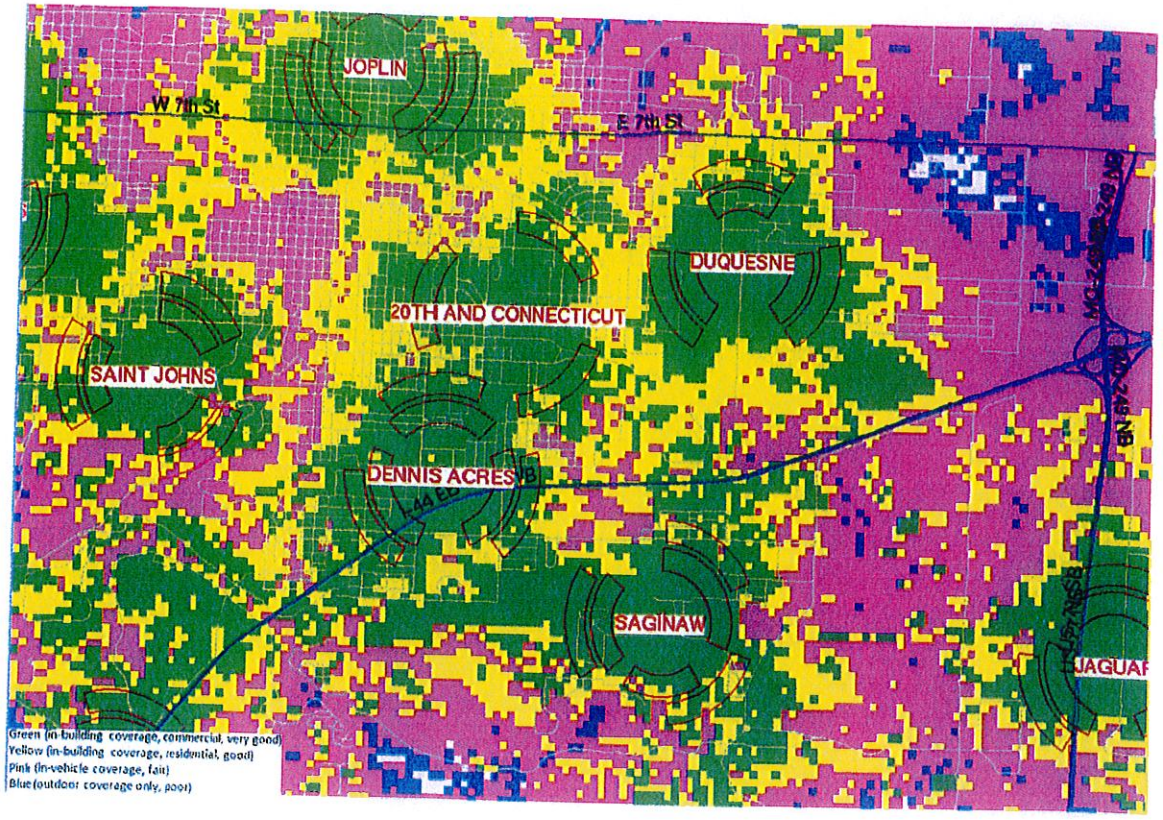
Verizon Wireless is proud to serve the greater Joplin, MO area and we are always diligent to maintain excellent service and improvements. At this time, we are trying to enhance the area of Central portions of Joplin, MO where coverage service reliability and capacity must be improved. The area that needs improvement at this time in both capacity and performance is between I-44 and East 7th Street just East of Hwy 71 South. The fast growing 4G (LTE) data usage has required us to plan for a new cell site in this area to improve coverage, performance and offload capacity from our existing sites namely sites: Dennis Acres, Joplin, Duquesne and Saint Johns as shown below, Map 1.

Map 1 – Existing Coverage



Below is Map 2 showing coverage improvement with the proposed new cell site, Barker.

Map 2 – Coverage with the new cell site



As 4G (LTE) data usage continues to increase dramatically as wireless customers utilize their phones for more day to day task and recreation, the demand also increases to meet these needs by creating new opportunities to develop methods of improving coverage, capacity, and data throughput. The most challenging is capacity and data throughput. Verizon Wireless is meeting the expectations of our customers by designing this proposed cell site in the Joplin, MO area.

This coverage improvement combined with the capacity offload will afford our customers the best possible data performance at the location identified. Verizon Wireless continues to strive to provide the best possible wireless experience for its customers while still recognizing the needs and desires of the surrounding community and being a good neighbor.

JOPP 20th & Connecticut

2230 CONNECTICUT AVENUE
JOPLIN, MO 64804
JASPER COUNTY

LOCATION No.: 278084
PROJECT No.: 20130965556

PROPOSED MONOPOLE
WITH COMMUNICATIONS EQUIPMENT

APPLICANT
VERIZON WIRELESS
MANAGER–NETWORK REAL ESTATE
VERIZON WIRELESS KSMO REGION
PHONE: (913) 344–2896

SITE ACQUISITION
KGI
PHONE: (417) 848–7584

ARCHITECTURAL AND ENGINEERING FIRM
MAGTECH MIDWEST, INC.
PHONE: (260) 436–2668

POLICE DEPARTMENT
JOPLIN POLICE DEPT.
303 E. 3rd STREET
JOPLIN, MO 64801
PHONE: (417) 623–3131

FIRE DEPARTMENT
JOPLIN CENTRAL FIRE DEPT.
303 E. 3rd STREET
JOPLIN, MO 64801
PHONE: (417) 623–0403

PROPERTY OWNER
EMPIRE ELECTRIC

MISSOURI ONE–CALL SYSTEM
MO: 1–800–344–7483

CONSULTANT TEAM



VICINITY MAP — MAPS PROVIDED BY DeLORME STREET ATLAS USA

THE PROJECT INCLUDES:

INSTALLATION OF PANEL ANTENNA, ASSOCIATED COAX AND OTHER EQUIPMENT IN NEW 150' SELF SUPPORT TOWER.

INSTALLATION OF A 25'–5–1/2"x11'–6" UNMANNED EQUIPMENT SHELTER WITH GENERATOR ON A CONCRETE FOUNDATION.

NEW ELECTRIC AND TELEPHONE SERVICE TO SITE AND EQUIPMENT SHELTER. NO WATER SUPPLY OR SEWAGE TO/FROM THE SITE.

SITE LAT/LON ELEV.

LATITUDE – 37° 03' 52.2"
LONGITUDE – 94° 29' 45.5"
GRD ELEV. – ±1024' AMSL

STRUCTURE HEIGHTS

OVERALL STRUCTURE HT: 160'
STRUCTURE HT: 150'
ANTENNA CL: 150'

PROJECT DESCRIPTION



LOCATION MAP — AERIAL MAP PROVIDED BY GOOGLE

DRAWING INDEX

T-1	PROJECT INFORMATION, LOCATION MAPS, AND DRAWING INDEX
SP-1	LAND SURVEY
SP-2	LAND SURVEY
C-1	OVERALL SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	TOWER ELEVATION AND ANTENNA INFORMATION
C-4	FENCE DETAILS
C-5	EQUIPMENT SHELTER PLAN
C-6	EQUIPMENT SHELTER ELEVATIONS

verizon wireless

MAGTECH MIDWEST INC.
AN AFFILIATE OF FORTUNE WIRELESS INC.
1715 MAGNAVOX WAY, FORT WAYNE, INDIANA 46804
(260) 436–2668 • (260) 436–2402 FAX

CERTIFICATION:

PRELIMINARY NOT FOR CONSTRUCTION

RELEASE	
03/12/14	SITE PLAN & TOWER ELEVATION
05/07/14	CONSTRUCTION DWG – REV A
06/30/14	CONSTRUCTION DWG – REV B
08/04/14	CONSTRUCTION DWG – REV C

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DRAWN BY: JLM
CHECKED BY: DJH

SITE NAME:
JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:
2200 S CONNECTICUT AVE.
JOPLIN, MO 64801

SHEET TITLE:
PROJECT INFORMATION, LOCATION MAPS, AND DRAWING INDEX

A&E PROJECT NO.:
001-1502

SHEET NO.:
T-1

PARENT PARCEL DESCRIPTION:

All that part of Lot Numbered Ninety (90) in SOUTHMORLAND ACRES ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, being more particularly described as follows:

Commencing at the Northeast corner of Lot 90 in Southmorland Acres Addition to the City of Joplin, Missouri, thence West, 319.00 feet, thence South, 500.00 feet to an iron pin found at the true point of beginning. Thence South 00 degrees 01 minutes East, 244.20 feet to a found iron pin, thence South 89 degrees 55 minutes East, 319.20 feet (319.00 record) to an iron pin found on the West right-of-way line of Connecticut Avenue, thence South, 513.54 feet along said right-of-way to a 5/8 inch iron pin set on the North right-of-way line of the Kansas City Southern Railroad, thence 824.63 feet along said right-of-way on a curve to the right with a radius of 1410.73 feet, a central angle of 33 degrees 29 minutes 30 seconds, and a long chord distance of 812.94 feet on a bearing of North 55 degrees 19 minutes West to a set 5/8 inch iron pin, thence North, 295.67 feet to a found iron pin, thence East, 349.27 feet to the point of beginning.

LESSEE'S LAND SPACE DESCRIPTION:

That part of Lot 90 in SOUTHMORLAND ACRES ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, being more particularly described as follows:

Referring to a point 319.00 feet West, and 500.00 feet South, of the Northeast corner of said Lot 90 in Southmorland Acres Addition, a #4 rebar found for corner; thence southerly on an assumed bearing of South 01°59'21" West, 244.17 feet; thence westerly North 87°52'53" West, 26.06 feet, to the Point of Beginning for the described Land Space; thence following the perimeter of the described Land Space on the following bearings and distances: South 02°32'35" West, 20.00 feet; thence North 87°27'25" West, 36.00 feet; thence North 02°32'35" East, 20.00 feet; thence South 87°27'25" East, 36.00 feet, to the Point of Beginning for the described Land Space.

Containing a total calculated area of 720 square feet or 0.016 acres, more or less.

LESSEE'S NON-EXCLUSIVE ACCESS/UTILITY RIGHT OF WAY DESCRIPTION:

A Non-Exclusive Access/Utility Right of Way, 20 feet in width, located in that part of Lot 90 in SOUTHMORLAND ACRES ADDITION to the City of Joplin, Jasper County, Missouri, according to the recorded Plat thereof, and the centerline being more particularly described as follows:

Referring to a point 319.00 feet West, and 500.00 feet South, of the Northeast corner of said Lot 90 in Southmorland Acres Addition, a #4 rebar found for corner; thence southerly on an assumed bearing of South 01°59'21" West, 244.17 feet; thence westerly North 87°52'53" West, 26.06 feet, to the Northeast corner of the described Land Space; thence following the perimeter of the described Land Space on the following bearings and distances: South 02°32'35" West, 10.00 feet, to the Point of Beginning for the centerline of the described Right of Way; thence easterly South 87°52'53" East, 345.34 feet, to a point of intersection on the westerly right-of-way line of Connecticut Avenue, also being the Point of Termination for the centerline of the described Right of Way.

Containing a total calculated area of 5,335 square feet or 0.122 acres, more or less.

INFORMATIONAL REPORT:

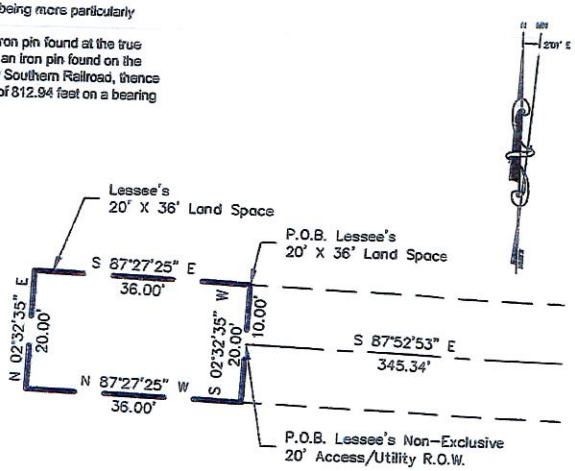
Based on Commitment for Title Insurance with an effective date of October 24, 2013 provided by Old Republic National Title Insurance Company, Commitment No. 13-43729, the following are of survey matters:

5. Temporary Right-of-Way and Easement between Empire District Electric Company and Ernest Watson and Carolyn Watson, husband and wife and Bobby Cloughly filed June 23, 1999 at 9:30 a.m. in Book 1602 at Page 1487. Does not affect Land Space and Right of Way.

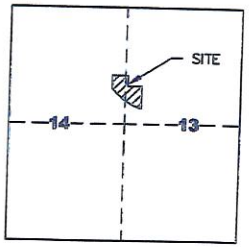
6. Temporary Right-of-Way and Easement between Empire District Electric Company and Christopher Brust and Heather Brust, husband and wife filed July 19, 2002 at 10:22 a.m. in Book 1728 at Page 556. Does not affect Land Space and Right of Way.

7. Terms and provisions as set forth in Temporary right-of-way and easement for ingress and egress filed August 10, 2005 at 11:26 a.m. in Book 1942 at Page 135. Does not affect Land Space and Right of Way.

8. Utility Easements, if any, in the vacated drainage easement described in Ordinance No. 26070 of the City of Joplin, filed May 21, 2007 at 9:47 a.m., in Book 2047 at Page 1327. May affect Land Space and Right of Way, but cannot be plotted due to being blanket in nature.

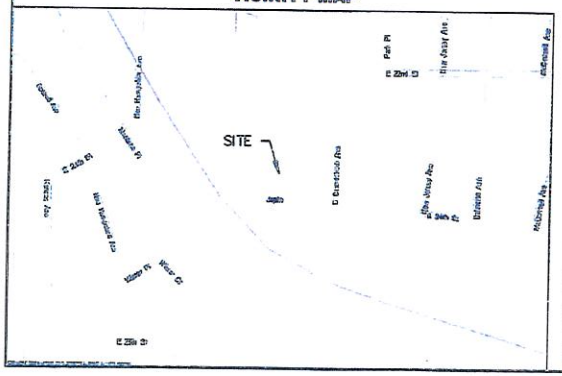


LAND SPACE & R.O.W. DETAIL
Scale: 1"=20'



T. 27 N, R. 33 W
PARENT PARCEL DETAIL

VICINITY MAP



SURVEYORS NOTES

1.) Generally located in Missouri State Plane Coordinate System, West Zone. (NAD-83)

2.) Not intended to represent a survey of the Parent Parcel and to only be used for the purpose shown hereon.

3.) The Utility locations shown hereon were determined by observed above ground evidences only. The surveyor was provided with above ground markings to determine any subsurface locations, and makes no guarantee that the underground utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. This surveyor has not physically located the underground utilities.

Zoning Information:
R-1: Residential

Setback requirements:
Front - 25'
Rear - 25'
Side - 6'
Other - Tower 200' from Residential
Height - 200'(Tower) / 35'(Shelter)

Flood Information:
Property falls within a Zone "X" (Minimal risk areas outside the 1-percent and .2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones) as determined by FEMA Flood Rate Map No. 29097C0278E, effective 11/02/12.

Surveyor's Certificate

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Missouri, certify the above survey was executed by me, on the date shown. Distances shown are measured in feet and decimals of a foot.

Signed this 23rd day of July, 2014

Jayme M. Malone
LS MO #2736

Prepared for:

Prepared for:
MAGTECH MIDWEST INC.

Surveyed By: HS4139
HUSKER SURVEYING
4535 Normal Blvd. Ste #101
Lincoln, Ne 68506
(402)423-5202
(402)423-5211
www.huskersurveying.com

CHECKED BY:	JMM		
APPROVED BY:	JMM		
#	DATE	DESCRIPTION	INT.
1	2/05/14	80% Prelim	TH
2	3/25/14	Legals / Title	TH
3	4/21/14	Comments	MG
4	5/21/14	Comments	MG
5	7/23/14	Comments	MG

STATE OF MISSOURI
LS-2736
JAYME M. MALONE
7-23-14
REGISTERED LAND SURVEYOR
DATE SIGNED:

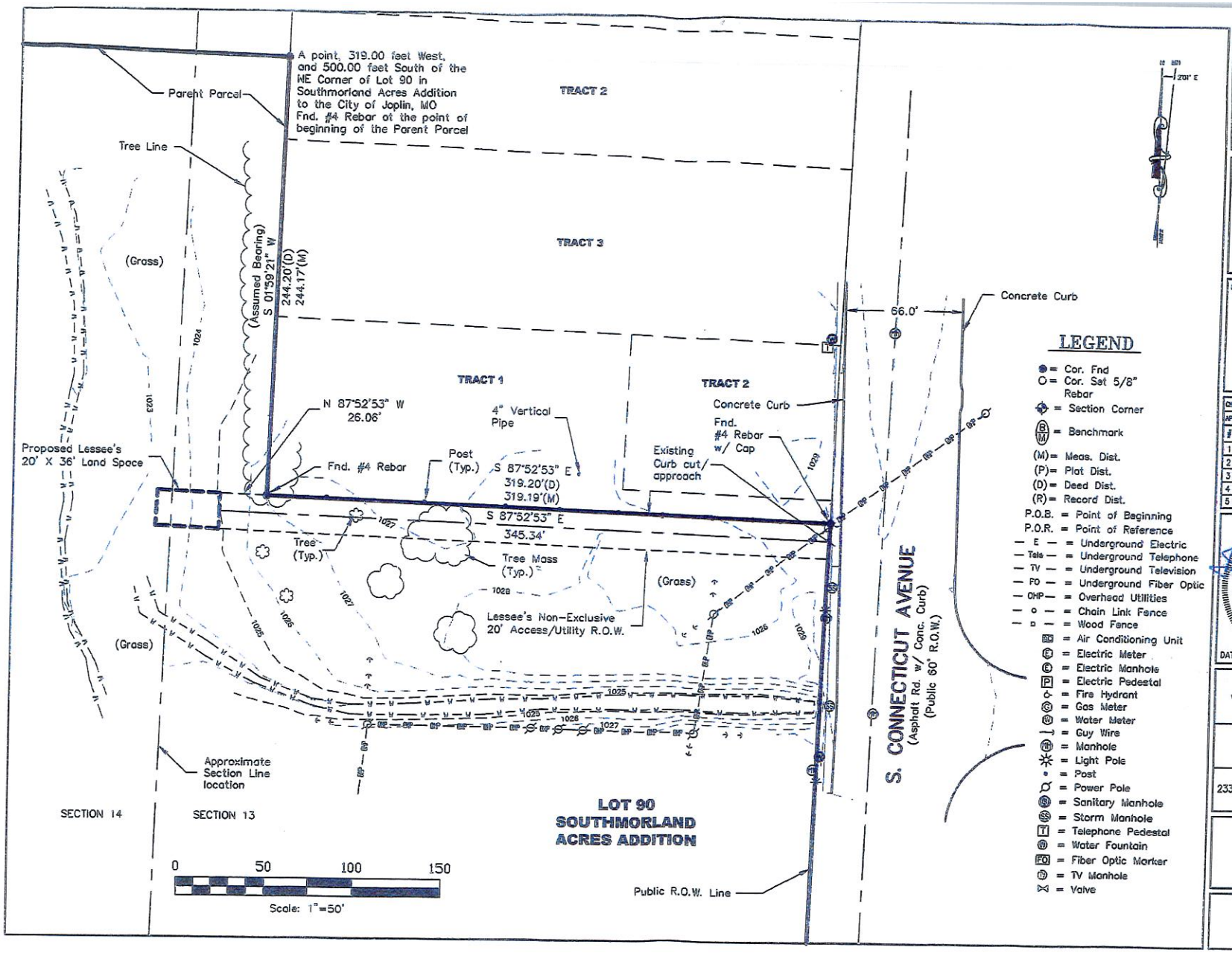
SITE NAME:
JOPP 20TH AND CONNECTICUT

SITE NUMBER:

SITE ADDRESS:
2330 S. CONNECTICUT AVENUE
JOPLIN, MO 64801

SHEET NAME:
SITE PLAN

SHEET NUMBER:
SP-1



LEGEND

- ● = Cor. Fnd
- O = Cor. Set 5/8" Rebar
- ⊕ = Section Corner
- (BM) = Benchmark
- (M) = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- P.O.B. = Point of Beginning
- P.O.R. = Point of Reference
- E = Underground Electric
- Tele = Underground Telephone
- TV = Underground Television
- FO = Underground Fiber Optic
- OHP = Overhead Utilities
- o = Chain Link Fence
- D = Wood Fence
- AC = Air Conditioning Unit
- (E) = Electric Meter
- (E) = Electric Manhole
- (P) = Electric Pedestal
- = Fire Hydrant
- (G) = Gas Meter
- (W) = Water Meter
- = Guy Wire
- (MH) = Manhole
- = Light Pole
- = Post
- = Power Pole
- (S) = Sanitary Manhole
- (SS) = Storm Manhole
- (T) = Telephone Pedestal
- (W) = Water Fountain
- FO = Fiber Optic Marker
- (TV) = TV Manhole
- = Valve

Prepared for:

Prepared for:

MAGTECH MIDWEST INC.

