



Matt Russell, Mayor/Ward III
Brandon Self, Ward I
Garry Wilson, Ward II
Christopher Updike, Ward III
Jennifer Mitchell, Ward IV

Eric Franklin, Ward I
Gerry Pool, Ward II
Jim Deichman, Ward IV

AGENDA
City Council Meeting
Community Center, 711 E. Miller Road
April 06, 2021 at 6:00 PM

Call Meeting to Order

Opening Prayer

Pledge of Allegiance to the United States Flag

Citizen Participation

Consent Agenda

- [1.](#) Approve February 23, 2021 City Council Minutes.
- [2.](#) Approve April 1, 2021 City Council Work Session Minutes.

Board, Commission, and Committee Schedule

Planning & Zoning Meeting	April 12, 2021
City Council Meeting	April 20, 2021
City Council Meeting	May 4, 2021
Board of Adjustment Meeting	May 6, 2021

Old Business and Tabled Items

- [3.](#) 21-12 An Ordinance of the City Council of the City of Republic, Missouri, Calling an Election on the Question of Imposing a City Sales Tax to Fund Public Safety; Designating the Time for Holding Said Election; and Authorizing and Directing the City Clerk to Give Notice to the County Clerks of Said Election.
- [4.](#) 21-13 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 405, Zoning Regulations, Article I, In General, and Article III, Zoning Districts – Use and Regulations, Regarding Definitions and C-1 and C-2 Zoning.
- [5.](#) 21-14 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 405, Zoning Regulations, Article IV, A Planned Development District, Regarding Planned Development Districts.
- [6.](#) 21-15 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 415, Sign Regulations, Regarding Signs.
- [7.](#) 21-16 An Ordinance of the City Council of the City of Republic, Missouri, Approving Amending the Zoning Code and Official Map by Changing the Classification of Approximately 8.44 Acres from Agricultural (AG) and General Commercial (C-3) to General Commercial (C-2), Located at the Southeast Corner of State Highway MM and West Farm Road 148.
- [8.](#) 21-17 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the City Administrator to Enter into an Agreement with Berry Tractor and Equipment for the Purchase of a 2018 Komatsu Excavator and a 2016 Komatsu Dozer and Further Authorizing the City Administrator to Execute the Necessary Documents to Obtain Financing on Said Equipment from Bank of Missouri.

[9.](#) 21-18 An Ordinance of the City Council of the City of Republic, Missouri, Amending Title I, Government Code, Chapter 110, Administration Policies, Article II, Purchasing and Surplus Property and Adopting a New Policy Entitled City of Republic's Purchasing Policy and Procedures.

[10.](#) 21-19 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Employee Handbook.

New Business (First Reading of Ordinances)

[11.](#) A Public Hearing of the City Council of the City of Republic, Missouri, Regarding Amending the Municipal Code of the City of Republic, Missouri, by Amending Title VIII, Fees, Regarding Sewer Rates.

[12.](#) 21-20 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title VIII, Fees, Regarding Sewer Rates.

[13.](#) 21-21 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the Mayor to Enter into an Intergovernmental Agreement with Greene County and the Greene County Sheriff's Department for Law Enforcement Mutual Aid.

Other Business (Resolutions)

Reports from Staff

Executive Session: *No further action, other than announcing adjournment by the Mayor, shall take place after an Executive Session that is scheduled as the last matter on the Agenda unless otherwise stated on the Agenda or as allowed per RSMo. 610.02.*

1. RSMo 610.021.1 Pending and/or potential litigation. Closed session. Closed vote. Closed record.
2. RSMo 610.021.2 Real estate acquisition. Closed session. Closed vote. Closed record.
3. RSMo 610.021.3 Hiring, firing, promotion, or disciplining personnel. Closed session. Closed vote. Closed record.

Adjournment

Individuals addressing the Council are asked to step to the microphone and clearly state their name and address before speaking. In accordance with ADA guidelines, if you need special accommodations to attend any city meeting, please notify the City Clerk's Office at 732-3101 at least three days prior to the scheduled meeting. **All meetings are tape recorded for public viewing.**



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 Jim Deichman, Ward IV

MINUTES
City Council Meeting
Community Center, 711 E. Miller Road
March 23, 2021 at 6:00 PM

Call Meeting to Order

The regular session meeting of the City Council of the City of Republic, Greene County, Missouri, was called to order by Mayor Matt Russell at 6:00 p.m. Council Members present included Christopher Updike, Jim Deichman, Eric Franklin, Garry Wilson, Matt Russell, Gerry Pool, Brandon Self, and Jennifer Mitchell. Others in attendance were: City Administrator David Cameron, Assistant City Administrator Lisa Addington, Finance Director Debbie Parks, Police Lieutenant Jamie Burks, City Attorney Scott Ison, Planning Manager Karen Haynes, Fire Chief Duane Compton, Assistant City Administrator Jared Keeling, BUILDS Administrator Andrew Nelson, Engineering Manager Garrett Brickner, Public Information Officer Mike Landis, Sergeant Frank Schreiber, Finance Officer Meghin Cook, Operations Manager Jason Davis, Police Chief Brian Sells, Patrol Sergeant Zachary Richards, Patrol Officer Sam Dunn, Patrol Corporal Camryn Fite, Patrol Officer Joel Schulz, Police Service Representative Jake Wilburn, Firefighter Nolan McCain, Engineer Sterling Flagg, Engineer Garron Cantrell, Firefighter Nathan Bailey, Fire Captain Travis Liska, Information Systems Director Josh Jones, and City Clerk Laura Burbridge.

Opening Prayer

Opening prayer was led by City Administrator David Cameron.

Pledge of Allegiance to the United States Flag

The Pledge of Allegiance was led by Mayor Matt Russell.

Citizen Participation

Mayor Russell opened citizen participation at 6:01 p.m. No one came forward so Mayor Russell closed citizen participation at 6:01 p.m.

Consent Agenda

Motion was made by Council Member Wilson and seconded by Council Member Deichman to approve the consent agenda. The vote was 8 Aye-Deichman, Franklin, Self, Pool, Wilson, Russell, Updike, and Mitchell. 0 Nay. Motion Carried.

1. Approve February 16, 2021 City Council Minutes.
2. Approve February 25, 2021 City Council Meeting Minutes.
3. Approve February 25, 2021 City Council Work Session Minutes.
4. As per RSMo. 109.230(4), City records that are on file in the City Clerk’s office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State’s office.
5. Approve Utility Billing Adjustments.
6. Approve Vendor List.

Board, Commission, and Committee Schedule

Board of Adjustment Meeting	April 1, 2021
City Council Meeting	April 6, 2021
Planning & Zoning Meeting	April 12, 2021
City Council Meeting	April 20, 2021



Old Business and Tabled Items

7. **21-11 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing an Intergovernmental Agreement with the Missouri Highways and Transportation Commission for the Blueprint for Safer Roadways Program.**

Motion was made by Council Member Pool and seconded by Council Member Mitchell to have the second reading of Bill 21-11 by title only. The vote was 8 Aye-Self, Pool, Russell, Deichman, Mitchell, Franklin, Updike, and Wilson. 0 Nay. Motion Carried. Frank Schreiber was available to answer any questions from Council. Council Member Deichman motioned for the passage of Bill 21-11. Council Member Updike seconded. A roll call vote was taken digitally. The vote was 8 Aye-Self, Pool, Franklin, Wilson, Mitchell, Updike, Russell, and Deichman. 0 Nay. Motion Carried.

New Business (First Reading of Ordinances)

8. **21-12 An Ordinance of the City Council of the City of Republic, Missouri, Calling an Election on the Question of Imposing a City Sales Tax to Fund Public Safety; Designating the Time for Holding Said Election; and Authorizing and Directing the City Clerk to Give Notice to the County Clerks of Said Election.**

Council Member Wilson motioned for the first reading of Bill 21-12 by title only. Council Member Pool seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. David Cameron provided an overview of the bill. Melanie Taylor, 1676 E New Madrid spoke against this bill. Mayor Russell reminded Council that this was a first read and to get with Mr. Cameron with any questions prior to the next meeting.

9. **21-13 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 405, Zoning Regulations, Article I, In General, and Article III, Zoning Districts – Use and Regulations, Regarding Definitions and C-1 and C-2 Zoning.**

Council Member Pool motioned for the first reading of Bill 21-13 by title only. Council Member Updike seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with Ms. Haynes with any questions prior to the next meeting.

10. **21-14 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 405, Zoning Regulations, Article IV, A Planned Development District, Regarding Planned Development Districts.**

Council Member Wilson motioned for the first reading of Bill 21-14 by title only. Council Member Mitchell seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with Ms. Haynes with any questions prior to the next meeting.

11. **21-15 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 415, Sign Regulations, Regarding Signs.**

Council Member Mitchell motioned for the first reading of Bill 21-15 by title only. Council Member Updike seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with Ms. Haynes with any questions prior to the next meeting.

12.21-16 An Ordinance of the City Council of the City of Republic, Missouri, Approving Amending the Zoning Code and Official Map by Changing the Classification of Approximately 8.44 Acres from Agricultural (AG) and General Commercial (C-3) to General Commercial (C-2), Located at the Southeast Corner of State Highway MM and West Farm Road 148.

Council Member Pool motioned for the first reading of Bill 21-16 by title only. Council Member Franklin seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with Ms. Haynes with any questions prior to the next meeting.

13.21-17 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the City Administrator to Enter into an Agreement with Berry Tractor and Equipment for the Purchase of a 2018 Komatsu Excavator and a 2016 Komatsu Dozer and Further Authorizing the City Administrator to Execute the Necessary Documents to Obtain Financing on Said Equipment from Bank of Missouri.

Council Member Wilson motioned for the first reading of Bill 21-17 by title only. Council Member Deichman seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. Jason Davis and Debbie Parks provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with staff with any questions prior to the next meeting.

14.21-18 An Ordinance of the City Council of the City of Republic, Missouri, Amending Title I, Government Code, Chapter 110, Administration Policies, Article II, Purchasing and Surplus Property and Adopting a New Policy Entitled City of Republic's Purchasing Policy and Procedures.

Council Member Mitchell motioned for the first reading of Bill 21-18 by title only. Council Member Updike seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. David Cameron and Debbie Parks provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with Ms. Parks with any questions prior to the next meeting.

15.21-19 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Employee Handbook.

Council Member Deichman motioned for the first reading of Bill 21-19 by title only. Council Member Pool seconded. The vote was 8 Aye-Self, Pool, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried. Lisa Addington provided an overview of the bill. Mayor Russell reminded Council that this was a first read and to get with Ms. Addington with any questions prior to the next meeting.

Other Business (Resolutions)

16.21-R-08 A Resolution of the City Council of the City of Republic, Missouri, Authorizing Payment for the City's Workers' Compensation Insurance for 2021-2022.

Motion was made by Council Member Wilson and seconded by Council Member Deichman to approve Resolution 21-R-08. Lisa Addington provided an overview of the Resolution. The vote was 8 Aye-Pool, Self, Deichman, Franklin, Mitchell, Russell, Updike, and Wilson. 0 Nay. Motion Carried.

17.21-R-09 A Resolution of the City Council of the City of Republic, Missouri, Designating the Municipal Prosecutor and Authorizing the City Administrator to Enter into an Agreement for Prosecution Services.

Motion was made by Council Member Deichman and seconded by Council Member Mitchell to approve Resolution 21-R-09. Jared Keeling provided an overview of the Resolution. The vote was 8 Aye-Deichman, Franklin, Mitchell, Pool, Russell, Self, Updike, and Wilson. 0 Nay. Motion Carried.

Finance Report

Debbie Parks presented the Finance Report.

Reports from Staff

City Administrator David Cameron thanked Council for the discussion tonight regarding the ballot measure. Mr. Cameron shared he enjoys presenting and providing information. Mr. Cameron thanked Debbie for the finance report and for keeping it brief. Mr. Cameron shared that Ms. Parks summarized it quickly but there was a lot of work behind the presentation. Mr. Cameron thanked staff for their work.

City Administrator David Cameron thanked Scott, Karen, and Andrew for their work on the code changes presented tonight. What was outlined in those documents are ways to make it easier to do what is in the best interest of the community and Mr. Cameron shared he appreciates the work put into it. Mr. Cameron emphasized they make it look easy but there are a lot of topics addressed in those ordinances and a lot of vendors will be happy with the improvements.

City Administrator David Cameron thanked Congressman Billy Long for coming into town two weeks ago. Mr. Cameron reported they drove around the community and he had about an hour to talk to Congressman Long about transportation needs at Highway MM and US Highway 60. Mr. Cameron reported there is a lot of attention and excitement drawn to the community. Mr. Cameron announced he will be presenting to the Greene County Commission Thursday to discuss the transportation needs as well. Greene County is getting a 1.75 % sales tax benefit from our businesses; generating a lot of funding for the county. Mr. Cameron shared he would like to partner with the county on transportation as the work Republic does also positively impacts the County and State. Mr. Cameron shared he is having those discussions with both the County and State. Mr. Cameron announced he will also be meeting with Senator Blunt's office on Thursday. Mr. Cameron reported there is a lot of interest in our community.

City Administrator David Cameron announced Mike Landis is leaving the City of Republic to go back to his roots of reporting the news by joining KOLR 10. Mr. Cameron announced this information was provided today and a press release will be released tomorrow. Mr. Cameron shared he has been in government a long time, and Mr. Landis by far set the bar of anyone he has ever dealt with in his ability to communicate and tell the story. Mr. Landis has done great work on the last ballot measure and numerous publications. Mr. Cameron expressed that Mr. Landis is a class act and wished him nothing but the best. Mr. Cameron reported the City did not have a Public Information Officer before and Mr. Landis set the bar in place for the next person to fill his shoes. Mr. Cameron said he looks forward to seeing Mr. Landis on KOLR 10 and working with him there. Mr. Cameron expressed Mr. Landis will be sorely missed, but still has Mr. Cameron's cell number and Mr. Landis can do both sides of the story. Mr. Cameron told Mr.

Landis he is loved and has been awesome. Mr. Cameron said he wishes Mr. Landis and the boys nothing but the best.

Council Member Franklin shared he appreciated the conversation this evening stating it can be difficult representing the citizens and it was great to see citizens involved. Mr. Franklin shared he sees the need for our funding and does not want people to think he doesn't. Mr. Franklin shared a lot of things have been said implying he doesn't 100% back Police and Fire. Mr. Franklin said the community shows a great response to our first responders and he is proud to be in Republic and step up when the need arises. Mr. Franklin said there are two sides of the story and the elected official's voice is the voice of the people and he is happy to give that voice. Mr. Franklin thanked everyone for their time.

Council Member Wilson shared he supports the Police and Fire stating we need them. Mr. Wilson asked "where would we be without them?". Mr. Wilson shared he whole heartedly supports the tax to get them up to staffing needs and possibly save their lives by having a full crew.

Mayor Russell said Mr. Landis will be missed and shared he gave Mike his office. Mayor Russell shared Mr. Landis is true professional as is the City across the board, but Mr. Landis will be hard to replace and will be missed. Mayor Russell said he is famous for saying we do not all have to agree. Mayor Russell spoke about being an attorney and how people are paid to disagree with him. Mayor Russell shared he has been married 22 years and wonders if his wife is paid to argue with him too. Mayor Russell reminded everyone we can disagree like a family and still come together for the best results. The City is going through growing pains and with that, you just have to pay for it. Mayor Russell stated we will figure out a way together. Mayor Russell told Mr. Landis "we will miss you as part of the family, but you will still be a cousin".

Adjournment

Mayor Russell adjourned the meeting at 8:01 p.m.

ATTEST:

Laura Burbridge, City Clerk

Matt Russell, Mayor



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Jennifer Mitchell, Ward IV
Eric Franklin, Ward I
Gerry Pool, Ward II
Jim Deichman, Ward IV

MINUTES
City Council Work Session
Community Center, 711 E. Miller Road
April 01, 2021 at 8:30 AM

Call Meeting to Order

The Work Session of the City Council of the City of Republic, Greene County, Missouri, was called to order by Mayor Matt Russell at 8:30 a.m. Council Members present included Christopher Updike, Jim Deichman, Eric Franklin, Garry Wilson, Matt Russell, Brandon Self, and Jennifer Mitchell. Others in attendance were: City Administrator David Cameron, Assistant City Administrator Lisa Addington, Finance Director Debbie Parks, Police Lieutenant Jamie Burks, Assistant Parks and Recreation Director Jennafer Mayfield, City Attorney Scott Ison, Fire Chief Duane Compton, Assistant City Administrator Jared Keeling, BUILDS Administrator Andrew Nelson, Public Information Officer Mike Landis, Finance Officer Meghan Cook, Utility Billing Supervisor Bryan Hawk, HR Generalist Rachel Reich-Graef, Police Chief Brian Sells, Engineer Derek Barr, Fire Captain Travis Liska, Fire Captain Tim King, Information Systems Director Josh Jones, and City Clerk Laura Burbridge.

Presentations and Discussions

Discussion of funding options and input from Council.

Mayor Russell opened the work session, providing an explanation of the purpose of this meeting. Mayor Russell also advised citizens to reach out to their Council Members if they have questions or comments prior to Tuesday's meeting. Mayor Russell turned the meeting over to David Cameron to present information.

David Cameron provided answers to questions asked at the last Council meeting and provided additional information regarding the potential ballot initiative. Mr. Cameron answered questions from Council.

Mayor Russell allowed each Council Member the opportunity to ask questions, make comments, and provide suggestions on how to address the funding issues.

Adjournment

Mayor Russell adjourned the work session at 10:32 a.m.

ATTEST:

Laura Burbridge, City Clerk

Matt Russell, Mayor





AGENDA ITEM ANALYSIS

Project/Issue Name: 21-12 An Ordinance of the City Council of the City of Republic, Missouri, Calling an Election on the Question of Imposing a City Sales Tax to Fund Public Safety; Designating the Time for Holding Said Election; and Authorizing and Directing the City Clerk to Give Notice to the County Clerks of Said Election.

Submitted By: David Cameron, City Administrator

Date: April 6, 2021

Issue Statement

Consideration of an Ordinance calling for a vote regarding a sales tax to fund public safety.

Discussion and/or Analysis

In 1981, the citizens of Republic voted upon themselves a 1% General Fund Sales Tax that served in addition to Real Property Tax and Personal Property Taxes. In 1986, the community voted to “trade-off” Personal Property tax in lieu of a new half percent Street Improvement Tax. In 2005, the City of Republic consolidated with the Village of Brookline and doubled the geographic area of the City to 24.57 square miles. Since 1981, Republic’s population has increased from 4,485 to approximately 18,000 and the City continues to grow and expand while the demand for City services, specifically for public safety, is greater than ever before.

The current City of Republic 1% General Fund Sales Tax funds the operations of twelve (12) different divisions/departments in addition to making the annual payments on long term debt for the construction of Fire Station 1 and the remodel of Fire Station 2. As per RSMO 94.510, cities in Missouri are allowed up to 2% in General Fund Sales Tax to fund general operations.

The City of Republic is unique in that it does not collect personal property tax or collect revenues in real property tax to fund the Fire Department. Further, our Fire Department is the only department in our area, other than Springfield, that does not operate under a Fire District with a designated funding source through a property tax levy and real property tax. The City of Springfield utilizes a level property tax provision and other provisions to assist with Public Safety funding, whereas our community has no assistance from personal property taxes. Therefore, our current 1% sales tax carries more liabilities than any other city in our region.

Below is a summary of the current challenges the City of Republic is facing in public safety (Republic Police Department and Republic Fire Department) personnel and funding:



Republic Police Department

Staffing Summary

- The City of Republic currently employs 24 full-time police officers when fully staffed.
- The International Association of Chiefs of Police recommends 2 full-time officers per 1,000 residents for a city of our size.
- Given the current estimated population of Republic is +/- 18,000, industry standard would mean a total of 36 full-time police officers is recommended.
- The City of Republic is proposing to add 12 full-time police officers to address the shortage per industry standard.

RPD Quick Facts

- No new police officers have been added to our team since 2006.
- Eliminated two (2) positions in 2020 to address regional pay deficiency.
- In comparison regionally, the City of Ozark (population – 19,400) employs 37 full-time police officers and the City of Nixa (population – 22,515) employs 42 full-time police officers.
- Between January 1-March 4, 2021, the Republic Police Department has been “blacked out” a total of 38 hours that has been accounted for and numerous other short-term instances of 20 minutes or less that haven’t been officially reported.
- Retirement benefit amongst the lowest in the region.
- Subsidized out of Street Department budget in the amount of \$600,000 due to allowable language in State Motor Fuel Tax & State Motor Sales Tax.
- Detectives currently working 50% higher caseloads than the preferred number. Total person crimes at 87 and total property crimes at 85.
- Below is a sampling of when there have been only 2 or 3 officers on duty:
 - December 2020: 3 Officer Shifts – 25; 2 Officer Shifts – 3
 - January 2021: 3 Officer Shifts – 24; 2 Officer Shifts – 15
 - February 2021: 3 Officer Shifts – 16; 2 Officer Shifts – 4



Republic Fire Department

Staffing Summary

- The City of Republic currently employs 20 full-time fire fighters when fully staffed.
- The National Fire Protection Association recommends 15 fire fighters respond to a common residential structural fire. The Republic Fire Department typically responds with 6 and relies upon auto aid and mutual aid from neighboring departments.
- The City of Republic is proposing to add 14 full-time fire fighters to address the shortage per industry standard.

RFD Quick Facts

- No new fire fighters have been added to our team since 2007.
- Eliminated one (1) position in 2020 to address regional pay deficiency.
- In comparison regionally, the City of Ozark employs 30 full-time fire fighters and the City of Nixa employs 33 full-time fire fighters.
- Since January 1, 2021, the Republic Fire Department has been “blacked out” on 27 separate occasions totaling varying from time durations of 4 minutes to 3.5 hours.
- Retirement benefit amongst the lowest in the region.
- The City of Republic doesn’t have a dedicated property tax for fire protection similar to other cities in our region.

Since arriving in Republic in July 2016, City Administration has been focused on improving processes and relationships in an effort to build trust. We have made significant changes to cut costs in order to operate in a lean, efficient and effective manner. It is my position that the City is currently operating in our community’s best financial interest without unnecessary waste or costs. However, now after having adequate time to review and make organizational adjustments, we believe it necessary to approach our citizens for an additional funding mechanism for public safety to meet the needs of our growing Republic community.

Recommended Action

Staff recommends approval. The sales tax amount of 3/4¢ and the 25-year sunset have been inserted in the Ordinance as a starting point for the discussion and can be amended by members of City Council at their choosing.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, CALLING AN ELECTION ON THE QUESTION OF IMPOSING A CITY SALES TAX TO FUND PUBLIC SAFETY; DESIGNATING THE TIME FOR HOLDING SAID ELECTION; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO GIVE NOTICE TO THE COUNTY CLERKS OF SAID ELECTION

WHEREAS, the City of Republic, Missouri, (herein called the “City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City is authorized under the provisions of the Missouri Constitution and Sections 94.500 through 94.550 RSMo., the City Sales Tax Act, to impose a general city sales tax as long as it does not result in a combined rate of sales taxes adopted under Section 94.510 in excess of two percent (2%); and

WHEREAS, in 1981, the voters of the City of Republic did approve a one percent (1%) city sales tax (herein called the “Original Sales Tax”), and the original sales tax shall remain in full effect regardless of the provisions of this Ordinance including the outcome of the vote contemplated herein; and

WHEREAS, the City has experienced significant growth since the Original Sales Tax was approved in 1981. In 1981, the population of the City was listed as 4,485 residents, and according to the latest census estimate from 2019, the City’s population is approximately 16,938 residents; and

WHEREAS, if this city sales tax is approved, the City plans on adding an additional 26 public safety employees to include 14 firefighters, 12 police officers; and

WHEREAS, since 1986, the City has not and does not collect any personal property taxes from the citizens of Republic. Were the City to collect a personal property sales tax, it would be paid by property owners in Republic whereas a sales tax is also paid by those purchasing items in Republic; and

WHEREAS, the City is the only city in Greene and Christian County, other than the City of Springfield, that has its own fire department as opposed to a fire protection district. A fire protection district is commonly funded by a real estate tax levy which is paid by the property owners in the district. The average fire protection district tax levy in Greene and Christian County is approximately .5231; and

WHEREAS, in 2013, the voters of the City of Republic did approve a one-eighth of one percent (1/8%) sales tax for the operation of the City’s Fire Department (herein called the “Fire Sales Tax”) and the Fire Sales Tax shall remain in full effect regardless of the provisions of this Ordinance including the outcome of the vote contemplated herein; and

WHEREAS, the impact of a three-fourths of one percent (3/4%) sales tax will add \$0.75 to a \$100.00 retail purchase; and

WHEREAS, a proposed sales tax cannot become effective unless approved by a majority of the qualified voters at a municipal election; and

WHEREAS, the City Council of the City of Republic, Missouri, has determined it is necessary to authorize an additional three-fourths of one percent (3/4%) city sales tax to fund public safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. An election is hereby ordered to be held in the City of Republic, Missouri, pursuant to Section 94.510, et. seq. RSMo., on August 3, 2021, to the qualified voters of the City of Republic. The following question shall be in substantially the following form:

QUESTION

Shall the City of Republic, Missouri, impose a city sales tax of three-fourths of one percent (3/4%) to fund public safety, such tax to terminate automatically 25-years after the imposition thereof?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

Section 2. The City Clerk is hereby authorized and directed to conduct said election in a manner consistent with the provisions of Chapter 115 of the Revised Statutes of Missouri.