Surveyed By: HUSKER SURVEYING HS4139

CHECKED BY:	JMM		
APPROVED BY:	JMM		
#	DATE	DESCRIPTION	INT.
1	2/05/14	80% Prelim	TH
2	3/25/14	Legals / Title	TH
3	4/21/14	Comments	MG
4	5/21/14	Comments	MG
5	7/23/14	Comments	MG

STATE OF MISSOURI
LS-2736
JAYME M. MALONE
7-23-14
REGISTERED LAND SURVEYOR
DATE SIGNED:

SITE NAME: JOPP 20TH AND CONNECTICUT

SITE NUMBER:

SITE ADDRESS: 2330 S. CONNECTICUT AVENUE JOPLIN, MO 64801

SHEET NAME: SITE PLAN

SHEET NUMBER: SP-2



verizon wireless

MAGTECH MIDWEST INC.
AN AFFILIATE OF FORTUNE WIRELESS INC.
1715 MAGNAVOX WAY, FORT WAYNE, INDIANA 46804
(260) 436-2688 • (260) 436-2402 FAX

CERTIFICATION:

PRELIMINARY NOT FOR CONSTRUCTION

RELEASE	
03/12/14	SITE PLAN & TOWER ELEVATION
05/07/14	CONSTRUCTION DWG - REV A
06/30/14	CONSTRUCTION DWG - REV B
08/04/14	CONSTRUCTION DWG - REV C

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DRAWN BY: JLM
CHECKED BY: DJH

SITE NAME:

JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:

2200 S CONNECTICUT AVE.
JOPLIN, MO 64801

SHEET TITLE:

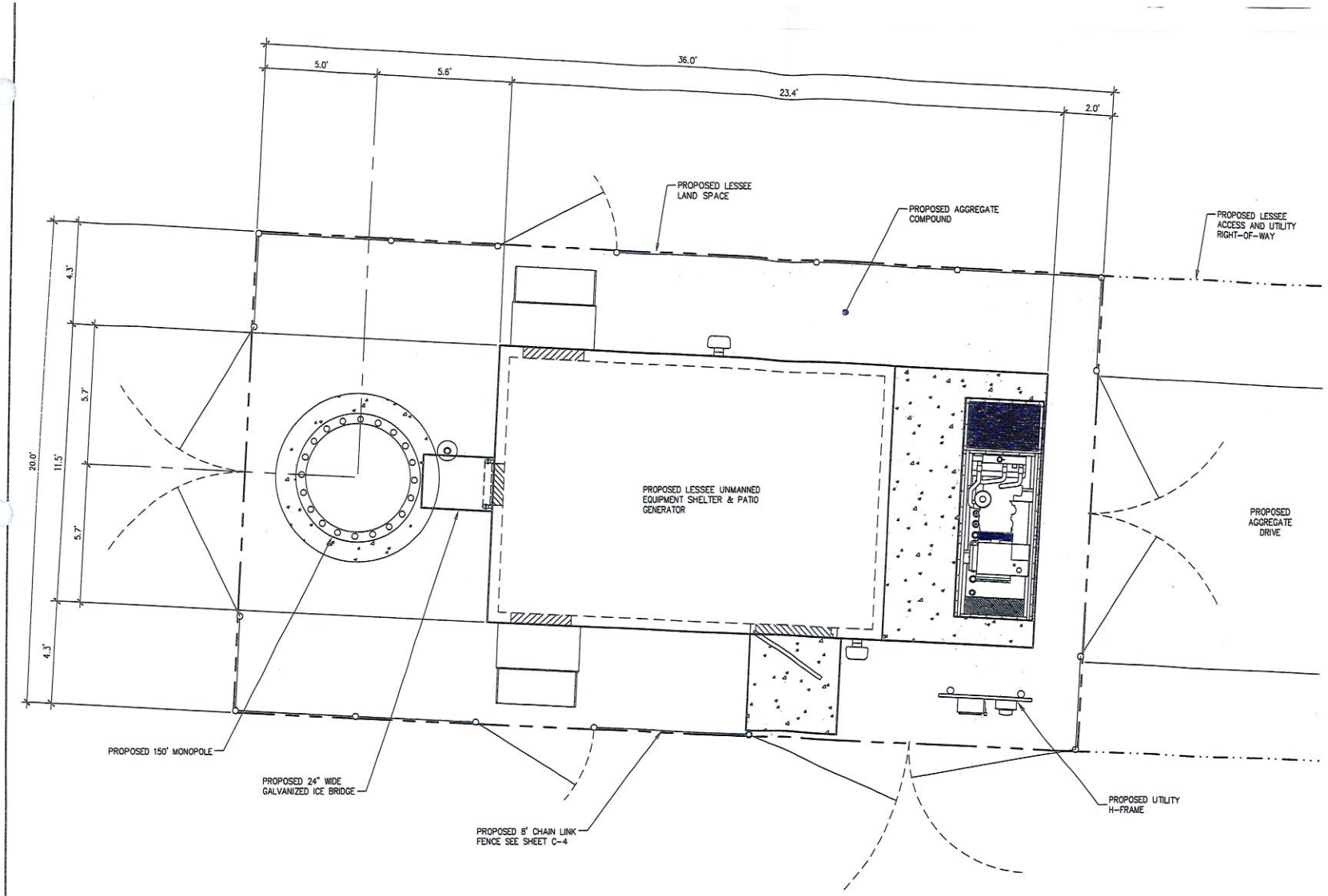
OVERALL SITE PLAN

A&E PROJECT NO.:

001-1502

SHEET NO.:

C-1



Enlarged Site Plan

NORTH

2 0 2 4

1 inch = 4ft.

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1715 MADNAVOX WAY, FORT WAYNE, INDIANA 46804
(260) 436-2988 ▪ (260) 436-2402 Fax

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09/10/14	CONSTRUCTION DWG - REV C

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DRAWN BY: JJM
CHECKED BY: DJH

SITE NAME:

JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:

2200 S CONNECTICUT AVE.
JOPLIN, MO 64801

SHEET TITLE:

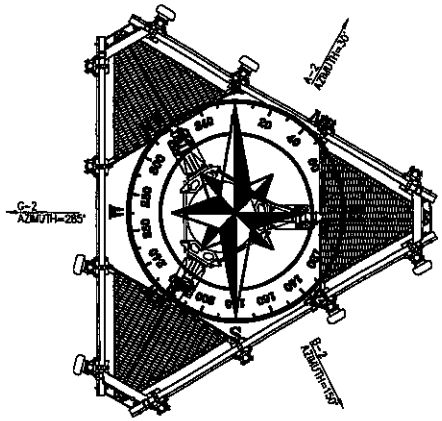
ENLARGED SITE PLAN

A&E PROJECT NO.:

001-1502

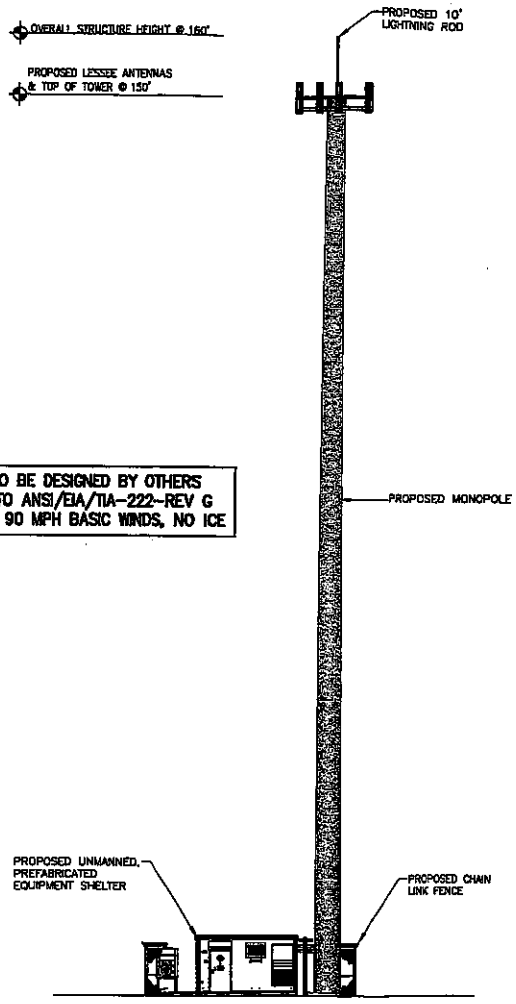
SHEET NO.:

C-2



1 Antenna Azimuths

SCALE: 1/4" = 1'-0"



MONOPOLE TO BE DESIGNED BY OTHERS ACCORDING TO ANSI/EIA/TIA-222-REV G STANDARDS: 90 MPH BASIC WINDS, NO ICE

2 Tower Elevation

SCALE: 1" = 20'-0"

verizon wireless

MAGTECH MIDWEST INC.
AN AFFILIATE OF FORTUNE WIRELESS INC.
1718 MAGNAVOX WAY, FORT WAYNE, INDIANA 46804
(260) 436-2588 • (260) 436-2602 FAX

CERTIFICATION:

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09/10/14	CONSTRUCTION DWG - REV C

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DRAWN BY: JLH
CHECKED BY: DJH

SITE NAME:

JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:

2200 S CONNECTICUT AVE
JOPLIN, MO 64801

SHEET TITLE:

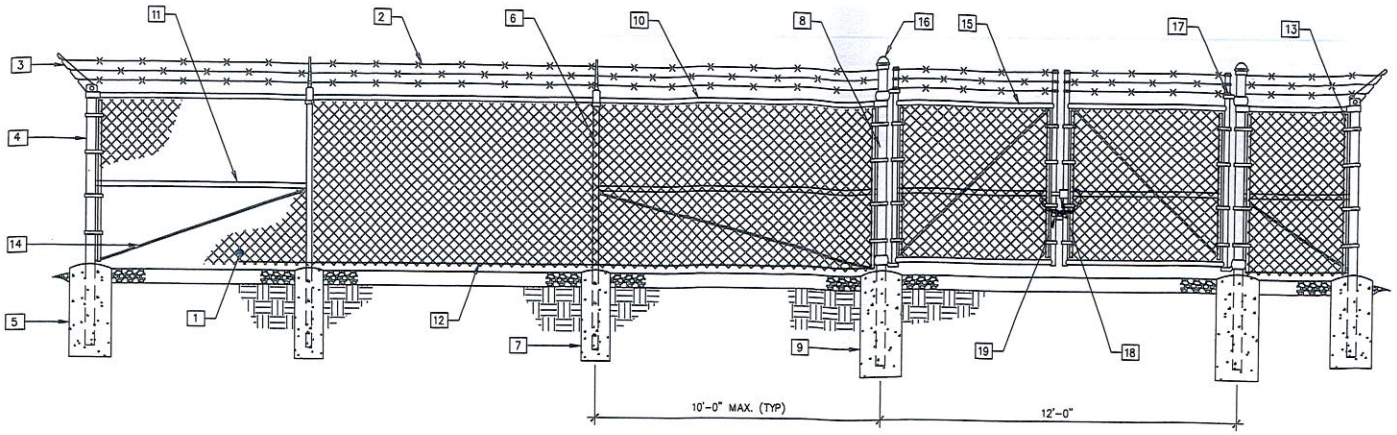
TOWER ELEVATION AND DETAILS

A&E PROJECT NO:

001-1502

SHEET NO:

C-3

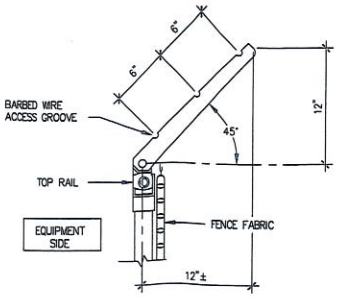


1 Typical Fence Elevation
NO SCALE

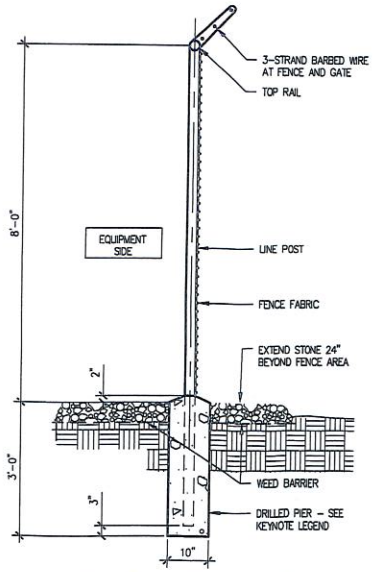
Keynote Legend

1. FABRIC: 9 GAUGE, 2" MESH, ASTM A392 (SEE FENCE SECTION FOR HEIGHT).
2. BARBED WIRE: 12 GAUGE WIRE, 4 POINT (3 RUNS), FINISH TO MATCH FABRIC, ASTM A121.
3. EXTENSION ARMS: STAMPED STEEL WITH MALLEABLE IRON BASE, FINISH TO MATCH FENCE FRAMEWORK, ASTM F626.
4. END AND CORNER POSTS: 3"ø PIPE SCH. 40 (GALV.) ASTM F1083
5. CONCRETE FOUNDATION: 36"x12"ø (3000 PSI)
6. LINE POSTS: 2"ø PIPE SCH. 40 (GALV.) ASTM F1083
7. CONCRETE FOUNDATION: 36"x10"ø (3000 PSI)
8. GATE POSTS: 4"ø PIPE SCH. 40 (GALV.) ASTM F1083
9. CONCRETE FOUNDATION: 48"x12"ø (3000 PSI)
10. TOP RAIL & BRACE RAIL: 1-1/2"ø PIPE SCH. 40 (GALV.) ASTM F1083
11. MIDDLE RAILS: 1-1/2"ø PIPE SCH. 40 (GALV.) ASTM F1083
12. BOTTOM TENSION WIRE: 0.177"ø METALLIC-COATED STEEL (GALV.), MARCELLED, ASTM A824
13. TENSION BARS: 3/16"x3/4", FULL HEIGHT OF FABRIC, FINISH TO MATCH FENCE FRAMEWORK.
14. TENSION ROD: 3/8"ø WITH ADJ. TIGHTNER, FINISH TO MATCH FENCE FRAMEWORK.
15. GATE FRAME: 2"ø SCH. 40 (GALV.) ASTM F1083
16. POST CAPS: PER POST DIAMETER.
17. GATE HINGES: NON-LIFT-OFF TYPE, OFFSET TO PERMIT 180 DEGREE SWING.
18. DOUBLE GATE LATCH: COMMERCIAL STRONG ARM EQUAL TO: DAC INDUSTRIES 615-C ELEVENTH STREET, GRAND RAPIDS, MI 49504
19. LOCK CHAIN: 3/8" SIZE, 36" LONG HOT DIP GALVANIZED ZINC COATED. W/ MARINE-GRADE PROGRAMMABLE FOUR DIGIT PADLOCK (SESAME BRAND OR APPROVED EQUAL)

NOTES:
1. REFER TO PROJECT SPECIFICATIONS FOR INFORMATION NOT SHOWN IN THE DRAWING.
2. FENCE FABRIC SHALL COMFORN TO CHAIN LINK FENCE MANUFACTURERS INSTITUTE (CLFMI) PRODUCT MANUAL.
3. INSTALL FENCE IN COMPLIANCE WITH ASTM F 567.
4. INSTALL SWING GATES IN COMPLIANCE WITH ASTM F 900.
5. DO NOT BEGIN INSTALLATION AND ERECTION BEFORE FINAL GRADING IS COMPLETED, UNLESS OTHERWISE PERMITTED. INSTALL FENCING ON BOUNDARY LINES INSIDE OF PROPERTY LINE ESTABLISHED BY SURVEY.
6. DRILL OR HAND-EXCAVATE (USING POST - HOLE DIGGER) HOLES FOR POSTS TO DIAMETERS AND SPACINGS INDICATED, IN FIRM, UNDISTURBED OR COMPACTED SOIL. IF NOT INDICATED ON DRAWINGS, EXCAVATE HOLES FOR EACH POST TO MINIMUM DIAMETER RECOMMENDED BY FENCE MANUFACTURER, BUT NOT LESS THAN (4) TIMES LARGEST GROSS-SECTION OF POST.
7. REMOVE POST HOLE SPOILS FROM SITE. DO NOT SET SPOILS ON AGGREGATE WITHOUT ADEQUATE PROTECTION.
8. PROTECT PORTION OF POSTS ABOVE GROUND FROM CONCRETE SPLATTER. PLACE CONCRETE AROUND POSTS AND VIBRATE OR TAMP FOR CONSOLIDATION. CHECK EACH POST FOR VERTICAL AND TOP ALIGNMENT AND HOLD IN POSITION DURING PLACEMENT AND FINISHING OPERATIONS, UNLESS OTHERWISE SHOWN, EXTEND CONCRETE FOOTING 1 INCH ABOVE GRADE AND TROWEL TO A CROWN TO SHED WATER.
9. INSTALL BARBED WIRE IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
10. APPLY FABRIC TO OUTSIDE OF FRAMEWORK.



3 Barbed Wire Detail
SCALE: 1" = 1'-0"



2 Typical Fence Section
SCALE: 3/8" = 1'-0"

verizon wireless

MAGTECH MIDWEST INC.
AN AFFILIATE OF FORTUNE WIRELESS INC.
1715 MAGNAVOX WAY, FORT WAYNE, INDIANA 46804
(260) 436-2656 • (260) 436-2402 FAX

CERTIFICATION:

PRELIMINARY NOT FOR CONSTRUCTION

RELEASE	
03/12/14	SITE PLAN & TOWER ELEVATION
05/07/14	CONSTRUCTION DWG - REV A
06/30/14	CONSTRUCTION DWG - REV B
09/10/14	CONSTRUCTION DWG - REV C

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DRAWN BY: JLM
CHECKED BY: DJH

SITE NAME:

JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:

2200 S CONNECTICUT AVE.
JOPLIN, MO 64801

SHEET TITLE:

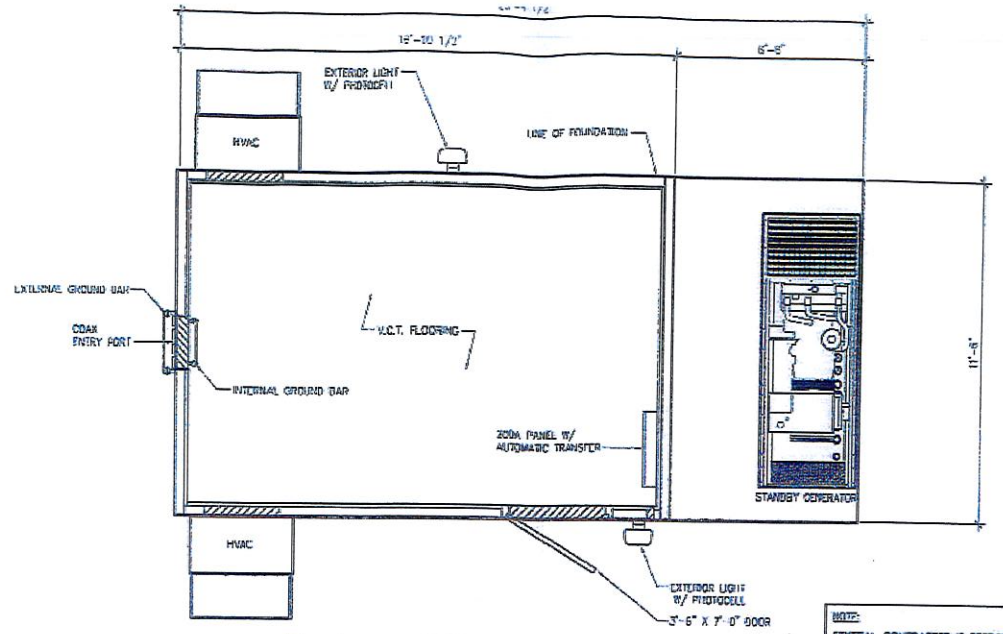
FENCE DETAILS

A&E PROJECT NO.:

001-1502

SHEET NO.:

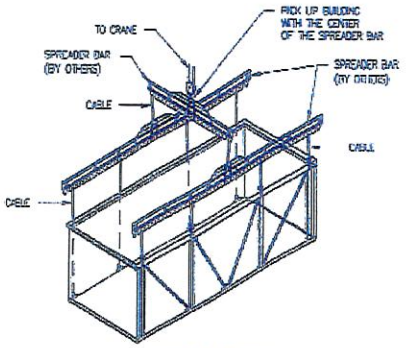
C-4



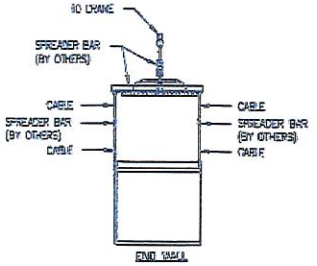
1 Equipment Enclosure Floor Plan

SCALE: 1/4" = 1'-0"

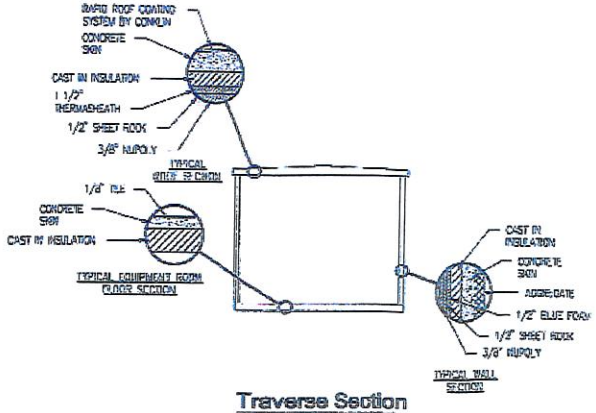
NOTE:
GENERAL CONTRACTOR IS RESPONSIBLE FOR INSTALLING ALL EXTERIOR ATTACHMENTS FOR GENERATOR (MUFFLER, VENT, ETC.), DOOR CANOPIES, AND SECURITY LIGHTS



ALL BUILDINGS MUST BE LIFTED FROM ALL LIFTING POINTS (DOUBLE WIDE)



ALL BUILDINGS MUST BE LIFTED FROM ALL LIFTING POINTS



Traverse Section

Equipment Shelter Set Up Procedure

1. INSPECT BUILDING UPON DELIVERY FOR DAMAGE DURING TRANSPORTATION.
2. REMOVE LIFTING BRACKETS FROM SHELTER.
3. ATTACH TIE DOWN BRACKETS TO SHELTER AND FOUNDATION USING ANCHOR BOLTS.
4. INSTALL AND CAULK ALL ACCESSORIES (EXTERIOR LIGHTS, CANOPIES, GENERATOR EXHAUST AND VENT PIPES ETC.)
5. INSPECT ROOF AND ROOF EDGES FOR DAMAGE CAUSED BY OFFLOAD AND REPAIR IF NEEDED.
6. INSTALL BACKER ROD AND CAULK EXTERIOR SEALS AND SCOT.
7. INSTALL FLASHING ON ALL INTERIOR MOD. LINES.
8. MAKE ALL CONDUIT AND CABLE TRAY CROSSOVERS.
9. CLEAN INTERIOR AND COMPLETE ANY TOUCH UP PAINTING AS NEEDED.
10. CHECK DOOR ALARM FOR PROPER OPERATION.
11. CHECK LIGHTING AND AIR CONDITIONING FOR PROPER OPERATION.
12. INSPECT COMPLETE BUILDING COSMETICS.

Offload Notes

1. BUILDING SHALL BE OFFLOADED LEVEL.
2. ALL CABLES, SHACKLING, SPREADER BARS, ETC. SHALL BE DESIGNED AND SUPPLIED BY OTHERS.
3. ALL LIFTING POINTS SHALL BE USED.
4. 1 1/8" MAXIMUM DIAMETER FOR SHACKLES.
5. REMOVE BRACKET AFTER PLACEMENT OF SHELTER AND INSTALL ANCHOR TIE-DOWN PLATES (SHIPPED LOOSE INSIDE SHELTER) AT EACH LOCATION.
6. OFFLOAD BUILDING WITH CABLES IN VERTICAL POSITION. ANGLED POSITION CABLES ARE NOT ACCEPTABLE.

verizon wireless

MAGTECH MIDWEST INC.
AN AFFILIATE OF FORTUNE WIRELESS, LTD.
1715 SOUTHRIDGE DRIVE, FORT WAYNE, INDIANA 46804
(260) 432-2000 • (260) 432-2002 FAX

DESCRIPTION:

PRELIMINARY NOT FOR CONSTRUCTION

ISSUED:	
03/12/14	SITE PLAN & TOWER ELEVATION
03/07/14	CONSTRUCTION DWG – REV A
05/30/14	CONSTRUCTION DWG – REV B
06/04/14	CONSTRUCTION DWG – REV C

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DRAWN BY: JM
CHECKED BY: DM

SITE NAME:

JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:

2208 S CONNECTICUT AVE
JOPLIN, MO 64801

SHEET TITLE:

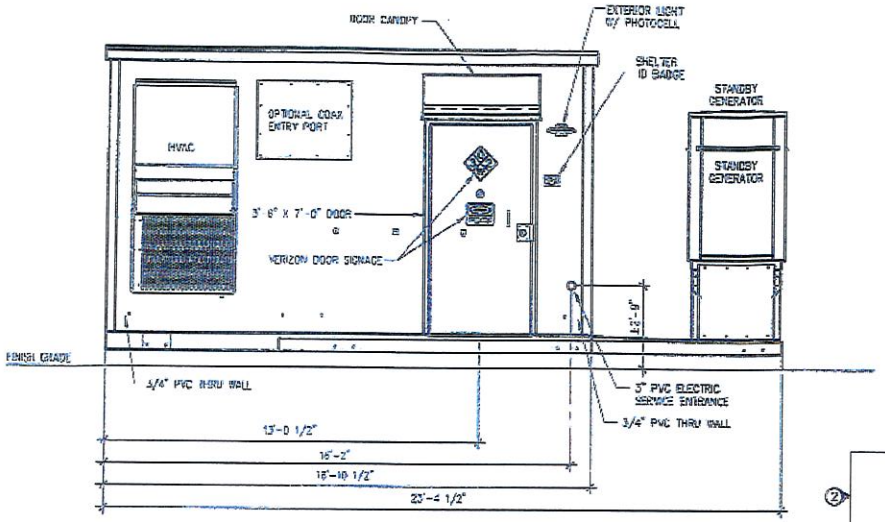
EQUIPMENT SHELTER PLAN

VZW PROJECT NO:

001-1502

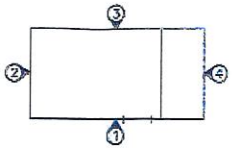
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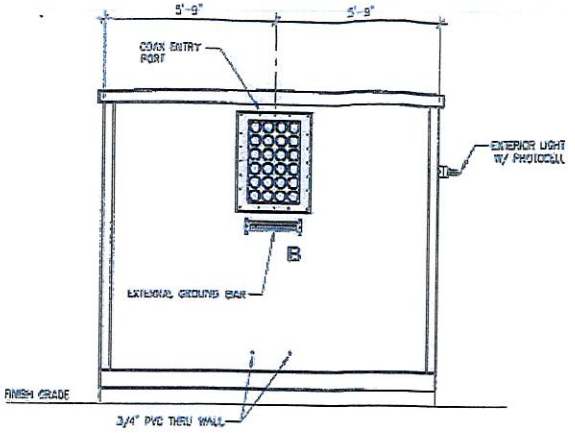
C-5



1 Front Wall Elevation

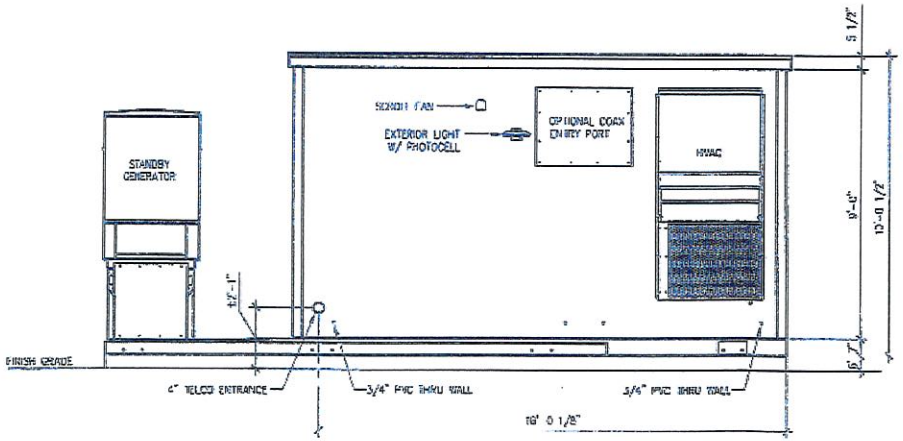
SCALE: 1/4" = 1'-0"





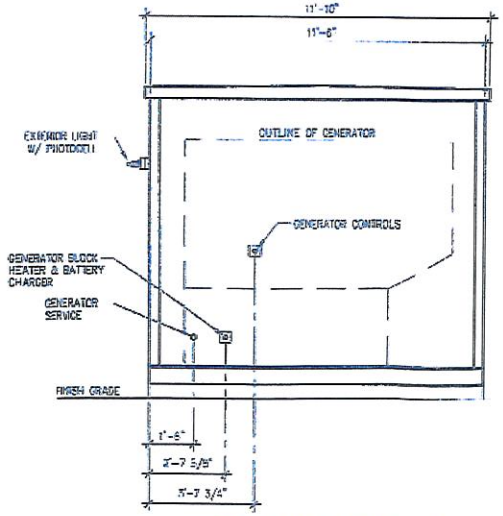
2 End Wall Elevation

SCALE: 1/4" = 1'-0"



3 Rear Wall Elevation

SCALE: 1/4" = 1'-0"



4 End Wall Elevation

SCALE: 1/4" = 1'-0"

verizon wireless

MAGTECH MIDWEST INC.

AN AFFILIATE OF FORTUNE WIRELESS INC.
1776 MONROE DR., FORT DAVIS, GEORGIA 30024
(770) 471-2444 P (770) 471-2472 FAX

CERTIFICATION:

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09/04/15	CONSTRUCTION DWG – REV C

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DRAWN BY: JM
CHECKED BY: BH

SITE NAME:

JOPP 20TH & CONNECTICUT CELL SITE

SITE ADDRESS:

2200 S CONNECTICUT AVE
JOPLIN, MO 64801

SHEET TITLE:

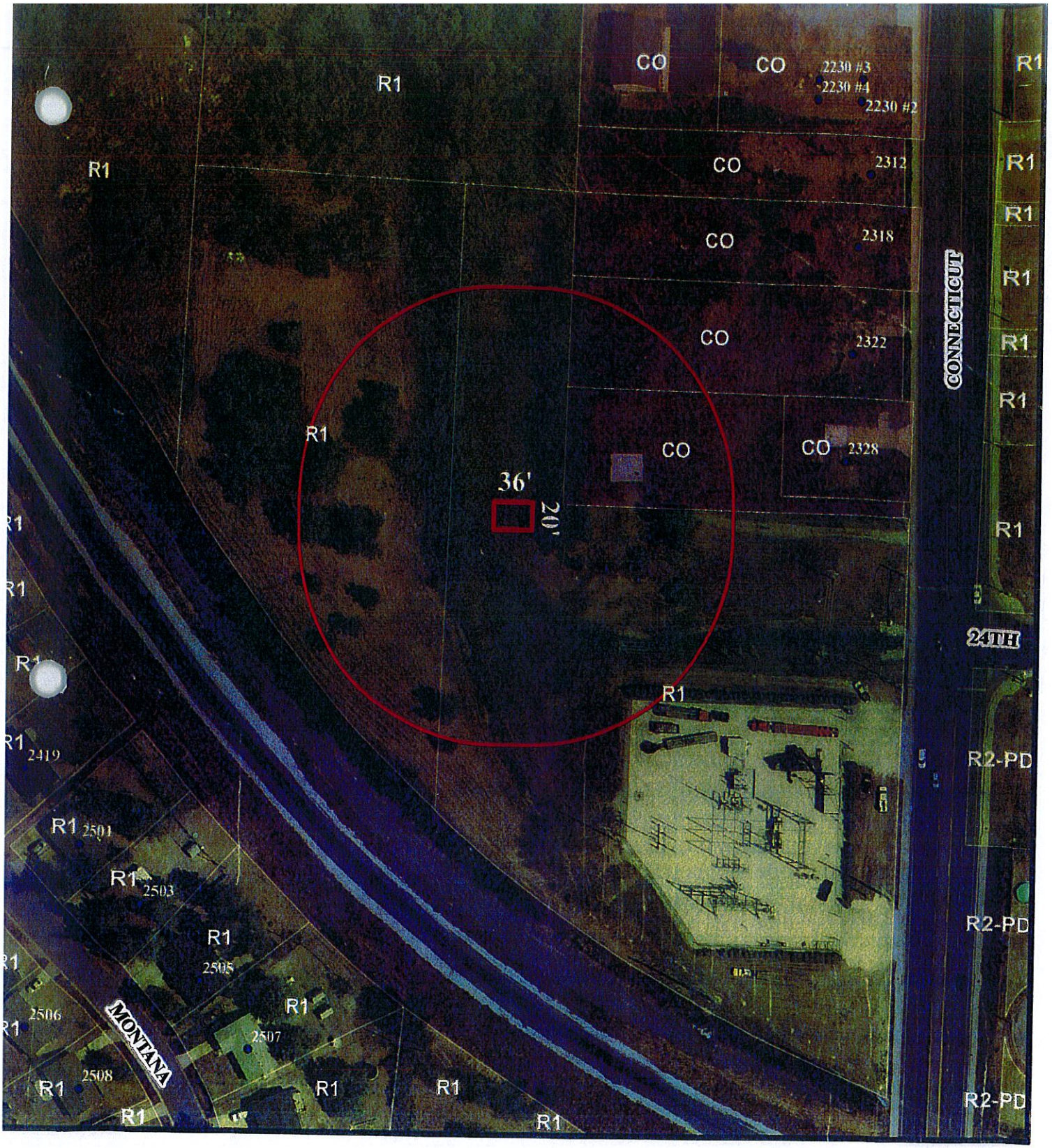
EQUIPMENT SHELTER ELEVATIONS

A&E PROJECT NO.:

001-1602

SHEET NO.:

C-6



0 105 210 420 630 840 Feet

Ca[illegible] 044-14: A request for a permanent Special Use Permit (1st request) for the instal[illegible]lation of a wireless telecommunication tower on a site location approximately 345 feet west of the northwest corner of 24th Street and Connecticut Avenue. - Polsinelli PC

N

Case 044-14: Approximately 345 feet West of the Northwest corner of 24th Street and Connecticut Avenue – A request for a permanent Special Use Permit (First Request) for the installation of a wireless telecommunication tower – Polsinelli PC.

Mr. Eastman opened the public hearing for Case 044-14. He asked for any additional questions for Mr. Holland, and none were received.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 044-14.

MR. DUNCAN MOVED, SECONDED BY MR. BROWN, THAT CASE 044-14 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR A PERMANENT SPECIAL USE PERMIT TO BE ISSUED TO POLSINELLI PC AND VERIZON WIRELESS LLC, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. CORTEZ BEING ABSENT (6 IN FAVOR, 1 ABSENT).

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: COUNCIL BILL NO. 2014-280
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander T.B Date: 11-21-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm Date: 11/21/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "5 in favor, 1 abstention, and 1 absent"

SUMMARY/REQUEST:
Case 047-14: Generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place – A request to rezone properties from District R-1 (Single-Family Residential), C-1 (Neighborhood Commercial), and C-1 PD (Neighborhood Commercial – Planned Development) to District C-3 PD (Commercial – Planned Development) for future planned commercial development – Charles Kuehn.

STAFF SUMMARY:
The proposed rezoning is for the development of a mixed-use district featuring a theater (29,000 ft²), two restaurants (14,000 ft²), six retail buildings (54,390 ft²), a bank (5,000 ft²), and 20 residential units in two buildings above retail uses. The overall design meets the requirements of the 20th Street Corridor Design Guidelines.

Access Management: The site will have two points of access from 20th Street. The main access will be a new access aligned with Maryland Avenue to the south of 20th Street. The second access will be from existing Delaware Avenue. Future cross access will be provided to the Library site to the west. Access and circulation through the interior of the site may change upon further analysis and traffic studies.

Parking: A total of 600 parking spaces have been provided for all commercial uses. An additional 35 spaces have been provided for the residential units in a gated lot, including 15 garage spaces.

Building Design & Materials: The site will contain 10 separate buildings. Each building will have a similar architectural design, featuring a mix of brick, stone, stucco, and EIFS.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. Interior parking islands include parking lot trees. Pedestrian plazas have been provided throughout the site.

Buffering: A 6' privacy fence and 10' landscape buffer will be installed along the property lines adjacent to properties zoned residential.

Staff recommends approval of Case 047-14.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Duncan abstained from the discussion and vote on Case 047-14 since he is a member of Joplin Redevelopment Corporation.

Mr. Charles Kuehn appeared representing Four-State Homes, Charles and Pam Kuehn, Joplin Redevelopment Corporation (JRC), and Richard Joseph, Jr. They have acquired 11-1/2 acres, with a mixture of zoning classifications through that area. Everything being developed meets the requirements of the new Comprehensive Plan approved by the City of Joplin.

Three neighborhood meetings have been conducted to solicit input from area residents. A privacy fence and landscaping is being provided between the commercial buildings and the residential properties. Mr. Kuehn has tried to keep as much of the noise away from the residents as possible and is trying to be a good neighbor to make this a great project for the City of Joplin.

Mr. Ramsour noticed houses being built since the tornado at 1824 Carolyn Place, 2203 East 20th Street, and 1812 Delaware Avenue. Mr. Kuehn owns two of the three houses. The house at 20th and Delaware is owned by JRC.

Mr. Ramsour asked if all three houses will be removed, and Mr. Kuehn replied yes. Some people are interested in buying and relocating those houses. What can't be moved will be donated to Habitat for Humanity ReStore to salvage any materials they can reuse.

Mr. Ramsour asked how close the library development comes to this property. Mr. Kuehn replied the library will adjoin this development along the north side of 20th Street west of Delaware Avenue. Mr. Kuehn and JRC do not own one long parcel which is owned by Ms. Cupp and Ms. Palmer, so there will be 150 feet between his development and the library.

Mr. Ramsour asked Mr. Kuehn about plans for the properties surrounding Carolyn Place, and he replied that Carolyn Place is not included at this time due to some ownership issues. He is constructing an office across the street and was required to tie those lots together to avoid multiple entrances. Accesses to that area will be blended together at some location.

Mr. Eastman asked Mr. Kuehn to discuss the berm. He stated that two drawings were presented during the last neighborhood meeting. The original drawing showed the theater up against Mr. Rouse's property line. The current drawing shows the theater being slightly over 100 feet to the south of Mr. Rouse's property. Mr. Rouse has 320 feet of white vinyl fence along his south property line beginning at his east property line going west. He has 120 feet that does not have vinyl fencing. Mr. Kuehn is thinking about pine trees adjacent to Mr. Rouse's property line.

Mr. Kuehn stated that the City Code requires a vinyl or masonry fence with a 10-foot landscaped buffer. If a fence isn't erected, 20 feet of heavy vegetation is required with the berm. A 15-foot landscaping buffer is planned directly behind the theater, with this buffer including trees and bushes. On the inside of the fence is a 20-foot landscaped buffer. Each of the neighbors would like different types of buffering. A six-foot privacy fence and heavy landscaping will protect the neighbors from lighting and noise. All the heat and air units will be roof-top units.

Mr. Kuehn stated that the theater building will not be 45 feet tall. Half of the building (8 to 12 feet) will sit in the ground in a basement-type application because of new ADA codes regarding the line-of-sight for people in wheelchairs. The center of the seating area will be at ground level where patrons in wheelchairs will not be stuck at the top of the theater or stuck at the bottom.

Mr. Eastman asked if the theater will be a one-story building, and Mr. Kuehn replied probably two stories. The building will be 30 to 32 feet tall.

Mr. Ramsour asked Mr. Kuehn when this development will be completed. He replied that construction will occur in three different phases, so probably 2 to 2-1/2 years. The theater will take at least a year to build, with the development on the west side being the final phase.

PUBLIC COMMENT:
Comments in opposition were received from the following:

Mr. Richard Rouse, 1721 Delaware Avenue, Joplin
Mr. David Bird, 1930 East 18th Street, Joplin

They expressed concern about noise, trash, and blocking of sunlight. They discussed the combination of a berm, fencing, and landscaping.

Mr. Robert Hogue, 1720 Southeast Murphy Boulevard, Joplin, was not necessarily opposed to the development but asked all the developers to work together to create a; homogenous project.

P & Z Case 047-14
Charles Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2014-280 **ORDINANCE NO.**

AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1, District C-1, and District C-1-PD and including in District C-3-PD property as described below and located generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place in the City of Joplin, Jasper County, Missouri.

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

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

All of Lot 55 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 6, at Page 91, AND All of Lots 56 and 58 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 6, at Page 91, AND All of Lots 60, 61, 62, 64 and 65 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 6, at Page 9, AND All of Lots 103, 103A, 104, 105 and Miscellaneous Tract 7 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 6, at Page 91; beginning more particularly described as follows: Beginning at the Southeast corner of Lot 105 in said subdivision; thence along the South lot line, North 89 degrees 53 minutes 44 seconds West, 460.61 feet, to the Southwest corner of Lot 104; thence along West lot line, North 02 degrees 08 minutes 09 seconds East, 743.81 feet, to the Northwest corner of Lot 103; thence along the North lot line; South 87 degrees 56 minutes 58 seconds East, 459.99 feet, to the Northeast corner of said Lot 103; thence along the East lot line, South 02 degrees 06 minutes 35 seconds West, 728.17 feet, to the point of beginning; all lying in the Southwest Quarter of Section 12, Township 27 North, Range 33 West, Jasper County, Missouri. Containing 7.78 acres, more or less, bearings based on Grid North of the Missouri Coordinate System of 1983, West Zone. Subject to all easements, covenants, restrictions and reservations on record. Conditions and monuments are as shown on Anderson Engineering, Inc. drawing number JOP-100-3590. AND All of Lots 1 through 8 in Watson's First Sub-Division, a Re-Plat of Lots 106 and 107 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 47, at Page 12.

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

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

REZONING APPLICATION FORM

RECEIVED 10-3-14

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.: 047-14
Filing Fee: $350.00
Date Advertised: 10-26-14
Date Notices Sent: 10-27-14
P&Z Date: 11-10-14
City Council Date: 12-1-14

APPLICANT: Charles Kuehn PHONE: 625-3907
ADDRESS: 620 McConnell Joplin Mo ZIP: 64801
EMAIL: CKuehn@FourStateHomes.com
OWNER: Newco LLC PHONE: 835-3907
ADDRESS: 620 McConnell ZIP: 64801
EMAIL:
LOCATION OF PROPERTY: 20th & Connecticut
LEGAL DESCRIPTION: See Attached

Present Zoning: Mixed Requested Zoning: C3-PD Acreage: 11.7
Present Use of Property: ~~Mixed~~ Vacant
Proposed Use of Property: Life Style Village

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	Residential	R-1
South	Residential, Commercial mix	R-3 PD, C-0, C-1, R-1, C-1 PD
East	Residential	R-1
West	Vacant, undeveloped	R-1, C-1

CHARACTER OF THE NEIGHBORHOOD: Vacant

RELATIONSHIP TO EXISTING ZONING PATTERN:

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

CONFORMANCE WITH COMPREHENSIVE PLAN:

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

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the reasoning for the rezoning, the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Joplin.
3. Owner Affidavit, if applicant applying for the rezoning is not the owner of the property be rezoned
4. For Planned Developments the following must be submitted and reviewed before the rezoning can be advertised for public hearing:
   ___ Site Plan ___ Landscape Plan ___ Building Elevations

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: 20th, Maryland, Delaware
2. Classification of Street(s):
   Arterial X Collector _____ Local _____
3. Right-of-Way Width: 75'
4. Will turning movements caused by the proposed use create an undue traffic hazard?
   NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

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

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT:

SIGNATURE: Charles F. Kuehn III DATE: 10-3-14

BY: Charles F. Kuehn III

TITLE: _____

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Rezoning

CASE 047-14:

A request to rezone properties from District R-1 (Single-Family Residential), District C-1 (Neighborhood Commercial), and C-1 PD (Neighborhood Commercial – Planned Development) to District C-3 PD (Commercial – Planned Development) generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place for future planned commercial development.

APPLICANT: Charles Kuehn

LOCATION: Generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place

REQUESTED ZONING: C-3 PD (Commercial – Planned Development)

CORRIDOR: 20th Street (Site Plan Required)

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
R-1, C-1, & C-1 PD	Single-Family, Vacant (former single-family and commercial)	12.92 acres

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1	R-1, R-2 PD, R-3, C-O, C-1, C-1 PD	R-1, C-1
Land Use	Single-Family	Single-Family, Church	Mix of Single-Family, Duplexes, and Commercial	Single-Family, Vacant (former single-family and commercial)

FUTURE LAND USE:

The 2012 Future Land Use Map designates commercial along 20th Street between Connecticut and Delaware Avenues. The remaining areas are designated as Low-Density Residential, but are included in the 20th Street Corridor. Rezoning to a higher-intensity zoning district requires a Site Plan Review and rezoning to a Planned Development (PD) in the 20th Street Corridor.

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Connecticut Avenue	Minor Arterial	80'
Carolyn Place	Local	50'
Delaware Avenue	Local	60'
New Jersey Avenue	Local	50'
19th Street	Local	50'

All of Carolyn Place and the portion of Delaware Avenue between 18th and 19th Streets are proposed to be vacated. New Jersey and 19th Street are planned to be vacated in the future.

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

No.

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

CONSISTENT WITH DEVELOPMENT POLICIES OF THE COMPREHENSIVE PLAN?

Yes.

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

This property is suitable for a mixed-use development, including commercial/retail, office, and multi-family residential.

THE EXTENT THAT THE ZONING CHANGE WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

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

DISCUSSION

The proposed rezoning is for the development of a mixed-use district featuring a theater (29,000 ft²), two restaurants (14,000 ft²), six retail buildings (54,390 ft²), a bank (5,000 ft²), and 20 residential units in two buildings above retail uses. The overall design meets the requirements of the 20th Street Corridor Design Guidelines.

Access Management: The site will have two points of access from 20th Street. The main access will be a new access aligned with Maryland Avenue to the south of 20th Street. The second access will be from existing Delaware Avenue. Future cross access will be provided to the Library site to the west. Access and circulation through the interior of the site may change upon further analysis and traffic studies.

Parking: A total of 600 parking spaces have been provided for all commercial uses. An additional 35 spaces have been provided for the residential units in a gated lot, including 15 garage spaces.

Building Design & Materials: The site will contain 10 separate buildings. Each building will have a similar architectural design, featuring a mix of brick, stone, stucco, and EIFS.

Landscaping and Open Space: The site has provided required landscaping, including street and parking lot trees. Interior parking islands include parking lot trees. Pedestrian plazas have been provided throughout the site.

Buffering: A 6' privacy fence and 10' landscape buffer will be installed along the property lines adjacent to properties zoned residential.

Staff recommends approval of Case 047-14.