Section 3. The form of the notice of said election and ballot, to be in substantially the same form, a copy of which is attached hereto and made a part hereof, is hereby approved.

Section 4. A certified copy of this Ordinance shall be filed with the County Clerk of Greene County, Missouri, and the County Clerk of Christian County, Missouri, by the City Clerk no later than 5:00 p.m. on May 25, 2021.

Section 5. If the city sales tax is approved by a majority of the votes cast by the qualified voters voting thereon, then the City Clerk shall within ten days forward to the Director of Revenue of the State of Missouri by United States registered or certified mail, a certified copy of this Ordinance with a map clearly showing the boundaries of the City and said sales tax shall become effective no later than the first day of the second calendar quarter after the Department of Revenue receives notification of the rate change, and shall be levied, collected and distributed in the manner provided by the City Sales Tax Act.

Section 6. If the proposed city sales tax is not approved by a majority of the votes cast by the qualified voters voting thereon, then this Ordinance shall be of no effect, and the of three-fourths of one percent (3/4%) sales tax proposed herein shall not be effective, however, the failure of this proposition to receive the requisite majority vote shall have no effect on the Original Sales Tax or Fire Sales Tax. Nothing herein is intended to be nor shall be deemed as an abolition of the Original Sales Tax, Fire Sales Tax, or any other tax levied by the City.

Section 7. The Greene County Clerk and Christian County Clerk are hereby authorized to conduct said election in a manner consistent with the provisions of Chapter 115 of the Revised Statutes of Missouri and designate the polling places for the qualified voters of the City.

Section 8. The Mayor, the City Clerk, and other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the purpose and intent of this Ordinance.

Section 9. The whereas clauses are hereby specifically incorporated herein by reference.

Section 10. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 11. This Ordinance shall be in full force and effect from its date of passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form: _____, Scott Ison City Attorney

Final Passage and Vote: _____

NOTICE OF ELECTION

REPUBLIC, MISSOURI

Notice is hereby given to the qualified voters of the City of Republic, Missouri, that pursuant to an Ordinance duly adopted, the City Council of the City of Republic, Missouri, has called an election to be held in the City on August 3, 2021, commencing at 6:00 a.m. and closing at 7:00 p.m., for the purpose of submitting to the qualified voters of the City the question contained in the following sample ballot:

**OFFICIAL BALLOT
ELECTION
REPUBLIC, MISSOURI
August 3, 2021**

PROPOSITION S

Shall the City of Republic, Missouri, impose a city sales tax of three-fourths of one percent (3/4%) to fund public safety, such tax to terminate automatically 25-years after the imposition thereof?

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

A full and complete copy of Ordinance No. 21-12, submitting the above question to the electorate is on file in the office of the City Clerk of the City of Republic, Missouri where the same is open for inspection and copying during normal business hours.

The election will be held at the following polling places in the City:

To be determined by the County Clerk of the respective jurisdiction.



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-13 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 405, Zoning Regulations, Article I, In General, and Article III, Zoning Districts – Use and Regulations, Regarding Definitions and C-1 and C-2 Zoning.

Submitted By: Karen Haynes, Planning Manager, BUILDS Department

Date: April 6, 2021

Issue Statement

Consideration to approve Amendments to Sections 405.020 Definitions, 405.150 C-1 Local Commercial District Regulations, and C-2 General Commercial District Regulations

Discussion and/or Analysis

The City of Republic is requesting Amendments to Sections 405.020 Definitions, 405.150 C-1 Local Commercial District Regulations, and C-2 General Commercial District Regulations to provide additional clarity to the language of the Zoning Ordinance and to facilitate growth in the City of Republic:

Section 405.020 Definitions:

Added Definitions:

- **Convenience Store:** Any building or structure used for the dispensing, sale or offering for sale at retail of any automobile fuels, which may include retail sales, not to include any type of automobile related service or repair.
- **Pergola:** An outdoor accessory structure consisting of vertical posts or pillars and supporting cross-beams and without walls, forming a shaded walkway, passageway, or sitting area, not attached to another structure.

Revised Definitions:

- **Filling Station:** Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, ~~and~~ **The sale of** oils or accessories, including lubrication of automobiles and replacement ~~and~~ **installation** of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or ~~spray~~ painting.
- **Perimeter Landscaping:** A ~~five (5)~~ **six (6)** foot greenspace strip which surrounds the entire ~~property~~ **premise**, not including where a landscaped street buffer is required.

- **Premise:** Any ~~tract of~~ land, consisting of one (1) or more lots or tracts of land, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:
 1. Shared parking.
 2. Common management.
 3. Common identification.
 4. Common access.
 5. Shared circulation.

Section 405.150 C-1 Local Commercial District Regulations:

- **Section 405.150.B.6:** Convenience store, ~~filling stations.~~
 - Removed Filling Stations as a Permitted Use; an Amendment to the C-2 District Regulations is proposing Filling Stations as a Permitted Use
- **Section 405.150.B.16:** Residential uses provided such uses are located above the first floor or behind non-residential uses in a single attached mixed-use building, so as to create a continuous non-residential facade, on the first-floor level along all street frontages.
 - Clarified residential uses are to be located only in a Mixed-Use Building
- **Section 405.150.B.20:** Veterinarian, dog grooming, boarding, pet daycare, or similar place of animal care, provided that only treatment or care be given to animals kept within the building ~~or office.~~ No outside cages, kennels, fences, equipment, materials, or accessories to the business shall be stored outside or used on the premises etc. associated with livestock or other large animals shall be stored on the premises.
 - Added pet daycare.
 - Clarified the use only allows for utilizing a building and does not include any exterior uses related to the treatment or care of animals.
 - Article VIII Special Use Regulations allows for Veterinarian and similar animal care facilities to obtain a Special Use Permit in the C-2 and M Zoning Districts, which could include utilizing outside areas for the business.

Section 405.160 C-2 General Commercial District Regulations:

- **Section 405.160.B.23: Filling Stations.**
 - Added Filling Stations as a Permitted Use

Recommended Action

Staff recommends the approval of the referenced Amendments.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE IV, LAND USE, CHAPTER 405, ZONING REGULATIONS, ARTICLE I,
IN GENERAL, AND ARTICLE III, ZONING DISTRICTS - USE AND REGULATIONS,
REGARDING DEFINITIONS AND C-1 AND C-2 ZONING**

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City of Republic has recognized the need to continually review and revise Land Use Regulations as the City continues to grow and develop; and

WHEREAS, the BUILDS Department did, thereafter, submit revisions to the Planning and Zoning Commission which did set March 8, 2021, as the date a Public Hearing would be held on such application and proposed revisions; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on February 10, 2021, in The Greene County Commonwealth, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the Public Hearing; and

WHEREAS, a Public Hearing was conducted by the Planning and Zoning Commission on March 8, 2021; and

WHEREAS, on March 8, 2021, the Planning and Zoning Commission, by a vote of 5 Ayes to 0 Nays, recommended the approval to revise Land Use Regulations dealing with definitions, C-1, and C-2 zoning, and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the revisions to the Land Use Regulations dealing with definitions, C-1, and C-2 zoning was submitted to the City Council at its regular meeting on March 23, 2021, after which the City Council did proceed to vote to approve the revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. Title IV, "Land Use," Chapter 405, "Zoning Regulations," Article I, "In General" is hereby amended by amending Section 405.020, "Definitions" to read as follows:

Section 405.020 Definitions.

A. For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include

the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

- B. For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined below:

AGRICULTURAL PROCESSING

The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

AGRICULTURAL SALES AND SERVICE

A use primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

AGRICULTURE, GENERAL

The use of land for the production of livestock, dairy products, poultry or poultry products.

AGRICULTURE, LIMITED

The use of land for the production of row crops, field crops, tree crops or timber.

ALLEY

All property dedicated or intended for public or private street purposes or subject to public easements therefore, and less than sixteen (16) feet in width from property line to property line.

BASEMENT

That enclosed part of a building having at least two (2) feet of its height below the average grade of the adjoining ground.

BERM

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

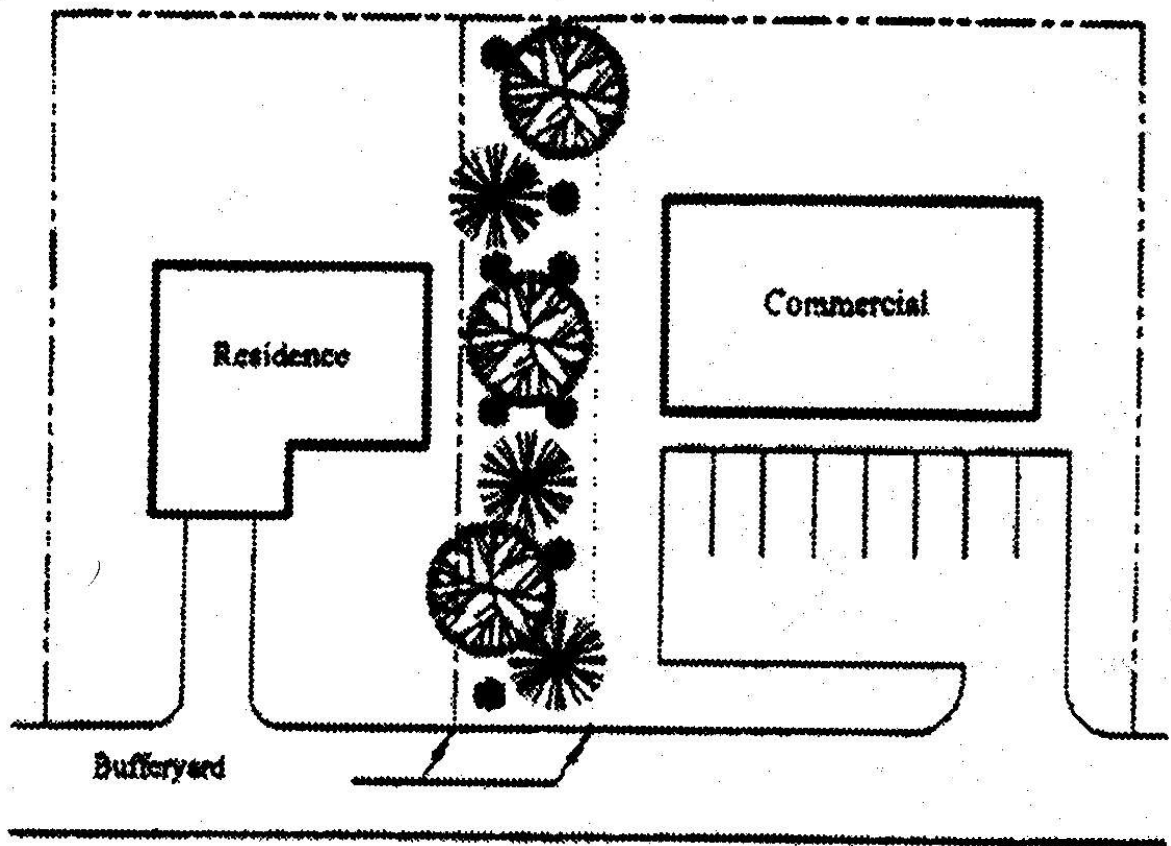
BOARDING HOUSE or LODGING HOUSE

A building, other than a hotel or apartment hotel, where, for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUFFER

Land area typically containing trees, shrubs and other plants, berms, fences, or walls and used to visibly separate one (1) use from another or to block noise, lights or other

nuisances.



BUILDING

Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING, HEIGHT OF

The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BULK PLANE

A theoretical plane beginning at a lot line, or other locations as set forth in the Code and rising over an acute slope determined by an acute angle measured up from the horizontal point. The bulk plane defines the relationship between the height of a structure and the structure's setback from the lot line.

CARPORT

A structure open on at least two (2) sides used for the purpose of providing vehicular

protection. Carports shall not be located within side or front yard setbacks.

CLINIC

An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

CO-LOCATION

Locating wireless communications equipment for more than one (1) provider at a single communications facility.

CONIFER

Evergreen trees and shrubs that bear both seeds and pollen on dry scales arranged as a cone.

CONVENIENCE STORE

Any building or structure used for the dispensing, sale or offering for sale at retail of any automobile fuels, which may include retail sales, not to include any type of automobile related service or repair.

CULTIVATED LANDSCAPE AREA

Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

DAY CARE

1. FAMILY DAY CARE HOME: A family home, occupied by the day care provider, in which family-like care is given to six (6) children or less, not related to the provider, for any part of the twenty-four (24) hour day. The maximum number of children under two (2) years of age shall be three (3).
2. GROUP DAY CARE HOME: A family home, occupied by the day care provider, in which family-like care is given to seven (7) but not more than ten (10) children, not related to the provider, for any part of the twenty-four (24) hour day. The maximum number of children under two (2) years of age shall be two (2) unless there is a full-time adult assistant, in which case the maximum number of children under two (2) years shall be four (4).

DAY CARE CENTER

Is either:

1. A family home where more than ten (10) children are cared for, not related to the provider, for any part of the twenty-four (24) hour day, or
2. A building other than a family home in which more than four (4) children are cared for, not related to the provider, for any part of the twenty-four (24) hour day.

DECIDUOUS

A plant with foliage that is shed annually.

DISTRICT

A section or sections in the City of Republic within which the zoning regulations are uniform.

DROPLINE

A vertical line extending from the outermost branches of a tree to the ground.

DWELLING

A building or portion thereof designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding houses and lodging houses, tourist courts or tourist homes.

DWELLING, MULTIPLE

A building designed for or occupied exclusively by more than two (2) families.

DWELLING, SINGLE-FAMILY

A building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two (2) families.

ECOSYSTEM

A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

ENTITY

A natural person, corporation, professional corporation, non-profit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

EVERGREEN

A plant with foliage that persists and remains green year-round.

EXTERIOR STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders that is visible from the exterior of a building or structure or any substantial change in the roof or in exterior walls of a building or structure.

FAMILY

The following living arrangements shall constitute a family for the purposes of this

Chapter:

1. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
2. Three (3) or less unrelated persons living as a single housekeeping unit; or
3. Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

FILLING STATION

Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, **The sale of** oils or accessories, including lubrication of automobiles and replacement ~~or~~ **and** installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

FLOOR AREA

The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building. It does include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

FRONTAGE

The distance along a street line from one (1) intersecting street to another or from one (1) intersecting street to the end of a dead-end street.

FURNISH

To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

GARAGE, PRIVATE

A detached building or portion of a main building housing the automobiles of the occupants of the premises.

GARAGE, PUBLIC

A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term "repairing" shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE

A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished

transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GRADE

The average level of the finished surface of the ground for buildings more than five (5) feet from a street line. For buildings closer than five (5) feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one (1) street, an average sidewalk elevation is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

GROUND COVER

Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUP HOME

Any home in which eight (8) or fewer unrelated mentally or physically handicapped person reside and may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

GUYED TOWERS

A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

HEDGE

A landscape barrier consisting of a continuous, dense planting of shrubs.

HOME OCCUPATION

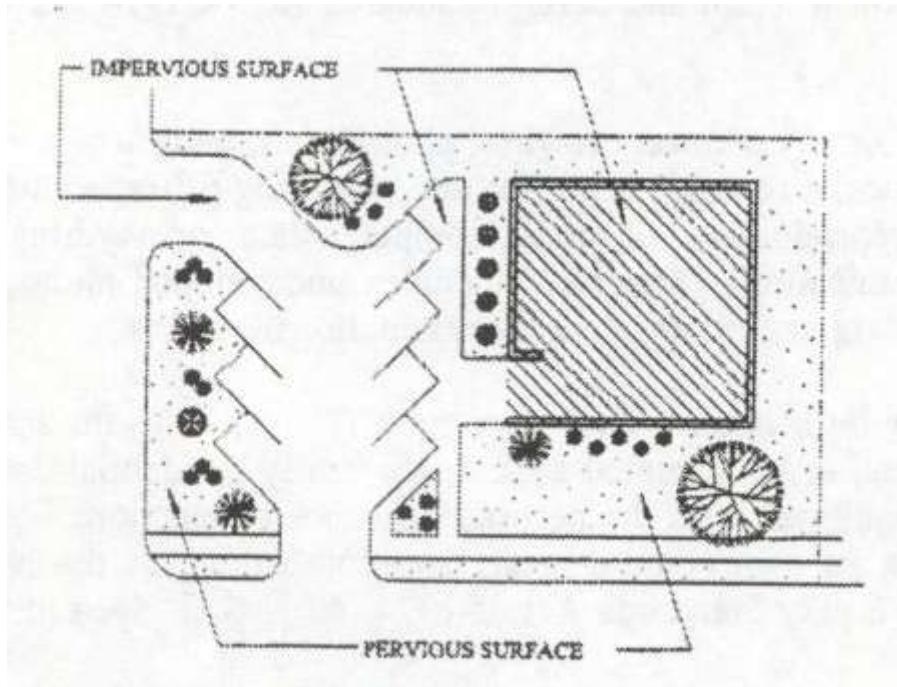
Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member(s) of a family residing on the premises.

HOTEL

A building in which lodging, or boarding and lodging are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding house, lodging house, or an apartment house which are herein separately defined.

IMPERVIOUS, PERVIOUS SURFACE

Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of stormwater, likewise, a pervious surface is any surface that allows for the absorption of stormwater.

**INSTITUTION**

A non-profit establishment for public use.

IRRIGATION SYSTEM

A permanent, artificial watering system designed to transport and distribute water to plants.

LATTICE TOWER

A guyed or self-supporting three (3) or four (4) sided, open, steel frame structure used to support telecommunications equipment.

LOADING SPACE

A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE or ROOMING HOUSE

Same as "Boarding House."

LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by the ordinance, and having its principal frontage upon a street or upon an officially approved place.

LOT OF RECORD

A lot which is part of a subdivision, the map of which has been recorded in the office

of the Recorder of Deeds of the County of Greene, Missouri, or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Chapter.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

MANUFACTURED HOMES

Factory-built structures; transportable in one (1) or more sections which are twenty-four (24) feet or more in width and forty-two (42) feet or more in length when assembled; designed to be occupied as a permanent single-family residential dwelling; not constructed or equipped with a permanent hitch or other device intended for the purpose of moving the structure from one place to another, other than for moving to a permanent site from the factory or distributor; has no permanently attached wheels or axles; installed on a permanent foundation; equipped with the necessary service connections; designed, manufactured, and certified to conform to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401).

MARIJUANA or MARIHUANA

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

MATERIAL

Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the Department of Health and Senior Services or its successor agency to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the Department of Health and Senior Services, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in the Article XIV Missouri Constitution to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the Department of Health and Senior Services, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the Department of Health and Senior Services, to acquire, test, certify, and transport marijuana.

MEDICAL USE

The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

MOBILE HOME

Transportable, factory-built homes more than eight (8) feet in width and more than thirty-six (36) feet in length; designed to be occupied as a single-family residential dwelling; not placed on a permanent foundation; equipped with the necessary service connections; designed and manufactured to be transportable on its own running gear; and conforming to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401).

MODULAR HOME

Factory-built, transportable dwelling unit designed to be used by itself or to be incorporated with similar units at a point of use into a modular structure to be used for single-family housing, bearing the seal of the Missouri Public Service Commission indicating compliance with the State of Missouri Standards and

Regulations for Modular Homes.

MONOPOLE TOWER

A communication tower constructed without the use of guy wires and ground anchors and consisting of only a single pole (also known as self-supporting tower).

MOTEL

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, a lodging house or an apartment house which are herein separately defined.

MULCH

Non-living organic and synthetic materials customarily used in landscaping design to retard erosion and retain moisture.

NON-CONFORMING USE

The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

OPEN SPACE

Open space shall be interpreted to mean:

1. All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas; tree, shrub, hedge or ground cover planting areas; and lawns; and
2. Other areas allowed to be counted as open space as per the City of Republic Zoning and Design Code.

ORNAMENTAL TREE

A deciduous tree planted primarily for its ornamental value or for screening purposes.

OVERNIGHT SHELTER

A facility providing temporary lodging on a daily basis, with or without meals, for primarily indigent, needy, homeless or transient persons.

PARKING AREA

That portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

PARKING SPACE

A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1)

automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PERFORMANCE

Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PERGOLA

An outdoor accessory structure consisting of vertical posts or pillars and supporting cross-beams and without walls, forming a shaded walkway, passageway, or sitting area, not attached to another structure.

PERIMETER, LANDSCAPING

A ~~five (5)~~ **six (6)** foot greenspace strip which surrounds the entire ~~property~~ **premise**, not including where a landscaped street buffer is required.

PERVIOUS SURFACE

See "Impervious Surface."

PLANT COMMUNITY

A natural association of plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.

PLANT SPECIES - PROHIBITED

Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

PORTABLE BUILDING

A subordinate building less than two hundred (200) square feet, the use of which is incidental to that of the main building, dwelling or premises, which is not erected on a permanent foundation. Portable buildings shall be constructed, erected and located in a manner that provides a convenient means of relocation.

PREMISE

Any ~~tract of~~ land, consisting of one (1) or more lots **or tracts of land**, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

1. Shared parking.
2. Common management.
3. Common identification.
4. Common access.

5. Shared circulation.

PRESERVE AREAS

Vegetative areas required to be preserved by law.

PROMOTE

To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer.

SCREEN

A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

SETBACK

The minimum distance required between the property line and a point of the structure nearest the property line.

SETBACK, SIDE STREET

The minimum distance required between a point of the structure nearest the right-of-way line of a street located on the side of the structure.

SEXUALLY ORIENTED BUSINESS

An adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual encounter center as further defined by reference to the definition of those terms as now or hereafter defined in Section 573.528, RSMo., or as may be adopted in the City Code in a manner not inconsistent with Section 573.528, RSMo.

SHADE TREE

A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

SHRUB

A self-supporting woody perennial plant of low-level woody, perennials plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

STORAGE, PERSONAL OR SELF STORAGE

A building or group of buildings, commonly referred to as mini-storage, consisting of individual, small, self-contained units that are available on a rental basis for the storage of business and household goods or contractor's supplies.

STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it,

then the space between such floor and the ceiling next above it.

STORY, HALF

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartments or living quarters shall be counted as a full story.

STREET

All property dedicated or intended for public or private street purposes or subject to public easements therefore and more than sixteen (16) feet in width from property line to property line.

STREET LINE

A dividing line between a lot and a contiguous street.

STRUCTURAL ALTERATIONS

Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

STRUCTURE

Anything constructed or erected, the use of which requires more or less ground.

STRUCTURES, ACCESSORY

A structure that:

1. Is subordinate to and serves a principal structure,
2. Is subordinate in area, extent or purpose to the principal structure,
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure,
4. Is located on the same lot as the structure.

TOWER or COMMUNICATION TOWER

Any structure that is designed and constructed for the purpose of supporting one (1) or more antennas; including lattice towers, guy towers or monopole towers. This definition also includes any structure in which supporting the antenna array is not the primary purpose of the structure such as a water tower or utility pole. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been

constructed primarily for a purpose other than supporting one (1) or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) or more antennas, not to exceed ten (10) feet above the apex of the roof in residentially zoned districts such as: satellite dishes, television antennas and radio antennas.

TRAILER OR MOBILE HOME

A vehicle used for living purposes and standing or designed to stand on wheels or rigid supports.

TRAILER PARK

An area where one (1) or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one (1) or more families.