ENCLOSURES:

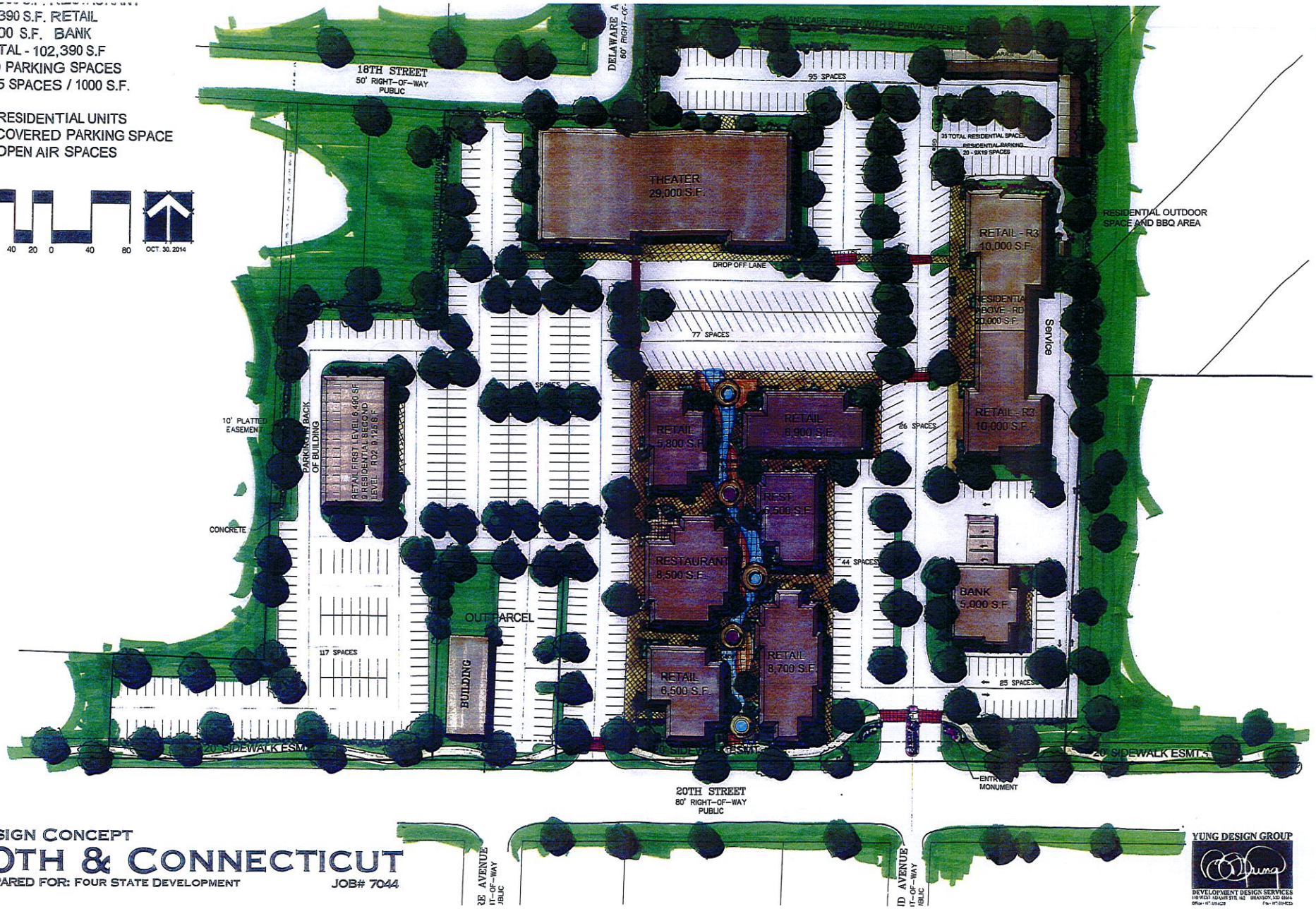
Site Plan/Landscape Plan

Building Elevations

54,390 S.F. RETAIL
5,000 S.F. BANK
TOTAL - 102,390 S.F
600 PARKING SPACES
5.85 SPACES / 1000 S.F.

20 RESIDENTIAL UNITS
15 COVERED PARKING SPACE
20 OPEN AIR SPACES

80 40 20 0 40 80 OCT. 30, 2014



DESIGN CONCEPT

20TH & CONNECTICUT

PREPARED FOR: FOUR STATE DEVELOPMENT JOB# 7044

YUNG DESIGN GROUP
DEVELOPMENT DESIGN SERVICES
110 WEST ADAMS STE. 102 BRANSON, MO 65616

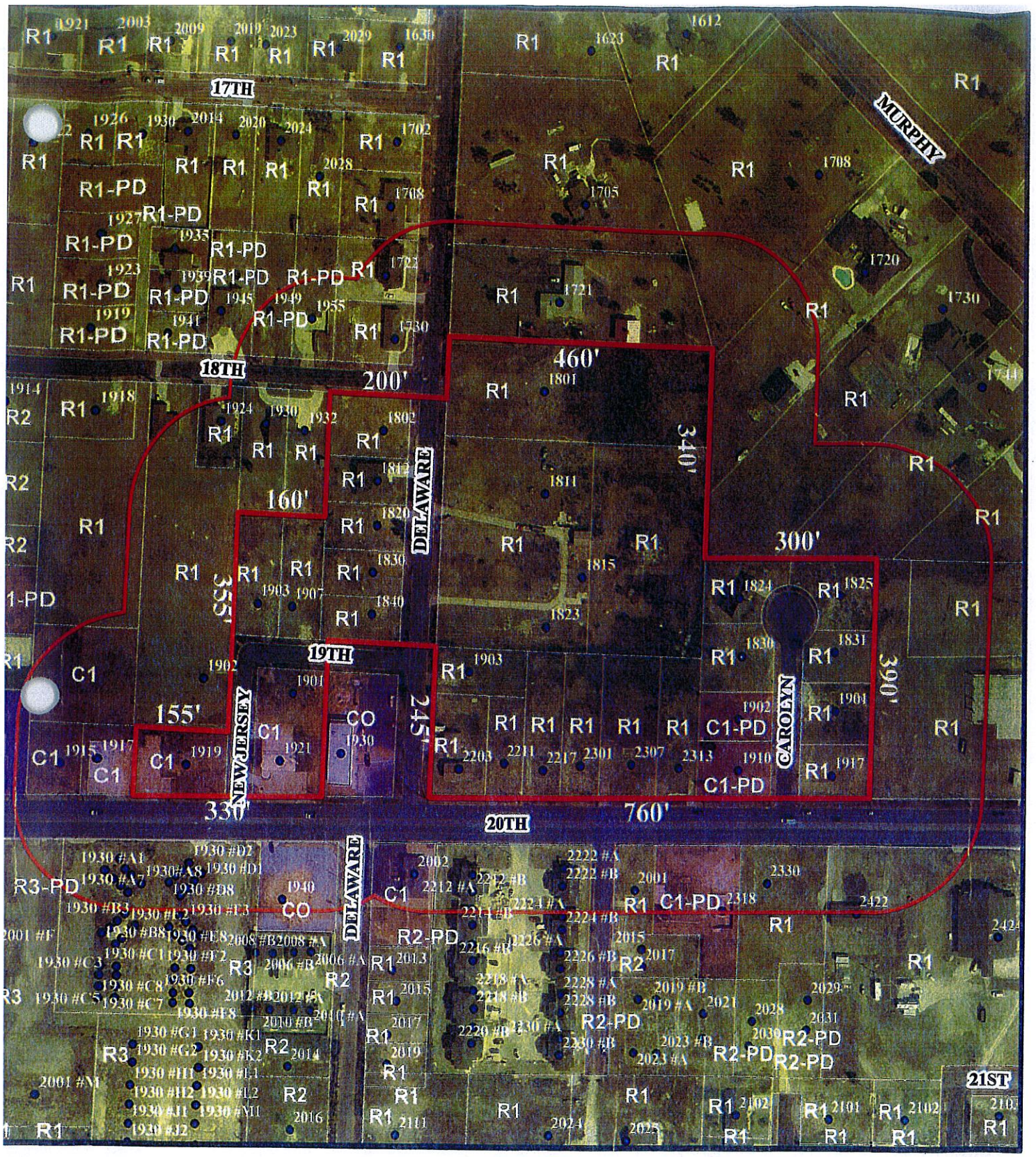


SAMPLE ELEVATION

20TH & CONNECTICUT - COMMERCIAL DEVELOPMENT

JOPLIN, MISSOURI

13051.001 - 03 NOV 2014



0 195 390 780 1,170 1,560 Feet

Ca[illegible]047-14: A request to rezone properties from District R-1 (Single-Family Residential), Dis[illegible]ict C-1 (Neighborhood Commercial) and District C-1 PD (Neighborhood Commercial - Planned Development) to District C-3 PD (Commercial - Planned Development) generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place for future planned commercial development. - Charles Kuehn

N

Case 047-14: Generally between 18th and 20th Streets between New Jersey Avenue and Carolyn Place – A request to rezone properties from District R-1 (Single-Family Residential), C-1 (Neighborhood Commercial), and C-1 PD (Neighborhood Commercial – Planned Development) to District C-3 PD (Commercial – Planned Development) for future planned commercial development – Charles Kuehn.

Mr. Duncan wished to abstain from the discussion and vote on Case 047-14 since he is a member of Joplin Redevelopment Corporation. He left the dais at this point.

Mr. Eastman opened the public hearing for Case 047-14.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared representing Four-State Homes, Charles and Pam Kuehn, Joplin Redevelopment Corporation (JRC), and Richard Joseph, Jr. They have acquired 11-1/2 acres, with a mixture of zoning classifications through that area. The goal is to rezone all the property to District C-3-PD. Everything being developed meets the requirements of the new Comprehensive Plan approved by the City of Joplin.

Three neighborhood meetings have been conducted to solicit input from the citizens in this area. A privacy fence and landscaping is being provided between the commercial buildings and the residential properties. Wrought iron fencing is being provided in some areas, with no fencing provided in other areas. Mr. Kuehn has tried to keep as much of the noise away from the residents as possible and is trying to be a good neighbor to make this a great project for the City of Joplin.

Mr. Eastman asked for questions from the commissioners.

Mr. Ramsour noticed houses being built since the tornado at 1824 Carolyn Place, 2203 East 20th Street, and 1812 Delaware Avenue. Mr. Kuehn stated he owns two of the three houses. The house at 20th and Delaware is owned by JRC.

Mr. Ramsour asked if all three houses will be removed, and Mr. Kuehn replied yes. Some people are interested in buying and relocating those houses. What can't be moved will be donated to Habitat for Humanity ReStore to salvage any materials they can reuse. The two-story house at the end of Carolyn Place may be difficult to move.

Mr. Ramsour asked how close the library and the other future development comes to this property. Mr. Kuehn replied the library will adjoin this development along the north side of 20th Street west of Delaware Avenue. Mr. Kuehn and JRC do not own one long parcel which is owned by Ms. Cupp and Ms. Palmer, so there will be 150 feet between his development and the library.

Mr. Eastman asked for comments from the audience.

Mr. Richard Rouse, 1721 Delaware Avenue, Joplin, appeared in opposition to the request. His house lies directly north of about 460 adjoining feet of the proposed development. He has lived at his current address for 14 years and stated this is a nice neighborhood. He understood the theater will be erected adjacent to his property. He expressed concern about noisy air-conditioners running, along with the bass and the boom of the theater going.

Mr. Rouse stated all his neighbors are giving him full support and will protest. They are not trying to fight City Hall but would like a good buffer zone between the neighbors and the development. They want to see Joplin grow, but nobody wants this type of development in their back yard.

Mr. Rouse discussed the combination of a berm, fencing, and landscaping with a minimum width of 20 feet, or a choice of a 20-foot natural buffer. The neighbors were told during the last neighborhood meeting that all the developer needed to do was erect a fence, like they had a choice between a berm, fencing, and landscaping. He expressed concern about a developer not having the funding to build the theater, and they give the property to someone else, with a completely different set of plans.

Mr. Smith asked Mr. Rouse if he is asking for modifications to the plans, and he asked the City staff and developers to guarantee the neighbors won't feel intruded upon, so they won't even know the development is there. He discussed the West Seventh Street Wal-Mart elevation in that Wal-Mart is sitting much lower adjoining properties to the east. He understood that District C-3 allows commercial structures up to 45 feet tall and expressed concern about a building that tall blocking his sunlight.

Mr. David Bird, 1930 East 18th Street, Joplin, appeared in opposition and stated that his property will be bordered by the parking lot on the east and south sides. He and his neighbors expressed concern about trash from the development blowing into their yards, in that they are already dealing with trash blowing from 20th Street. With the berm and the fence, they won't get the trash.

Mr. Robert Hogue, 1720 Southeast Murphy Boulevard, Joplin, is not necessarily opposed to the development. He stated there have been some recent changes to the plans, so the area along Carolyn Place is not in the current planned development, where it was included before. He asked if all the developers will work together to make this a homogenous project. He thought the development would be a boom to the community and to the neighborhood if the developers' promises are kept the way they have been.

Mr. Ramsour asked Mr. Kuehn about plans for the properties surrounding Carolyn Place, and he replied that Carolyn Place is not included at this time due to some ownership issues. He is constructing an office across the street and was required to tie those lots together to avoid multiple entrances. Accesses to that area will be blended together at some location.

Mr. Eastman asked Mr. Kuehn to discuss the berm. He stated that two drawings were presented during the last neighborhood meeting. The original drawing showed the theater up against Mr. Rouse's property line. The current drawing shows the theater being slightly over 100 feet to the south of Mr. Rouse's property. Mr. Rouse has 320 feet of white vinyl fence along his south property line beginning at his east property line going west. He has 120 feet that does not have vinyl fencing. Mr. Kuehn is thinking about pine trees adjacent to Mr. Rouse's property line.

Mr. Kuehn stated that the City Code requires a vinyl or masonry fence with a 10-foot landscaped buffer. If a fence isn't erected, 20 feet of heavy vegetation is required with the berm. A 15-foot landscaping buffer is planned directly behind the theater, with this buffer including trees and bushes. On the inside of the fence, he has a 20-foot landscaped buffer. He stated that each of the neighbors would like different types of buffering. A six-foot privacy fence and heavy landscaping will protect the neighbors from lighting and noise. All the heat and air units will be roof-top units.

Mr. Kuehn stated that the theater building will not be 45 feet tall. Half of the building (8 to 12 feet) will sit in the ground in a basement-type application because of new ADA codes regarding the line-of-sight for people in wheelchairs. The center of the seating area will be at ground level where patrons in wheelchairs will not be stuck at the top of the theater or stuck at the bottom.

Mr. Eastman asked if the theater will be a one-story building, and Mr. Kuehn replied probably two stories. The building will be 30 to 32 feet tall. The goal is to not block Mr. Rouse's sunlight. Mr. Kuehn wants this development to be a showplace for the City of Joplin as well and wants to work with the neighbors.

Mr. Ramsour asked Mr. Kuehn when this development will be completed. He replied that construction will occur in three different phases, so probably 2 to 2-1/2 years. The theater will take at least a year to build, with the development on the west side being the final phase.

Mr. Eastman asked for additional comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 047-14.

MR. DERMOTT MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 047-14 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. DERMOTT, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. DUNCAN ABSTAINING; AND WITH MR. CORTEZ BEING ABSENT (5 IN FAVOR, 1 ABSTENTION, AND 1 ABSENT).

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: COUNCIL BILL NO. 2014-281
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander T.B Date: 11-24-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm SLA Date: 11/24/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

Recommended Action: Planning and Zoning Commission recommended approval by a vote of "5 in favor, 1 abstention, and 1 absent"

SUMMARY/REQUEST:
Case 048-14: North of 20th Street between Delaware Avenue and Carolyn Place – A request for the vacation of public street right-of-ways, including Delaware Avenue between 18th and 19th Streets and all of Carolyn Place – Charles Kuehn.

STAFF SUMMARY:
The proposed vacation will not have a negative impact on the public, as it will eliminate potential commercial traffic entering and exiting through the residential neighborhood to the north of the proposed mixed-use development. No permanent construction is permitted in the easement until officially vacated.

Staff recommends approval of Case 048-14.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Charles Kuehn requested the vacation of Delaware Avenue between 18th and 19th Streets and all of Carolyn Place. He stated that commercial traffic cannot be dumped onto residential streets, so he plans to direct the traffic away from Delaware Avenue or 18th Street to protect those residents. The theater is also sitting on top of Delaware.

Mr. Eastman asked Mr. Kuehn if he owns the house at 1812 Delaware, and he replied yes. Next month he plans to vacate New Jersey Avenue and part of 19th Street. He will vacate all the utility easements at a later date as well, once he knows where the new utilities are coming in.

Mr. Eastman asked Mr. Kuehn if he owns the house at 1824 Carolyn Place, and he replied yes.

Mr. Ramsour asked Mr. Kuehn if Delaware Avenue will remain open between 19th and 20th Streets. He replied yes, since a commercial building currently sits on Delaware.

PUBLIC COMMENT:
None.

P & Z Case 048-14
Charles Kuehn
(P & Z Recommended Approval)

COUNCIL BILL NO. 2014-281 **ORDINANCE NO.**

AN ORDINANCE providing for the vacation of all public street right-of-ways north of 20th Street between Delaware Avenue and Carolyn Place, including Delaware Avenue between 18th and 19th Streets and all of Carolyn Place, 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 public street right-of-ways north of 20th Street between Delaware Avenue and Carolyn Place, including Delaware Avenue between 18th and 19th Streets and all of Carolyn Place, 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:

Beginning at the Southeast corner of Lot 60 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 6, at Page 91 and point also being the West right-of-way of Delaware Avenue; thence along said West right-of-way, North 02 degrees 09 minutes 46 seconds East, 399.90 feet, to the South right-of-way of 18th Street; thence along said South right-of-way, South 87 degrees 56 minutes 07 seconds East, 59.66 feet, to a point lying on the East right-of-way of Delaware Avenue; thence along said East right-of-way, South 02 degrees 08 minutes 09 seconds West, 399.89 feet; thence leaving said East right-of-way, North 87 degrees 56 minutes 30 seconds West, 59.85 feet, to the point of beginning. All lying in the Southwest Quarter of Section 12, Township 27 North, Range 33 West, Jasper County, Missouri. Containing 0.55 acres, more or less. Bearings based on Grid North of the Missouri Coordinate System of 1983, West Zone. More commonly described as Delaware Avenue between 18th and 19th Streets. AND Beginning at the Southeast corner of Lot 1 in Watson's First Sub-Division a Re-Plat of Lots 106 and 107 in Bankers Third Addition, as found in the Jasper County, Missouri Recorder's Office in Plat Book 47, at Page 12 and point also being the West right-of-way of Carolyn Place; thence along said West right-of-way, North 02 degrees 06 minutes 35 seconds East, 252.85 feet; thence 261.22 feet along a 50.00 foot radius curve to the right with a chord bearing South 87 degrees 32 minutes 26 seconds East, a distance of 50.50 feet, to a point lying on the East right-of-way of Carolyn Place; thence along said East right-of-way, South 02 degrees 06 minutes 35 seconds West, 250.78 feet, to the North right-of-way of 20th Street; thence along said North right-of-way, North 89 degrees 53 minutes 44 seconds West, 50.53 feet, to the point of beginning. All lying in the Southwest Quarter of Section 12, Township 27 North, Range 33 West, Jasper County, Missouri. Containing 0.47 acres, more or less. Bearings based on Grid North of the Missouri Coordinate System of 1983, West Zone. More commonly described as Carolyn Place north of 20th Street.

Section 2. That this vacation of the portion of the streets and utility easement hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in the portion of the street hereby vacated. Such utility companies shall have the right to maintain, repair and replace any such installations now on the vacated portion of said streets and shall be subject to the rights of the City of Joplin for sewer construction and maintenance.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

RECEIVED
10-3-14

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.: 048-14
Filing Fee: $ 350.00
Date Advertised: 10-26-14
Date Notices Sent N/A
Public Hearing Date: 11-10-14 / 12-1-14

I. Applicant Name: Charles Kuehn Phone: 825-3907

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

Address: 620 McConnell Joplin Mo Zip: 64801

Email: CKuehn2@FourState

II. Type of vacation requested (check all that apply):

Street Vacation X

Alley Vacation ____

Utility vacation X

Other (Please specify) ____

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

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

1. Private rights will not be injured or endangered by the vacation. NO

2. The vacation will not cause the public to suffer a loss or inconvenience. NO

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

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(s). The following private companies must be contacted and consent to the vacation before the request can be advertised for public hearing.

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

SIGNATURE: Charles F Kuehn III DATE: 10/3/14

BY: Charles F Kuehn III

TITLE: Managing Member

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Vacation

CASE 048-14:

A request for the vacation of all street right-of-way for Delaware Avenue between 18th and 19th Streets and all of Carolyn Place north of 20th Street.

APPLICANT: Charles Kuehn

REPRESENTATIVE: N/A

LOCATION: Delaware Avenue between 18th & 19th Streets, Carolyn Place

---

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Delaware Avenue (street right-of-way)	60' x 400'
Carolyn Place (street right-of-way)	50' x 340'

REASON FOR VACATION:

The streets are being vacated as part of a proposed mixed-use development. Additional streets are expected to be vacated in the future, including New Jersey Avenue and a portion of 19th Street. Utility easements will also be vacated once new easements have been dedicated and relocated for the development.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?: Yes

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?: Yes (until relocated)

DISCUSSION:

The proposed vacation will not have a negative impact on the public, as it will eliminate potential commercial traffic entering and exiting through the residential neighborhood to the north of the proposed mixed-use development. No permanent construction is permitted in the easement until officially vacated.

Staff recommends approval of Case 048-14.

ENCLOSURES:

Site Plan (areas to be vacated highlighted in yellow)





GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)

1 inch = 60 ft.

NOTES

1) BEARING BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

2) NO EASEMENT SHOWN OR PROVIDED.

3) NO UTILITIES SHOWN.

ZONING DATA

TRACT 1, TRACT 2 AND PART OF TRACT 3
SUBJECT PROPERTY IS ZONED C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT)

BUILDING HEIGHT AND PARKING SETBACK LINE REGULATION
BUILDING HEIGHT: NO BUILDING SHALL EXCEED 35' OR 2 STORIES.

BUILDING SETBACK LINE:
FRONT: 15'
SIDE: NONE, EXCEPT WHERE SUBJECT PROPERTY ABUTS UPON A DISTRICT OF R-1 TO C-2, THEN SETBACK SHALL BE PROVIDED THE SAME AS REQUIRED IN THE DISTRICT IT JOINS.
REAR: NONE, EXCEPT WHERE SUBJECT PROPERTY ABUTS UPON A DISTRICT OF R-1 TO C-2, THEN SETBACK SHALL BE PROVIDED THE SAME AS REQUIRED IN THE DISTRICT IT ABUTS, BUT NO LESS THAN 10'

TRACT 3, TRACT 4, AND PART TRACT 3
SUBJECT PROPERTY IS ZONED R-1 (CIRCLE-FAMILY DISTRICT)

BUILDING HEIGHT AND PARKING SETBACK LINE REGULATION
BUILDING HEIGHT: NO BUILDING SHALL EXCEED 35' OR 2 1/2 STORES

BUILDING SETBACK LINE:
FRONT: 25'
SIDE: 0'
REAR: 25'

LEGEND

- FND 0" FOUND IRON PIN
- SET 0" SET IRON PIN
- PP GF POWER POLE W/ GUY
- LP LIGHT POLE
- WM WATER METER
- TR TELEPHONE RISER
- CR CABLE RISER
- PROPERTY LINE
- FENCE LINE
- LINE LOCALS — PLAT (RECORD) — 100' P, 100' M

16TH STREET
50' RIGHT-OF-WAY
PUBLIC

19TH STREET
50' RIGHT-OF-WAY
PUBLIC

30TH STREET
60' RIGHT-OF-WAY
PUBLIC

DELAWARE AVENUE
40' R.O.W.
PUBLIC

MARYLAND AVENUE
40' R.O.W.
PUBLIC

DAKOTA PLACE
(NOT DEDICATED)
PUBLIC

BANKERS THIRD ADDITION
PLAT BOOK 6, PAGE 01

WATSON'S FIRST SUB-DIVISION OF LOTS 106 & 107 BANKERS THIRD ADDITION
PLAT BOOK 07, PAGE 12

TRACT 1
10,750± SQ. FT.
0.396 ACRES

TRACT 2
20,283± SQ. FT.
0.699 ACRES

TRACT 3
69,625± SQ. FT.
1.670 ACRES

TRACT 4
330,675± SQ. FT.
7.782± ACRES

TRACT 5
69,625± SQ. FT.
2.222 ACRES

TRACT 6
69,625± SQ. FT.
2.222 ACRES

20' POSSIBLE R/W TAKING

TRACT 1 DESCRIPTION

ALL OF LOT 05 IN DIAMOND THIRD ADDITION, AS FOUND IN THE JASPER COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK 6, AT PAGE 01.

TRACT 2 DESCRIPTION

ALL OF LOTS 02 AND 03 IN DIAMOND THIRD ADDITION, AS FOUND IN THE JASPER COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK 6, AT PAGE 01.

TRACT 3 DESCRIPTION

ALL OF LOTS 06, 01, 02, 04 AND 05 IN DIAMOND THIRD ADDITION, AS FOUND IN THE JASPER COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK 6, AT PAGE 0.

TRACT 4 DESCRIPTION

ALL OF LOTS 103, 103A, 104, 105 AND ENCUMBERED TRACT 7 IN DIAMOND THIRD ADDITION, AS FOUND IN THE JASPER COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK 6, AT PAGE 01

BEGINNING AT THE SOUTHEAST CORNER OF LOT 105 IN SAID SUBDIVISION, THENCE ALONG THE SOUTH LOT LINE, NORTH 89°03'44" WEST, 459.81 FEET, TO THE SOUTHWEST CORNER OF LOT 104; THENCE ALONG WEST LOT LINE, NORTH 00°56'16" EAST, 740.81 FEET, TO THE NORTHWEST CORNER OF SAID LOT 103; THENCE ALONG THE NORTH LOT LINE, SOUTH 87°56'56" EAST, 459.09 FEET, TO THE NORTHEAST CORNER OF SAID LOT 103; THENCE ALONG THE EAST LOT LINE, SOUTH 00°56'16" WEST, 738.17 FEET, TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 NORTH, RANGE 33 WEST, JASPER COUNTY, MISSOURI, CONTAINING 7.78 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE, 1997/08 TO ALL EASEMENTS, COVENANTS, RESTRICTIONS AND AGREEMENTS OF RECORD, CONDITIONS AND REQUIRED ARE AS SHOWN ON ANDERSON ENGINEERING, INC. DRAWING NUMBER 307-160-3000.

TRACT 5 DESCRIPTION

ALL OF LOTS 1 THROUGH 6 IN WATSON'S FIRST SUB-DIVISION & RE-PLAT OF LOTS 106 AND 107 IN BANKERS THIRD ADDITION, AS FOUND IN THE JASPER COUNTY, MISSOURI RECORDER'S OFFICE IN PLAT BOOK 07, AT PAGE 12.

SURVEYORS NOTE

WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES REFERCH HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATIONS OF THE RECORD DESCRIPTIONS. NO OPINION AS TO THE VALIDITY OF TITLE IS GIVEN OR IMPLIED.

ACCURACY STANDARD: URBAN

SURVEYORS DECLARATION

I, THE UNDERSIGNED, DO HEREBY DECLARE THAT THE ORIGINALITY SURVEY SHOWN HEREON WAS MADE UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE THE INFORMATION IS AS SHOWN ARE IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR URBAN PROPERTY SURVEYS.
LAST REVISION DATE AUGUST 20, 2014

ANDERSON ENGINEERING, INC. L.C. 02
BY:

Jarod L. Hogan, R.L.S. 2008001335

8-20-14
DATE

ANDERSON ENGINEERING, INC.
LAND DEVELOPMENT • SURVEYING • PLANNING
1111 S. 103rd STREET, SUITE 400 • OMAHA, NE 68124 • (402) 390-9500

NO.	DESCRIPTION	BY	DATE
1	ADD UTILITIES	SLH	9/29/14

REVISIONS

DRAWING NO.
FIELD BK:
DRAWN BY: SLH
CHECKED BY: JLH
DATE: 8-18-14
FIELD BOOK:
JOB NUMBER: 2008-14

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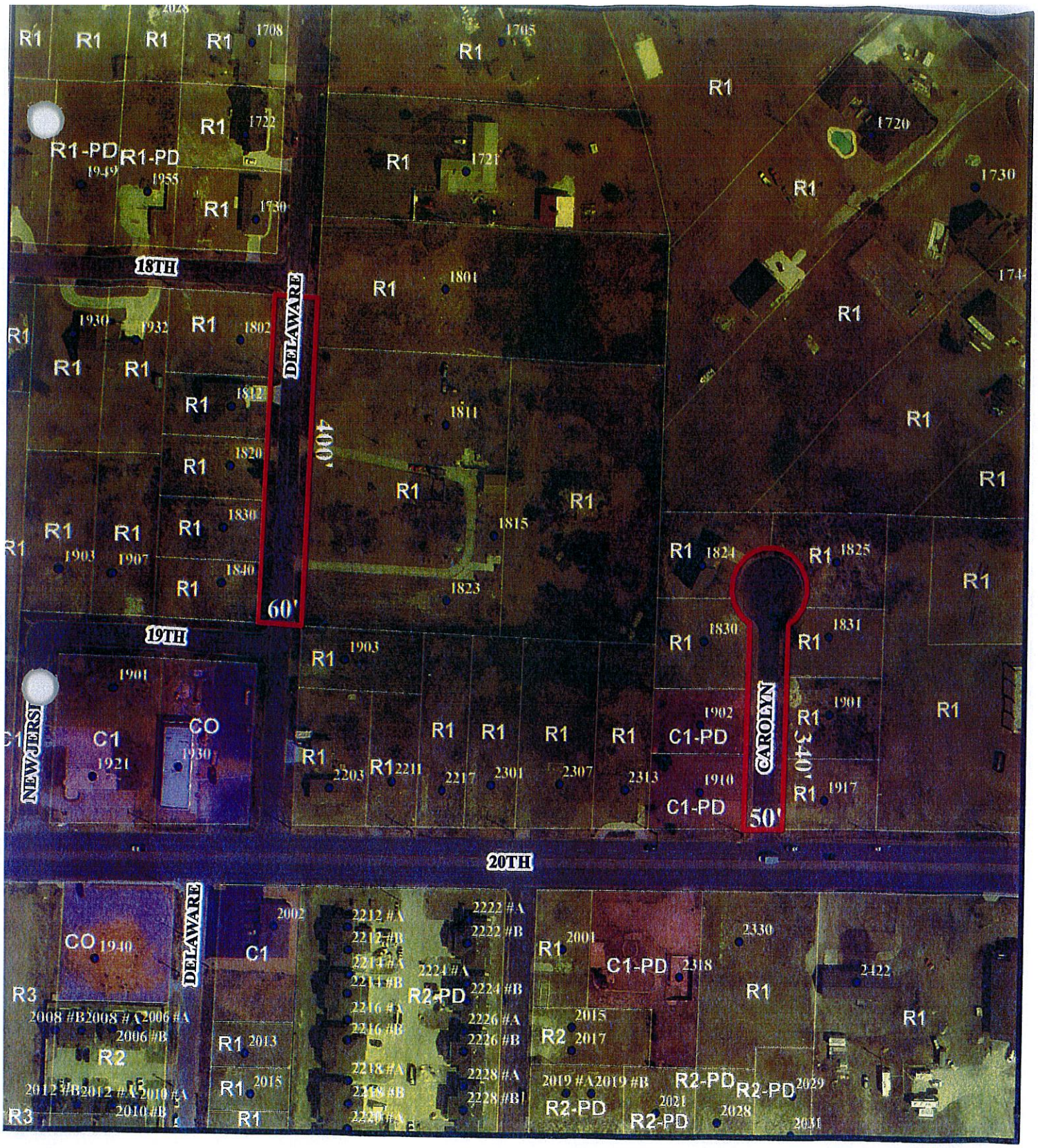
THIS SHEET OF

BOUNDARY SURVEY

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 NORTH, RANGE 33 WEST, JASPER COUNTY, MISSOURI

DRAWING NO. 307-160-3000

SHEET NUMBER 1 OF 1 SHEETS



0 150 300 600 900 1,200 Feet

Case 048-14: A request for the vacation of street right-of-way for Delaware Avenue between 18th and 19th Streets, and all of Carolyn Place north of 20th Street. - Charles Kuehn

N

Case 048-14: North of 20th Street between Delaware Avenue and Carolyn Place – A request for the vacation of public street right-of-ways, including Delaware Avenue between 18th and 19th Streets and all of Carolyn Place – Charles Kuehn.

Mr. Eastman opened the public hearing for Case 048-14.

Mr. Charles Kuehn, 620 McConnell Avenue, Joplin, appeared to request the vacation of Delaware Avenue between 18th and 19th Streets and all of Carolyn Place. He stated that commercial traffic cannot be dumped onto residential streets, so he plans to direct the traffic away from Delaware Avenue or 18th Street to protect those residents. The theater is also sitting on top of Delaware.

Mr. Eastman asked Mr. Kuehn if he owns the house at 1812 Delaware, and he replied yes. Next month he plans to vacate New Jersey Avenue and part of 19th Street. He will vacate all the utility easements at a later date as well, once he knows where the new utilities are coming in.

Mr. Eastman asked Mr. Kuehn if he owns the house at 1824 Carolyn Place, and he replied yes.

Mr. Ramsour asked Mr. Kuehn if Delaware Avenue will remain open between 19th and 20th Streets. He replied yes, since a commercial building currently sits on Delaware.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 048-14.

MR. SMITH MOVED, SECONDED BY MR. DERMOTT, THAT CASE 048-14 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. DERMOTT, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. DUNCAN ABSTAINING; AND WITH MR. CORTEZ BEING ABSENT (5 IN FAVOR, 1 ABSTENTION, AND 1 ABSENT).

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: COUNCIL BILL NO. 2014-282
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander T.B. Date: 11-24-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm Date: 11/24/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

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

SUMMARY/REQUEST:
Case 049-14: East of Prigmore Avenue between I-44 and East Alliance Parkway – A request to voluntarily annex 61.47 acres into the corporate limits of the City of Joplin, Missouri – Joplin Industrial Development Authority.

STAFF SUMMARY:
The applicant is requesting to voluntarily annex a 61.47 acres tract of land at the southeast corner of I-44 and Prigmore Road. This property is located on the northeast side of the Crossroads Industrial Park and will be easily accessible to I-44 once the Prigmore Road interchange is complete.

Staff recommends approval of Case 049-14.

PLANNING & ZONING COMMISSION TESTIMONY:
Ms. Tonya Sprenkle appeared representing the Joplin Industrial Development Authority to voluntarily annex this property into the City of Joplin.

PUBLIC COMMENT:
None.

P & Z Case 049-14
Joplin Industrial Development Authority
(P & Z Recommended Approval)

COUNCIL BILL NO. 2014-282 **ORDINANCE NO.**

AN ORDINANCE approving the voluntary annexation by the City of Joplin of property east of Prigmore Avenue between Interstate 44 and East Alliance Parkway in Jasper County, Missouri.

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

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

WHEREAS, having held a Public Hearing concerning the proposed annexation not less than fourteen (14) nor more than sixty (60) days after the Petition is received after first having given seven (7) days' notice of the Hearing in the Joplin Globe; and,

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

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

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

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

A tract of land in the Northwest 1/4 of Section 14, Township 27 North, Range 32 West of the 5th Principal Base and Meridian in Jasper County, Missouri, being more fully described as follows: Commencing at the West Quarter-Corner of Said Section 14; thence North 01 degrees 38 minutes 53 seconds East along the West line of Section 14, a distance of 94.48 feet; thence South 88 degrees 21 minutes 07 seconds East, 35.00 feet to the intersection of the North right-of-way line of East Alliance Parkway with the East right-of-way line of Prigmore Avenue (Country Road 190), the Point of Beginning; thence North 01 degrees 38 minutes 46 seconds East along Prigmore Avenue right-of-way, 1579.88 feet; thence South 88 degrees 20 minutes 38 seconds East, 45.00 feet to the

Northwest corner of the Schaumburg tract; thence South 01 degrees 38 minutes 46 seconds West, 609.96 feet to the Southwest corner of the Schaumburg tract; thence South 88 degrees 21 minutes 07 seconds East, 389.68 feet to the Southeast corner of the Schaumburg tract; thence North 01 degrees 38 minutes 53 seconds East, 609.91 feet to the Northeast corner of the Schaumburg tract; thence North 88 degrees 20 minutes 38 seconds West along the North line of the Schaumburg tract, 118.56 feet to the Southeast corner of the Homer Martin tract as recorded in Book 1960 at Page 786; thence North 01 degrees 39 minutes 22 seconds East, 290.02 feet to the Northeast corner of said Martin tract; thence North 88 degrees 20 minutes 38 seconds West along the North line of said Martin tract, 252.62 feet to a point on the relocated Southeasterly right-of-way line of I-44; thence North 36 degrees 21 minutes 28 seconds East along said relocated right-of-way, 457.91 feet; thence North 78 degrees 16 minutes 34 seconds East along said relocated right-of-way, 169.42 feet; thence North 89 degrees 11 minutes 31 seconds East along said relocated right-of-way, 235.66 feet; thence North 62 degrees 59 minutes 22 seconds East along said relocated right-of-way, 487.24 feet to a point on the West line of the Ronald Born tract; thence South 01 degrees 11 minutes 53 seconds West, 676.83 feet to the Southwest corner of said Born tract; thence South 88 degrees 48 minutes 07 seconds East, 431.27 feet to the Southeast corner of said Born tract; thence North 01 degrees 11 minutes 53 seconds East, 273.01 feet to the Northeast corner of said Born tract; thence South 88 degrees 48 minutes 07 seconds East along the South right-of-way line of Apple Road, 279.75 feet to the Northwest corner of the Diane M. Volk Trust tract as described in Book 1823 at Page 1753; thence South 01 degrees 41 minutes 48 seconds West along the Westerly line of said tract, 1285.43 feet; thence North 88 degrees 51 minutes 28 seconds West along the Westerly line of said tract, 531.98 feet; thence South 01 degrees 41 minutes 01 seconds West along the Westerly line of said tract and an extension thereof, 1313.13 feet to a point on the North right-of-way line of East Alliance Parkway; thence North 84 degrees 23 minutes 27 seconds West along said right-of-way, 80.19 feet to the Southeast corner of a tract as recorded in Book 2016 at Page 997; thence North 01 degrees 38 minutes 53 seconds East, 406.87 feet to the Northeast corner of said tract; thence North 88 degrees 21 minutes 07 seconds West, 1169.04 feet to the Northwest corner of the Missouri American Water Company tract as recorded in Book 1622 at Page 1453; thence South 01 degrees 38 minutes 53 seconds West along the West line of said tract, 330.00 feet to a point on the North right-of-way line of East Alliance Parkway; thence North 88 degrees 21 minutes 07 seconds West along said right-of-way, 45.00 feet to the Point of Beginning. Containing 61.47 acres, more or less. Basis of Bearings: Missouri State Plane Coordinate System, West Zone.

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

Section 3. That this Ordinance shall be in full force and effect as of 12:01 a.m., on the First (1st) day of February 1, 2014.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

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.

The Industrial Development Authority of the City of Joplin

Rob O'Brian, Vice-pres

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

On this 13 day of October 2014, before me appeared Rob O'Brian, to me known to be the Vice President of the Industrial Development Auth., 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 Rob O'Brian acknowledged said instrument to be the free act and deed of said corporation, and that the allegations contained therein are true.

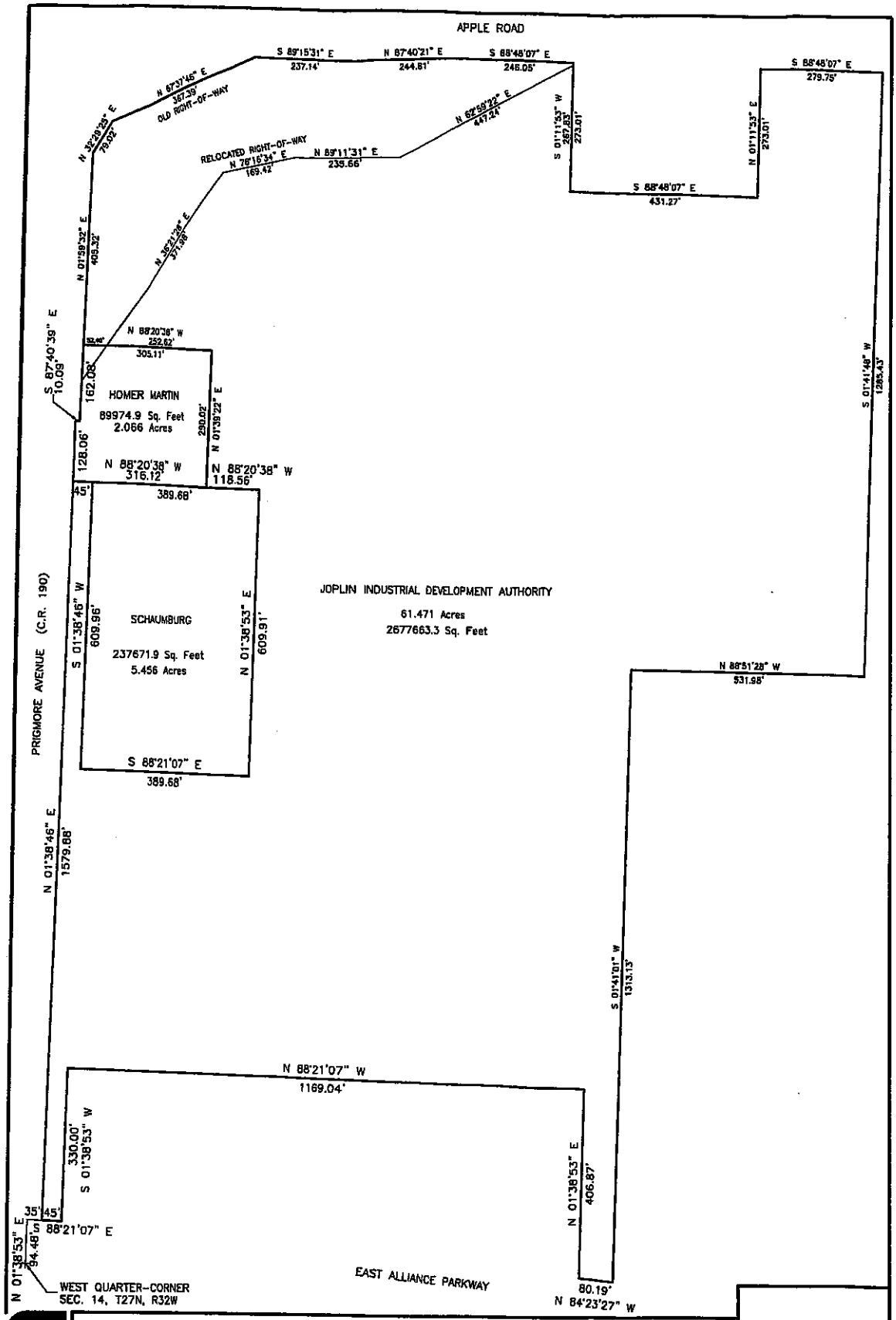
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed by official seal, in the County and State aforesaid, the day and year first above written.

My commission expires: 5-6-17.

Cynthia R Weiss

CYNTHIA R. WEISS
Notary Public - Notary Seal
State of Missouri
Commissioned for Newton County
My Commission Expires: May 06, 2017
Commission Number: 13692192

Notary Public



CROSSROADS EAST ANNEXATION

DATE:	REVISION:

DWN. BY: MDS
CKD. BY:
APPD. BY:
DATE: 5/21/2014

THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS • HYDROLOGISTS • SURVEYORS
7231 EAST 24TH STREET, JOPLIN, MISSOURI 64804 (417) 680-7200

DWG. NO.

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Voluntary Annexation

CASE 049-14:

A request to voluntarily annex 61.47 acres located East of Prigmore Road between Interstate 44 and E. 26th Street/Alliance Parkway.

LOCATION: Southeast corner of I-44 & Prigmore Road

APPLICANT: Joplin Industrial Development Authority

EXISTING CONDITIONS:

Zoning	Land Use	Property Size
N/A (Jasper County, MO)	Undeveloped	61.47 acres

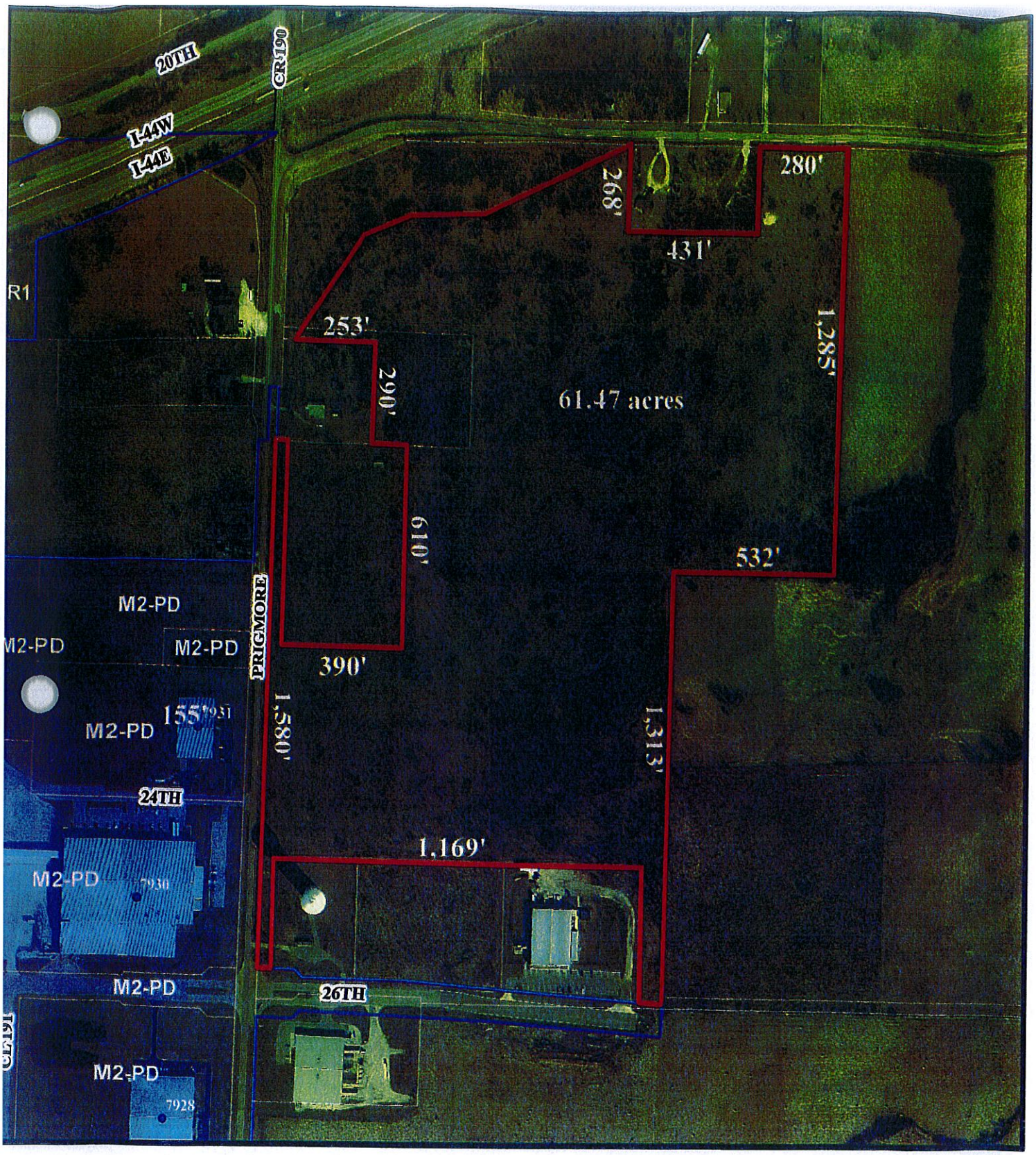
DISCUSSION

The applicant is requesting to voluntarily annex a 61.47 acres tract of land at the southeast corner of I-44 and Prigmore Road. This property is located on the northeast side of the Crossroads Industrial Park and will be easily accessible to I-44 once the Prigmore Road interchange is complete.