TREE

Any self-supporting woody perennial plant which has a trunk diameter of two (2) inches or more and which normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

UNDERSTORY

Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of trees.

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

VEGETATION, NATIVE

Any plant species with a geographic distribution indigenous to all or part of the State of Missouri. Plant species which have been introduced by man are not native vegetation.

VEHICLE ACCOMMODATION AREA

A lot that is used by vehicles for access, circulation, parking, loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas.

VIABLE

When referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the City Planner, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

WHOLESALE PROMOTE

To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish,

distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.

WOODLANDS, EXISTING

Existing trees and shrubs of a number, size and species that accomplish the same general function as new plantings.

XERISCAPE

Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

YARD

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT

A yard extending across the front of a lot and being the minimum horizontal distance between the right-of-way or property line and the main building or any projections thereof other than the projections of the usual uncovered steps, unenclosed balconies or unenclosed porches. On corner lots, multi-frontage lots, or where the front yard is otherwise unclear, the determination of the location of the front yard shall be made by the Director of Community Development or their designee.

YARD, REAR

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.

YARD, SIDE

A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof.

Section 2. Title IV, "Land Use," Chapter 405, "Zoning Regulations," Article III, "Zoning Districts - Use and Regulations" is hereby amended by amending the Sections below to read as follows:

Section 405.150 "C-1" Local Commercial District Regulations.

- A. *Purpose.* The intent of the "C-1" Commercial District is to permit retail and service related business with a compatible location adjacent to similar uses.
- B. *Uses Permitted.*
1. Automobile parts and accessory stores when entirely enclosed within the building.
 2. Accessory building or use.
 3. Bar or tavern, provided that the premises of which is located not less than five hundred from the boundary of any R district, a church or similar place of worship or a public school.
 4. Bowling alley; dance halls; video game arcades; billiard parlors; roller-skating; ice-skating; or movie theaters, excluding drive-in theaters.
 5. Churches or other places of worship, including parish houses, Sunday schools and temporary outdoor revivals, on a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, bufferyards and proper site design to lessen impact on adjoining residential neighborhoods. The requirements of Article VI and X regarding parking, loading, landscaping, and open space shall be required. Overnight shelters shall not be permitted.
 6. Convenience store, ~~filling stations.~~
 7. Day-care center.
 8. General retail businesses including pawn shops and second-hand stores; pet stores; print shops and photocopying establishments; restaurants including drive-in, pick-up, and drive-up facilities; doughnut shops; package liquor; book; tobacco; furniture; appliance; drug; grocery; flower; jewelry; clothing.
 9. Government buildings and associated uses.
 10. Medical marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the

Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

11. Motel, Hotel, Inn or related place of lodging.
12. Off-street parking lot.
13. Office or office buildings including health clinics, medical doctors and dental offices; hospitals; banks; financial institutions including automatic teller machines and drive-thru facilities; accountants; real-estate; engineering; architecture and other professional service offices.
14. Personal service establishments including beauty parlors; barbershops; custom tailoring; dry cleaning and laundry pick-up; shoe repair; self-service laundromats; express or mailing offices; hearing aid and eye glass shops.
15. Private schools and studios for art, dance, drama, music or photography and private and publicly funded schools, preschools and daycare facilities.
16. Residential uses provided such uses are located above the first floor or behind non-residential uses **in a single attached mixed-use building**, so as to create a continuous non-residential facade, on the first-floor level along all street frontages.
17. Temporary or seasonal tents or trailers pertaining to the sale of Christmas trees, pumpkins, plants, flowers, fruits and vegetables. The sale of merchandise from traveling vendors under tents or other temporary facilities are not permitted except by issuance of a special use permit.

Temporary facilities shall not be permitted beyond a three (3) month period per year, unless permitted as a permanent structure.

18. Temporary, portable food and drink carts or stands, etc. not to include the use of tables or dining areas for the public. Temporary facilities shall not be permitted beyond a three (3) month period per year and shall further be subject to the issuance of a building permit for such uses.
19. Undertaking establishments.
20. Veterinarian, dog grooming, boarding, **pet daycare**, or similar place of animal care, provided that only treatment **or care** be given to animals kept

within the building ~~or office~~. No outside cages, kennels, fences, equipment, materials, **or accessories to the business shall be stored outside or used on the premises etc. associated with livestock or other large animals shall be stored on the premises.**

- C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
- D. *Design Standards.*
 - 1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
 - 2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
 - 3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 - 4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
 - 5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

Section 405.160 "C-2" General Commercial District Regulations.

- A. *Purpose.* The intent of the "C-2" Commercial District is to permit less restrictive commercial and service related business with a compatible location adjacent to similar uses, which are separated from residential uses restricted.
- B. *Uses Permitted.*
 - 1. Any use permitted in the "C-1" Commercial District, without restriction as to number of employees or location.
 - 2. Automotive sales and service including body work; painting; frame alignment; restoration or reconstruction, excluding the storage of

wrecked or scrap vehicles; parts and other partially dismantled cars and trucks.

3. Automotive, moving and equipment rental.
4. Boat and marine sales and service.
5. Lumberyard, building and construction material sales, hardware and home improvement stores.
6. Camper trailers, recreation vehicles sales, rental and service.
7. Campgrounds and recreational vehicle parks.
8. Churches or other places of worship, including parish houses, Sunday schools and temporary outdoor revivals, on a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, bufferyards and proper site design to lessen impact on adjoining residential neighborhoods. The requirements of Article VI and X regarding parking, loading, landscaping, and open space shall be required. Overnight shelters shall not be permitted.
9. Commercial amusement centers including drive-in theaters; baseball, softball and soccer fields or complexes; miniature golf; archery ranges; batting cages; driving ranges; but not including go-cart or other motorized vehicle tracks.
10. Recycling collection centers.
11. Landscaping, plant nurseries, lawn and garden equipment sales and service.
12. Boat, vehicle or self-storage facilities.
13. Swimming pool sales and displays.
14. Truck stops including fueling; sales; and service of commercial freight hauling vehicles.
15. Commercial contracting offices including plumbing; electrical; heating and air conditioning; general carpentry; cabinetry; siding and soffit; guttering; roofing; concrete finishing and forming; general masonry; except uses which require the outside storage of materials associated with manufacturing related uses.

16. Radio; cable; television; or other broadcasting studios.
17. Rental and service of commercial moving vehicles; including trailers, towing equipment, construction and landscaping equipment.
18. Car wash, quick lube or place of express auto service.
19. General automotive repair establishments, excluding auto-body and painting establishments.
20. Hardware and home improvement stores, excluding the outside storage of lumber, block and associated aggregate products.
21. Farm equipment and supplies, implement sales and service, livestock and animal feed.
22. Pre-manufactured storage buildings and accessory structures display and sales.
- 23. Filling stations.**
 - C. *Height And Area Regulations.* The height and area regulations set forth in Article V shall be observed.
 - D. *Design Standards.*
 1. *Parking and loading requirements.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Article VI.
 2. *Landscaping and open space regulations.* Landscaping and open space regulations shall be provided in accordance with the requirements for specific uses set forth in Article X.
 3. *Screening and bufferyard requirements.* Screening and bufferyard requirements shall be provided in accordance with the requirements for specific uses set forth in Article XI.
 4. *Sign regulations.* Sign regulations shall be provided in accordance with the requirements for specific uses set forth in Chapter 415.
 5. *Additional district provisions.* Additional provisions relating to exterior lighting, accessory buildings, stormwater regulations and access are provided in Article VII.

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~striketrough~~ in the above is deleted.

Section 3. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 4. The whereas clauses are hereby specifically incorporated herein by reference.

Section 5. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 6. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.18 10:27:52
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-001: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Nothing spoke of significant Change

Based on these findings, I have concluded to recommend the application to the City Council for:

- Approval
- Denial

Commissioner Name:

Brandon Andrews

Commissioner Signature:

[Handwritten Signature]

Date:

3-8-2021

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-001: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Proposed changes to the Ordinance are appropriate

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

RAWSON ELLIS III

Commissioner Signature:

Rawson Ellis III

Date:

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-001: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

Conforming to the City's adopted Land Use Plan

Yes

No

Conforming to the City's adopted Transportation Plan

Yes

No

Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.)

Yes

No

Compatible with surrounding land uses

Yes

No

Able to be adequately served by municipal infrastructure

Yes

No

Aligned with the purposes of RSMo. 89.040

Yes

No

Statement of Relevant Facts Found:

[Empty box for Statement of Relevant Facts Found]

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval

Denial

Commissioner Name:

CYNTHIA HYDER

Commissioner Signature:

C. Hyder

Date:

3/8/2021

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-001: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

These All make sense to me.

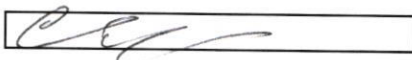
Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Chris Crosby

Commissioner Signature:



Date:

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-001: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

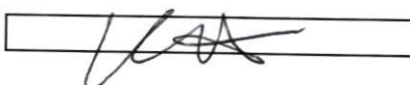
Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Kevin Hawn

Commissioner Signature:



Date:

3/8/21



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-14 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 405, Zoning Regulations, Article IV, A Planned Development District, Regarding Planned Development Districts.

Submitted By: Karen Haynes, Planning Manager, BUILDS Department

Date: April 6, 2021

Issue Statement

Consideration to approve Amendments to Article IV A Planned Development District.

Discussion and/or Analysis

The City of Republic is requesting Amendments to Article IV A Planned Development District (PDD) to provide additional clarity to the language of the PDD Ordinance and to facilitate growth in the City of Republic.

Section 405.210 Purpose and Intent

The purpose of the planned development regulations is to allow for **mixed-use**, unconventional, **or and** innovative arrangements of land uses and public facilities that, but for the provisions of these regulations, would otherwise be difficult to develop under the conventional land use and development regulations of the City. ~~It is not the intent of these regulations to provide for or facilitate the circumvention of the conventional regulations for development for the sake of mere convenience or in any other way that does not provide for a demonstrable public benefit based on the findings of the City's Planning and Zoning Commission and City Council.~~

Section 405.220 Applicability:

- B.1. The proposed development plan shall involve a diverse mixture or variation of land uses or densities, ~~which cannot be accomplished by following the requirements set forth for conventional development and which contains aspects of development beyond mere convenience that necessitate use of a planned development.~~
- B.3. The proposed development plan shall involve design elements that promote the City of Republic's Comprehensive Plan **and other adopted plans of the City.**



Section 405.240 Development Plans:

A.5. Identification Of Other Amenities. The proposed development plan shall identify the general location and type of other planned amenities ~~intended to serve the public interest~~, a sense of community, and/or the purpose of this Article.

~~B.2. Promotion of the public interest and a sense of community.~~

~~3.2.~~ Conformity with the adopted Comprehensive Plan and other adopted plans of the City of Republic.

~~4.3.~~ The ability of the available or planned infrastructure to provide adequate service to the proposed development.

~~5.4.~~ The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent of this Article.

~~6.5.~~ A reliable and valid estimate of the costs and benefits of the proposed development upon the community.

~~7.6.~~ The duly authorized partnership of the public and private sectors for mutual benefit.

Section 405.250 Infrastructure Design and Construction

B.5. Conformity to the applicable minimum requirements of the City of Republic's Municipal Code of Ordinances ~~or~~ and other adopted codes or laws of the City, State, or Federal governments.

Recommended Action

Staff recommends the approval of the referenced Amendments.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE IV, LAND USE, CHAPTER 405, ZONING REGULATIONS, ARTICLE
IV, A PLANNED DEVELOPMENT DISTRICT, REGARDING PLANNED DEVELOPMENT
DISTRICTS**

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City of Republic has recognized the need to continually review and revise Land Use Regulations regarding Planned Development Districts as the City continues to grow and develop; and

WHEREAS, the BUILDS Department did, thereafter, submit revisions to the Planning and Zoning Commission which did set March 8, 2021, as the date a Public Hearing would be held on such application and proposed revisions; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on February 10, 2021, in The Greene County Commonwealth, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the Public Hearing; and

WHEREAS, a Public Hearing was conducted by the Planning and Zoning Commission on March 8, 2021; and

WHEREAS, on March 8, 2021, the Planning and Zoning Commission, by a vote of 5 Ayes to 0 Nays, recommended the approval to revise Land Use Regulations regarding Planned Development Districts and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the revisions to the Land Use Regulations regarding Planned Development Districts was submitted to the City Council at its regular meeting on March 23, 2021, after which the City Council did proceed to vote to approve the revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. Title IV, "Land Use," Chapter 405, "Zoning Regulations," Article IV, "A Planned Development District" is hereby amended by amending the Sections below to read as follows:

Section 405.210 Purpose And Intent.

The purpose of the planned development regulations is to allow for **mixed-use**, unconventional, ~~or and~~ innovative arrangements of land uses and public facilities that, but for the provisions of these regulations, would otherwise be difficult to develop under the conventional land use and development regulations of the City. ~~It is not the intent of these regulations to provide for or facilitate the circumvention of the conventional regulations for development for the sake of mere convenience or in any other way that does not provide for a demonstrable public benefit based on the findings of the City's Planning and Zoning Commission and City Council.~~

Section 405.220 Applicability.

- A. Eligibility To Submit An Application For A Planned Development. An application for a Planned Development shall be submitted by the legal owner(s) of the real property subject to the application, or by a duly authorized representative of such owner, or by an individual or organization with a legitimate contractual interest in the purchase of the subject real property.
- B. Eligibility Requirements For Planned Developments – Generally. A proposal for a Planned Development shall demonstrate substantial congruence with each of the following conditions in order to be considered eligible for approval.
 - 1. The proposed development plan shall involve a diverse mixture or variation of land uses or densities, ~~which cannot be accomplished by following the requirements set forth for conventional development and which contains aspects of development beyond mere convenience that necessitate use of a planned development.~~
 - 2. The proposed development plan shall involve the provision of all infrastructure deemed necessary to adequately serve the potential development.
 - 3. The proposed development plan shall involve design elements that promote the City of Republic's Comprehensive Plan **and other adopted plans of the City**.
 - 4. The proposed development plan shall involve design elements intended to lessen congestion in the streets; to secure safety from fire, panic and

other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 405.240 Development Plans.

- A. Minimum Requirements. Development plans accompanying an application for a new Planned Development District will be reviewed by City staff in order to verify satisfaction of the following minimum requirements prior to being forwarded to the Planning and Zoning Commission for consideration:
1. Identification Of Permitted Land Uses. All land uses to be permitted within the Planned Development shall be identified in sufficient detail with regard to density, intensity, and location of the use. In this context, "sufficient detail" means a description of the permitted land use so as to explicitly limit the use of land in a way that is meaningful for the purposes of making determinations as to whether the particular land in question may be used for a specific purpose. Overly vague or ambiguous land use descriptions that evade predictability and certainty as to what sorts of land uses may be permitted shall not be allowed.
 2. Identification Of Circulation Elements. The proposed development plan shall articulate a plan for the circulation of vehicle and pedestrian traffic throughout the development. The circulation plan shall include sufficient detail with regard to the general location of these elements as well as their capacities and connections to existing facilities of the same or similar purpose.
 3. Identification Of Utility Sources. The proposed development plan shall accurately identify the location of proposed sources and any necessary extension or expansion of utilities to serve the identified land uses. It is not the intent of this provision to require the specific design or engineering of the extension or expansion of these utilities, rather it is merely to ensure that the necessary services are available and of adequate capacity, either presently or as a result of planned expansion, to serve the proposed development.
 4. Identification Of Transitional Elements. The proposed development plan

shall identify the general location and type of transitional elements between dissimilar or normally incompatible land uses. These transitional elements may include screens, bufferyards, or other architectural features that serve to lessen the visual, auditory, and olfactory impacts of land uses having significant differences in intensity.

5. Identification Of Other Amenities. The proposed development plan shall identify the general location and type of other planned amenities ~~intended to serve the public interest~~, a sense of community, and/or the purpose of this Article.
 - B. Evaluation Criteria. The development plans proposed for any Planned Development shall be evaluated by the City staff, the Planning and Zoning Commission, and the City Council with regard to the following criteria:
 1. Satisfaction of the purpose and intent of this Article.
 2. ~~Promotion of the public interest and a sense of community.~~
 3. Conformity with the adopted Comprehensive Plan and other adopted plans of the City of Republic.
 4. The ability of the available or planned infrastructure to provide adequate service to the proposed development.
 5. The estimated impact of the proposed development on surrounding properties based on facts found pertaining to the purpose and intent of this Article.
 6. A reliable and valid estimate of the costs and benefits of the proposed development upon the community.
 7. The duly authorized partnership of the public and private sectors for mutual benefit.
 - C. Rights/Privileges Conferred Upon Development Plan Approval. The approval of a Planned Development District by ordinance of the City Council of the City of Republic shall confer upon the applicant and any successive owners of the real property the conditional right to develop the land in accordance with the approved development plan.

Section 405.250 Infrastructure Design And Construction.

- A. Procedure. The design, review, and permitting of the construction of the infrastructure planned for the development shall proceed according to the provisions of Chapter 410 of the City of Republic's Municipal Code of Ordinances.
- B. Evaluation Criteria. Permits for land disturbance or construction of any improvements to the real property shall ~~be~~ not be issued except upon a determination by the Community Development Department that the designs are in substantial conformity to the approved development plan. Substantial conformity shall be determined according to the following criteria:
1. Conformity to the arrangement and type of land uses articulated by the approved development plan.
 2. Conformity to the circulation plan articulated by the approved development plan.
 3. Conformity to the Standards and Specifications for Public Improvements.
 4. Conformity to the transitional elements articulated by the approved development plan.
 5. Conformity to the applicable minimum requirements of the City of Republic's Municipal Code of Ordinances ~~or~~ **and** other adopted codes or laws of the City, State, or Federal governments.
 6. Conformity to any other amenities or design elements articulated by the approved development plan.

If the Community Development Department determines the design of the development to not be in substantial conformity, the Community Development Director and/or their designee shall transmit such findings, in writing, to the applicant along with a statement of the specific areas found to be in non-conformity. A determination of non-conformity may be appealed to the Board of Adjustment pursuant to the provisions of Article XII of Chapter 405 of the City of Republic's Municipal Code of Ordinances.

- C. Amendments To The Plan. Minor amendments to the development plan shall be submitted for staff review and approval. If staff determines that the changes are a substantial change to the development plan then the matter may be referred to Council to approve, amend or deny the

proposed changes. Amendments to the approved development plan may be forward to the Planning and Zoning Commission and City Council according to the same procedure for original adoption.

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~strike through~~ in the above is deleted.

Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.18 10:09:56
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____

Findings of Fact

Date of Hearing: Time: Type of Application:

Name of Applicant: Location:


Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

No real change a lot of updating verbiage

Based on these findings, I have concluded to recommend the application to the City Council for: Approval Denial

Commissioner Name: Commissioner Signature:  Date:

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-002: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Proposed ordinance changes are appropriate

Based on these findings, I have concluded to recommend the application to the City Council for:

- Approval
- Denial

Commissioner Name:

RANSAM ELLIS II

Commissioner Signature:

R. Ellis

Date:

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-002: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

[Empty box for Statement of Relevant Facts Found]

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

CYNTHIA HYDER

Commissioner Signature:

C. Hyder

Date:

3/8/2021

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-002: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Changes make sense to me.

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Chris Coshy

Commissioner Signature:



Date:

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-003: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Kevin Flann

Commissioner Signature:



Date:

3/8/21

AGENDA ITEM ANALYSIS

Project/Issue Name: 21-15 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title IV, Land Use, Chapter 415, Sign Regulations, Regarding Signs.

Submitted By: Chris Tabor, Principal Planner, BUILDS Department

Date: April 6, 2021

Issue Statement

Consideration to approve Amendments to Chapter 415 Sign Regulations

Discussion and/or Analysis

The City of Republic is requesting Amendments to Chapter 415 Sign Regulations in order to provide a more comprehensive ordinance that clarifies City rules and regulations while placing the community in a better position to receive and respond to the needs of new businesses.

Please note that many of the changes made by this amendment are covered only generally by reference in the following section, "Housekeeping Items." More substantial changes, as well as all changes to Section 415.020 Definitions, have been noted separately by their designated sections.

Section 415 Housekeeping Items

- A number of the alterations made throughout the ordinance concern the need to modernize language, correct existing errors, or clarify meaning.

Section 415.020 Definitions

Added Definitions

- **Animated/Animation:** Refers to the employment of physical motion, the illusion of motion, or light or color changes created through mechanical or electrical means.

Revised Definitions

- **Attached Sign (Sign, Wall):** Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, engraved on, etched on, or supported by any part of a building's wall, awning, canopy, marquee, parapet, sunshield, ~~window~~, door or similar item. **Such a sign may not extend beyond any further than eighteen (18) inches from the connected structure nor extend beyond the edge of the wall to which it is attached.**

- Business Area:** Any district designated under Chapter 405 of the Republic City Code for office, commercial or industrial use, **including Planned Development Districts whose development plans contain districts with similar purpose(s).**
- City Building Inspector:** The City ~~Building~~ Inspector of the City of Republic, Missouri, or his/her designated representative of the Community Development Department.
- Directional Sign:** A ~~pole-freestanding~~ or monument sign, located on private property, which directs vehicular traffic. The sign may display arrows, words or other symbols to indicate the direction of the facilities. No goods or services for sale may be listed.
- Effective Area:** The surface area enclosed by the minimum imaginary arrangement of three-dimensional geometric figures ~~or combination of contiguous rectangles, composed of vertical and horizontal lines~~ which fully contain all ~~extremities~~ extreme limits of the copy on a the sign. ~~This rectangle, or combination of contiguous rectangles, is to be calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for an orthographic projection shall be rotated horizontally around the sign to give the largest rectangle. For flat signs, this viewpoint is opposite a corner. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign seen from this viewpoint is then enclosed within the smallest plane of view. The sign seen from this viewpoint is then enclosed within the smallest rectangle, or combination of contiguous rectangles, which fully contains the sign. The area of the rectangle, or combination of contiguous rectangles, is the "effective area" of the sign. A combination of contiguous rectangles may be used with more than one (1) surface containing copy.~~
- Flags:** A construction of fabric, plastic or paper depicting through symbols, characters, design or letters a nation, or political subdivision ~~or business~~ when hung, without frame, from a ~~staff or~~ pole.
- Setback:** The horizontal distance between the curb-property line and a vertical projection from that portion of the sign nearest the curb-property line.
- Sign, Freestanding:** A type of detached sign which is supported by one (1) or more uprights, poles or braces affixed to the ground, not attached to the principal building or structure. The bottom of the sign face shall be no closer than eight (8) feet from the ground below the sign except where alternative height and distance of signage from grade have been specified.
- Sign, Monument:** A type of detached sign supported by the ground, not attached to the principal building or structure, where the bottom edge of the sign is on or in the ground.
- Sign, Projecting:** Any sign which is attached to and projects more than eighteen (18) inches from a surface or building face.



Section 415.030 Exempt Signs

- Exempt Signs
 - **415.030.A** – Removed the following exemptions
 - Banner Signs
 - Directional Signs
 - **415.030.A.10.g** – Clarified language to match its intention that each sign may be four square feet.
 - Attached incidental sign, which pertains to goods, products, services or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purpose of the business, not exceeding ~~a total of~~ four (4) square feet in effective area per business.
 - **415.030.A.12** – Added specifications for Menu board signs to
 - Clarified that such signs may be for the service of walk-up customers
 - Set restrictions on number of menu board signs based on walk-up service windows and drive thru lanes
 - 1 per each.
 - Clarified size allowance for menu board signs that facilitate double-faced signage
 - Maximum of 60 Sq Ft per side

Section 415.080 For Signs in Business Areas

- **415.080.B – General Provisions**
 - Commercial signs may not locate within 25 feet of a non-business area
- **415.080.B – Detached Signs**
 - Maximum height changed from 25 feet to 40 feet. This amendment is designed to provide more options to businesses desiring greater visibility in a growing marketplace
 - Prohibits signs from encroaching upon an easement

Section 415.110 Directional Signs

- New guidelines provide clarification on the purpose of directional signage, allowable height and area, and how such signs interact with the greater sign ordinance.