Staff recommends approval of Case 049-14.

ENCLOSURES:

Survey of area to be annexed



C[illegible] 049-14: A request to voluntarily annex into the Corporate Limits of the City of Joplin, Missouri, a 61.47 acre tract of land located East of Prigmore Road between I-44 and E. 26th Street/Alliance Parkway. - Joplin Industrial Development Authority

N

Case 049-14: East of Prigmore Avenue between I-44 and East Alliance Parkway – A request to voluntarily annex 61.47 acres into the corporate limits of the City of Joplin, Missouri – Joplin Industrial Development Authority.

Mr. Duncan returned to the dais at this time. Mr. Eastman opened the public hearing for Case 049-14.

Ms. Tonya Sprenkle, 7994 Timber Ridge Drive, Seneca, Missouri, is the secretary for the Joplin Industrial Development Authority and vice-president of the Joplin Area Chamber of Commerce. They feel this is the right time to annex the property in this request into the City of Joplin.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 049-14.

MR. RAMSOUR MOVED, SECONDED BY MR. BROWN, THAT CASE 049-14 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. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. CORTEZ BEING ABSENT (6 IN FAVOR, 1 ABSENT).

CONSENT AGENDA

CITY OF JOPLIN

CITY COUNCIL MEETING

MINUTES November 17, 2014

CALL TO ORDER

The regular meeting for the Joplin City Council was called to order at 6:00 p.m. by Mayor Michael L. Seibert.

INVOCATION - read by City Clerk Barbara Hogelin

FLAG SALUTE – led by Mr. Scearce

ROLL CALL – Motion by Mr. Woolston, Second by Ms. Colbert-Kean to excuse Mr. Glaze. Motion carried. 8-0-1.

PRESENTATIONS - Proclamation Honoring Illustrious Potentate Noble Rev. Willie Rogers, Jr. Mayor Seibert presented Rev. Willie Rogers with a Proclamation Honoring him for all his dedication and services he has performed for our City.

Recognition of outgoing Members of Boards and Commissions: Mayor Seibert recognized the following outgoing Board and Commission members. Each member received a certificate and a brand new city pin which is a KEY TO THE CITY pin that only Board and Commission members will receive from the Mayor at a Council meeting only after they have served on their term. In Attendance and recognized by Mayor Seibert and Council Members were: Richard Russell, Airport Board; Steven Reed, Building Board of Appeals; William L. Smith Housing Authority; Brian Shaw, Joplin Redevelopment Corporation; Todd Chenault, Randy Evans, and John Hoffman, Joplin Sports Authority; Larry Myers, Personnel. Mayor Seibert and members of council thanked those members of these boards for serving and the giving of their time. The Council had a picture taken with them. Mayor Seibert further mentioned Don Richardson, 2007-2014; Capital Improvements; Jason Grossman, Charles Keeter, 2009-2014,City Tree board; Steve McCollum, 2006-2014, Design Review; Ron Apfel, 2002-2010, Housing Authority; and Bob Harrington, 2008-2014, Planning and Zoning had completed their terms on boards and commissions.

Update on Wallace – Bajjali projects – David Wallace and Raymond Braswell briefed council on current projects. David Wallace talked about the land that was already acquired at 26th and Jackson for the affordable Senior Project. He indicated 72 rental units were slated for that property with business offices above. He said they have applied for MHDC tax credits. He expects construction to begin in June 2015. He said they are working with a partner of Allgeier Martin on the project.

Mr. Raymond Braswell could not elaborate but stated he has one specific tenant making a decision between 26th and Main and 20th and Connecticut but he thinks he will go to 20th and Connecticut. Mr. Braswell said he particularly has to take his hat off to his partner Charlie Kuehn who

successfully took his project through Planning and Zoning. Mr. Braswell stated WB was in negotiations with a Movie company for an 8-10 movie/site at 20th and Conn and had made a proposal to buy the theatre at the mall location. Mr. Wallace said in discussing the 26th and McClelland property, as we continue to move forward, there were some procurement issues in the process that our co-development partner are going to be responding to that RFP. There are a number of open issues but then I'd ask that you direct them to the Mayo, City Manager, or the City Attorney as well because we want to make sure that this procurement process is done in a manner that we don't have to be here in a year from now to rebid the process.

FINALIZATION OF CONSENT AGENDA - Mr. Scearce asked Mayor to remove Council Bill No. 2014-183 from the Agenda and place on Second and Third Reading. There being no additional further business to come before the Council, the Consent Agenda was finalized.

REPORTS AND COMMUNICATIONS

CITIZEN REQUESTS AND PETITIONS

PUBLIC HEARINGS

CONSENT AGENDA - Motion by Mr. Shaw, Second by Mr. Scearce, to approve the Consent Agenda. Mr. Woolston noted that that he would be abstaining on Council Bill No. 2014-275. Voting in favor were Council Members: Colbert-Kean, Lewis, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 7. Nays: 0. Absent: 1, Glaze. Abstention: 1, Woolston.

Minutes of the November 3, 2014 Council Meeting

Minutes of the November 10, 2014 Special Council Meeting

COUNCIL BILL NO. 2014-025 - AN ORDINANCE amending subparagraph (e), Section 42-35, Court costs and other fees, Article II, Municipal Court, of Chapter 42, Courts, of the Code of Ordinances of the City of Joplin. Ordinance No. 2014-183

COUNCIL BILL NO. 2014-184 - AN ORDINANCE authorizing the City council to issue the abatement of ad valorem taxes on improvements to real property located in the Joplin Area Enhanced Enterprise Zone; generally described as located at 2320 S. Hall St., Webb City, MO and owned by Don's Cold Storage and Transportation, LLC. Ordinance No. 2014-184

COUNCIL BILL NO. 2014-185 - AN ORDINANCE authorizing the City council to issue the abatement of ad valorem taxes on improvements to real property located in the Joplin Area Enhanced Enterprise Zone; generally described as located at 7931 E. 24th St. and owned by Magoulas Enterprises Inc, dba Component Packaging. Ordinance No. 2014-185

COUNCIL BILL NO. 2014-275 -AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District C-0-PD and including in District C-2-PD property as described below and located at 1605-1609 East 20th Street in the City of Joplin, Jasper County, Missouri. Ordinance No. 2014-186

COUNCIL BILL NO. 2014-276 - AN ORDINANCE amending Ordinance No. 2004-256, passed by the Council of the City of Joplin, Missouri, November 15, 2004, by removing from District R-1 and District C-1 and including in District C-3-PD property as described below and located at the southwest corner of 20th Street and Maiden Lane in the City of Joplin, Jasper County, Missouri. Ordinance No. 2014-187

COUNCIL BILL NO. 2014-277-AN ORDINANCE providing for the vacation of all right-of-way and utility easements for Virginia Avenue south of Interstate 44 and north of 50th Street, 49th Street between Hearnes Boulevard and Virginia Avenue, 45th Street between Interstate 44 and Grand Avenue, and Grand Avenue between Interstate 44 and 45th Street, in the City of Joplin, Newton County, Missouri. Ordinance No. 2014-188

COUNCIL BILL NO. 2014-620 - AN ORDINANCE approving an Agreement allowing Choice Marketing to serve as the Print & Digital Media Buyer for the Joplin Convention & Visitors Bureau; authorizing the City Manager to execute said Agreement or Agreement in substantially similar form, for the City. Ordinance No. 2014-189

COUNCIL BILL NO. 2014-622 - AN ORDINANCE approving a License Agreement with Internet Destination Sales System (iDSS) for Customer Relations Management software for the Convention and Visitors Bureau; authorizing the City Manager to execute said Agreement or Agreement in substantially similar form, for the City. Ordinance No. 2014-190

RESOLUTIONS

Motion by Mr. Woolston, Second by Mr. Shaw to Move Resolutions down on the agenda after the Emergencies. Voting in favor were Council Members: Colbert-Kean, Lewis, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

ORDINANCES-EMERGENCIES

Mr. Stanley introduced Council Bill No. 2014-026. Motion by Mr. Stanley, Second by Mrs. Lewis that Council Bill No. 2014-026 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Lewis, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-191

AN ORDINANCE authorizing the City of Joplin to enter into an Agreement with Samuel L. Anselm for the purpose of employing him as City Manager for the City of Joplin; authorizing the Mayor to execute said Agreement by and on behalf of the City of Joplin, Missouri; and containing an emergency clause.

Mr. Stanley introduced Council Bill No. 2014-027. Motion by Mr. Stanley, Second by Shaw, that Council Bill No. 2014-027 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Lewis, Seibert, Shaw, Stanley and Woolston. 7. Nays: 1, Scearce. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-192

AN ORDINANCE authorizing the City to issue its Taxable Industrial Revenue Bonds (Joplin MO (3502 Enterprise) LLC) series 2014, in an amount not to exceed $8,200,000 for the purpose of providing funds to pay the costs of purchasing and installing a commercial project for Joplin MO (3502 Enterprise) LLC; and authoring the City to take certain other actions and approve certain agreements in connection with the issuance of the Bonds; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2014-028. Motion by Mr. Shaw, Second by Mr. Stanley that Council Bill No. 2014-028 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Lewis, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-193

AN ORDINANCE approving and authorizing payment into the Circuit Court of Jasper County, Missouri, the amount of the jury award in the case styled City of Joplin, Missouri v. Grande Tire Co., Inc., et al, Case No. 13AO-CC00315, from the Capital Improvement Sales Tax Fund, Account No. 145-4565-520-8105, Project No. TG-0520, to satisfy the jury award in the case related to the acquisition of right-of-way across property generally located at 20th & Maiden Lane, in Joplin, Jasper County, Missouri; and containing an emergency clause. Voting in favor were Council Members: Colbert-Kean, Lewis, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

Mr. Shaw introduced Council Bill No. 2014-030. Motion by Mr. Shaw, Second by Mrs. Colbert-Kean that Council Bill No. 2014-030 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-194

AN ORDINANCE authorizing the acceptance and agreement to allow the termination by the SWJOMO Seniors, LLC, of the Senior Transitional Housing Site Development Agreement (Seniors Site Development) for the redevelopment of property located at near the intersection of 26th Street and McClelland Boulevard, and the nine (9) option agreements for the purchase of real estate for the Seniors Project; authorizing the City Manager to execute said Agreement by and on behalf of the City of Joplin; and containing an emergency clause.

Mr. Woolston introduced Council Bill No. 2014-187. Motion by Mr. Woolston, Second by Mr. Scearce that Council Bill No. 2014-187 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze. . Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Lewis, Scearce, Seibert, Shaw, Stanley and Woolston. 7. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-195

AN ORDINANCE approving a contract with Rosetta Construction for Two Million Eighty Two Thousand Six Hundred Forty Three and no/100 Dollars ($2,082,643.00) for construction of the Sanitary Sewer Reconstruction & Repair-Green Zone project; and, amending the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-177 on October 20, 2014; and containing an emergency clause.

Mr. Shaw introduced Council Bill No. 2014-623. Motion by Mr. Shaw, Second by Mrs. Lewis that Council Bill No. 2014-623 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-196

AN ORDINANCE approving a Purchase Order to be issued to SunGard OSSI to cover the annual support payment for the Public Safety and Financial software and related systems as budgeted in the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-520 on October 20, 2014; and containing an emergency clause.

Mr. Scearce introduced Council Bill No. 2014-624. Motion by Mr. Scearce, Second by Mr. Shaw that Council Bill No. 2014-624 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-197

AN ORDINANCE authorizing and approving the City of Joplin to purchase Pro-Safe Fire burn props, for the amount of Two-Hundred Eighty Nine Thousand dollars and Zero Cents ($289,000) authorizing the City Manager to execute a Purchase Order by and on behalf of the City of Joplin; and, containing an emergency clause.

Mr. Scearce introduced Council Bill No. 2014-625. Motion by Mr. Scearce, Second by Mr. Shaw that Council Bill No. 2014-625 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-198

AN ORDINANCE approving Council Bill 2014-625, dealing generally with the purchase of property located at 1111 Broadway Avenue for payment of Six Thousand Five Hundred Dollars ($6,500.00); and, amending the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-177 on October 20, 2014, and containing an emergency clause.

Mr. Scearce introduced Council Bill No. 2014-626. Motion by Mr. Scearce, Second by Mr. Stanley that Council Bill No. 2014-626 be approved on an emergency basis. Voting in favor were Council Members: Colbert-Kean, Glaze, Rosenberg, Scearce, Seibert, Shaw, Stanley and Woolston. 8. Nays: 0. Absent: 1, Glaze.

The Council Bill was declared Adopted and entitled Ordinance No. 2014-199

AN ORDINANCE approving Council Bill 2014-626, dealing generally with the purchase of property at 1109 Broadway Avenue, for the payment of Twelve Thousand Dollars ($12,000.00); and, amending the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-177 on October 20, 2014, and containing an emergency clause.

Note: At this time RESOLUTIONS were acted on.

RESOLUTIONS

Mr. Woolston introduced Resolution No. 2014-020. Motion by Mr. Woolston, Second by Mr. Shaw, to Approve Resolution No. 2014-020. Voting in favor were Council Members: Colbert-Kean, Glaze, Lewis, Rosenberg, Seibert, Shaw, Stanley and Woolston. 7. Nays: 1, Scearce. Absent: 1, Glaze.

The Resolution was read as being RESOLUTION NO. 2014-020

A RESOLUTION authorizing the filing of a Third Amendment to the Action Plan with the U.S Department of Housing and Urban Development as required for use of the City of Joplin's Community Development Block Grant Disaster Recovery (CDBG-DR) Program, Round 1; and authorizing the Planning and Community Development Director to execute said Plan for and on behalf of the City of Joplin.

ORDINANCES – FIRST READING

ORDINANCES – SECOND READING AND THIRD READING

Mr. Stanley introduced Council Bill No. 2014-622. Motion by Mr. Stanley, Second by Dr. Rosenberg to Pass Council Bill NO. 2014 -183 on Second Reading, Advance to Third Reading and Pass.

The Bill was declared ADOPTED and ENTITLED ORDINANCE NO. 2014-200

AN ORDINANCE amending Chapter 118, Utilities, Article II, Sewers and Sewage Disposal, Division 6 Rates and Charges, of the Joplin City Code, by repealing sections 118-201 through 118-202, inclusive, of Division 6 in their entirety and enacting new sections 118-201 through 118-202, inclusive of Division 6. Rates and Charges; dealing generally with the establishment of sewer rates for the City of Joplin, Missouri. (There is an effective date of January 1, 2015)

UNFINISHED BUSINESS

NEW BUSINESS

News from the PIO, Lynn Onstot: Lynn Onstot announced the Unveiling of the Holiday windows at City Hall would be Thursday, November 20, 2014 at 6pm and invited everyone to come out for the event and join the Mayor in the countdown to open the windows. The theme this year is Santa Claus is coming to Town. Refreshments will be served in the lobby at City Hall. Then at 6:30pm at Spiva Park the Mayor will officially "Light the City Tree". The Parks and Recreation Department have worked hard in putting up the lights and making preparations for this year's event in the park with music and refreshments.

Leaf pickup begins December 1 in the southwest portion of the city and as always if you choose to bag your own leaves you may bring them to the drop off station and they will take them if you don't want to wait for the city to pick them up.
Thanksgiving Holiday is Thursday and Friday November 27 and 28, 2014. City offices will be closed. The Trolley and Recycling Center will also be closed.

Ms. Colbert-Kean announced that she will be attending the National League of Cities Tuesday, November 19 through Saturday, November 22, 2014. She will be sworn in as the Vice-President

of National League of Cities. She feels this is a great opportunity for her and great exposure for the city of Joplin. NLC pays all expenses. There is no cost to the City of Joplin.

Dr. Rosenberg commended Ms. Colbert-Kean on her appointment to the National League Cities and stated she has done very well for the city and should be very proud. Ms. Colbert-Kean thanked Dr. Rosenberg.

Mr. Shaw also commended Ms. Colbert-Kean on her achievements.

Mrs. Lewis thanked Lynn Onstot and Sam Anselm for helping her out with a speaking engagement while she was out on medical leave.

There being no further business the meeting adjourned at 7:43 p.m.

Respectfully submitted,
Barbara L Hogelin
Barbara L. Hogelin, MMC/MPCC, City Clerk

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014

Item: COUNCIL BILL NO. 2014-283
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

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

Planning/Community Development Manager: Troy Bolander T.B Date: 11-24-14
City Attorney: Peter C. Edwards PE Date: 11/24/14
City Manager: Samuel L. Anselm Date: 11/24/14
Board or Commission: Planning and Zoning Commission Date: 11/10/2014

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

SUMMARY/REQUEST:
Case 046-14: Southeast corner of 26th Street and Oliver Avenue – A request for the review of a final plat for "Schuber's Valley" – Schuber-Mitchell Homes.

STAFF SUMMARY:
The final plat is for Schuber's Valley, a three lot residential subdivision. The subject property is part of Hesseltine's Second Subdivision, which was never recorded. Therefore, any change to the existing property lines requires a subdivision plat. An existing sewer line runs between Lots 2 and 3 to the property to the east. A 20 foot utility easement has been dedicated for the sewer line, as well as any other utilities that need connections to the rear of the lots.

Staff recommends approval of Case 046-14.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Jerrod Hogan, Anderson Engineering, appeared representing Schuber-Mitchell Homes to request approval of the final plat for Schuber's Valley. This small subdivision contains three lots.

PUBLIC COMMENT:
None.

P & Z Case 046-14
Schuber-Mitchell Homes
(P & Z Recommended Approval)

COUNCIL BILL NO. 2014-283 **ORDINANCE NO.**

AN ORDINANCE Request to Review the Final Plat of SCHUBER'S VALLEY located at the southeast corner of 26th Street and Oliver Avenue in the City of Joplin, Jasper County, Missouri.

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

Section 1. That the grades in the Plat of Final Plat for SCHUBER'S VILLAGE in the City of Joplin, Jasper County, Missouri, be and the same are herby fixed and established as follows:

Using the bench mark located at the Northeast Corner of Second and Main Streets, in the City of Joplin, Missouri, as adopted as the standard form which grades and elevations are to be measured in said City of Joplin, and by Ordinance No. 77-67 which readopted Section 49.33 of the 1957 CODE OF JOPLIN, MISSOURI, as a datum, and assuming the elevation of said point to be represented by the figure "100", the grades and elevations of the streets and alleys in the Plat of SCHUBER'S VILLAGE, described as follows:

> A parcel of land lying in the Southeast Quarter of Section 16, Township 27 North, Range 33 West, Jasper County, Missouri, being more particularly described as follows: Commencing at the center of Section 16, Township 27 North, Range 33 West, Jasper County, Missouri; thence along center Section line, South 89 degrees 21 minutes 45 seconds East, 29.46 feet; thence leaving said center Section line, South 00 degrees 38 minutes 15 seconds West, 25.00 feet, to the South right-of-way of 26th Street and the point of beginning; thence along said South right-of-way, South 89 degrees 21 minutes 45 seconds East, 115.00 feet; thence leaving said South right-of-way, South 01 degrees 53 minutes 50 seconds West, 200.00 feet; thence North 89 degrees 21 minutes 42 seconds West, 120.00 feet, to the East right-of-way of Oliver Avenue; thence along said East right-of-way, North 01 degrees 53 minutes 50 seconds East, 195.00 feet; thence North 46 degrees 15 minutes 57 seconds East, 7.15 feet, to the point of beginning. All lying in the Southeast Quarter of Section 16, Township 27 North, Range 33 West, Jasper County, Missouri. Containing 0.55 acres, more or less. Bearing based on Grid North of the Missouri Coordinate System of 1983, West Zone.

Section 2. That said plat, have been filed, showing that the lots have been staked out and platted and the street and alleys have been dedicated to the public for public use, and that the proper levels have been run and the grades established for said addition, is hereby accepted by the City of Joplin, Jasper County, Missouri, according to the Statutes of the State of Missouri.

Section 3. That the City Clerk hereby authorized and directed to endorse upon such plat the approval of the Council under her hand and the Seal of the City of Joplin, Missouri.

Council Bill No. 2014-283

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2014.

ATTEST:

_____
Michael L. Seibert, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

RECEIVED
10-3-14

CITY OF JOPLIN, MISSOURI

FINAL PLAT CHECKLIST

Return Form To:
Municipal Planner
Municipal Building
303 East Main
P. O. Box 1355
Joplin, Missouri 64802
417-624-0820

Subdivision No.: 046-14
Date Filed: 10-3-14
Date of Meeting: 11-10-14/12-1-14
Fee: $0
Deposit: —

I. Name of Subdivision: Schuber's Valley

II. Name of Owner: Schuber-Mitchell Homes

III. Name of Sub divider: Schuber-Mitchell Homes

IV. Name of Person who prepared the Plat? Anderson Engineering INC.

V. Date of Hearing: _____

VI. Location of Property by Streets: 26th and Oliver

VII. Present Zoning of Property R-1

VIII. Present Uses of Property Vacant

IX. No. of Acres I Total Tract 0.55± No. of Lots 3

Instructions:

The following checklist is to be completed by the Zoning Administrator and shall accompany the Final Plat when it is submitted to the Planning and Zoning Commission. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

X. Does the Final Plan show the following information?	Yes	No
A. Name of the subdivision.	X	

Trevor Byrd

10-3-14

B.	Location of section township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.	X	
C.	Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments.	X	
D.	The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines.	X	
E.	Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	X	
F.	Exact locations, widths and names of all streets and alleys to be dedicated.	X	
G.	Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	X	
H.	Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission.		N/A
I.	Building setback lines on the front and side streets with dimensions.	X	
J.	Name and address of the registered land surveyor preparing the plat.	X	
K.	Scale of plat, 1" = 100' or larger, date or preparation and north point.	X	
L.	Statement dedicating all easements, streets, alleys, and all other areas are not previously dedicated.	X	

XI. Was the original on Mylar, tracing cloth, or similar material, and were 10 copies submitted? ____ ____ N/A

XII. Have all acknowledgments been signed? X ____

A. Owner or owners and all mortgager. ____ ____

B. Dedications or reservations. ____ ____

C. Engineer, surveyor or person preparing plat. ____ ____

D. Zoning Administrator and County Collector. ____ ____

} @ time of final recording

XII. Title Opinion:

A. Submitted (Date)_____ ____ ____

B. Have all owners and mortgager signed plat? ____ ____

} @ time of final recording

XIII. Has certification been submitted stating that all taxes and special assessments due and payable have been paid? ____ ____

XIV. Deed Restrictions:

A. Are any deed restrictions planned for subdivision? ____ X

B. If so, has a copy been submitted? ____ ____ N/A

XV. How has the installation of the following improvement been guaranteed?

	Construction	Bond	Petition (%)
Streets			
Water			
Sewer			
Sidewalks			
Other, As required			
1.			
2.			
3.			

N/A

XVI Are additional comments attached? ____ ____

Z&P Meeting: November 10, 2014
City Council Meeting: December 1, 2014

STAFF PLANNING REPORT
Final Plat

CASE 046-14:

Final Plat review for "Schuber's Valley."

NAME OF SUBDIVISION: Schuber's Valley

LOCATION: Southeast corner of 26th & Oliver

APPLICANT: Schuber-Mitchell Homes & Anderson Engineering

PRESENT ZONING: R-1 (Single-Family Residential)

PRESENT LAND USE: Vacant (former single-family home)

SITE CONTEXT:

	North	East	South	West
Existing Zoning	R-1	R-1	R-1	R-1
Land Use	Single-Family	Single-Family	Single-Family	Single-Family

SUBDIVISION:

Number of lots	Smallest lot	Largest lot	Average lot size
3	7,800 ft²	8,385 ft²	7,995 ft²

TRANSPORTATION:

Streets with access	Classification	Right-of-way width
Oliver Avenue	Collector	50'
W. 26th Street	Collector	60'

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

No.

UTILITIES: The property has utility connections.

FLOOD PLAIN: Zone X – Area of minimal flooding.

STAFF ANALYSIS:

DOES THE PROPOSED SUBDIVISION COMPLY WITH THE CITY'S SUBDIVISION REGULATIONS?

The proposed subdivision complies with the City's Subdivision Regulations, including minimum lot width and size.

DISCUSSION

The final plat is for Schuber's Valley, a three lot residential subdivision. The subject property is part of Hesseltine's Second Subdivision, which was never recorded. Therefore, any change to the existing property lines requires a subdivision plat. An existing sewer line runs between Lots 2 and 3 to the property to the east. A 20 foot utility easement has been dedicated for the sewer line, as well as any other utilities that need connections to the rear of the lots.

Staff recommends approval of Case 046-14.

ENCLOSURES:
Final Plat



0 45 90 180 270 360 Feet

C 046-14: A request to review a Final Plat for Schuber's Valley, a 3 lot single-family subdivision, at the southeast corner of 26th Street and Oliver Avenue. - Schuber-Mitchell Homes

N

Case 046-14: Southeast corner of 26th Street and Oliver Avenue – A request for the review of a final plat for "Schuber's Valley" – Schuber-Mitchell Homes.

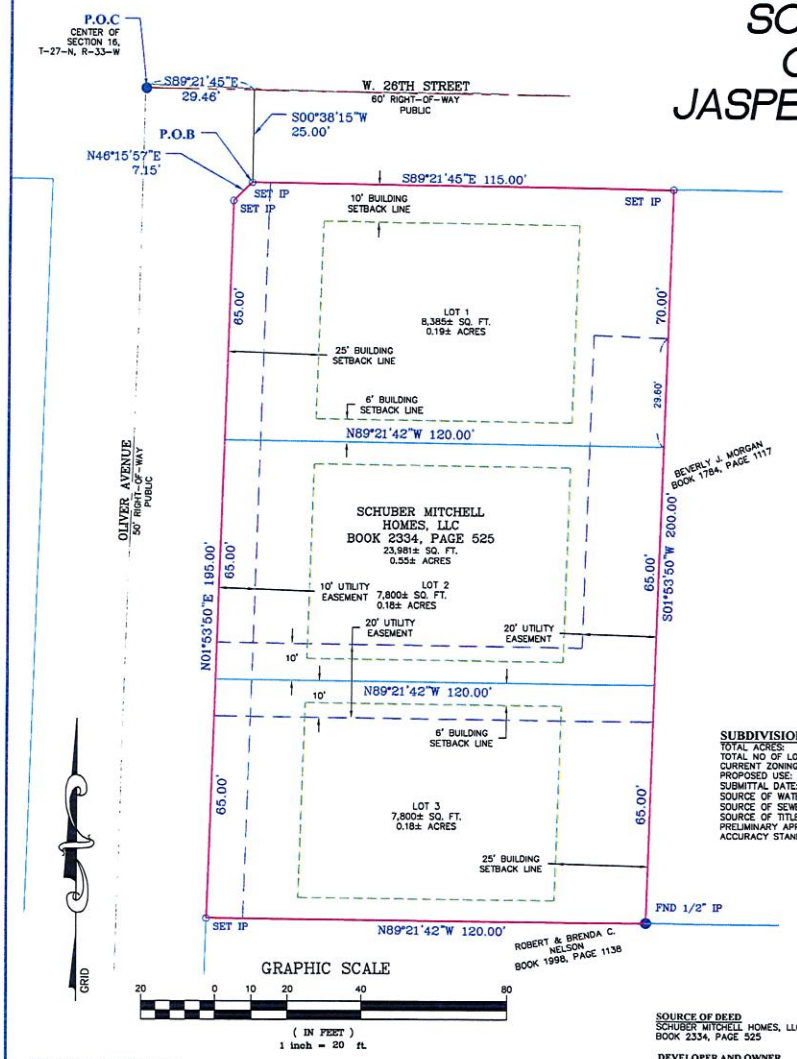
Mr. Eastman opened the public comment period for Case 046-14.

Mr. Jerrod Hogan, Anderson Engineering, 811 East Third Street, Joplin, appeared to present the final plat for Schuber's Valley.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public comment period for Case 046-14.

MR. DUNCAN MOVED, SECONDED BY MR. BROWN, THAT THE FINAL PLAT AS PRESENTED IN CASE 046-14 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC COMMENT PERIOD. THE MOTION CARRIED, WITH MR. BROWN, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; WITH MR. CORTEZ BEING ABSENT (6 IN FAVOR, 1 ABSENT).

FINAL PLAT OF SCHUBER'S VALLEY CITY OF JOPLIN, JASPER COUNTY, MISSOURI





LOCATION SKETCH

SECTION 16
T 27 N, R 33 W
SCALE: 1"=2000'

SURVEY DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 27 NORTH, RANGE 33 WEST, JASPER COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 16, TOWNSHIP 27 NORTH, RANGE 33 WEST, JASPER COUNTY, MISSOURI; THENCE ALONG CENTER SECTION LINE, SOUTH 89°21'45" EAST, 29.46 FEET; THENCE LEAVING SAID CENTER SECTION LINE, SOUTH 00°38'15" WEST, 25.00 FEET, TO THE SOUTH RIGHT-OF-WAY OF 26TH STREET AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, SOUTH 89°21'45" EAST, 115.00 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY, SOUTH 01°53'50" WEST, 200.00 FEET; THENCE NORTH 89°21'42" WEST, 120.00 FEET, TO THE EAST RIGHT-OF-WAY OF OLIVER AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 01°53'50" EAST, 195.00 FEET; THENCE NORTH 46°15'57" EAST, 7.15 FEET, TO THE POINT OF BEGINNING. ALL LYING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 27 NORTH, RANGE 33 WEST, JASPER COUNTY, MISSOURI. CONTAINING 0.55 ACRES, MORE OR LESS. BEARING BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

SUBDIVISION INFORMATION

TOTAL ACRES:	0.55±
TOTAL NO OF LOTS:	3
CURRENT ZONING:	R-1
PROPOSED USE:	SINGLE-FAMILY RESIDENTIAL
SUBMITTAL DATE:	10-3-14
SOURCE OF WATER:	MISSOURI AMERICAN WATER
SOURCE OF SEWER:	CITY OF JOPLIN
SOURCE OF TITLE:	BK 2334, PG 525
PRELIMINARY APPROVAL:	X-XX-XX
ACCURACY STANDARD:	URBAN

LEGEND

●FND IP	FOUND IRON PIN
○SET IP	SET IRON PIN
———	PROPERTY LINE
— — —	CENTER LINE

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS,
THAT I, JERROD L. HOGAN, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREON DESCRIBED AND IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR SUBURBAN PROPERTY SURVEYS, PREPARED BY ANDERSON ENGINEERING, INC., AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED OR WILL BE PLACED WITH IN 12 MONTHS AFTER RECORDING PLAT.
LAST REVISION DATE OCTOBER 3, 2014
ANDERSON ENGINEERING, INC. L.C. 62
by

JERROD L. HOGAN
MO P.L.S. NO. 2004001333

10-3-14
DATE

SOURCE OF DEED
SCHUBER MITCHELL HOMES, LLC
BOOK 2334, PAGE 525

DEVELOPER AND OWNER
SCHUBER-MITCHELL HOMES
1621 ANDERSON DRIVE
WEBB CITY, MISSOURI 64870

ENGINEER/LAND SURVEYOR
ANDERSON ENGINEERING, INC.
811 E. 3RD STREET
JOPLIN, MISSOURI 64801
BRYAN OSBORN, P.E.
JERROD L. HOGAN, P.L.S.

ZONING INFORMATION
SUBJECT PROPERTY IS ZONED R-1 (RESIDENTIAL DISTRICT)

BUILDING SETBACK LINES:
FRONT: 25'
SIDE: 6'
SIDE CORNER LOT: 10'
REAR: 25'

FLOOD NOTE
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29097C0255F, WHICH BEARS AN EFFECTIVE DATE OF NOVEMBER 2, 2012 AND IN FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29097C0255E, WHICH BEARS AN EFFECTIVE DATE OF NOVEMBER 2, 2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

CITY APPROVAL
THIS PLAT OF SCHUBER'S VALLEY, INCLUDING EASEMENTS AND RIGHTS-OF-WAY ACCEPTED BY THE CITY COUNCIL HAS BEEN SUBMITTED TO AND APPROVED BY THE JOPLIN CITY COUNCIL BY ORDINANCE NO. _____, DULY PASSED AND APPROVED BY THE MAYOR ON THE _____ DAY OF _____, 20____ OF JOPLIN, MISSOURI.

MICHAEL L. SEIBERT-MAYOR

ATTEST:

BARBARA L. HOGELIN
CITY CLERK

NICHOLAS A. HEATHERLY
PUBLIC WORKS DIRECTOR

CERTIFICATE OF RECORDING
STATE OF MISSOURI)
) SS
COUNTY OF JASPER)

I, DONNA GROVE, RECORDER OF JASPER COUNTY DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT OF WRITING WAS FILED ON THE _____ DAY OF _____, 20____ A.D. _____ O'CLOCK _____ MIN. _____ M. DULY FOR RECORD AND IS RECORDED IN THIS OFFICE IN PLAT BOOK _____ AT PAGE _____ IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL AT CARTHAGE, MISSOURI, THIS ____ DAY OF _____ 20____

DONNA GROVE
RECORDER

DEPUTY

CERTIFICATE OF PLANNING AND ZONING COMMISSION
THIS PLAT OF SCHUBER'S VALLEY HAS BEEN SUBMITTED TO AND APPROVED BY THE JOPLIN PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____ 20____

KENT EASTMAN
CHAIRMAN

ACKNOWLEDGMENT
STATE OF MISSOURI)
) SS
COUNTY OF JASPER)

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 20____ BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME _____ TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENTS IN WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND THE YEAR ABOVE WRITTEN.

_____ (SEAL)
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE AND DEDICATION
SAID LAND HAS BEEN SUBDIVIDED AS SHOWN HEREON. STREETS AND EASEMENTS ARE RELINQUISHED AND DEDICATED TO THE PUBLIC. ALL TAXES AND SPECIAL ASSESSMENTS DUE AND PAYABLE HAVE BEEN PAID IN FULL. IN WITNESS WHERE OF, I, DAMAN SCHUBER, MEMBER OF SCHUBER-MITCHELL HOMES, LLC, HAVE HEREUNTO SET MY HAND,
THIS _____ DAY OF _____ 201__

(Signed)_____
DAN MITCHELL, MEMBER
SCHUBER-MITCHELL HOMES, LLC
1621 ANDERSON DRIVE
WEBB CITY, MISSOURI 64870

ANDERSON ENGINEERING, INC
ENGINEERS · SURVEYORS · LABORATORIES · DRILLING
811 E. 3RD STREET
JOPLIN, MISSOURI 64801
PHONE (417) 782-7299

DRAWN: SLM DATE: 10-1-14
CHECKED: JLH JOB NO: 80096-14

JOP 100-3642
SHT. 1 OF 1 REV.___

ORDINANCES

EMERGENCY

CITY OF JOPLIN CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: December 1, 2014

ITEM: Council Bill No. 2014-029 approving an Employment Agreement by and between the City of Joplin and Jonathan D. Bhend for the purpose of employment as Public Defender.

ORIGINATING DEPARTMENT: Legal Department.

ATTACHMENTS: Council Bill No. 2014-029; Exhibit "A" – Employment Agreement.

DEPARTMENT HEAD:	Peter C. Edwards PE	**DATE:** 11/19/14
CITY MANAGER:	Sam Anslem	**DATE:** 11/19/14
FINANCE DIRECTOR:	Leslie Haase	**DATE:** 11/19/14
H.R./RISK MGMT.	Dave Allgood	**DATE:** 11/20/14

INTRODUCTION:

This Council Bill approves an Employment Contract between the City of Joplin and Jonathan D. Bhend, as Public Defender.

DISCUSSION:

On November, 11th 2014, Mr. Jonathan D. Bhend accepted the position of Public Defender by way of the attached Agreement.

This Agreement provides for an initial term of one (1) year. Thereafter, the Agreement shall automatically renew upon the same terms and conditions unless amended in writing by the parties for additional one (1) year terms, for an annual contract amount of Thirty-Five Thousand Dollars ($35,000.00) to be paid for his services as Public Defender for the City of Joplin. Mr. Bhend is an Independent Contractor and will receive no other benefits. This Agreement commences January 1, 2015.

The above items were negotiated with Mr. Bhend and the City Council with the advice of the City Attorney. Mr. Bhend will commence his employment with the City of Joplin on Thursday, January 1, 2015.

RECOMMENDATION:

Staff recommends that this Council Bill be passed on an emergency basis.

PCE;jlp

COUNCIL BILL NO. 2014-029 ORDINANCE NO.

AN ORDINANCE authorizing the City of Joplin to enter into an Agreement with Jonathan D. Bhend for the purpose of employing him as Public Defender for the City of Joplin; authorizing the Mayor to execute said Agreement by and on behalf of the City of Joplin, Missouri; and containing an emergency clause.

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

Section 1. That the Agreement by and between the City of Joplin, Missouri, and Jonathan D. Bhend, employing Mr. Bhend as Public Defender for the City of Joplin, a copy of said Agreement being attached hereto and incorporated herein as Exhibit "A", be and the same is hereby, approved.

Section 2. That the Mayor of the City of Joplin 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 preserving the general welfare, health, and safety of the citizens, and, providing for an expenditure of current expenses of the City, is an emergency within the meaning of Section 2.12(1)(3)(4) of THE HOME RULE CHARTER OF THE CITY OF JOPLIN, MISSOURI, and shall be in full force and effect immediately from and after its passage and approval. Specifically, this Agreement needs to be in effect January 1, 2015 to prevent a gap in Public Defender services.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2014, by a vote of _____ .

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

INDEPENDENT CONTRACTOR AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of November, 2014, by and between the City of Joplin, Missouri, a Municipal Corporation, hereinafter referred to as "City" and Jonathan D. Bhend, hereinafter referred to as "Contractor".

WITNESSETH:

WHEREAS, City desires to hire Jonathan D. Bhend as an Independent Contractor to perform the professional duties as Public Defender for the City of Joplin Municipal Court;

WHEREAS, it is the desire of the City Council to establish certain guidelines and to set working conditions of Contractor; and

WHEREAS, it is the desire of City and Contractor to memorialize the terms of this Independent Contractor Agreement in a signed written agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

Section 1. Duties.

City agrees to hire Contractor as Public Defender of said City to perform the functions and duties of a Public Defender in the Joplin Municipal Court, and to perform such other legally permissible and proper duties and functions as the City Council shall from time-to-time assign to Contractor.

Section 2. Term.

A. The hiring of the Contractor as Public Defender shall be for an initial term of one (1) year. Thereafter, this Agreement shall automatically renew upon the same terms and conditions included herein unless amended in writing by the parties for additional one (1) year terms. However, nothing in this Agreement shall prevent, limit, or otherwise interfere with the right

of the City Council to terminate the services of Contractor at any time, with or without cause.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Contractor to voluntarily resign at any time from his independent contractor position with the City.

C. In the event Contractor is terminated or resigns, then Contractor shall work with the replacement Public Defender to ensure a smooth transition of existing cases.

D. This Agreement shall become effective on January 1, 2015.

Section 3. Salary.

City agrees to pay Contractor for his services rendered pursuant hereto an annual base salary of Thirty-Five Thousand Dollars ($35,000.00), payable in installments at the same time as employees of the City are paid. Contractor's salary covers all Municipal Court cases, time spent meeting with clients, and other related job functions. Fees for any trial de novo shall be paid in accordance with Section 42-74 of the Joplin City Code of Ordinances.

Section 4. Hours of Work.

It is recognized that Contractor is a licensed attorney and that Contractor will devote time to the Public Defender job so that his duties are performed consistent with acceptable guidelines as promulgated by the Missouri Bar Association and the Missouri Rules of Professional Conduct. This will include all scheduled Court appearances and time to meet with clients.

Section 5. General Expenses.

City recognizes that Court costs, filing fees and deposition costs may be incurred by Contractor. Any such expenses shall be approved by the Finance Director in advance and are subject to budget restrictions. City hereby agrees to reimburse or to pay approved expenses as allowed by law, and the Finance Director is hereby authorized to disburse such monies upon receipt of duly executed claims, in accordance with the Expense Reimbursement Policy of the City and subject to

budget restrictions.

Section 6. Professional License.

Contractor agrees to hold a Missouri Law License and to remain in good standing and compliance with the Missouri Bar Association at all times when performing duties under this Agreement, and shall maintain malpractice insurance.

Section 7. Other Terms and Conditions.

A. The City Council shall fix any such other terms and conditions of under this Agreement, as it may determine from time-to-time, relating to the performance of Contractor, provided that such terms and conditions are not inconsistent with, or in conflict with, the provisions of this Agreement, the Joplin City Code, the Home Rule Charter of the City of Joplin, State of Missouri Statutes governing municipalities, or any other law.

B. Contractor is to be engaged as an independent Contractor for providing the services as Public Defender for the City of Joplin and other duties as outlined in this Agreement. Contractor agrees that he is not entitled to any other benefits, including but not limited to health insurance, worker's compensation benefits, and unemployment benefits. Contractor understands that it shall be his responsibility to claim income as an independent contractor in accordance with federal and state tax laws. Contractor shall not hold himself out as a City employee, but as an independent contractor hired by the City. The Contractor shall comply with all lawful directions from the City Council.

C. Contractor is required to provide all of his own office supplies, telephones, fax machines, computers and related equipment necessary to fulfill his obligations under this Agreement.

D. The City Council shall evaluate performance of Contractor as Public Defender at

least annually.

Section 8. Limitations - State Law.

Notwithstanding any provision or agreement herein contained, it is specifically understood and agreed between the parties that the commitments made herein by the City are subject to any valid limitation placed thereon by the Constitution, statutes and laws of the State of Missouri.

Section 9. General Provisions.

A. The text herein shall constitute the entire Agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the personal representative and heirs of Contractor.

C. This Agreement shall become effective commencing January 1, 2015.

D. If any provision or any other portion thereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of the Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Joplin, Missouri, has caused this Agreement to be signed and executed on its behalf by Mayor Michael L. Seibert, and duly attested by its City Clerk, and the Contractor has signed and executed this Agreement, in duplicate, the day and year first above written.

CITY OF JOPLIN, MISSOURI

By: _____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

INDEPENDENT CONTRACTOR

By: _____
Jonathan D. Bhend

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014
Council Bill No. 2014-188
Item: Purchase of Property for 32nd and Arizona Regional Detention Basin
Originating Department: Public Works – Engineering

Attachments: 1) Location Map
2) Council Bill No. 2014-188

Department Head: Nicholas A. Heatherly NAH	Date: 11/24/14
Engineering Department: Dan Johnson DJ	Date: 11-24-14
Finance Department: Leslie Haase LH	Date: 11-24-14
City Attorney: Peter C. Edwards PCE ab	Date: 11/24/14
City Manager: Samuel L. Anselm	Date: 11/24/14

Recommended Action: Purchase of property at 2719 E. 32nd from Pediatric Associates of Southwest Missouri for the 32nd and Arizona Regional Detention Basin.

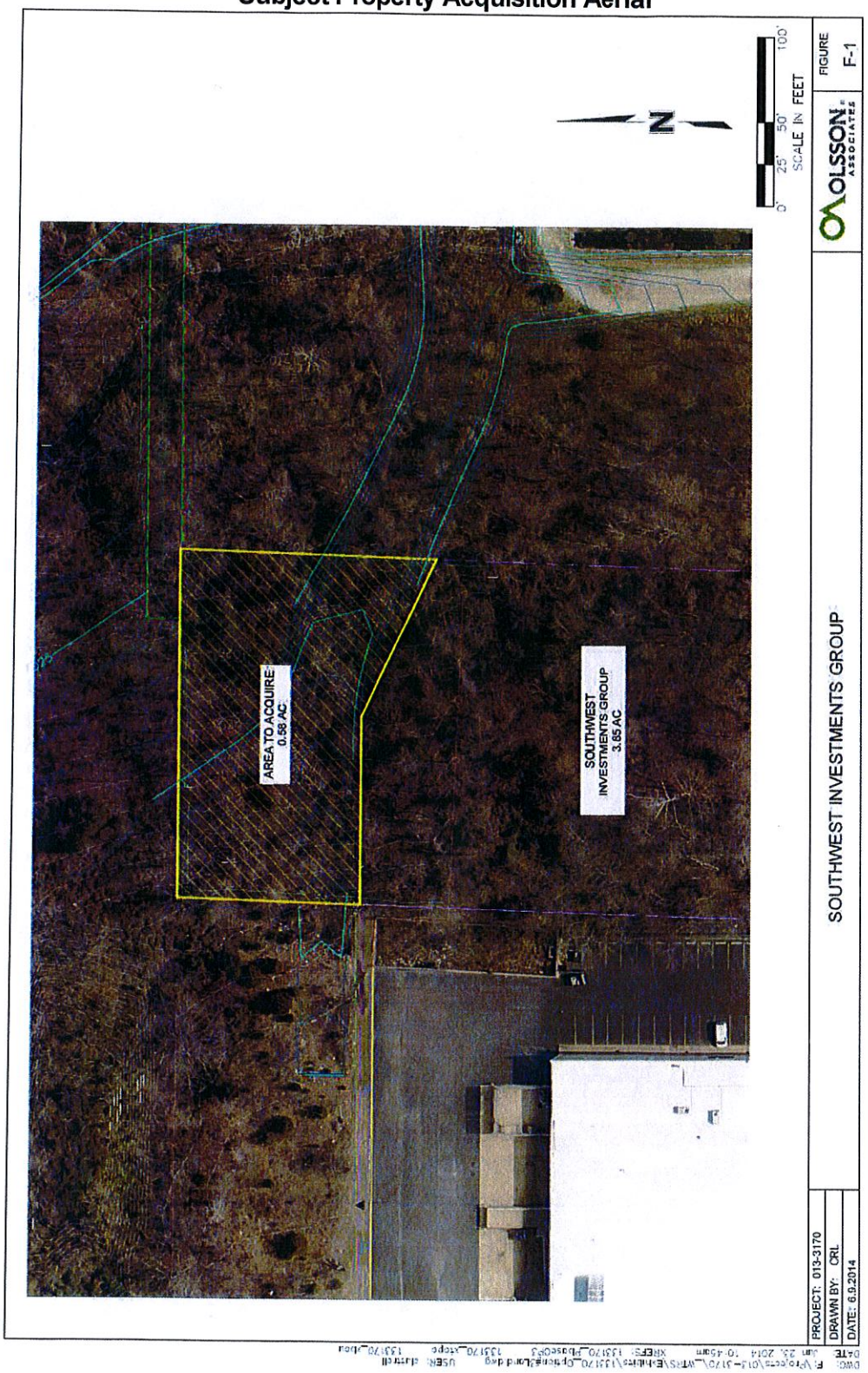
Background: In November 2013 the council approved a consulting agreement with Olsson Associates for design services for the Regional Detention Basin – 32nd Street to 28th Street between Mississippi Avenue and Arizona Avenue. The project is part of the 2012 to 2022 storm water sales tax project program. The project has now been included in the State of Missouri's Rebuild Damaged Infrastructure program.