Recommended Action

Staff recommends the approval of the referenced Amendments.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE IV, LAND USE, CHAPTER 415, SIGN REGULATIONS, REGARDING
SIGNS**

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City of Republic has recognized the need to continually review and revise Land Use Regulations regarding Signs as the City continues to grow and develop; and

WHEREAS, the BUILDS Department did, thereafter, submit revisions to the Planning and Zoning Commission which did set March 8, 2021, as the date a Public Hearing would be held on such application and proposed revisions; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on February 10, 2021, in The Greene County Commonwealth, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the Public Hearing; and

WHEREAS, a Public Hearing was conducted by the Planning and Zoning Commission on March 8, 2021; and

WHEREAS, on March 8, 2021, the Planning and Zoning Commission, by a vote of 5 Ayes to 0 Nays, recommended the approval to revise Land Use Regulations regarding Signs and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the revisions to the Land Use Regulations regarding Signs was submitted to the City Council at its regular meeting on March 23, 2021, after which the City Council did proceed to vote to approve the revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. Title IV, "Land Use," Chapter 415, "Sign Regulations," is hereby amended by amending the Sections below to read as follows:

Section 415.020 Definitions.

As used in this Chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them by this Section:

ANIMATED/ANIMATION

Refers to the employment of physical motion, the illusion of motion, or light or color changes created through mechanical or electrical means.

ATTACHED SIGN (SIGN, WALL)

Any sign substantially and permanently attached to, applied on, structurally connected to, painted on, engraved on, etched on, or supported by any part of a building's wall, awning, canopy, marquee, parapet, sunshield, ~~window~~, door or similar item. **Such a sign may not extend beyond any further than eighteen (18) inches from the connected structure nor extend beyond the edge of the wall to which it is attached.**

ATTENTION ATTRACTING DEVICES

Any animated, mechanical or stuffed item designed to promote, advertise, demonstrate or call attention to any commercial, office, retail or service business or activity.

BANNER

A sign made of fabric or any other non-rigid material with no enclosing framework.

BUILDING CODE

The Building Code of the City of Republic, Missouri, together with any related Code(s) adopted by the City, and any regulations adopted in conformance therewith.

BUSINESS AREA

Any district designated under Chapter 405 of the Republic City Code for office, commercial or industrial use-, **including within the boundaries of areas of similar purpose as they are delineated within Planned Development Districts.**

~~CITY BUILDING~~ INSPECTOR

The City ~~Building~~ Inspector of the City of Republic, Missouri, or his/her designated representative of the Community Development Department.

COMMERCIAL

Relating to the sale of goods or services.

COPY

The letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design logo, illustration or device illuminated or non-illuminated which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem or painting designed to advertise, communicate, identify or convey information.

DIRECTIONAL SIGN

A ~~pole~~ **freestanding** or monument sign, located on private property, which directs

vehicular traffic. The sign may display arrows, words or other symbols to indicate the direction of the facilities. No goods or services for sale may be listed.

EFFECTIVE AREA

The **surface** area enclosed by the minimum imaginary **arrangement of three-dimensional geometric figures** ~~or combination of contiguous rectangles, composed of vertical and horizontal lines which fully contain all extremities~~ **extreme limits of the copy on a** the sign. ~~This rectangle, or combination of contiguous rectangles, is to be calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for an orthographic projection shall be rotated horizontally around the sign to give the largest rectangle. For flat signs, this viewpoint is opposite a corner. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign seen from this viewpoint is then enclosed within the smallest plane of view. The sign seen from this viewpoint is then enclosed within the smallest rectangle, or combination of contiguous rectangles, which fully contains the sign. The area of the rectangle, or combination of contiguous rectangles, is the "effective area" of the sign.~~ A combination of contiguous rectangles may be used with more than one ~~(1) surface containing copy.~~

ERECT

Attach, alter, build, construct, reconstruct, enlarge or move.

FLAGS

A construction of fabric, plastic or paper depicting through symbols, characters, design or letters **of a nation or** political subdivision ~~or business~~ when hung, without frame, from a ~~staff or pole.~~

FLASHING LIGHT

A continuously intermittent light or sequential light; but not including animation or lighting changes which change the copy of a sign.

FRONTAGE, BUILDING

The wall of the building that faces the street abutting the property. If the building is located on a corner at an angle facing two (2) streets, the frontage shall be the wall of the building which faces the street with the highest average daily traffic count.

IDEOLOGICAL AND NON-COMMERCIAL SIGN

A sign which does not name or advertise a product, service or business but only expresses a viewpoint, non-commercial message, opinion or idea. This includes commemorative plaques, historic markers, holiday decorations, political signs, political or fraternal flags or emblems, or protective signs which are commonly associated with safeguarding the permitted uses of a premises including, but not limited to "vicious dog", "no trespassing", "neighborhood watch" and "authorized

parking only".

LOT

A parcel of land under one (1) ownership designated as a separate and distinct tract and identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

MENU BOARD

An on-premise sign utilized by the public patronizing a drive-through business as to a bill of fare or other products or services.

NON-BUSINESS AREA

Any area within a residential zoning district, including areas therein where legal non-residential uses are present.

NON-COMMERCIAL

Relating to a public service, religion, charity, idea or similar item.

OFF-PREMISES SIGN

A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located, e.g. "billboards", "outdoor advertising" or "off-site sign".

ON-PREMISES SIGN

A sign which pertains to the use of the premises on which it is located and maintained.

PERMANENT SIGN

Any wall or monument sign or other sign which is intended remain displayed.

PERSON

Any individual, corporation, association, firm, partnership, institution or other legal entity, singular or plural.

PREMISES

Any tract of land, consisting of one (1) or more lots, under single or multiple ownership, which operates as a functional unit. When developed, a premises shall also possess one (1) or more of the following criteria:

1. Shared parking.
2. Common management.
3. Common identification.
4. Common access.

5. Shared circulation.

SETBACK

The horizontal distance between the ~~curb~~**property** line and a vertical projection from that portion of the sign nearest the ~~curb~~**property** line.

SIGN

Any object principally designed to convey a message, including sign structure and decorative cover. Examples of signs include, but are not limited to: message boards, changeable copy boards, pennants, flags, billboards, and streamers.

SIGN, DETACHED

A sign not attached to or painted on a building, but which is permanently affixed to the ground, otherwise known as a monument or freestanding sign. A sign attached to a flat surface such as a fence or a wall not a part of a building shall be considered a detached sign.

SIGN, FREESTANDING

A **type of detached** sign which is supported by one (1) or more uprights, poles or braces affixed to the ground, not attached to the principal building or structure. The bottom of the sign face shall be no closer than eight (8) feet from the ground **below the sign except where alternative height and distance of signage from grade have been specified.**

SIGN, MONUMENT

A **type of detached** sign supported by the ground, not attached to the principal building or structure, where the bottom edge of the sign is on or in the ground.

SIGN, PROJECTING

Any sign which is attached to and projects **more than eighteen (18) inches** from a surface or building face.

SIGN, ROOF

Any sign erected upon, against or directly above a roof.

SIGN STRUCTURE

Any structure which supports, has supported, or is designed to support a sign, including any decorative cover, exclusive of any copy.

SIGN, WALL

Any sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sunshield, window, door or similar item.

STP URBAN SYSTEM

Surface Transportation Program (Urban System) is a network of roads and highways

that qualify for Federal aid under the Inter-modal Surface Transportation Efficiency Act.

STREET GRADE

The highest altitude of the street vertically under any portion of the sign or its supports.

USE

The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Section 415.030 Exempt Signs.

A. The following signs shall not require the issuance of a sign permit but must be in conformance with all other sign regulations and the Building Code. These signs are allowed in addition to all other signs allowed under this Chapter.

1. *Address numbers.*

a. Address numbers for each residential building and business address numbers not exceeding one (1) square foot in effective areas per character, and one (1) name plate not exceeding two (2) square feet in effective area per dwelling unit or business. All address numbers and name plates shall be attached signs, except as follows:

b. If a building is more than one hundred (100) feet from the street, its address numbers may be detached.

2. ~~*Banner signs.* One (1) banner sign per business premises, which is not over thirty-six (36) square feet in effective area.~~

3. ~~*Directional signs.* Detached on-premises directional signs which do not exceed five (5) square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed twenty percent (20%) of the effective area. No part of the sign shall exceed four (4) feet in height above street grade or four (4) feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than twelve (12) inches above street grade, excluding berms or other landscaping features.~~

42. *Election signs.* Any sign erected for an election campaign, provided that said sign is removed ten (10) days after election is final.

53. *Flags.* Flags of any nation, State or political subdivision provided:

- a. If the flag is flown from a flagpole, such flagpole shall be a minimum of four (4) times the length of the flag but shall not exceed over sixty (60) feet in height from finished grade.
- 64. *Government sign.* Any sign erected or maintained by or for any agency of government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance or governmental regulations; or any sign erected in cooperation with the City or other government agency for the purpose of promoting the City or community.
- 75. *Holiday decorations.* Holiday decorations in season.
- 86. *Internal signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
- 97. *Neighborhood identification sign.* A detached sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name or historic district.
- 108. *Real estate sale, lease and construction signs.* One (1) detached or attached non-illuminated temporary on-premise and/or off-premise sign each pertaining to the construction, sale or lease of real estate. Such sign shall not exceed thirty-two (32) square feet in effective area in business areas and not to exceed four (4) square feet in effective area in non-business areas. One (1) additional sign shall be permitted in both business and non-business areas if the premises on which they are located either has at least two hundred fifty (250) feet of frontage, contains more than five (5) acres, or has frontage on more than one (1) street. All such signs shall be removed within seven (7) days after the closing of the sale or lease.
- 119. *Vehicular signs.* Any sign permanently attached to a motor vehicle which is traveling or lawfully parked where the primary purpose of such parking is not the display of any sign. This definition shall not include signs in transit to a site of permanent use.
- 1210. *Miscellaneous exempt signs.*
 - a. A sign located on machinery or equipment which is necessary or customary to the business, including such devices as gasoline pumps or vending machines, which does not increase the size of the surface area or alter the shape of the machine or equipment.
 - b. Private street or road name signs.

- c. "No trespassing", "no dumping", "no loitering" and like signs not exceeding one (1) square foot.
- d. Signs warning the public of the existence of danger, but containing no advertising material, to be removed upon subsidence of the danger for which warning is being given and not exceeding one (1) square foot in effective area.
- e. A sign on facilities located in City parks which provides information that is incidental to a sponsored activity such as scoreboards, time clocks, benches or signs in concession stands.
- f. A detached or attached temporary sign not exceeding thirty-two (32) square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political or similar nature, provided that said sign is posted only during said drive or event for no more than sixty (60) days per year and is removed within twenty-four (24) hours after an event.
- g. Attached incidental sign, which pertains to goods, products, services or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purpose of the business, not exceeding a total of four (4) square feet in effective area per business.

~~1311.~~ *Personal property sales, moving sales, garage sales or yard sales signs.* Posting of such signs shall not be permitted more than one (1) day prior to the sale and must be removed by the last day of the sale. Posting of such signs shall be permitted on public property, including right-of-way, and shall be further governed by Sections 415.050 and 415.060.

~~1412.~~ *Menu board signs in drive thru facilities.*

- a. ~~Shall be located at the rear fifty percent (50%) of the principal building; and~~ **Shall be allowed in a business area at a rate of:**
 - i. **One menu board per drive thru lane.**
 - ii. **One menu board per ordering window not serving a drive thru lane.**
- b. ~~Shall have a sign envelope that does not exceed sixty (60) square feet in area~~ **on any one side containing copy; and**
- c. Shall be limited to internally lit indirect lighting

Section 415.040 Exempt Operations.

- A. The following operations shall not require the issuance of a sign permit:
1. Changing of the copy describing products or services on an existing permitted sign which is specifically designed for the use of manually or automatically changeable copy including billboard panels and posters; but not including changes in the **materials**, structure, size, placement or location of the sign.
 2. Maintenance, including repainting, refurbishing, cleaning or other normal repair of a sign not involving structural changes.

Section 415.060 Prohibited Signs.

- A. The following signs are prohibited, which:
- ~~1. Concern unlawful activity;~~
 - ~~21.~~ Operate or employ any motion picture projection in conjunction with any advertisements;
 - ~~32.~~ Employ any searchlights, strobe lights, balloons or similar attention ~~getting~~ **attracting** devices;
 - ~~43.~~ May be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle by reason of their size, location, movement, content, coloring, or manner of illumination;
 - ~~54.~~ Hide from the view of those to whom the device is directed, any traffic or street sign or signal or similar device;
 - ~~65.~~ Are temporary, except as specifically allowed in this Code;
 - ~~76.~~ Signs other than those specifically allowed by Section 415.030(10) that are capable of being carried, wheeled or moved from one location to another;
 - ~~87.~~ Signs which are attached to any tree, fence, branch, another sign or utility pole except warning signs issued and properly posted by the utility company.

Section 415.070 Temporary Banners.

A. *Temporary Banners Permitted.*

1. Except as otherwise exempted in Section 415.030, or provided in this Section, temporary banners may only be used in a business area.
2. ~~In non-business areas, each premises may display one (1) temporary banner not exceeding four (4) square feet in effective area for up to seven (7) consecutive days twice each calendar year.~~

B. *General Provisions.*

1. The effective area shall not exceed thirty-five (35) square feet.
2. All temporary banners shall be attached ~~banners~~ **to a permanent structure.**
3. Each business may display one (1) attached temporary banner as set forth below.

C. *Temporary Banners – Duration Of Display.*

1. A business or premises shall be allowed to display a temporary banner for not more than thirty (30) days per display period and **for a total of** not more than ninety (90) days per calendar year.
2. No temporary banner shall be displayed without obtaining a new permit before each display period.
3. In business areas, a temporary business with a valid business license and a temporary building permit may apply for and obtain a ~~special~~ **temporary sign** permit which would allow the use of a temporary banner for the period of **time outlined by the building temporary sign** permit. ~~Such a banner must be attached to a temporary or permanent structure and may not exceed thirty two (32) square feet in effective area.~~

- D. *Temporary Banners – Emergency Uses.* In the event a sign or business is substantially damaged through fire, flood, act of God, insurrection, riot or similar emergency beyond the control of the business owner or occupant, a temporary banner shall be allowed for a period of time not to exceed sixty (60) days, unless the time period is extended by the Community Development Department for a continuing hardship.

Section 415.080 Provisions For Signs in Business Areas.

- A. *General Provisions.* These provisions shall apply to all permanent signs in business areas as defined in this Chapter.
1. A sign in a business area shall ~~conform to regulations for a sign in a non-business area if the sign is within~~ **be further than** twenty-five (25) feet ~~of~~ from a non-business area.
 2. Flashing lights or animation on signs in business areas shall be placed at least ten (10) feet above street grade.
 3. Both on-premises or off-premises signs are allowed in general commercial and less restrictive zoning districts. Only on-premises signs are allowed in more restrictive districts. Off-premises detached signs shall conform to the standards for on-premises **detached** signs, with the following exceptions:
 - a. Off-premises detached signs shall maintain a minimum front yard setback of twenty-five (25) feet.
 - b. Off-premises detached signs shall maintain a maximum radius of one thousand five hundred (1,500) feet between all other off-premises detached signs. Off-premises detached signs shall maintain a maximum height of forty (40) feet and a maximum effective area of four hundred (400) square feet.
 - c. Off-premises detached signs are prohibited within one hundred twenty-five (125) feet of a non-business area.
 4. Sign regulations enforced by the Missouri Highway and Transportation Commission along the primary highway system in the City shall take precedence over any less restrictive requirements of this Chapter.
 5. ~~All heights specified in this Code shall be measured from street grade at a point perpendicular to facing street unless otherwise specified.~~
- B. *Detached Signs.* Detached signs are allowed in business areas.
1. A premises ~~fronting on a collector street with frontage along a given street~~ shall be allowed a detached sign with an effective area determined by adding fifty (50) square feet to a ratio of one (1) square foot of effective area per lineal foot of frontage along the ~~collector~~ **given** street.
 2. Each premises shall be allowed one (1) permanent detached on-premises or off-

premises sign. Premises with frontage on more than one (1) street shall be permitted to have one (1) additional on-premises sign per side.

3. Premises which have more than four hundred twenty-five (425) feet of frontage along a street may have one (1) additional detached sign for each additional four hundred twenty-five (425) feet of frontage or fraction thereof, provided a minimum of three hundred (300) feet of separation is maintained between signs on a given premises.
4. The maximum effective area for any detached business sign shall be three hundred (300) square feet.
5. Each detached sign shall not exceed a maximum height of ~~twenty-five (25)~~ **forty (40)** feet.
6. A minimum setback of ten (10) feet will be required from the property line for monument signs and a minimum setback of five (5) feet from the property line for freestanding signs.
7. **No portion of the sign or its supporting apparatus shall encroach upon an easement.**

C. *Attached Signs.* Attached signs are allowed in business areas in accordance with the following provisions:

1. Each business shall be allowed an attached sign. In the event the business does not front on a street, it shall be allowed signage as if it fronted on a local street. ~~The attached sign shall not extend any further than eighteen (18) inches from any part of the structure, i.e. awning, canopy, door, marquee, parapet, sunshield, wall or similar item. Attached signs do not include signs on the inside or outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, these shall be subject to total square footage limitations. An attached sign shall not extend beyond the wall edge.~~
2. The total effective area of all wall signs allowed for a business shall be calculated **in the following manner:** ~~based upon the lineal footage of each wall having frontage on a street. If the business has frontage on any street other than a local street, the effective area shall not exceed three (3) square feet per lineal foot of the wall length. If the business has frontage on a local street, the effective area shall not exceed one-half (1/2) square foot per lineal foot of the wall length.~~
 - a. **One-half (1/2) square foot will be allotted per lineal foot of the building's wall length along a local street.**
 - b. **Three (3) square feet will be allotted per lineal foot of the building's wall length**

along a street with classification of collector, secondary arterial, primary arterial, or highway.

3. A premises may have a roof sign only if it does not have a detached or projecting sign. No part of the sign shall extend beyond any wall. The methodology used to determine the effective area allowed for detached signs shall be used to calculate the effective area allowed for roof signs.
 4. A business may have a projecting sign only if it does not have a roof sign or a maximum number or allowable detached signs for that premises. Where a business frontage would allow the use of two (2) or more detached signs, a projecting sign may be substituted for one (1) of the detached signs. Projecting signs shall have a minimum clearance of ten (10) feet above the highest level of the ground under the sign at the sign's lowest point and shall not exceed twenty (20) square feet in effective area.
 5. Each premises containing more than one (1) business shall reserve one (1) detached sign to identify either the entire premises, or businesses located there, desiring to be identified, unless otherwise approved by the Community Development Department.
- D. Menu board signs shall be governed by the provisions of Section 415.030 paragraph (14).
- E. Commercial subdivision signs shall:
1. Be limited to one (1) subdivision sign per entrance.
 2. Not exceed an effective area of three hundred (300) square feet.
 3. Not exceed a height of twenty-five (25) feet.
 4. Comply with all other applicable provisions of the sign ordinance (i.e., "Intersection Clear Sight Triangle").
 5. Be limited to displaying the names of companies located in the subdivision and no advertising matter shall be allowed on the sign.
 6. Not supersede any other detached signs allowed within this Section.
 7. Be placed in a sign easement.
 8. Have a minimum setback of ten (10) feet from the property line for a monument sign and a minimum setback of five (5) feet from the property line for freestanding sign.

9. A sign permit is required for any commercial subdivision sign.
10. ~~Sign shall not be in sight triangle.~~

Section 415.090 Provisions For Signs in Non-Business Areas.

A. *Single-Family And Two-Family Residential Districts.* These provisions shall apply to all permanent signs in non-business areas:

1. Dwelling units in single-family or two-family zoning districts shall be allowed to utilize any non-business sign described in Section 415.030, Exempt Signs. Home occupations, as defined in Section 405.020, and as allowed in Article III of Chapter 405 of this Title, shall be allowed one (1) on-premises detached sign, such sign shall not exceed five (5) square feet in effective area and four (4) feet in height. ~~No off-premises signs shall be allowed other than those specifically allowed by Section 415.070, Temporary Signs.~~
2. Wall signs shall not be permitted. ~~however, this does not include signs on the inside or outside of windows except that any signs on the outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, shall not exceed five (5) square feet in effective area.~~
3. Flashing lights and animation are not allowed ~~except as seasonal decorations.~~

B. *Detached Signs.* Detached signs are allowed in non-business areas as follows:

1. Each premises containing a multi-family use or legal non-conforming use shall be allowed one (1) detached sign. Premises with more than seven hundred fifty (750) feet of frontage along a public street may have one (1) additional detached sign, provided a minimum of three hundred (300) feet of separation is maintained between signs, and a minimum setback of twenty-five (25) feet from adjacent property line is maintained for both signs.
2. A minimum front yard setback of ten (10) feet is required of all detached signs. No detached sign shall exceed thirty-two (32) square feet in effective area or eight (8) feet in height.

C. *Attached Signs.* Attached signs are allowed in non-business areas as follows:

Each premises containing a multi-family use or legal non-conforming use shall be allowed one (1) wall sign per wall, which shall ~~extend no further than eighteen (18) inches from~~

~~the wall. The sign may contain the name and logo of the establishment, business or use and nothing else. Wall signs do not include signs on the inside or outside of windows except that any signs on the outside of the window, which do any advertising beyond merely identifying the business and giving the times it is open, shall be subject to total square footage limitations. A wall sign shall not project beyond the wall edge. The total effective area of all wall signs allowed for a business shall be calculated based upon street frontage and whether or not the premises has a detached sign. Where a premises has no detached sign, the total effective area of all wall signs shall not exceed one (1) square foot per linear foot of the wall length along the street or streets upon which the business fronts. Where a premises has a detached sign, the total effective area of all wall signs shall not exceed one-half (1/2) square foot per lineal foot of the wall length along the street or streets upon which the business fronts.~~

Section 415.110 Directional Signs.

~~On premises detached directional signs in excess of five (5) square feet in effective area shall be allowed in any area, provided such signs do not name or advertise any product, service or business, and the total allowable effective area of detached signs on the premises is not exceeded. A site plan locating all detached signs, including existing and proposed directional or instructional signs, shall be required prior to issuance of a sign permit.~~

Directional signs shall:

- A. Serve to guide circulation for the premises of either vehicular or foot traffic.**
- B. Not exceed four (4) feet in height above the ground under the sign.**
- C. Adhere to the guidelines of on-premises detached signs with the following exceptions:**
 - 1. Directional signs do not count towards the total number of detached signs allowed for the premises.**
 - 2. The effective area of directional signage does not contribute to the total effective area allowed for detached signs on the premises unless:
 - a. The effective area of a given directional sign is greater than ten (10) square feet or**
 - b. Nonessential copy (such as a logo, business name, product, or service identification) occupies greater than 50% of the effective area of a given directional sign.****

Section 415.130 Sign Permits and Inspections.

- A. *Permits Required.*
1. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, repair, improve, maintain, convert or manufacture any sign or cause the same to be done without first obtaining a sign permit for each such sign from the Community Development Department. In connection with the sign permit, an application fee shall be charged, upon receipt of an application for a sign permit. No sign permit shall be issued except to a person licensed to do business in the City or to a person exempt from the City licensing provisions.
 2. Every sign permit issued by the Community Development Department shall become null and void if work on the sign is not commenced within one hundred eighty (180) days from the date of such permit. If work authorized by such permit is suspended or abandoned for ninety (90) days after the work is commenced, the sign shall be considered abandoned unless a new permit shall be first obtained to proceed with the work on the sign, provided that no changes have been made in the original plans.
- B. *License.* No person shall perform any work or service for any person or for any government entity in connection with the erection, repair, improvement, maintenance, conversion or manufacture of any sign in the City, or any work or service in connection with causing any such work to be done, unless such person shall first have obtained a business license and paid the license fees provided for by the City, or shall be represented by a duly licensed person.
- C. *Application For Permit.* Application for a permit shall be made to the Community Development Department upon a form provided by the City and shall be accompanied by such information as may be required to ensure compliance with all appropriate laws and regulations of the City including, but not limited to:
1. Name, address and business license number of permit application.
 2. Name and address of owner of sign.
 3. Name and address of the owner and the occupant of the premises where the sign is located or to be located.
 4. Name and address of architect and or engineer responsible for design (see latest building code adopted by the City, as established in Chapter 500).
~~Drawings shall require a seal by an architect or an engineer when the sign is a roof sign, or the surface is twenty (20) feet or more from grade, or when the structural integrity of the sign is questioned.~~
 5. Clear and legible drawings with description showing the precise location of the sign

which is the subject of the permit and all other existing signs on the same premises or as otherwise specified by the Community Development Department.

6. Drawings showing the dimensions, construction supports, sizes, materials of the sign, and method of attachment and character of structural members to which attachment is to be made.
7. The Community Development Department shall issue a permit for work to be done on a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City.
8. **Drawings shall require a seal by an architect or an engineer when the sign is a detached sign, projecting sign, or roof sign, or as determined necessary by the Community Development Director.**
9. **Any prerequisite for drawings requiring a seal by an architect or an engineer may be waived by the Community Development Director as determined on an per case basis.**
10. **In such circumstances as those warranting the licensure of a sign by the Missouri Highway and Transportation Commission said license must be provided to the Community Development Department at the time that application is made.**

D. *Denial Or Revocation.*

1. The Community Development Department may, in writing, suspend, deny or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misstatement of fact, fraud or non-compliance with the Chapter.
2. When a sign permit is denied by the Community Development Department, written notice shall be given of the denial to the applicant, together with a brief written statement of the reason for the denial. Such denials shall have referenced the Section of the Sign Code or other pertinent Code used as a standard for the basis of denial.

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~strike through~~ in the above is deleted.

Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.18 10:04:53
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-003: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Updating Verbiage to make codes more sensible and coherent

Based on these findings, I have concluded to recommend the application to the City Council for:

- Approval
- Denial

Commissioner Name:

Brandon Andrews

Commissioner Signature:

Date:

3-8-2021

Findings of Fact

Date of Hearing:

Time:

Type of Application:

03/08/2021

7:00PM

Code Amendment

Name of Applicant:

Location:

ORD 21-003: City of Republic

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

[Empty box for Statement of Relevant Facts Found]

Based on these findings, I have concluded to recommend the application to the City Council for:

- Approval
- Denial

Commissioner Name:

Commissioner Signature:

Date:

CYNTHIA HYDER

C. Hyder

3/8/2021

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-003: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Proposed Ordinance changes were appropriate

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

RANDALL ELLIS II

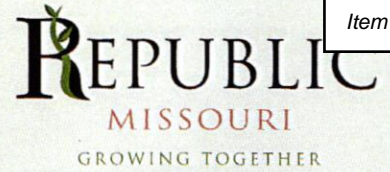
Commissioner Signature:

Randall Ellis II

Date:

3/8/21

Findings of Fact



Date of Hearing:

Time:

Type of Application:

03/08/2021

7:00PM

Code Amendment

Name of Applicant:

Location:

ORD 21-003: City of Republic

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

The changes make sense to me, House Keeping items

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval

Denial

Commissioner Name:

Commissioner Signature:

Date:

Chris Crosby

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Code Amendment

Name of Applicant:

ORD 21-002: City of Republic

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Kevin Hawn

Commissioner Signature:

[Signature]

Date:

3/8/21



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-16 An Ordinance of the City Council of the City of Republic, Missouri, Approving Amending the Zoning Code and Official Map by Changing the Classification of Approximately 8.44 Acres from Agricultural (AG) and General Commercial (C-3) to General Commercial (C-2), Located at the Southeast Corner of State Highway MM and West Farm Road 148.

Submitted By: Karen Haynes, Planning Manager, BUILDS Department

Date: April 6, 2021

Issue Statement

P Squared Storage, LLC has applied to change the Zoning Classification of approximately **(8.44) acres** of property located at the southeast corner of State Highway MM and West Farm Road 148 from Agricultural (AG) and General Commercial (C-3) to **General Commercial (C-2)**.

Discussion and/or Analysis

The property subject to this Rezoning Application is comprised of approximately **(8.44) acres** of land located at the southeast corner of State Highway MM and West Farm Road 148; the property is currently vacant. The Applicant has expressed their intent to develop a Self-Storage Facility on the property.

The following paragraphs contain brief analyses of present site conditions as well as the proposal's relationship to **adopted plans of the City**.

Consistency with the Comprehensive Plan

The City's Comprehensive Plan generally encourages the expansion of commercial development through proactive Rezoning of land at appropriate locations. Appropriate locations are described generally throughout the Plan, with regard to the **relationship of land at particular locations to infrastructure capable of supporting various intensities and densities of uses**.

The Plan more particularly describes appropriate future land uses through the depiction of a "Future Land Use Map" (FLUM). In this case, the FLUM depicts the subject property as having a Neighborhood Commercial District FLUM designation on the western portion of the parcel and High and Medium Density Residential designations on the remainder of the parcel. The City's Adopted 2005 Land Use Plan has identified the "Neighborhood Commercial" Future Land Use Map designation as a Mixed-Use area described as, "Retail and office uses; including small neighborhood shopping centers and isolated retail businesses." The High Density FLUM designation is described as, "Multi-Family Residential development of more than eight units per acre;" the Medium Density FLUM designation is described as "Two-Family

Residential development at four to seven units per acre and neighborhood compatible institutional uses.”

The 2005 Land Use Plan identifies Land Use Goals and Objectives relating to commercial development, as follows:

- **Goal:** Expand the opportunity for new commercial development in the City.
 - **Objective:** Increase the amount of land available for commercial development in the City.
 - **Policies:** Proactive consideration of Rezoning Requests where there are opportunities to provide land for commercial development.

The general trend of development in the vicinity of the subject property, along State Highway MM is industrial and commercial redevelopment.

Compatibility with Surrounding Land Uses

The subject property is surrounded by Medium Density Single Family Residential (R1-M) and Agricultural (AG) to the north, Heavy Industrial (M-2) to the west, General Commercial (C-3) and Agricultural (AG) to the south, and Agricultural (AG) to the east.

The land uses permitted in the Local Commercial (C-2) Zoning District include restaurant, retail, and self-storage.

Capacity To Serve Potential Development and Land Use

Municipal Water and Sewer Service: The parcel is in proximity to a 12” water main serving the Branco property on the east side of State Highway MM. Development of the property will require the extension of water from its current location, north to the intersection of State Highway MM and east along West Farm Road 148.

The parcel is in proximity to an 8” gravity sewer main serving the Branco property; development of the property will require an extension of the sewer to serve the development. The sanitary sewer will flow from this location to the Brookline North Lift Station, Brookline South Lift Station, McElhane Lift Station, and Shuyler Creek Lift Station; it is pumped from Shuyler Creek to the Wastewater Treatment Facility. The water system, Lift Stations, and Wastewater Treatment Facility currently have capacity to serve the Applicant’s intended use.

Transportation: A Traffic Impact Study (TIS) was not required for the Rezoning Application due to several recent Traffic Impact Studies along the State Highway MM corridor and very low traffic generated by Self-Storage Units. The City will require a TIS, with review by MODOT, for any development other than the use expressed by the Applicant.

Floodplain: The subject parcel **does not** contain a Special Flood Hazard Area (SFHA/Floodplain).

Sinkholes: The subject property contains one identified sinkhole. on the southern portion of the property, extending into Branco’s property to the south. The Republic City Code requires a thirty (30) foot setback for development; a Sinkhole Analysis was previously submitted for the Branco Project.



Recommended Action

Staff considers the **proposed Zoning Map Amendment (Rezoning)** to be generally consistent with the **goals and objectives of the Comprehensive Plan**, consistent with the **trend of development in the vicinity of the site, compatible with surrounding land uses, and able to be adequately served by municipal facilities**. Based upon this analysis (performed without the benefit of evidence and testimony of a public hearing), **Staff recommends the approval of this application.**

BILL NO. 21-16

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, APPROVING AMENDING THE ZONING CODE AND OFFICIAL MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY 8.44 ACRES FROM AGRICULTURAL (AG) AND GENERAL COMMERCIAL (C-3) TO GENERAL COMMERCIAL (C-2), LOCATED AT THE SOUTHEAST CORNER OF STATE HIGHWAY MM AND WEST FARM ROAD 148

WHEREAS, the City of Republic, Missouri, (herein called the “City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, an application for an amendment to the Zoning Code and Official Zoning Map to rezone real estate located at the Southeast Corner of State Highway MM and West Farm Road 148, and comprising approximately 8.44 Acres from Agricultural (AG) and General Commercial (C-3) to General Commercial (C-2), was submitted to the BUILDS Department Staff by P Squared Storage, LLC (hereinafter called the “Applicant”); and

WHEREAS, the BUILDS staff did thereafter submit said application to the Planning and Zoning Commission, which did set March 8, 2021, as the date a public hearing would be held on such application and proposed amendment; and

WHEREAS, a notice of the time and date of the public hearing was given by publication on February 10, 2021, in *The Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least 15 days before the date set for the public hearing; and

WHEREAS, the City gave notice of such public hearing to the record owners of all properties within the area proposed to be rezoned and within 185 feet of the property proposed to be rezoned; and

WHEREAS, a public hearing was conducted by the Planning and Zoning Commission on March 8, 2021, after which the Commission rendered written findings of fact on the proposed amendment and rezoning and, thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the Planning and Zoning Commission by a vote of 5 Ayes to 0 Nays, recommended the approval of such application for rezoning; and

WHEREAS, the application for rezoning and to amend the Zoning Code and Official Zoning Map was submitted to the City Council at its regular meeting on March 23, 2021, after which the City Council did proceed to vote to rezone such property and amend the Zoning Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. The Zoning Code and Official Zoning Map are hereby amended insofar as the same relates to a certain tract of realty located at the Southeast Corner of State Highway MM and West Farm Road 148, and comprising approximately 8.44 Acres from Agricultural (AG) and General Commercial (C-3) to General Commercial (C-2), such tract being more fully described as follows:

A tract of land being a part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 35, Township 29 North, Range 23 West and being more particularly described as follows: Commencing at an existing railroad spike at the Northeast Corner of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence South 00°00'25" East, 24.99 feet to an existing 1/2" iron pin; thence North 88°04'48" West, 100.00 feet for the Point of Beginning, said point being 5.00 feet north of a 5/8" iron pin; thence South 02°09'12" West 321.81 feet to an iron pin; thence North 88°20'43" West 1046.63 feet to an iron pin; thence North 01°14'47" East 22.67 feet to an iron pin; thence North 88°20'43" West 100.00 feet to an iron pin on the east Right of way line of State Highway MM; thence North 01°14'48" East 126.98 feet to a right of way marker; thence North 05°26'05" East 114.83 feet to a right of way marker; thence North 43°42'14" East 84.30 feet to a right of way marker; thence South 88°04'48" East 1086.48 feet to the place of beginning and containing 8.44 Acres (367,808 square feet) all in Greene County, Missouri and subject to all easements and restrictions of record.

Section 2. In all other aspects other than those herein amended, modified, or changed, the Zoning Code and Official Zoning Map shall remain the same and continue in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

BILL NO. 21-16

ORDINANCE NO.

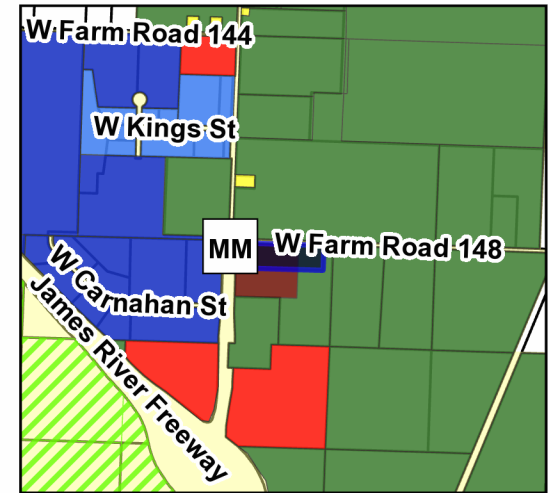
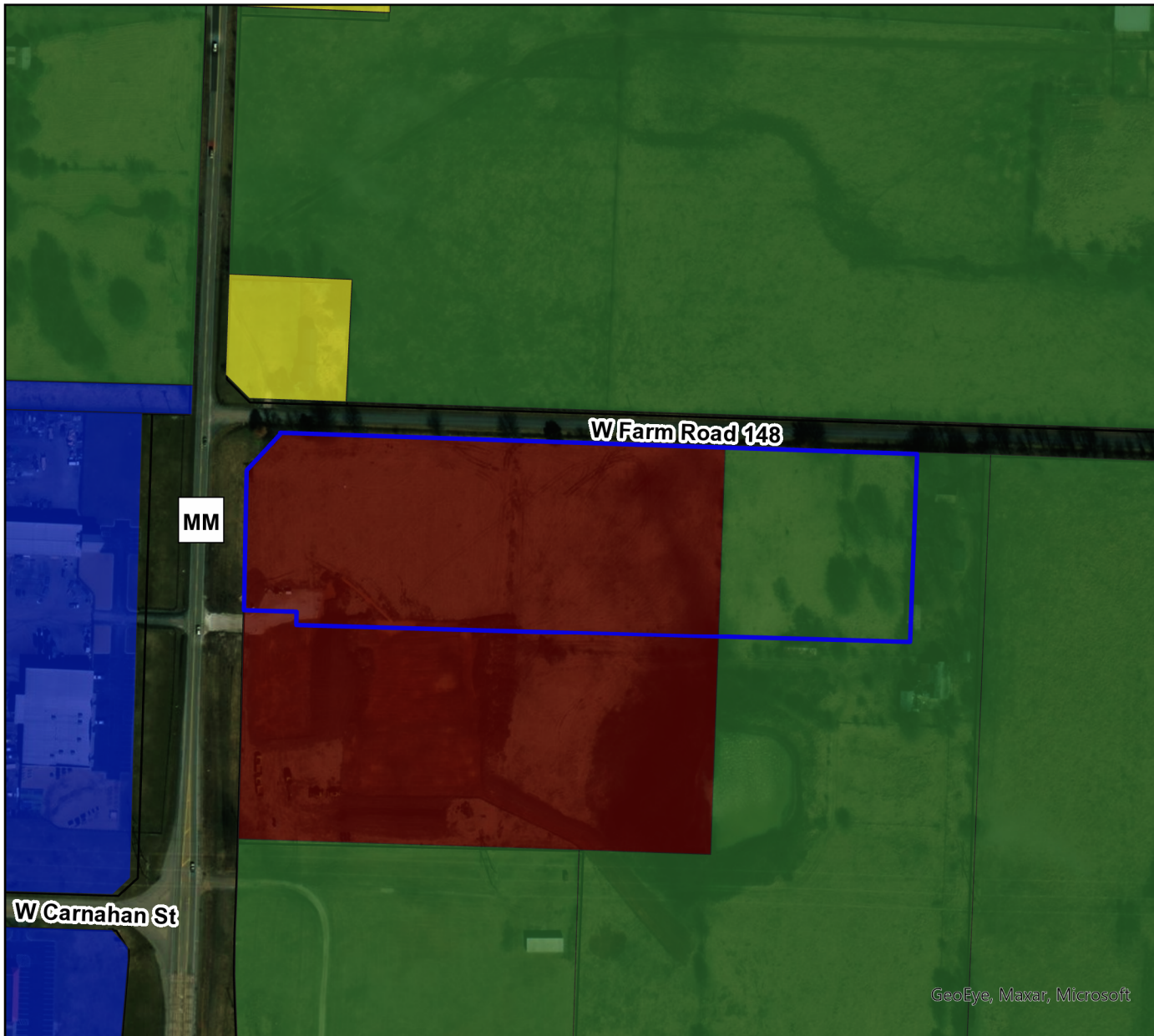
Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.17 15:11:17
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____

REZN 21-003: P Squared Storage

Zoning Map

Item 7.



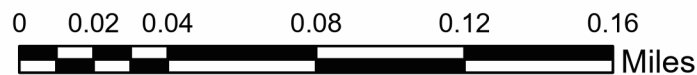
Legend

- Parcels
- REZN 21-003

Zoning

- AG Agricultural
- C-1 Commercial
- C-2 General Commercial
- C-3 General Commercial
- M-1 Light Manufacturing
- M-2 Heavy Manufacturing
- PDD Planned Development
- R1-L Single Family Low Density
- R1-M Single Family Medium Density
- R1-H Single Family High Density
- R1-Z Zero Lot Line Residential
- R-2 Two-family Residential
- R-3 Multi-family Residential

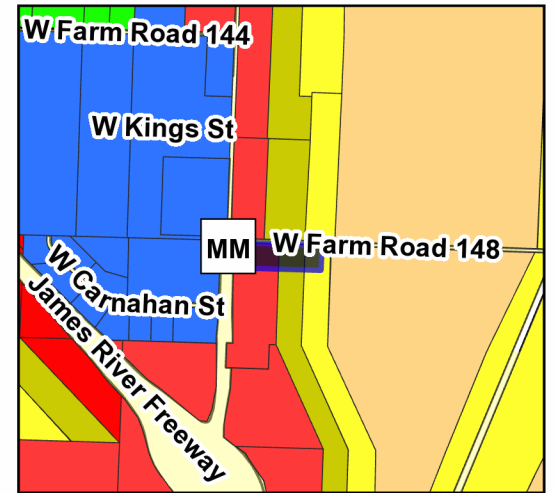
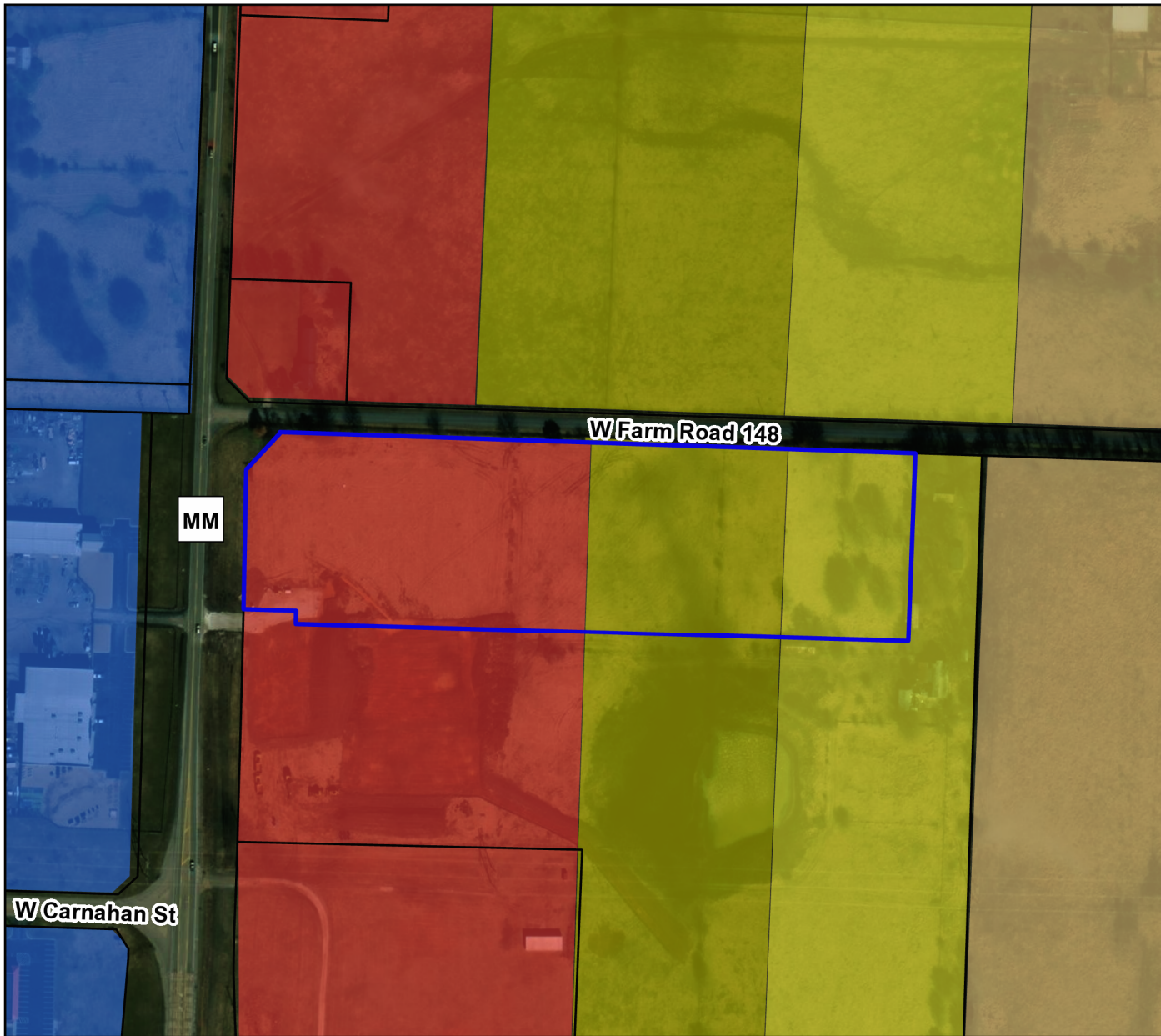
Parcel Owner: P Squared Storage LLC
 Parcel ID: 881435200013
 Area: 8.44 Acres
 Existing Zoning: General Commercial (C-3); Agricultural (AG)
 Requested Zoning: General Commercial (C-2)
 Future Land Use Designation: Neighborhood Commercial; High Density Res.; Medium Density Res.



REZN 21-003: P Squared Storage

Future Land Use Map

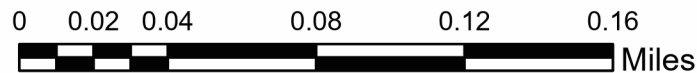
Item 7.



Legend

- Parcels
- REZN 21-003
- Future Land Use**
- Low Density Residential
- High Density Residential
- Med Density Residential
- Main Street District
- C-1
- C-2
- M-1
- M-2
- Park
- Planned Business Park
- Public Land Use
- School Land Use

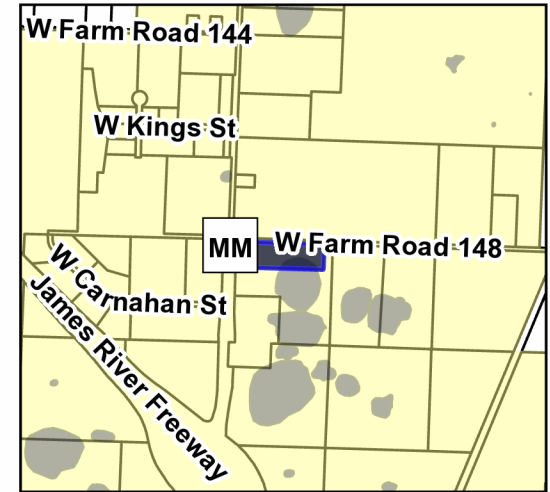
Parcel Owner: P Squared Storage LLC
 Parcel ID: 881435200013
 Area: 8.44 Acres
 Existing Zoning: General Commercial (C-3); Agricultural (AG)
 Requested Zoning: General Commercial (C-2)
 Future Land Use Designation: Neighborhood Commercial; High Density Res.; Medium Density Res.



REZN 21-003: P Squared Storage

Item 7.

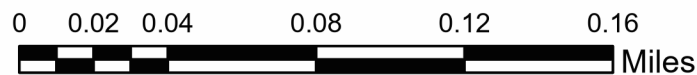
Vicinity Map



Legend

- Parcels
- REZN 21-003
- Floodplain
- Sinkhole

Parcel Owner: P Squared Storage LLC
Parcel ID: 881435200013
Area: 8.44 Acres
Existing Zoning: General Commercial (C-3); Agricultural (AG)
Requested Zoning: General Commercial (C-2)
Future Land Use Designation: Neighborhood Commercial; High Density Res.; Medium Density Res.



Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Rezoning

Name of Applicant:

REZN 21-003

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Storage Facilities, fits with the new zoning landscape, No One opposed

Based on these findings, I have concluded to recommend the application to the City Council for:

- Approval
- Denial

Commissioner Name:

Brandon Andrews

Commissioner Signature:

Date:

3-8-2021

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Rezone

Name of Applicant:

REZN 21-003

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Rezone was appropriate.

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

RAWSON ELLIS III

Commissioner Signature:

[Handwritten Signature]

Date:

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Rezone

Name of Applicant:

REZN 21-003

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

Conforming to the City's adopted Land Use Plan

Yes No

Conforming to the City's adopted Transportation Plan

Yes No

Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.)