The design has been finalized, appraisals have been prepared and negotiations for property and easements are underway.

Discussion: Staff has reached an agreement with Pediatric Associates of Southwest Missouri for One Hundred Thirty-Two Thousand Dollars, ($132,000.00). This is within the appraisal range for this acquisition.

Recommendation: Staff recommends approval for payment of $132,000 for the purchase of property at 2719 E. 32nd Street.

Subject Property Acquisition Aerial



COUNCIL BILL NO. 2014-188 ORDINANCE NO.

AN ORDINANCE approving the purchase of a property at 2719 E. 32nd Street, consisting of .578 acres located in the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, in the City of Joplin, Jasper County, Missouri and authorizing the payment of One Hundred Thirty-Two Thousand and 00/100 dollars ($132,000.00) and containing an emergency clause.

WHEREAS, Pediatric Associates of Southwest Missouri is the legal owner of property at 2719 E. 32nd Street, consisting of .578 acres located in the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West,, in the City of Joplin, Jasper County, Missouri and;

WHEREAS, the Council of the City of Joplin approved in the 2014-2015 budget funds from the 2012 storm water sales tax program for improvements in the area of 32nd and Arizona Avenue.

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire property, described herein.

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

Section 1. That the City of Joplin approve the purchase of property at 2719 E. 32nd Street, consisting of:

All that part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land described in the Trustee's General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 2229, at Page 1552, and being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri; thence South 01 Degrees 31 Minutes 40 Seconds West along the East line of said Quarter Quarter, a distance of 468.39 feet to a point being the Southeast corner of the tract of land described as Tract 7 in the Warranty Deed recorded in the Jasper County Recorder's Office in Deed Book 1528, at Page 1144 (Majzoub Tract); thence departing said East line South 89 Degrees 59 Minutes 51 Seconds West along the South line of said Majzoub Tract, a distance of 206.02 feet to the Northwest corner of the tract of land described in the Quit Claim Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1959, at Page 1870 (Al-Omar Tract), said point being the POINT OF BEGINNING; thence South 01 Degrees 42 Minutes 59 Seconds West along the West line of said Al-Omar Tract, a distance of 157.71 feet; thence departing said West line North 63 Degrees 47 Minutes 40 Seconds West, a distance of 104.15 feet; thence North 89 Degrees 59 Minutes 46 Seconds West, a distance of of 111.20 feet to a point in the said South line of said Majzoub Tract; thence North 01 Degrees 42 Minutes 59 Seconds East along said South line, a distance of 111.68 feet to a found 5/8" Iron Bar with cap, "MO81"; thence continuing along said South line North 89 Degrees 59 minutes 51 Seconds East, a distance of 206.02 feet to the POINT OF BEGINNING, and containing 25,181 square feet or 0.578 acres, more or less. Subject to easements or other items of record.

Section 2. That the City of Joplin authorize placing $132,000, in escrow for the purchase of property at 2719 E. 32nd Street. Payment will be made from account #130-4555-530-8105 Project GSTA03.

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

Section 4. That the City of Joplin declares that this ordinance relating to a public improvement is an emergency within the meaning of Section 2.12 (6) of the HOME RULE CHARTER of the City of Joplin, Missouri and the Council hereby declares that this ordinance shall be in full force and effect from and after its passage. Specifically, this council bill needs to be approved in order to complete property acquisitions, allowing construction to be completed within funding time limitations.

COUNCIL BILL NO. 2014-188 **ORDINANCE NO.**

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

_____, 2014 by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014
Council Bill No. 2014-189

Item: Turkey Creek WWTP Improvements, Consultant Agreement-Amendment Aqua Disc Filters

Originating Department: Public Works – Operations

Attachments: 1) Council Bill No 2014-189
2) Amendment for Third Supplement to Agreement for SRF Project C295543-02

Public Works –Operations: Lynden Lawson Date: 11/24/2014
Department Head: Nicholas A. Heatherly Date: 11/24/14
Finance Department: Leslie Haase Date: 11-25-14
City Attorney: Peter C. Edwards Date: 11/24/14
City Manager: Sam Anselm Date: 11/25/14

Recommended Action: Approval of the Third Supplement to the Consultant Agreement with Allgeier, Martin & Associates, Inc. for design, professional engineering consultation and advice for a project that includes improvements to the Turkey Creek WWTP Project C295543-02. The Amendment adds $222,000 to the original fee for engineering services for improvements to Turkey Creek WWTP tertiary filters.

Background: The existing sand filters at the Turkey Creek WWTP are the current hydraulic bottlenecks within the system. In 2010, new filter media was placed in the sand filters and re-construction of the drains was conducted in hopes of increasing flow through these filters. Although the work did improve the flow capabilities, the filters are still serving as a bottleneck and excess flow is having to be recirculated back to the head-works of the plant resulting in having to handle the same liquid multiple times. Working with our Engineering Consultant, we have re-evaluated the issue and the recommended solution is to remove two of the four existing sand filters and install a different type of filtering system; disc filters that have the capacity to handle a higher peak flow. Although under extreme high flow conditions we still anticipate having to recirculate some of the flow, this improvement is should substantially reduce these occurrences.

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

work and the subsequent construction work will be paid for from the SRF loan the City of Joplin secured in 2009; we are using the last of the loan funds available from the original award.

Recommendation: City staff recommends that the Third Supplement to the Consultant Agreement with Allgeier, Martin & Associates, Inc. for the amount of $222,000.00 be approved on an emergency basis in accordance with Section 2.12(6) of the Joplin City Charter.

COUNCIL BILL NO. 2014- 189 ORDINANCE NO.

AN ORDINANCE authorizing the execution of an Agreement by and between the City of Joplin and Allgeier, Martin & Associates, Inc. to provide engineering services for the Turkey Creek WWTP Project Amendment, not to exceed Two Hundred Twenty Two Thousand and No/100 Dollars ($222,000.00) and authorizing the Director of Public Works to execute said Agreement; and containing an emergency clause.

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

Section 1. That the City enter into an Amended Agreement between the City of Joplin and Allgeier, Martin & Associates, Inc. to provide engineering services for the Turkey Creek WWTP Project Amendment, not to exceed Two Hundred Twenty Two Thousand and No/100 Dollars ($222,000.00).

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

Section 3. This ordinance is an emergency within the means 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. Specifically, this ordinance approves consulting work on public infrastructure projects to begin immediately

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

_____, 2014 by a _____ vote.

ATTEST: _____
Michael L. Seibert, Mayor

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

I hereby certify that a sufficient amount is available in the said Facility Improvements and Sewer Rehabilitation Projects Fund No. 415-4542-540-8015 to pay the amount called for in said Agreement.

_____
Leslie Haase, Director of Finance

THIRD SUPPLEMENT TO AGREEMENT
BETWEEN
THE CITY OF JOPLIN, MISSOURI
AND
ALLGEIER, MARTIN and ASSOCIATES, INC.
FOR
PROFESSIONAL SERVICES

THIS IS A THIRD SUPPLEMENT TO THE AGREEMENT dated January 26, 2010 between the City of Joplin, Missouri, a municipal corporation, (OWNER) and Allgeier, Martin and Associates, Inc., a Missouri corporation located in Joplin, Missouri (ENGINEER). OWNER has recently completed improvements to its Turkey Creek Wastewater Treatment Plant and is in the process of constructing improvements to its Shoal Creek Wastewater Treatment Plant (hereinafter called the Project), using funding assistance from the Missouri Department of Natural Resources through the State Revolving Fund (SRF) program.

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

ENGINEER shall continue to provide professional engineering services for OWNER in all phases of the Project to which this Agreement applies, serve as OWNER's professional engineering representative for the Project as set forth below, and shall give professional engineering consultation and advice to OWNER during the performance of services hereunder.

SECTION 1 - BASIC SERVICES OF ENGINEER

1.1 General. This Third Supplement to Agreement reflects an increase in project scope to include the replacement of a portion of the existing tertiary filters at the City's Turkey Creek Wastewater Treatment Plant with new disc type filters or similar, to reestablish the original design hydraulic capacity of the filters.

1.2 Basic Construction-Phase Services. Shall be as set forth in the original Agreement dated January 26, 2010, and the Supplement to Agreement dated March 1, 2011.

1.3 Resident Project Representation. Shall be as set forth in the original Agreement dated January 26, 2010.

1.4 Operation and Maintenance Manual. Shall be as set forth in the original Agreement dated January 26, 2010, and the Supplement to Agreement dated March 1, 2011.

1.5 Operator Training: Shall be as set forth in the original Agreement dated January 26, 2010.

1.6 Follow-up Engineering Services: Shall be as set forth in the original Agreement dated January 26, 2010.

1.7 Design Phase (Added to Contract): Upon execution of this agreement, ENGINEER shall:

1.7.1. Conduct topographic surveys to the extent necessary for design of the Project facilities.

1.7.2. Prepare preliminary design documents consisting of final design criteria and preliminary drawings, and review same with regulatory agencies and OWNER.

1.7.3. Based on the information contained in the preliminary design documents, submit to the OWNER an opinion of probable project costs.

1.7.4. On the basis of the accepted preliminary design documents and the opinion of probable project cost, prepare for incorporation in the contract documents final drawings and specifications to show the character and extent of the Project.

1.7.5. Furnish to OWNER such documents and design data as may be required and assist in the preparation of the required documents so that OWNER may apply for approvals of such governmental authorities as have jurisdiction over design criteria applicable to the Project, and assist in obtaining such approvals by participating in submissions to and negotiations with appropriate authorities.

1.7.6. Advise OWNER of any adjustments to the latest opinion of probable Project cost caused by changes in extent or design requirements of the Project or construction costs and furnish a revised opinion of probable Project cost based on the drawings and specifications.

1.7.7. Prepare for review and approval by OWNER, his legal counsel and other advisors contract agreement forms, general conditions, supplementary conditions, and (where appropriate) bid forms, invitations to bid and instructions to bidders, and assist in the preparation of other related documents.

1.7.8. Furnish three copies of the above documents and present and review them in person with OWNER.

1.7.9. Submit four copies of the plans, specifications, bid and contract documents, and other related documents to the governmental agencies having jurisdiction over the project for their review and approval.

SECTION 2 - ADDITIONAL SERVICES OF ENGINEER

2.1 Additional Services of Engineer shall be as set forth in the original Agreement dated January 26, 2010.

SECTION 3 - OWNER'S RESPONSIBILITIES

3.1 Owner's responsibilities shall be as set forth in the original Agreement dated January 26, 2010.

SECTION 4 - PERIOD OF SERVICE

4.1 The provisions of this Section 4 and the various rates of compensation for ENGINEER's services provided for elsewhere in this Third Supplement to Agreement have been agreed to in anticipation of the orderly and continuous progress of this Project component through design and construction within 18 months. It is recognized that this new tertiary filter project will overlap with the ongoing Shoal Creek WWTF Phase 1 and Phase 2 projects, thereby allowing for best use of resources on all projects.

4.2 All engineering services provided under Sections 1.2, 1.3, 1.4, and 1.5 of this Third Supplement to Agreement shall be completed by March 1, 2016.

4.3 All engineering services provided under Section 1.6 of this Third Supplement to Agreement shall be completed within 12 months after final acceptance of the construction work by the OWNER, ENGINEER, and Regulatory Agencies.

4.4 All engineering services provided under Section 1.7 of this Third Supplement to Agreement shall be completed within 4 months after execution of this Agreement.

4.5 If OWNER has requested significant modifications or changes in the extent of the Project, or if construction of the improvements is delayed beyond March 1, 2016 for reasons beyond the Engineer's control, the time of performance of ENGINEER's services and ENGINEER's maximum fee shall be adjusted appropriately.

SECTION 5 - PAYMENTS TO ENGINEER

5.1 Methods of Payment for Services and Expenses of Engineer. For each element of the engineering services set forth in paragraphs 5.1.1 through 5.1.5, of the original Agreement dated January 26, 2010, the Supplement to Agreement dated March 1, 2011, the Second Supplement to Agreement dated July 9, 2014, and this Third Supplement to Agreement, OWNER shall pay ENGINEER for time expended and reimbursable expenses at the labor rates and non-labor rates shown in the Exhibit "A" attached to the Second Supplement to Agreement dated July 9, 2014, with a maximum payment for said services as listed in the appropriate paragraph below.

5.1.1 For Basic Engineering. For ENGINEER's services described in paragraphs 1.2.1 through 1.2.15 of the original Agreement dated January 26, 2010, and the Supplement to Agreement dated March 1, 2011, the maximum total payment shall be increased by $36,000, from $622,000 to $658,000.

5.1.2 For Resident Project Representation. For ENGINEER's services described in paragraphs 1.3.1 through 1.3.3 of the original Agreement dated January 26, 2010, the maximum payment shall be increased by $76,000, from $775,000 to $851,000.

5.1.3 For O & M Manual. For ENGINEER'S services described in paragraphs 1.4.1 and 1.4.2 of the original Agreement dated January 26, 2010, the maximum payment shall be increased by $5,000, from $160,000 to $165,000.

5.1.4 For Operator Training. For ENGINEER's services described in paragraphs 1.5.1 through 1.5.7 of the original Agreement dated January 26, 2010, the maximum payment shall remain at $78,000.

5.1.5 For Follow-Up Services. For ENGINEER's services described in paragraphs 1.6.1 through 1.6.3 of the original Agreement dated January 26, 2010, the maximum payment shall remain at $43,000.

5.1.6 For Design Phase Services (Added to Contract). For ENGINEER's services described in Section 1.7 of this Third Supplement to Agreement, the maximum payment shall be $105,000.

5.2 Times of Payments. Shall be as set forth in the original Agreement dated January 26, 2010.

5.3 Other Provisions Concerning Payments. Shall be as set forth in the original Agreement dated January 26, 2010.

5.4 Definitions. Shall be as set forth in the original Agreement dated January 26, 2010.

SECTION 6 – GENERAL CONSIDERATIONS

6.1 Shall be as set forth in the original Agreement dated January 26, 2010.

SECTION 7 - SPECIAL PROVISIONS, EXHIBITS AND SCHEDULES

7.1 This Third Supplement to Agreement (consisting of pages 1 to 4) constitutes the revised agreement between OWNER and ENGINEER and supersede all prior written or oral understandings. This agreement and said exhibits may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Executed by the Engineer this _____ day of _____, 2014.

Executed by the Owner this _____ day of _____, 2014.

The parties hereto have made and executed this agreement as of the day and year first above written.

OWNER:
CITY OF JOPLIN, MISSOURI

_____
Nicholas A. Heatherly, P.E.
Director of Public Works

ENGINEER:
ALLGEIER, MARTIN and ASSOCIATES, INC.

_____
Dean A. Willis P.E.
President

ATTEST:

_____

APPROVED AS TO FORM:

_____
City Attorney

City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: December 1, 2014
Council Bill No. 2014-190
Item: Eastmorland and Royal Heights Sidewalks
Originating Department: PUBLIC WORKS – ENGINEERING

Attachments: 1) Location Map
2) Bid Tabulation
3) Council Bill No. 2014-190

Engineering Department: Dave Hunt DWH	Date: 11-24-14
Department Head: Nicholas A. Heatherly	Date: 11/24/14
Finance Department: Leslie Haase	Date: 11-24-14
City Attorney: Peter C Edwards	Date: 11/24/14
City Manager: Samuel L. Anselm	Date: 11/24/14

Recommended Action: Approval of an Award of Contract to AT Urban Development in the amount of $210,451.30 and for the Eastmorland and Royal Heights Sidewalk project.

Background: The project is to construct approximately 3,650 L.F. of sidewalk, entrance modifications, sign relocation and other incidental work along the south side of 11th Street, west side of Highview Avenue in the Eastmorland School area and along the west side of Patterson, north side of Salem Street and south side of Rolla Avenue in the Royal Heights School area. The project is part of the Federal Highway Administration 2010 Safe Routes to School Infrastructure Grant. This bid is 100% reimbursable by MoDot up to a maximum of $250,000.

Discussion: City staff prepared bid documents for the project. A Notice to Contractors that solicited bids for the project was published in the Joplin Globe for 1 day. Five firms picked up plans and three firms submitted bids (see attached Bid Tabulation) that were opened on November 18, 2014.

AT Urban Development LLC. is the low bidder.

Recommendation: City staff recommends Award of Contract to AT Urban Development LLC. in the amount of $210,451.30 for the Eastmorland and Royal Heights Sidewalk project pending MoDOT approval. The bid is within the engineer's estimate.

Eastmorland Sidewalk Project
CB 2014-190



Date: 11/24/2014

Royal Heights Sidewalk Project
CB 2014-190



Date: 11/24/2014

BID TABULATION

PROJECT: Eastmorland and Royal Heights Sidewalks
DATE OF BID OPENING: November 18, 2014 10:00 a.m.

CONTRACTOR	BID
AT Urban Development	210,451.30
Dalton Killinger	270,283.57
Snyder Construction	327,217.60

COUNCIL BILL NO. 2014-190 ORDINANCE NO.

AN ORDINANCE approving a contract with AT Urban Development. in the amount of Two Hundred Ten Thousand Four Hundred Fifty One and 30 /100 Dollars ($210,451.30) for the Eastmorland and Royal Heights Sidewalk project in the City of Joplin, Missouri and, amending the Annual Budget of the City of Joplin for the Fiscal Year 2014-2015 as adopted by Ordinance 2014-177 on October 20, 2014, and containing an emergency clause, pending MoDOT approval;

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

Section 1. That the contract be awarded to in the amount of Two Hundred Ten Thousand Four Hundred Fifty One and 30 /100 Dollars ($210,451.30) for the Eastmorland and Royal Heights Sidewalk project in the City of Joplin, Missouri pending MoDOT approval.

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 Infrastructure Improvement Fund, Account Number 305-4550-530-8635 in the amount of $210,451.30.

Section 3. That the Director of Public Works is hereby authorized to enter into a contract on behalf of the City of Joplin with said contractor.

Section 4. That fiscal year 2014-2015 budgeted appropriations as adopted by Ordinance 2014-177 be amended by increasing revenues and by increasing appropriations by the total amount of Two Hundred Ten Thousand Four Hundred Fifty-One Dollars and No Cents ($210,451.00).

Section 5. That the Director of Finance is hereby directed to make all necessary entries on the City records to show the increase in revenues and the increase in appropriations.

Section 6. 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. Specifically, this ordinance approves construction to begin immediately in the optimal construction time during the calendar year, and appropriations for this contract have been approved by the 2014-2015 budget.

Passed by the Council of the City of Joplin, Missouri, this _____ day of _____, 2014, by a _____ vote.

ATTEST:

_____
Michael L. Seibert, Mayor

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney

ORDINANCES

FIRST READING

City of Joplin — City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: DECEMBER 1, 2014

ITEM: COUNCIL BILL NO. 2014-521
ORIGINATING DEPARTMENT: FINANCE DEPARTMENT

Department Head: Leslie Haase LH	**Date:** 11-17-14
City Attorney: Peter Edwards PE ab	**Date:** 11-24-2014
City Manager: Sam Anselm	**Date:** 11/24/14

INTRODUCTION:
This Council Bill makes minor language changes to the investment policy to comply with recent regulatory changes.

DISCUSSION:
Recently, the investment committee of the City performed a review of the investment policy. The investment committee is made up of the Finance Director, the City Attorney, the City Manager and Financial Management Services (private investment consultant). As a result of this review, there are two recommended changes to the investment policy in order to comply with regulatory changes that have occurred and current practice.

The first language change is to recognize how the investment consultant for the City of Joplin is retained. The current language indicates the investment consultant is appointed by the Mayor. However, following the city's investment in collateralized mortgages (CMO's) in the late 1990's, the City procured and retained Financial Management Services through the normal purchasing procedures.

The second change reflects the merger between the National Association of Securities Dealers (NASD) and the New York Stock Exchange (NYSE) regulatory functions. Several years ago, these agencies merged. The current language requires proof of National Association of Security Dealers certification. However following the merger, the appropriate requirement is Financial Industry Regulation Authority (FINRA) registration.

RECOMMENDATION:

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

COUNCIL BILL NO. 2014-521 **ORDINANCE NO.**

AN ORDINANCE amending Division 3, Investment Policy, of Article V, Finance, in Chapter 2, Administration, of the Code of Ordinances of the City of Joplin to implement certain language changes to the investment policy.

WHEREAS, the Council of the City of Joplin adopted an investment policy on March 20, 1995 in Ordinance 95-38; and,

WHEREAS, the investment committee performed an annual review of the investment policy; and,

WHEREAS, minor language changes are required to comply with recent regulatory changes; and,

WHEREAS, in order to protect public investments the Council of the City of Joplin hereby finds it necessary to amend the City's investment policy.

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

Section 1. That Division 3, Investment Policy, of Article V, Finance, in Chapter 2, Administration, of the Joplin Municipal Code be be amended to read as follows:

Article V. Finance
" Division 3. INVESTMENT POLICY.

Sec. 2-225. Duties of director of finance; investment committee.

(b) The investment committee is created and composed of the Director of Finance, the City Manager or designee, the City Attorney or designee, and one private sector investment professional that shall be hired through the regular procurement policies of the City of Joplin. Members of the investment committee shall meet at least quarterly to determine general strategies and monitor results. The investment committee shall include in its deliberations such topics as: economic outlook, portfolio diversification and maturity structure, potential risks to the City of Joplin's funds, expected cash flow requirements, authorized depositories, brokers and dealers, and the target rate of return on the investment portfolio.

Sec. 2-227. Depositories and brokers.

(f) All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Director of Finance with the following: audited

financial statements, proof of Financial Industry Regulatory Authority (FINRA) registration, trading resolution, proof of State of Missouri registration, completed broker/dealer questionnaire, certification of having read the entities' investment policy and depository contracts.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2014.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

NEW BUSINESS

- News from the Public Information Office, Lynn Onstot

- Vote to go into closed session