Yes No

Compatible with surrounding land uses

Yes No

Able to be adequately served by municipal infrastructure

Yes No

Aligned with the purposes of RSMo. 89.040

Yes No

Statement of Relevant Facts Found:

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

CYNTHIA HYDER

Commissioner Signature:

C. Hyder

Date:

3/8/2021

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Rezone

Name of Applicant:

REZN 21-003

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

RI - Home access from proposed rezone, road separates

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Chris Crosby

Commissioner Signature:

Chris Crosby

Date:

3/8/21

Findings of Fact

Date of Hearing:

03/08/2021

Time:

7:00PM

Type of Application:

Rezone

Name of Applicant:

REZN 21-003

Location:

City Hall or Virtual

Based upon the facts presented during the course of this hearing, I have found that the application is generally:

- Conforming to the City's adopted Land Use Plan Yes No
- Conforming to the City's adopted Transportation Plan Yes No
- Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) Yes No
- Compatible with surrounding land uses Yes No
- Able to be adequately served by municipal infrastructure Yes No
- Aligned with the purposes of RSMo. 89.040 Yes No

Statement of Relevant Facts Found:

Flum depicts area as mixed use
No traffic study needed
Able to serve water but will need extension of water.
Storage facility will have minimal impact on traffic

Based on these findings, I have concluded to recommend the application to the City Council for:

Approval Denial

Commissioner Name:

Kevin Hahn

Commissioner Signature:



Date:

3/8/21



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-17 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the City Administrator to Enter into an Agreement with Berry Tractor and Equipment for the Purchase of a 2018 Komatsu Excavator and a 2016 Komatsu Dozer and Further Authorizing the City Administrator to Execute the Necessary Documents to Obtain Financing on Said Equipment from Bank of Missouri.

Submitted By: Jason Davis, Operations Manager and Debbie Parks, Finance Director

Date: April 6, 2021

Issue Statement

The City of Republic BUILDS Department would like to purchase for 90% rental credit a 2018 Komatsu PC240LC-11 Excavator in the amount of \$135,835.00 and 2016 Komatsu D39PXi24 Dozer in the amount of \$76,230.00 from Berry Tractor for the total amount of \$212,065.00.

Discussion and/or Analysis

Introduction.

The BUILDS Department has the opportunity to purchase a 2018 Komatsu PC240LC-11 Excavator and 2016 Komatsu D39PXi24 Dozer that we are currently renting from Berry tractor and using on major projects within the City. The two pieces of equipment have been essential in accomplishing projects like, Valley Trails Phase I, Garton Business Park Phases 2-5, Water main extension for the future new Early Childhood Building for the School, OTC Water Main Extension, The new Lift Station #2, Convoy of Hope and Amazon as well as others.

Although these are used equipment, most of the work hours were put on by the City’s Utility and Street crews. The Excavator has 1394.5 hours, and the Dozer has 1289.2 hours. We have been renting this equipment for over a year and on the Excavator almost 2 years. This equipment is essential for even more future project.

Here are some comparable quotes on this equipment.

Excavator	Dozer
2018 Komatsu PC 240LC -11, \$159,000 from Komatsu Southwest in Carlsbad, NM	2016 Komatsu D39PX, \$94,000 from Komatsu America Corp. in Harrisburg PA
2021 Komatsu PC 240LC -11, \$243,314 from Berry Tractor in Springfield, MO	2016 Case 750M LT, \$83,000 from Wilson Equipment in Lexington KT
2020 John Deere 250G LC, \$272,500 from Murphy Tractor in Republic, MO	2017 CAT D3K2 XL, \$105,000 from Earthmoving in Alma AR



Discussion.

The City of Republic obtained quotes for financing from several banks, including the equipment rental company Berry Tractor.

The City received the following quotations for terms:

Bank of Missouri	1.40%	4 Years
US Bank	1.65%	3 Years (only submitted 3 year)
First State Community Bank	2.08%	4 Years
Mid Missouri Bank	2.40%	4 Years
Berry Tractor	3.25%	4 Years

The Builds Department had budgeted in the 2021 budget for the purchase of the purchase of the excavator and dozer. The amount was budgeted at \$240,000 split between the 3 PW funds (Streets, Water, Wastewater). No budget amendment is required for this item. The use of financing over a term of 4 years, allows the City to utilize cash for infrastructure and transportation improvements in 2021 & 2022. The above terms are all for bank qualified financing, meaning that the City will not issue more than \$10 million in debt in 2021. Based on the submitted term, the Finance Department recommends proceeding with the Bank of Missouri for financing. The letter of terms and amortization schedule are attached to this exhibit. There is no prepayment penalty.

As required by law, the City can demonstrate the availability of unrestricted funds in the three PW funds to cover the future year payments should there be a downturn in revenues. The unrestricted fund cash balances projected at the end of 2021 as outlined in the adopted 2021 Budget are below:

Fund	Unrestricted Balance Projected 2021 Year End
Streets	\$620,445
Water	\$423,286
Wastewater	\$349,393

Recommended Action

Staff recommends that City Council award the purchase of the 2018 Komatus PC240LC-11 Excavator in the amount of \$135,835.00 and 2016 Komatsu D39PXi24 Dozer in the amount of \$7,230.00 from Berry Tractor for the total amount of \$212,065.00.

Staff recommends that City Council allow the City Attorney and City Administrator to enter contract negotiations for financing with the Bank of Missouri for a term of three (3) years.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH BERRY TRACTOR AND EQUIPMENT FOR THE PURCHASE OF A 2018 KOMATSU EXCAVATOR AND A 2016 KOMATSU DOZER AND FURTHER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO OBTAIN FINANCING ON SAID EQUIPMENT FROM BANK OF MISSOURI

WHEREAS, the City of Republic, Missouri, (herein called the “City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, based upon increased development in the City, the City has leased a 2018 Komatsu Excavator and a 2016 Komatsu Dozer (herein called “Equipment”) from Berry Tractor and Equipment Co.; and

WHEREAS, as development in the City has continued, and a need still exists for the Equipment, the City has negotiated with Berry Tractor and Equipment Co. to purchase the leased Equipment and receive a partial credit for fees paid by the City for the lease of the Equipment; and

WHEREAS, the City has obtained financing terms from financial institutions for the financing of this Equipment, with the lowest financing terms being obtained from The Bank of Missouri; and

WHEREAS, the Council finds the purchase of this Equipment and the accompanying financing is in the best interest of the City for the continued growth and development of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1. The City Administrator or designee, on behalf of the City, is authorized to enter into an agreement with Berry Tractor and Equipment Co. for the purchase of a 2018 Komatsu PC240LC-11 Excavator at a price not to exceed \$135,835.00 and a 2016 Komatsu D39PXi24 Dozer at a price not to exceed \$76,230.00.
- Section 2. The City Administrator or designee, on behalf of the City, is authorized to enter into a financing agreement for the Equipment with The Bank of Missouri substantially similar to the March 10, 2021 Term Sheet attached hereto and incorporated as “Attachment 1.”
- Section 3. The City Administrator or designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 4. The whereas clauses are hereby specifically incorporated herein by reference.
- Section 5. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

BILL NO. 21-17

ORDINANCE NO.


Section 6. This Ordinance shall be in full force and effect from and after the date of passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.17 14:38:52
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____



**Term Sheet
City of Republic
March 10th, 2021**

The Bank of Missouri (“Bank”) has prepared this Term Sheet to summarize proposed terms for the financing of equipment purchase. This term sheet is intended to provide you with the rates and terms we would propose to finance the loan. This letter is intended as a rate indication only and does not constitute a commitment as final loan approval is subject to our Board and/or loan committee. This discussion term sheet does not cover all details of the loan(s) proposed.

-
- Facility:** Commercial Loan to finance equipment that was previously leased from Berry Tractor.
- Loan Amount:** \$212,065.00
- Obligor:** City of Republic
- Loan Term (Options):** 1.40% fixed for four (4) years with principal and interest payments monthly.
1.30% fixed for three (3) years with principal and interest payments monthly.
1.25% fixed for two (2) years with principal and interest payments monthly.
- Loan Fees:** \$150 Loan fee & \$10 UCC Filing fee
- Collateral:** 2018 Komatsu PC240LC-11 Excavator
2016 Komatsu D39PXi24 Dozer
- Guarantors:** N/A
- Covenants and Conditions:** N/A
- Representations and Warranties:** Those customarily found in transactions of this kind, including, but not limited to: Corporate Organization and Power, Corporate Authority, Due Execution and Delivery, Enforceability, Government Approval, Taxes, Litigation, Financial Statements, No Adverse Change, Compliance with Laws, Environmental Compliance, Full Disclosure, Official Statement, No Default.
- Governing Law:** State of Missouri



This Term Sheet contains major conditions, covenants, and provisions. It does not purport to include all conditions, covenants, representations, warranties, events of default, and other provisions, which shall be stated in the definitive documents.

I appreciate the opportunity to provide you with this discussion term sheet. If you should have any questions, please do not hesitate to call me at (417) 732-4600 or email me at tghan@bankofmissouri.com.

Sincerely,



Trish Ghan
Commercial Loan Officer
The Bank of Missouri

Accepted by: _____ Date: _____

LOAN AMORTIZATION SCHEDULE

Item 8.

ENTER VALUES

Loan amount	\$212,065.00
Annual interest rate	1.40%
Loan period in years	4
Number of payments per year	12
Start date of loan	3/5/2021
Optional extra payments	\$0.00

LOAN SUMMARY

Scheduled payment	\$4,545.46
Scheduled number of payments	48
Actual number of payments	48
Total early payments	\$0.00
Total interest	\$6,116.89

LENDER NAME

BOM

PMT NO	PAYMENT DATE	BEGINNING BALANCE	SCHEDULED PAYMENT	EXTRA PAYMENT	TOTAL PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE	CUMULATIVE INTEREST
1	3/5/2021	\$212,065.00	\$4,545.46	\$0.00	\$4,545.46	\$4,298.05	\$247.41	\$207,766.95	\$247.41
2	4/5/2021	\$207,766.95	\$4,545.46	\$0.00	\$4,545.46	\$4,303.06	\$242.39	\$203,463.89	\$489.80
3	5/5/2021	\$203,463.89	\$4,545.46	\$0.00	\$4,545.46	\$4,308.08	\$237.37	\$199,155.81	\$727.18
4	6/5/2021	\$199,155.81	\$4,545.46	\$0.00	\$4,545.46	\$4,313.11	\$232.35	\$194,842.70	\$959.53
5	7/5/2021	\$194,842.70	\$4,545.46	\$0.00	\$4,545.46	\$4,318.14	\$227.32	\$190,524.56	\$1,186.84
6	8/5/2021	\$190,524.56	\$4,545.46	\$0.00	\$4,545.46	\$4,323.18	\$222.28	\$186,201.39	\$1,409.12
7	9/5/2021	\$186,201.39	\$4,545.46	\$0.00	\$4,545.46	\$4,328.22	\$217.23	\$181,873.17	\$1,626.36
8	10/5/2021	\$181,873.17	\$4,545.46	\$0.00	\$4,545.46	\$4,333.27	\$212.19	\$177,539.89	\$1,838.54
9	11/5/2021	\$177,539.89	\$4,545.46	\$0.00	\$4,545.46	\$4,338.33	\$207.13	\$173,201.57	\$2,045.67
10	12/5/2021	\$173,201.57	\$4,545.46	\$0.00	\$4,545.46	\$4,343.39	\$202.07	\$168,858.18	\$2,247.74
11	1/5/2022	\$168,858.18	\$4,545.46	\$0.00	\$4,545.46	\$4,348.45	\$197.00	\$164,509.73	\$2,444.74
12	2/5/2022	\$164,509.73	\$4,545.46	\$0.00	\$4,545.46	\$4,353.53	\$191.93	\$160,156.20	\$2,636.67
13	3/5/2022	\$160,156.20	\$4,545.46	\$0.00	\$4,545.46	\$4,358.61	\$186.85	\$155,797.59	\$2,823.52
14	4/5/2022	\$155,797.59	\$4,545.46	\$0.00	\$4,545.46	\$4,363.69	\$181.76	\$151,433.90	\$3,005.28
15	5/5/2022	\$151,433.90	\$4,545.46	\$0.00	\$4,545.46	\$4,368.78	\$176.67	\$147,065.12	\$3,181.96
16	6/5/2022	\$147,065.12	\$4,545.46	\$0.00	\$4,545.46	\$4,373.88	\$171.58	\$142,691.24	\$3,353.53
17	7/5/2022	\$142,691.24	\$4,545.46	\$0.00	\$4,545.46	\$4,378.98	\$166.47	\$138,312.25	\$3,520.00
18	8/5/2022	\$138,312.25	\$4,545.46	\$0.00	\$4,545.46	\$4,384.09	\$161.36	\$133,928.16	\$3,681.37
19	9/5/2022	\$133,928.16	\$4,545.46	\$0.00	\$4,545.46	\$4,389.21	\$156.25	\$129,538.96	\$3,837.62
20	10/5/2022	\$129,538.96	\$4,545.46	\$0.00	\$4,545.46	\$4,394.33	\$151.13	\$125,144.63	\$3,988.75
21	11/5/2022	\$125,144.63	\$4,545.46	\$0.00	\$4,545.46	\$4,399.45	\$146.00	\$120,745.17	\$4,134.75
22	12/5/2022	\$120,745.17	\$4,545.46	\$0.00	\$4,545.46	\$4,404.59	\$140.87	\$116,340.59	\$4,275.62
23	1/5/2023	\$116,340.59	\$4,545.46	\$0.00	\$4,545.46	\$4,409.73	\$135.73	\$111,930.86	\$4,411.35
24	2/5/2023	\$111,930.86	\$4,545.46	\$0.00	\$4,545.46	\$4,414.87	\$130.59	\$107,515.99	\$4,541.94
25	3/5/2023	\$107,515.99	\$4,545.46	\$0.00	\$4,545.46	\$4,420.02	\$125.44	\$103,095.97	\$4,667.37
26	4/5/2023	\$103,095.97	\$4,545.46	\$0.00	\$4,545.46	\$4,425.18	\$120.28	\$98,670.80	\$4,787.65
27	5/5/2023	\$98,670.80	\$4,545.46	\$0.00	\$4,545.46	\$4,430.34	\$115.12	\$94,240.46	\$4,902.77
28	6/5/2023	\$94,240.46	\$4,545.46	\$0.00	\$4,545.46	\$4,435.51	\$109.95	\$89,804.95	\$5,012.71
29	7/5/2023	\$89,804.95	\$4,545.46	\$0.00	\$4,545.46	\$4,440.68	\$104.77	\$85,364.26	\$5,117.48
30	8/5/2023	\$85,364.26	\$4,545.46	\$0.00	\$4,545.46	\$4,445.86	\$99.59	\$80,918.40	\$5,217.08
31	9/5/2023	\$80,918.40	\$4,545.46	\$0.00	\$4,545.46	\$4,451.05	\$94.40	\$76,467.35	\$5,311.48
32	10/5/2023	\$76,467.35	\$4,545.46	\$0.00	\$4,545.46	\$4,456.24	\$89.21	\$72,011.10	\$5,400.69
33	11/5/2023	\$72,011.10	\$4,545.46	\$0.00	\$4,545.46	\$4,461.44	\$84.01	\$67,549.66	\$5,484.71
34	12/5/2023	\$67,549.66	\$4,545.46	\$0.00	\$4,545.46	\$4,466.65	\$78.81	\$63,083.01	\$5,563.51
35	1/5/2024	\$63,083.01	\$4,545.46	\$0.00	\$4,545.46	\$4,471.86	\$73.60	\$58,611.15	\$5,637.11
36	2/5/2024	\$58,611.15	\$4,545.46	\$0.00	\$4,545.46	\$4,477.08	\$68.38	\$54,134.08	\$5,705.49
37	3/5/2024	\$54,134.08	\$4,545.46	\$0.00	\$4,545.46	\$4,482.30	\$63.16	\$49,651.78	\$5,768.65

Item 8.

PMT NO	PAYMENT DATE	BEGINNING BALANCE	SCHEDULED PAYMENT	EXTRA PAYMENT	TOTAL PAYMENT	PRINCIPAL	INTEREST	ENDING BALANCE	CUMULA INTEREST
38	4/5/2024	\$49,651.78	\$4,545.46	\$0.00	\$4,545.46	\$4,487.53	\$57.93	\$45,164.25	\$5,826.57
39	5/5/2024	\$45,164.25	\$4,545.46	\$0.00	\$4,545.46	\$4,492.76	\$52.69	\$40,671.48	\$5,879.27
40	6/5/2024	\$40,671.48	\$4,545.46	\$0.00	\$4,545.46	\$4,498.01	\$47.45	\$36,173.48	\$5,926.72
41	7/5/2024	\$36,173.48	\$4,545.46	\$0.00	\$4,545.46	\$4,503.25	\$42.20	\$31,670.22	\$5,968.92
42	8/5/2024	\$31,670.22	\$4,545.46	\$0.00	\$4,545.46	\$4,508.51	\$36.95	\$27,161.72	\$6,005.87
43	9/5/2024	\$27,161.72	\$4,545.46	\$0.00	\$4,545.46	\$4,513.77	\$31.69	\$22,647.95	\$6,037.56
44	10/5/2024	\$22,647.95	\$4,545.46	\$0.00	\$4,545.46	\$4,519.03	\$26.42	\$18,128.92	\$6,063.98
45	11/5/2024	\$18,128.92	\$4,545.46	\$0.00	\$4,545.46	\$4,524.31	\$21.15	\$13,604.61	\$6,085.13
46	12/5/2024	\$13,604.61	\$4,545.46	\$0.00	\$4,545.46	\$4,529.58	\$15.87	\$9,075.03	\$6,101.00
47	1/5/2025	\$9,075.03	\$4,545.46	\$0.00	\$4,545.46	\$4,534.87	\$10.59	\$4,540.16	\$6,111.59
48	2/5/2025	\$4,540.16	\$4,545.46	\$0.00	\$4,540.16	\$4,534.86	\$5.30	\$0.00	\$6,116.89



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-18 An Ordinance of the City Council of the City of Republic, Missouri, Amending Title I, Government Code, Chapter 110, Administration Policies, Article II, Purchasing and Surplus Property and Adopting a New Policy Entitled City of Republic’s Purchasing Policy and Procedures.

Submitted By: David Cameron, City Administrator

Date: April 6, 2021

Issue Statement

Repealing existing and ordinances and a Municipal codes sections establishing the City’s purchasing policy and enacting a new “Purchasing Policy”.

Discussion and/or Analysis

Introduction.

The City has entered a period of growth. With the growth of the City, processes are evaluated to ensure that the procedures are designed to fulfil the City’s Mission of “We will be aggressively progressive through Processes, Relationships, and Trust.”

The City is working on larger scale projects, as well as developer agreements to facilitate the growth of the City infrastructure. Sometimes there are delays that result in longer timelines or missed savings opportunities.

There is also a new City Administration structure to allow for delegation of certain tasks. The old policy did not allow for this delegation.

The last area addressed in the policy revision is better procurement methods. The old ordinance outlined formal bidding methods but left out some methods that might be better for a city on the grow.

This revised policy has been reviewed by the City’s Auding firm KPM to ensure that the intent of internal control, fair treatment of vendors, and competitive bidding are still in place.

The City’s Purchasing Manual was last revised and approved by Council in August 2017. The proposed purchasing policy changes would make it easier for City staff to perform purchasing and surplus disposal tasks efficiently by giving the City Administrator authority to create administrative procedures for smaller value items, while preserving city Council oversight and approval of larger value items.

Key Changes.

The key changes are presented below.

Changes to allow for quicker implementation of budgeted projects:

- New Formal Bid limitation –
 - \$50,000 all purchases except construction,
 - \$70,000 for construction.

 - For projects that stem from Developer Agreements, the approval for the agreement would still go to Council before work begins on the project.
 - Unbudgeted items over \$20,000 would still need to be approved by Council to be added to the budget for approval.

Changes made to allow for delegation of approval or less formal bidding:

- Added Micro Expenditure Limitation of \$5,000 and below. Current policy limitation is \$2,500. This allows no bids, quotes, or purchase requisitions. Just due diligence to purchase lowest price item. This change is designed to assist departments like Parks and Public Works who regularly purchase items locally for events or projects.
- Approvals –
 - Director Limitation raised to \$10,000
 - Finance Director approval \$10,000+
 - City Administrator or City Administrator Designee approval \$30,000+
 - Council Approval \$50,000 +, \$70,000+ for construction projects
 - This increases all the levels. Meets the intent of having internal control but allows for quicker turnaround of the purchase process.

- Added wording throughout the policy to allow a City Administrator designee for approvals. This allows the designee to review and sign when the City Administrator is unavailable.
- Changed the unbudgeted purchase reporting to \$10,000 for director notification and \$20,000 to be reported to Council.
- Identifies that the finance department is designated to carry out the day-to-day functions of purchasing. Outlines the responsible parties. This clarifies who is responsible for purchasing and purchasing related items. The City is working towards a centralized purchasing model.

Changes to allow for better bidding methods:

- Formal Bidding Methods –
 - Added in Invitation To Bid (no negotiation, lowest responsible bidder),
 - Request for Proposals (for subjective purchases without clear scope or professional services other than Architectural and Engineering),
 - Request for Information (to gather information from vendors if project scope is unknown. Prevents unfair advantages in the RFQ/IFB/RFP development).

- Geographic Preference – City of Republic preference if price difference is less than 3%. Should help with sourcing local items (printing, screen printing, and construction supplies). However, it is notated that it is prohibited for Federal Grant purchases. Currently there is no geographic preference.
- Clarifies the Split Parcel policy to allow bidding PW projects as separate purchases if they are for separate projects. Example, Developer Agreement is presented, while currently working on a road project. The expectation is that the materials can be bid according to each job, even if overlap of time frame. Not having to stop construction on the projects to go out for a formal bid because the increased amount of gravel needed. Best practices can still be followed to do bulk bidding for known amounts, but this gives an allowance for the City's economic growth and for unforeseen projects.
- Allows for electronic bidding methods and changes the advertising methods for formal bids to the City website.

Clarifies what items do not need to be bid out:

- List of Items Which Competitive Bidding is not Required –
 - Added items that are used regularly, such as utilities, insurance, fuel, travel, and short-term rentals/leases.
 - This list was expanded to take away confusion on having to go through the Purchase Requisition Process for required items.
 - Leasing short term equipment was addressed, not included in the original policy.
 - Example - administration budgets for electricity and there is one electric provider. Staff would not have to fill out a purchase requisition each month. Liability and Workers Compensation are required, and the annual renewal is budgeted for each year.

Items added for Grants:

- Names the official Grant Administrator and Grant Coordinator.
- Defines that grants should be brought to Council for approval if the grant will involve a contractual agreement (Intergovernmental Agreement or Memorandum of Understanding).

Recommended Action

Staff recommends approval.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AMENDING TITLE I, GOVERNMENT CODE, CHAPTER 110, ADMINISTRATION POLICIES, ARTICLE II, PURCHASING AND SURPLUS PROPERTY AND ADOPTING A NEW POLICY ENTITLED CITY OF REPUBLIC’S PURCHASING POLICY AND PROCEDURES

WHEREAS, the City of Republic, Missouri, (herein called the "City" or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, on August 1, 2017, in Ordinance 17-28, the City Council adopted a new purchasing policy contained in Section 110.020 of the Municipal Code of the City of Republic, Missouri; and

WHEREAS, since the current purchasing policy was adopted, the City has experienced significant growth and development which has led to necessary changes in the purchasing policy; and

WHEREAS, the Council finds this new purchasing policy and procedures is necessary for the improved efficiency of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1. The policy entitled City of Republic’s Purchasing Policy and Procedures attached hereto as Attachment 1 and incorporated herein by reference is hereby adopted.
- Section 2. Title I, “Government Code,” Chapter 110, “Administrative Policies,” Article II, “Purchasing and Surplus Property Disposal” is hereby amended by the Sections below to read as follows:

~~Section 110.020.01 Routine Expenditures.~~

~~A. The City Administrator shall have authority and responsibility for making expenditures required for public purposes, wherein the total is equal to or less than the current competitive bid requirement. The competitive bid requirement shall be twenty five thousand dollars (\$25,000.00). The City Administrator shall issue written instructions outlining procedures for compliance with this Chapter in accordance with the following minimum requirements:~~

- ~~1. Small Expenditure Limitation. Expenditures for day-to-day supplies and operational needs will be effected through utilization of prudent and practical selectivity of best price sources, per procedures provided by written administrative policy. The limitation for such expenditures~~

~~from the effective date of this ordinance through December 31, 2017, shall be five thousand dollars (\$5,000.00), and thereafter shall be adjusted annually in accordance with the All Items Consumer Price Index for Urban Consumers (CPI-U), South Region, for the preceding twelve (12) months, rounded to the nearest one thousand dollars (\$1,000.00).~~

- ~~2.—Intermediate Expenditure Limitation. All expenditures by the City for public purposes, wherein the expenditure therefor is between the small expenditure limitation and the competitive bid requirement shall be made only after solicitation of comparable written price quotations from at least three (3) separate suppliers. Expenditures of less than the competitive bid requirement from State bid sources shall be exempt from this provision.~~
- ~~3.—Expenditures In Excess Of Fifteen Thousand Dollars (\$15,000.00). Each expenditure exceeding fifteen thousand dollars (\$15,000.00) shall be specifically listed in the City Administrator's written report presented at the next regular meeting of the City Council.~~
- ~~4.—Lowest Price Quote. For all expenditures not requiring City Council approval, the City Administrator shall attempt to select the lowest price quotation. If the City Administrator does not select the lowest price quotation, he/she shall explain the reason in the City Administrator's written report presented at the next regular meeting of the City Council.~~

Section 110.020.01 Purchasing Policy and Procedures.

The City Council hereby adopts the policy entitled the City of Republic's Purchasing Policy and Procedures, on file in the City Clerk's office and incorporated herein by reference.

Section 110.020.05 Large Expenditures.

~~Where the amount of expenditure exceeds the bid limitation as established by Section 110.020.01, the City Administrator shall invite competitive sealed bids thereon by optional advertisement in any newspaper of general circulation in an area of resource which will supply the need, and by mandatory advertisement in any locally published newspaper, at least once fifteen (15) or more days prior to an established date on which no further bids shall be accepted. Other prospective bidders who may not have access to local~~

~~newspapers may be advised by mail of the specifications and solicitation for bids, although this shall not be required. Bids received pursuant to such solicitations shall be opened and read at the date and time established for such opening in the presence of the appropriate departmental director or their designee. The City Administrator shall have exclusive power to award the bid to the lowest responsive and responsible bidder, after approval of the City Council. The expenditure shall be awarded on the basis of lowest responsive and responsible bidder; provided, however, that the City Administrator may reject any and all such bids or waive non prejudicial irregularities. Except for emergencies as provided in Subsection 110.020.10(B), and change orders within the limits as provided in Subsection 110.020.10(C), no bid contract expenditure approved by the City Council shall be increased without further approval of City Council; provided, however, that the estimated total cost of unit price contracts may be exceeded without prior Council approval unless the scope of the work, or the price per unit, is increased. By written report presented at the next regular meeting of the City Council, the City Administrator shall report the amount by which any unit-price contract has exceeded the bid estimate.~~

~~Section 110.020.10 Bid Process Exemption.~~

~~A. Generally. In situations when there is a sole source of supply as determined by the City Administrator, the City Administrator shall by writing certify such conditions as effect such "sole source" supply, and competitive bidding requirements may be waived or modified by further resolution of the City Council.~~

~~B. Emergency Expenditures. Upon a failure of existing facilities, the immediate repair or replacement of which must be accomplished to avoid threat to the health, peace or safety of citizens of the City, the City Administrator with the consent of the Mayor and/or Mayor Pro Tem is authorized and responsible to effect emergency repairs by the most expeditious available means. Such instances will be exempt from the competitive bid process. The City Administrator will submit a full written report of such emergency procedures to the City Council and certify the need for effecting such procedure, justifying both method and cost in effecting emergency repair, at the next regular meeting of the Council. This procedure may be used for emergency situations described herein even if an emergency is not declared pursuant to Chapter 230, Article II of this Code.~~

~~C. Change Orders. Change orders that do not exceed fifteen percent (15%)~~

~~of the approved project amount and are within the spending authority of the City Administrator shall not require City Council's approval. However, all change orders over and above the amount specified by Subsection 110.020.01(A)(3) of this Code shall be reported in the City Administrator's written report presented at the next regular meeting of the City Council.~~

Section 110.020.150 Approval Of Payment.

- A. The City Administrator may approve or disapprove any bills, debts, or liabilities asserted as claims against the City for payment out of any funds appropriated for that purpose when funds on hand are adequate to pay such bills, debts or liabilities.
- B. Funds shall be deemed appropriated as follows:
 - 1. When the expenditure is specified in a budget currently approved by the City Council or is otherwise specifically approved by vote of the City Council; or
 - 2. For emergency expenditures less than thirty thousand dollars (\$30,000.00), when the payment is stated by writing of the City Administrator at a regular meeting of the City Council; provided, however, that the budget shall thereafter be amended to reflect the expense, and shall remain a balanced budget.

~~Section 110.020.20 Contracts For Professional Services.~~

- ~~A. Professional Service Procurement. Procurement for professional services, such as but not limited to engineering, architectural, and land surveying, will be selected based on qualification and not price, according to procedures provided by written administrative policy and, where applicable, State law.~~
- ~~B. When procurement for professional services does not exceed the bid limitation as established by Section 110.020.01, evaluation of qualifications and selection of the most capable firm shall be performed by the City Administrator, who may contract for the services subject to the provisions of Section 110.020.20.~~
- ~~C. When procurement for professional services exceeds the bid limitation~~

~~as established by Section 110.020.01, evaluation of qualifications and selection of the most capable firm shall be performed by the City Administrator with the approval of the City Council.~~

~~Section 110.020.30 Surplus Property Disposal Policy.~~

- ~~A. The City Administrator, or his/her duly authorized representative, may sell or exchange any municipal supplies, materials, or equipment, which have a value of ten thousand dollars (\$10,000.00) or more, as determined by the City's Finance Director, after declaration as surplus by the City Council. Such sales as are made of these surpluses shall be by competitive bidding processes including sale by auction as approved by the City Council. The City Administrator may dispose of such surplus by:

 - ~~1. Selling the items at public auction, including approved online auction sites.~~
 - ~~2. Utilizing said items for trade in.~~
 - ~~3. Disposing of the items as otherwise authorized by State law, including transfer to another governmental entity within the State.~~~~
- ~~B. The City Administrator, or his/her duly authorized representative, may declare any municipal supplies, materials, or equipment which have a value of less than ten thousand dollars (\$10,000.00), as determined by the City's Finance Director, surplus or obsolete to the needs of the City.~~
- ~~C. The procedure for disposal of surplus, worn out, or obsolete items with a value over five hundred dollars (\$500.00) yet under ten thousand dollars (\$10,000.00) shall be addressed through administrative policy.~~
- ~~D. Upon determination by the City Administrator that surplus City supplies, materials, or equipment have negligible or no value, the administrator is authorized and directed to dispose thereof through recommended industry practice, in compliance with disposal requirements.~~

Section 110.020.~~35~~**20** Capital Assets.

The Capital Asset threshold of the City shall be five thousand dollars (\$5,000.00).

Section 110.020.~~43~~**0** Inventory.

The City shall maintain an inventory of all property valued over five hundred dollars (\$500.00). Items valued over five thousand dollars (\$5,000.00) shall be capitalized in the accounting records.

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~striketrough~~ in the above is deleted.

Section 3. The City Administrator is hereby authorized to adopt and amend such administrative policies as are reasonably necessary to implement the intent of this Purchasing and Procedures Policy.

Section 4. The City Administrator or designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

Section 5. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 6. The whereas clauses are hereby specifically incorporated herein by reference.

Section 7. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 8. This Ordinance shall be in full force and effect from and after the date of passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.


Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

BILL NO. 21-18

ORDINANCE NO.

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.18 13:45:04
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____



City of Republic’s Purchasing Policy and Procedures

Introduction

The City of Republic is a public agency that is required to establish and follow formal procurement rules established in the City Charter and City Ordinances and approved by the City Council. The primary purpose of this procurement policy (“Policy”) is to ensure that all publicly funded acquisitions are obtained through an open and competitive process and that honest and ethical procedures are consistently followed to attain best value, cost, and quality. Department Directors are entrusted with the responsibility of implementing and enforcing this Policy within their departments. Training is offered to all users of this Policy. It is the intent of this Policy to clarify and outline the purchasing procedures for routine expenditures to comply with the requirements as set forth in the City’s Charter, City Ordinances, and State Statutes.

Purchasing Agent

The City Administrator shall serve as the purchasing agent and shall supervise the purchasing of the City and shall see that the purchasing is done in accordance with the purchasing rules and procedures now in effect or later approved by the City Council.

The Purchasing Department functions are carried out by the Finance Department.

Department and Budgetary Requirements

All department directors are required to adhere to the provisions of the procedures outlined in this Policy. Failure to meet the requirement will result in additional oversight requirements whereby sign-off authority will be revoked for all purchases in excess of \$500.00 for a minimum of 3 months for the first offense. The Finance Director approval will be required for all items in excess of \$500.00. The second offense will result in disciplinary action and limited sign-off privileges for up to 1 year during which time quotes will be required for all purchases in excess of \$500.00 and Finance Director approval will be required. Additional offenses may result in a re-evaluation of the ability to perform in the capacity of Department Director and subject to further disciplinary action.

Purchasing Approval Limitations

A. Micro Expenditure Limitation.

Purchases less than or equal to \$ 5,000.00:

The purchase of routine, day-to-day supplies and operational needs, the expenditure for which is less than or equal to \$5,000.00, including freight, may be made through prudent and practical selectivity of the best price source. These purchases will require supervisor or Department Director sign-off and approval. A purchase requisition is not required.

B. Small Expenditure Limitation.

Purchases in excess of \$5,000.00, but less than or equal to \$10,000.00:

All purchases by the City, for supplies, services, apparatus, materials, equipment, or other things for public purpose, wherein the expenditure is in excess of \$5,000.00, but less than or equal to \$10,000.00, including freight, must have approval from the Department Director or designee, but only after the completion of a purchase requisition and three written or verbal quotes.

Quotes must be attached and the recommended vendor, account numbers, and other requested information must be written on the purchase requisition form.

C. Intermediate Expenditure Limitation

Purchases in excess of \$10,000.00, but less than or equal to \$30,000.00:

All purchases by the City for supplies, services, apparatus, materials, equipment, or other things for public purpose, wherein the expenditure is in excess of \$10,000.00, but less than or equal to \$30,000.00, including freight, must be approved by the Finance Director or Finance Director designee or a minimum of three department directors, but only after completion of a purchase requisition and three written quotes. Quotes must be attached with the completed purchase requisition form before approval will be considered.

A 24-hour notice, not including weekends or holidays, is required for review purposes, unless an emergency is declared and approved by the City Administrator.

D. Large Expenditure Limitation

Purchases of any item in excess of \$30,000.00, but less than or equal to \$50,000.00:

All purchases by the City for supplies, services, apparatus, materials, equipment, or other things for public purpose, wherein the expenditure is in excess of \$30,000.00, but less than or equal to \$50,000.00, including freight, or \$70,000.00 for construction projects, must be approved by the City Administrator or City Administrator designee and Finance Director or Finance Director designee, but only after completion of a purchase requisition and three written quotes. Written quotes must be attached with the completed purchase requisition form before approval will be considered.

A 24-hour notice, not including weekends or holidays, is required for review purposes, unless an emergency is declared and approved by the City Administrator.

E. Formal Bid Limitation

Purchases in excess of \$50,000.00, or \$70,000.00 for construction projects:

For all purchases in excess of \$50,000.00, or \$70,000.00 for construction projects, formal competitive bidding is required, and approval required by City Council.

Purchasing Procedures and Approval Matrix

Purchase Threshold	Purchasing Procedure	Purchasing Approval
\$5,000.00 or under	*Purchase lowest price item that meets specification. *Invoice/Receipt documentation submitted with invoice.	* Department Director Approval
\$5,001.00 - \$10,000.00	*Purchase lowest price item that meets specifications. *Invoice/Receipt documentation *Three (3) written, verbal, facsimile, or electronic quotes.	*Purchase Requisition *Department Director Approval
\$10,001.00 - \$30,000.00	*Three (3) written quotes, verbal quotes facsimile, or electronic quotes. *Purchase lowest and best priced item that meets specification. *Invoice/Receipt documentation of purchase.	*Purchase Requisition *Three (3) quotes *Department Director Approval *Finance Director Approval *Or three (3) Department Directors Approval

<p>\$30,001.00 -\$50,000.00</p>	<p>*Three (3) written quotes. *Purchase lowest and best priced item that meets specification.</p>	<p>*Purchase Requisition *Three written (3) quotes *Finance Director Approval *City Administrator or City Administrator Designee Approval *City Administrator and Finance Director need to be notified for unbudgeted purchases over \$10,000.00. *Unbudgeted purchases over \$20,000.00 must be included in City Administrator's report to City Council</p>
<p>Over \$50,000.00, or Over \$70,000.00.00 for infrastructure construction projects</p>	<p>*Sealed ITBs, RFPs or RFQs. *See formal bidding methods.</p>	<p>*Purchase Requisition *City Administrator or City Administrator Designee Approval *City Council Approval (of contract) *City Council Approval of Budget or Budget Amendment *City Administrator Signature on Contract</p>
<p>Exceptions to Formal Bidding Methods: Professional Services and leases. Purchase requisitions, approval limits, and contract requirements will still apply.</p> <p>Professional Services: A prequalification RFP may be used under \$50,000.00. An RFP or RFQ is required over \$50,000.00.</p> <p>Leases/Rental Items: Short-term rentals and leases do not need competitive quotes. If rental needs extend past 3 months, it should be evaluated to see if a purchase would be better utilized. If a long-term rental is needed, then a purchase requisition process would be followed. Short-term is defined as 3 months. Quotes would be utilized instead of competitive bidding.</p> <p>Exceptions to Purchase Requisitions: Purchases over the Formal Bid Limitation that have been approved by Council; and with contracts that have been signed by the City Administrator and Finance Director do not need a Purchase Requisition.</p>		

Non-Budgeted Items

A. Purchases of any non-budgeted items less than or equal to \$10,000.00:

Support for any non-budgeted expenditures less than or equal to \$10,000.00 must be forwarded to the Department Director and Finance Director for notification purposes

only. Non-budgeted items include all items not specifically identified during the budget process. Pursuant to Republic Municipal Code Section 135.050, no expenditure shall be made which would result in the expenditure for that fund to go above the amount authorized by Council in the budget unless the requirements of Section 135.050 are met.

- B. Purchases of any non-budgeted items in excess of \$10,000.00 but less than or equal to \$20,000.00:

Support for any non-budgeted expenditures in excess of \$10,000.00 must be forwarded to the City Administrator or City Administrator designee and Finance Director for notification purposes only. Non-budgeted items include all items not specifically identified during the budget process. Pursuant to Republic Municipal Code Section 135.050, no expenditure shall be made which would result in the expenditure for that fund to go above the amount authorized by Council in the budget unless the requirements of Section 135.050 are met.

- C. Purchase of any non-budgeted items in excess of \$20,000.00:

Any non-budgeted expenditure in excess of \$20,000.00 requires signature of the City Administrator or City Administrator Designee and shall be specifically listed in the City Administrator's written report presented at the next regular meeting of the City Council. Pursuant to Republic Municipal Code Section 135.050, no expenditure shall be made which would result in the expenditure for that fund to go above the amount authorized by Council in the budget unless the requirements of Section 135.050 are met.

Bidding Methods

Informal Bidding Methods

- A. Verbal Bids

A minimum of three verbal bids shall be received for all purchases that allow verbal bids. The Finance Director shall utilize a "verbal bid" tracking form. Formal bids shall not be required. Local qualified vendors will be given priority as outlined in the Buy Local section of this Policy. The procurement of several items of the same type at substantially the same time is a single purchase for the purpose of this section and the total cost of all such items will determine whether a formal competitive bidding procedure must be followed.

- B. Written Bids

A minimum of three written bids shall be received for all purchases that allow written

bids. The procurement of several items of the same type at substantially the same time is a single purchase for the purpose of this section and the total cost of all such items will determine whether a formal competitive bidding procedure must be followed. Email, facsimile, and letters all qualify as written bids.

C. Invitation to Bid (ITB)

Informal – Under \$50,000.00 – no public opening; written bids must be solicited if using an ITB.

Formal Bidding Methods

A. Competitive Bids

Contracts will be made only after ample competition. The City Administrator may reject any and all such bids or waive non-prejudicial irregularities.

B. Formal Solicitation Types Used by the City.

Contracts made for purchases of goods, services, or other items exceeding \$50,000.00, or \$70,000.00 for infrastructure construction projects, shall be made only after the notification to the public that bids will be received, opened, and read in public at a particular time, place, and date which provides potential vendors adequate time to submit bids.

The City will utilize the City of Republic website for notification to the public. A central bidders list will be maintained for vendor notifications. Electronic bid submissions are allowed through an e-bidding system. The City may, in addition to the above, advertisement in any newspaper of general circulation in an area of resource which will supply the need, and/or by advertisement in any locally published newspaper. All formal bidding shall set a date, time, and place for the bid opening and such bid opening shall not occur sooner than 15 calendar days after the solicitation is published.

Invitation to Bid (ITB)

- Formal - \$50,000.01 and above – public bid opening required.
- Unit price prevails in the event of pricing discrepancy.

The bid documents and specifications are definite and specific. Awards will be made to the bidder offering the lowest cost who is the most responsive to the requirements of the bid documents, without material exception, and who is responsible and capable of providing the item(s) to be purchased.

Evaluation and award are limited to cost, determination of compliance with the specifications and

conditions specified in the bid documents, and the responsibility of the bidder. Negotiations are not permitted. This method does not permit comparison of the relative specifications of competing bidders but only comparison to the specifications contained in the bid documents.

Request for Proposals (RFP)

- No public opening to preserve confidentiality until award of notice of intent to award is made.
- This method of procurement permits negotiations and discussions with competing vendors after proposals are opened; therefore, no information taken from proposals received shall be disclosed to any competing vendor until after a contract is executed or all proposals are rejected and as required by the Sunshine Law.
- The purpose is to award to the supplier that is able to provide the best value to the City, not necessarily lowest price, using numerical scoring.
- Negotiation is permitted.
- An evaluation team, ideally comprised of three to five members, evaluates using criteria disclosed in the RFP.

This method can be used whenever detailed specifications cannot be determined, whenever several methods may satisfy the City's requirements, or whenever the nature of the requirements is such that subjective evaluation of criteria other than cost is necessary. This method can be utilized when definite specifications cannot be determined in advance, when a scope of work is required which makes comparison of competing proposals relative to each other appropriate.

Subjective criteria may be used in the evaluation of competing proposals. The relative value of the evaluation criteria shall be established in the Request for Proposal documents published by the City.

Request for Information (RFI)

A Request for Information (RFI) may be used to request information on potential vendor(s) or service provider(s) to determine what products and services are available and to know the capability of the vendor/provider in terms of offerings and strengths of the company for preparing for a Request for Proposal (RFP) or Request for Qualifications (RFQ) developing strategy and/or building a database. Request for Information procedures shall be set forth by the Finance Director.

Request for Qualifications (RFQ):

This method is a qualifications-based selection process. It is NOT a bid. It is a request for firms to submit their qualifications to be considered for a project. The most qualified contractor will be selected and the fee will be negotiated. If the terms cannot be negotiated, then there is the option to move to the second or third choice. This method must be used for Professional Architectural, Engineering, and Land Surveying Services that are for construction management, feasibility studies, preliminary studies, preliminary engineering design, architectural, engineering, surveying, mapping or related services, and the process of selection must comply with the requirements for political subdivisions of RSMo Chapter 8.

Non-Responsive or Unacceptable Bids.

The City shall reject any bid or proposal which is materially non-responsive to the requirements outlined in the bid documents. The City may re-solicit bids or proposals if the bids received from a solicitation for bids or proposals are not acceptable for any reason. Such re-solicitation will not be to direct the award to a particular bidder. The City is not required to accept the low bid of any bidder that is not responsive and reserves the right to reject any bid for any reason.

Buy Local.

It is the policy and intent of the City in awarding of contracts and the purchase of goods and materials to encourage doing business with suppliers located within the City of Republic, Greene County, or Christian County. The cost difference between the lowest bidder and the local bidder should be no greater than three (3) percent.

Buy Local is prohibited on Federal Grants. The City shall follow Federal Grant guidance for procurement under a grant award.

Parcel or Split Purchase.

It is expressly forbidden to parcel or split purchases with intent of circumventing the more competitive bidding requirement. Doing so will result in disciplinary action and limited sign-off privileges for up to 1 year during which time quotes will be required for all purchases in excess of \$500.00 and Finance Director approval will be required.

This does not prohibit the City from bidding out projects individually. Since the scope of these projects may not be known at the time that other bids are prepared, the City can bid on a project basis, but will not purposely split a bid to circumvent the formal bid requirement. Bulk bids for construction materials will be utilized whenever feasible.

Bid Process Exceptions

Sole Source

In situations when there is a sole source of supply as determined by the City Administrator, or City Administrator designee, the City Administrator shall by writing certify such conditions as effect such "sole source" supply, and competitive bidding requirements may be waived or modified by further resolution of the City Council.

Emergency Expenditures

Upon a failure of existing facilities, the immediate repair or replacement of which must be accomplished to avoid threat to the health, peace or safety of citizens of the City, the City Administrator with the consent of the Mayor and or Mayor Pro Tem is authorized and responsible to effect emergency repairs by the most expeditious available means. Such instances will be

exempt from the competitive bid process. The City Administrator will submit a full written report of such emergency procedures to the City Council and certify the need for effecting such procedure, justifying both method and cost in effecting emergency repair, at the next regular meeting of the Council. This procedure may be used for emergency situations described herein even if an emergency is not declared pursuant to Chapter 230, Article II of The Municipal Code.

Change Orders

Change orders that do not exceed fifteen percent (15%) of the approved project amount and are within the spending authority of the City Administrator shall not require City Council's approval. However, all change orders over and above the formal bid limitation shall be reported in the City Administrator's written report presented at the next regular meeting of the City Council. The estimated total cost of unit-price contracts may be exceeded without prior Council approval unless the scope of the work, or the price per unit, is increased. By written report presented at the next regular meeting of the City Council, the City Administrator shall report the amount by which any unit-price contract has exceeded the bid estimate.

When Competitive Bidding is not Required

In the following cases competitive bidding is not required:

1. Insurance which has a standard premium set by the State of Missouri or which is exempted from bidding by RSMo 537.620.
2. Purchases made cooperatively with other units of government.
3. Services of individuals possessing a high degree of professional skill (sole source in nature).
4. Purchases from federal, state, or other local governmental units.
5. Contracts for printing or engraving of bonds or other evidence of indebtedness.
6. Fuel purchases.
7. Items or services for data processing when the item or service is designed to be used in connection with an existing data processing system and the City Administrator or City Administrator designee has determined that it is reasonable to require that all such items or services to be used with the existing data processing system shall be compatible in order to fix for the continuing operations and maintenance of the system.
8. Items purchased through the State of Missouri at a price deemed below that obtainable from private dealers pursuant to the procedures authorized by state-local Technical Services Act Sections 67.330 through 67.390 RSMo. and pursuant to the rules and regulations governing cooperative procurement established by the State.
9. Recurring payments such as utilities, postage, telephone, travel, mileage, principal and interest on debt, rents, payroll taxes, pension contributions, judgments and claims, and professional membership affiliation dues.
10. Sole source items as determined by the City Administrator or City Administrator Designee.
11. Items procured utilizing funds donated or granted to the City if the terms of the grant or donation agreement require the City to purchase a specific item from a specific source.

Payment and Accounting

Approval of Payment

The Finance Director may approve or disapprove any bills, debts, or liabilities asserted as claims against the City for payment out of any funds appropriated for that purpose when funds on hand are adequate to pay such bills, debts or liabilities.

Funds will be deemed appropriated as follows.

When the expenditure is specified in a budget currently approved by the City Council or is other specifically approved by vote of the City Council; or

For emergency expenditures less than twenty thousand dollars (\$20,000.00), when the payment is stated in the written City Administrator report, provided that the budget shall be amended to reflect the expense, and will remain a balance budget.

Documentation

Approved purchase requests and written quotes (if applicable) are to be attached with the related invoice when turned in for payment. If multiple invoices are subject to the same purchase request, a copy of the purchase request is to be attached with each additional invoice.

Records

All paperwork associated with a fulfilled transaction is filed and stored with Accounts Payable. All previous year records are maintained and stored in the vault as required by law until appropriate retention schedule has been met.

Grant Funding

The Department Director shall review the requirements contained in the grant to make sure all the appropriate federal, state, and local requirements can be met by the City in the application and administration of the grant. Since some grant opportunities contain provisions that are not contained in this Policy, the City Administrator shall have the authority to supplement this Policy to comply with the grant requirements. Any such supplement by the City Administrator shall be in writing.

The City shall have an official Grant Coordinator and Grant Administrator as designated in writing by the Finance Director.

The duties of the Grant Coordinator shall include, but are not limited to, collection of all grant documentation in a central location. Verify the required grant paperwork is in order. Route grant payment requests before payment to ensure compliance with the grant requirements. Maintain the official electronic files for each grant and copies of payment records.

The duties of the Grant Administrator shall include, but are not limited to, developing a grant compliance program. Review any final grant paperwork to ensure compliance with granting requirements before submission. Work with grantees in the case of audit or documentation requests. Work with fulfilling audit requirements for grant administration. Set guidance and policies for the City's grant management.

Prior to applying for a grant, the Grant Administrator will review all grant submissions. The Grant Administrator has the authority to submit grants on behalf of the City.

Grant Contractual Agreements – grant applications that require a contract agreement (IGA, MOU) with the City of Republic will be brought to Council for approval. If a grant creates liability to the City over the formal bid limitation, it needs to go to Council for approval.

Disposal of Property other than Real Property

A. Negligible or no value

Upon determination that surplus City supplies, materials, or equipment have negligible or no value, the City Administrator is authorized and directed to dispose thereof through recommended industry practice, in compliance with disposal requirements.

B. Value under \$10,000.00

The procedure for disposal of surplus, worn-out, or obsolete property with a value under \$10,000.00 shall be addressed through administrative policy.

C. Value \$10,000.00 or over

The City Administrator, or designee, may sell or exchange any municipal supplies, materials, or equipment, which have a value of \$10,000.00 or more after declaration as surplus by the City Council. The City Administrator, or his/her duly authorized representative may dispose of such surplus by:

1. As authorized by the City Council.
2. Selling the items at public auction, including approved online auction sites.
3. Competitive bidding.
4. Utilizing said items for trade-in.
5. Disposing of the items as otherwise authorized by State law, including transfer to another governmental entity within the State.

D. Determination of surplus and value

The City Administrator, or designee, may declare any municipal supplies, materials, or equipment which have a value of less than ten thousand dollars \$10,000.00, as determined by the City's Finance Director, surplus or obsolete to the needs of the City.

E. Items Purchased with Federal Funds.

When a department needs to dispose of items or equipment that were purchased with federal grant funds, disposition restrictions must be researched and resolved by the Finance Department. Special rules apply to equipment purchased with Federal Funds. The original grant guidance will outline the allowable disposal methods.

Other Purchasing Policies

Petty Cash. The Director of Finance is authorized to create petty cash funds where the funds are needed within the City. The size of the petty cash funds will be controlled by the Director of Finance. Routine purchases of items of less than \$100.00 may be made from petty cash. Exceptions to the dollar threshold can be made for the benefit of City and approval of the Finance Director. The procedures for petty cash are outlined in a separate Administrative Policy.

Purchasing Card Program. The City will utilize a credit card program to assist in the everyday purchases that might come up that require immediate payment or vendors that do not accept checks. The proper purchasing approvals are still required in advance of a purchase. (Procedures for the Purchase/Credit Card Program are outlined in a separate Administrative Policy.)

Sponsorships/Gifts. The City shall not use public funds to sponsor any event, business, or nonprofit, including advertising at community events, unless it is to provide information to the community about available services as part of the overall City communication/marketing plan. The City may pay dues to organizations that the City is required to be a member of to receive federal funding (e.g., Ozarks Transportation Organization and SMCOG) or to conduct regional business.

Gifts. The City shall not use public funds to give employees, citizens, or Council Members gifts, except plaques or trophies required for the normal function of government (e.g., recognition of citizens or employees by the Mayor/Council for outstanding actions in the community, employee retirement recognition, and recognition of Council Members at the end of their terms).

Ethics

A. General Ethical Standards

1. For Employees: Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of ethical standards.
2. For Non-Employees: Any effort to influence any public employee to breach the standards of ethical conduct set forth in this manual is also a breach of ethical standards.

B. Employee Conflict of Interest

1. **Conflict of Interest:** It will be a breach of ethical standards for any employee to participate directly or indirectly in a contract for purchase or sale when the employee is aware:
 - a. The employee or any member of the employee's immediate family has a financial interest pertaining to the purchase or sale.
 - b. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the purchase or sale; or
 - c. Any other person, business, or organization with whom the employee or a member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the purchase or sale.

 2. **Discovery of Actual or Potential Conflict of Interest:** Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification with the City Administrator and shall withdraw from further participation in the transaction involved.

 3. **Disqualification of Business: Where an Employee has a Financial Interest:** It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the City.

 4. **Gratuities:** It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or any offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a contract requirement, specification, or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any requirement, contract, subcontract, or any solicitation or proposal therefor.

 5. **Kickback:** It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made to an employee or officer of the City by or on behalf of a contractor or subcontractor under a contract to the City, prime contractor, or higher tier subcontractor, or any person associated there within, as an inducement for the award of a subcontract or order.

 6. **Confidential Information:** It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
- C. Violation of the City's ethical standards may be grounds for the City to reject a bid and the employee will be subject to disciplinary action.

Applicable State Requirements

Section 432.070 requires any contract made by the City to be in writing and dated, to be executed before any performance or payment, within the scope of the City's authority, and subscribed by the parties or their agents.

Section 105.458 prohibits any member of the governing body from providing services, selling items, renting, or leasing property to the City unless the requirements of this Section are met.

Section 376.696 requires competitive bidding at least every six years for insurance. The contract must be awarded to the lowest or best bidder. Section 537.620 allows an exception to competitive bidding on insurance if the insurance purchase is made through a pool of three or more political subdivisions.

Section 67.150 requires competitive bidding at least every three years for health insurance. The contract must be awarded to the lowest or best bidder.

Section 8.285 requires that services for architectural, engineering, and land surveying shall be based upon demonstrated competence and qualifications and at a fair and reasonable price.

Section 8.679 requires advertisement and solicitation of proposals from qualified construction managers when the City determines that a public works project should be performed with construction management services.

Article III, Section 39 of the Missouri Constitution does not allow the City to grant or authorize extra compensation to any public officer or contractor after or services have been rendered or the contract has been entered into.



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-19 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Employee Handbook.
Submitted By: Lisa Addington, Chief of Staff
Date: April 6, 2021

Issue Statement

Addition of new accrual maximum to Fire personnel working an average of 56 hours per week of 1080 hours.

Discussion and/or Analysis

As part of the good faith negotiations during the collective bargaining with the Republic Fire Department union, we negotiated a change to the sick leave, section 406 of the Employee Handbook for the sworn fire personnel working on an average schedule of 56 hours/week. These changes included an increase of the monthly accrual from eight (8) hours to twelve (12) hours. Additionally, we negotiated an increase to their maximum accrual accumulation amount from 720 to 1080 hours.

While the change to the monthly accrual of twelve (12) hours per month was included in the handbook revisions approved by Council on February 2, 2021, the maximum accrual accumulation was unintentionally not included. Since we negotiated in good faith, the accrual maximum should be increased to 1080 hours and included in the Employee Handbook as notated in the Collective Bargaining Agreement that passed by ordinance on February 2, 2021.

Recommended Action

Staff recommends approval of this addition.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE EMPLOYEE HANDBOOK**

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, on February 2, 2021, in Ordinance 21-04, Council approved an amended Employee Handbook to serve as an Employee Handbook and Personnel Policy for the City; and

WHEREAS, a clause dealing with the maximum accrual for full-time sworn fire employees was inadvertently left out of the February 2, 2021 amendment; and

WHEREAS, the Council finds this amendment to the Employee Handbook is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. The Employee Handbook, Section 406, Sick Leave Benefits, is hereby amended to read as follows:

406 SICK LEAVE BENEFITS

The sick leave policy is designed to provide full-time employees with paid time off for personal illness or injury, or the illness/injury of an immediate family member. This benefit is intended to help eligible employees maintain a stable base pay during short periods of non-occupational illness or injury.

Full-time employees accrue approximately eight (8) hours of sick leave for every full month of service. The maximum accumulation is 720 hours.

Full-time sworn fire employees working a 56-hour work-week will accrue approximately twelve (12) hours of sick leave for every full month of service. **This maximum accumulation is 1080 hours.**

If an employee is frequently absent, or out for more than three consecutive days, he or she may be required to provide their Department Director with a physician’s statement confirming the illness or injury, and that he or she is released to return to work. The Department Director will forward the return-to-work slip to the Human Resource Department to be kept in the employee’s medical file. If warranted, the Department Director may require a physician’s statement more frequently.

Sick leave may only be used for an employee’s own or an immediate family member’s illness, or medical/dental appointments. Immediate family, for the purpose of sick leave, is defined as a parent, spouse or child (or guardianship) or in event the family member is residing with the employee. Any exception will require department director and/or HR approval.

Sick leave continues to accrue while an employee is on FMLA leave or other leave of absence. An employee may carryover accrued but unused sick leave from one calendar year to the next.

If an employee has been employed for the entire calendar year in a full-time position and does not use any sick leave hours within that calendar year; then the employee will be awarded sixteen (16) hours of vacation time at the beginning of the following calendar year. If the employee uses eight hours or less (or one shift or less) of sick leave within that calendar year, then the employee will be awarded eight (8) hours of vacation time at the beginning of the following year.

Upon separation from the City’s service, accrued sick leave shall not be paid.

In the event of a local, state or national disaster, (i.e. pandemic), mandated sick leave will be paid in accordance with federal/state/local regulations and/or recommendations.

EXPLANATION – Matter in bold-face type in the above is added language. Matter in strikethrough in the above is deleted.

- Section 2. All other Sections of the Employee Handbook not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.
- Section 3. The City Administrator is hereby authorized to adopt and amend such administrative policies as are reasonably necessary to implement the intent of the Employee Handbook.
- Section 4. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.


Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

BILL NO. 21-19

ORDINANCE NO.

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.17 14:20:30
-05'00', Scott Ison, City Attorney

Final Passage and Vote: _____



AGENDA ITEM ANALYSIS

Project/Issue Name: A Public Hearing of the City Council of the City of Republic, Missouri, Regarding Amending the Municipal Code of the City of Republic, Missouri, by Amending Title VIII, Fees, Regarding Sewer Rates.

Submitted By: Andrew Nelson, Republic BUILDS Director

Date: April 6, 2021

Issue Statement

Proposed Wastewater Rate Structure through 2025 based on the commissioned Rate Study conducted by Burns and McDonnell in coordination with the Wastewater Master Plan.

Discussion and/or Analysis

The City of Republic last amended the sanitary sewer rates in 2014, since that time the City has invested in the Wastewater Master plan creating the necessary improvements for the City's growth and ongoing compliance issue. Utilizing this planning and engineering effort the City commissioned a 3rd party rate study with the purpose of defining a rate structure that would facilitate the master plan and the associated capital improvements.

In 2011 the City was issued a Voluntary Compliance Order by MDNR requiring the City to correct the compliance issue of the wastewater treatment plant. In 2016 the order was extended 5 years. In October of 2021, this agreement will expire, and the City has requested to be placed into an Administrative Order that will establish the improvements required, the allowable timeline and resulting penalties if compliance is not achieved.

The proposed rate structure shown and associated timeline of implementation is planned accordingly in order for the City to properly fund the debt necessary to achieve compliance and expand the system to facilitate the estimated growth of the City over the life of the debt.

Recommended Action

Staff recommends approval.



AGENDA ITEM ANALYSIS

Project/Issue Name: 21-20 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title VIII, Fees, Regarding Sewer Rates.

Submitted By: Andrew Nelson, Republic BUILDS Director

Date: April 6, 2021

Issue Statement

Proposed Wastewater Rate Structure through 2025 based on the commissioned Rate Study conducted by Burns and McDonnell in coordination with the Wastewater Master Plan.

Discussion and/or Analysis

The City of Republic last amended the sanitary sewer rates in 2014, since that time the City has invested in the Wastewater Master plan creating the necessary improvements for the City's growth and ongoing compliance issue. Utilizing this planning and engineering effort the City commissioned a 3rd party rate study with the purpose of defining a rate structure that would facilitate the master plan and the associated capital improvements.

In 2011 the City was issued a Voluntary Compliance Order by MDNR requiring the City to correct the compliance issue of the wastewater treatment plant. In 2016 the order was extended 5 years. In October of 2021, this agreement will expire, and the City has requested to be placed into an Administrative Order that will establish the improvements required, the allowable timeline and resulting penalties if compliance is not achieved.

The proposed rate structure shown and associated timeline of implementation is planned accordingly in order for the City to properly fund the debt necessary to achieve compliance and expand the system to facilitate the estimated growth of the City over the life of the debt.

Recommended Action

Staff recommends approval.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY AMENDING TITLE VIII, FEES, REGARDING SEWER RATES

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the Council has the authority under State Statutes and the Municipal Code to set and adjust sewer rates; and

WHEREAS, the City engaged the services of Burns & McDonnell to study the sewer rates in the City as part of the comprehensive plan (herein called "Study"); and

WHEREAS, based upon the Study, it was concluded the current sewer rates set in 2014 would need to be adjusted to achieve compliance with the ongoing compliance issues facing the City, and to make the necessary improvements for the City's continued growth and development; and

WHEREAS, the notice of public hearing on the issue of setting and adjusting the sewer rates was published on March 3, 2021, in *The Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least 30 days before the date set for the public hearing; and;

WHEREAS, a public hearing was conducted by the Council on April 6, 2021, at which time all those interested were afforded the opportunity to speak and present evidence regarding this issue; and

WHEREAS, the Council finds the adjustments to the sewer rates are necessary for the current and future operations of the City's sewer and wastewater system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. Title VIII, "Fees," Chapter 800, "General Provisions," Section 805.100, "Utility Administration," is hereby amended to read as follows:

805.100 Utility Administration

Utility Billing & Administration

Utility Billing & Administration		
Fee Name	Fee Amount	Code Section
Late Fee	\$5.00 - may be waived under certain circumstances	705.050(A)
Reconnection/Processing Fee	\$25.00 Plus Delinquent Bill Amount	705.050(B)

Adjustments-Leaks	Charge for Normal Water Usage – Amount of Bill for 3 months prior Customer to pay 10% of the Remainder	705.060
Bad Check Service Charge	\$20.00 Service Charge	705.080
Users Outside City Limits - Voluntary Consent to Annex	50% Additional Charge for Service, with exception provisions	705.130
Base charge per month for 1,500 gallons or less Surcharge for each 1,000 gallons in excess of 1,500 gallons per month or fraction thereof	Inside City Rate: 1,500 Gallons Base \$7.56 Surcharge 1,000 gallons \$3.56 Outside City Rate: 1,500 Gallons Base \$11.34 Surcharge 1,000 Gallons \$5.34	705.150(D)
Utility Billing & Administration - Deposit		
Meter Connection Size	Deposit Amount	Code Section
5/8 - inch water meter connection	\$150.00 Deposit	705.170
1-Inch Water Meter Connection	\$250.00 Deposit	705.170
2 - inch water meter connection	\$500.00 Deposit	705.170
3 - inch water meter connection	\$700.00 Deposit	705.170
4 - inch water meter connection	\$1,000.00 Deposit	705.170
6 - inch water meter connection	\$1,500.00 Deposit	705.170
8 - inch water meter connection	\$2,000.00 Deposit	705.170

Utility Billing & Administration - Hydrant Meter Deposit		
Meter Connection Size	Deposit Amount	Code Section
Temporary Metering devices under 2"	\$250.00 Deposit	705.180
Temporary 2" or larger metering device	\$750.00 Deposit	705.180
Labor for Installation	\$25.00 Per Meter	705.180
Utility Billing & Administration - Hydrant Meter Deposit		
Meter Connection Size	Deposit Amount	Code Section
Extended Term Metering devices under 2"	\$1,000.00 Deposit	705.180
Extended Term Metering devices 2" or larger metering devices	\$1,750.00 Deposit	705.180

Utility Billing & Administration – Miscellaneous Charges		
Fee Name	Fee Amount	Code Section
Account Setup Fee	\$10.00	705.190(A)
Subsequent Meter Installation Trip Charge	\$25.00	705.190(B)
Meter Assembly (Installed) Charge - 5/8 X 3/4 inches	\$875.00	705.190(B)
Meter Assembly (Installed) Charge - 1 inch	\$1,115.00	705.190(B)
Meter Assembly (Installed) Charge - 2 inch	\$3,170.00	705.190(B)
Meter Assembly (Installed) Charge - 3 inch	\$4,770.00	705.190(B)
Meter Assembly (Installed) Charge - 4 inch	Quote on Request	705.190(B)
Meter Assembly (Installed) Charge - 6 inch	Quote on Request	705.190(B)
Turn-On Charge - (Customer Requested Temporary Disconnection No Longer than 48 Hours	\$25.00	705.190(C)
Utility Billing & Administration – Sanitary Sewer Rates		
Base Charge Rate	Surcharge Rate	Code Section
Base charge per month for 1,500 gallons or less. Surcharge for each 1,000 gallons in excess of 1,500 gallons per month or fraction thereof.	<i>Inside City Rate:</i> Effective date for services provided on or after August 1, 2021. 1,500 Gallons Base \$15.93 18.80 Surcharge 1,000 gallons \$9.47 11.17 <i>Outside City Rate:</i> 1,500 Gallons Base \$23.90 28.20 Surcharge 1,000 Gallons \$14.21 16.77 Effective date for services provided on or after January 1, 2022. 1,500 Gallons Base \$22.18 Surcharge 1,000 gallons \$13.19 <i>Outside City Rate:</i> 1,500 Gallons Base \$33.28 Surcharge 1,000 Gallons \$19.79	705.210

	<p>Effective date for services provided on or after January 1, 2023. 1,500 Gallons Base \$23.73 Surcharge 1,000 gallons \$14.11 <i>Outside City Rate:</i> 1,500 Gallons Base \$35.61 Surcharge 1,000 Gallons \$21.17</p> <p>Effective date for services provided on or after January 1, 2024. 1,500 Gallons Base \$25.39 Surcharge 1,000 gallons \$15.10 <i>Outside City Rate:</i> 1,500 Gallons Base \$38.10 Surcharge 1,000 Gallons \$22.65</p> <p>Effective date for services provided on or after January 1, 2025. 1,500 Gallons Base \$26.92 Surcharge 1,000 gallons \$16.00 <i>Outside City Rate:</i> 1,500 Gallons Base \$40.39 Surcharge 1,000 Gallons \$24.01</p>	
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Utility Billing & Administration – Sanitary Sewer Rates		
Fee Description	Fee Per Unit	Code Section
Extra Charge for Discharge of Excess BOD - Inside City Limits	\$.33 per pound of excess BOD discharged	705.220.1(A)
Extra Charge for Discharge of Excess BOD - Outside City Limits	\$.50 per pound of excess BOD discharged	705.220.1(B)
Extra Charge for Discharge for Excess TSS concentration - Inside City Limits	\$.26 per pound of excess per pound of excess TSS discharged	705.220.2(A)
Extra Charge for Discharge for Excess TSS concentration - Outside City Limits	\$.39 per pound of excess TSS discharged	705.220.2(B)

Extra Charge for Discharge of Excess Phosphorus - Inside City Limits	\$.53 per pound of excess phosphorus discharged	705.220.3(A)
Extra Charge for Discharge of Excess Phosphorus - Outside City Limits	\$.80 per pound of excess phosphorus discharged	705.220.3(B)
Extra Charge for Discharge of Toxic Substances	Customer liable for all costs incurred by the City.	705.220.4
Impact Fee Schedules	See Tables Below	705.250

Water Impact Fees - Section 705.250		
Meter Size (inches)	Water Impact Fee	Notes
<i>Impact Fees Residential</i>		
5/8 x 3/4	\$350	Single-family residential size and individual connections in "R-2" and "R-1Z", otherwise 1 inch
1	\$1,400	Minimum fee for "R-3"
2	\$2,800	Multi-family
3	\$4,200	Multi-family
4	\$5,600	
5	\$8,400	

Sewer Impact Fees Section 705.250		
Meter Size (inches)	Sewer Impact Fee	Notes
<i>Impact Fees Residential</i>		
5/8 x 3/4	\$750	Single-family residential size and individual connections in "R-2" and "R-1Z", otherwise 1 inch
1	\$4,500	Minimum fee for "R-3"
2	\$9,000	Multi-family
3	\$13,500	Multi-family
4	\$18,000	
5	\$27,000	

Customer Responsibilities Pertaining to Water Services		
Fee Description	Fee Amount	Code Section
Water Service Line Inspection	\$40.00	710.290(D)

Sewer and Sewage Disposal		
Fee Description	Fee Amount	Code Section

BILL NO. 21-20

ORDINANCE NO.

Sewer Lateral Inspection Fee Connection to Publicly-Owned Treatment Works	\$40.00	715.130(J)
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EXPLANATION –Matter in **bold** type in the above is added language. Matter in ~~strike through~~ in the above is deleted.

- Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.
- Section 3. The whereas clauses are hereby specifically incorporated herein by reference.
- Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 5. This Ordinance shall take effect and be in force on and after August 1, 2021.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.04.01 11:06:34
-05'00', Scott Ison, City Attorney

Final Passage and Vote: _____

Sewer Rate Study

City of Republic, Missouri

Project No. 127283

**Final Report
3/2/2021**

Sewer Rate Study

prepared for

City of Republic, Missouri

Project No. 127283

**Final Report
3/2/2021**

prepared by

**Burns & McDonnell Engineering Company, Inc.
Kansas City, Missouri**

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LIST OF ABBREVIATIONS

<u>Abbreviation</u>	<u>Term/Phrase/Name</u>
AWWA	American Water Works Association
BLS	United States Bureau of Labor Statistics
Burns & McDonnell	Burns & McDonnell Engineering Company, Inc.
CIP	Capital Improvement Program
CPI-U	Consumer Price Index for all Urban Consumers
FY	Fiscal Year
Kgal	1,000 gallons
NACWA	The National Association of Clean Water Agencies
O&M	Operation and Maintenance
City	The City of Republic, Missouri
Study	Financial Plan and Rate Analysis
Utility	The Republic, MO Sewer Utility

1.0 INTRODUCTION

1.1 Study Background

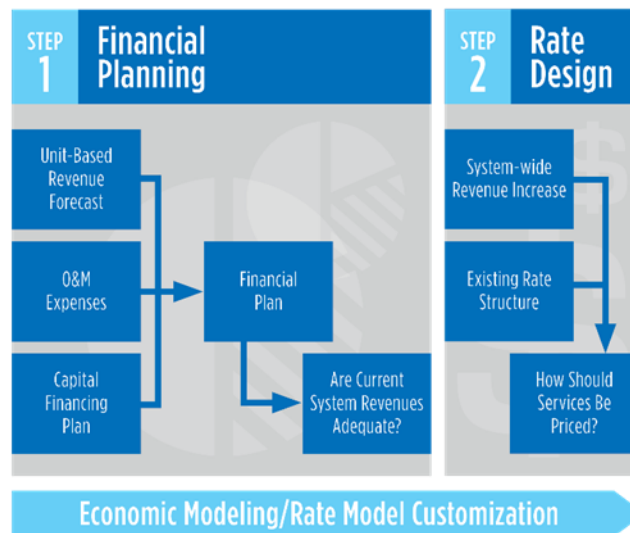
The City of Republic, Missouri (the City) retained Burns & McDonnell to perform a wastewater rate study (Study) including financial planning and rate analysis for the City's wastewater system. The Study provides a ten-year financial plan that evaluates the sufficiency of revenues under existing rates to meet future operating and capital costs of the Utility. If revenues are insufficient to meet funding requirements, recommendations are made to increase rates to meet the Utility's future revenue requirements.

Throughout this report various years are referenced regarding the City's financial plan. The years referenced are the City's fiscal years (FY), which are January 1st through December 31st.

1.2 Project Approach

To meet the Study objectives, Burns & McDonnell conducted the analysis in a two-step approach. This approach is depicted in Figure 1-1.

Figure 1-1: Study Methodology



Step 1: Financial Planning provides an indication of the adequacy of the revenue generated by current rates. The results of the financial forecast analysis answer the questions "Are the existing rates adequate?" and "If not, what level of overall revenue increase is needed?" The Financial Planning Analysis is presented in Section 2 of this report.

Step 2: Rate Design provides for the required revenue recovery. Once the overall level of revenue required is identified, a schedule of proposed rates is developed using the existing rate structure and

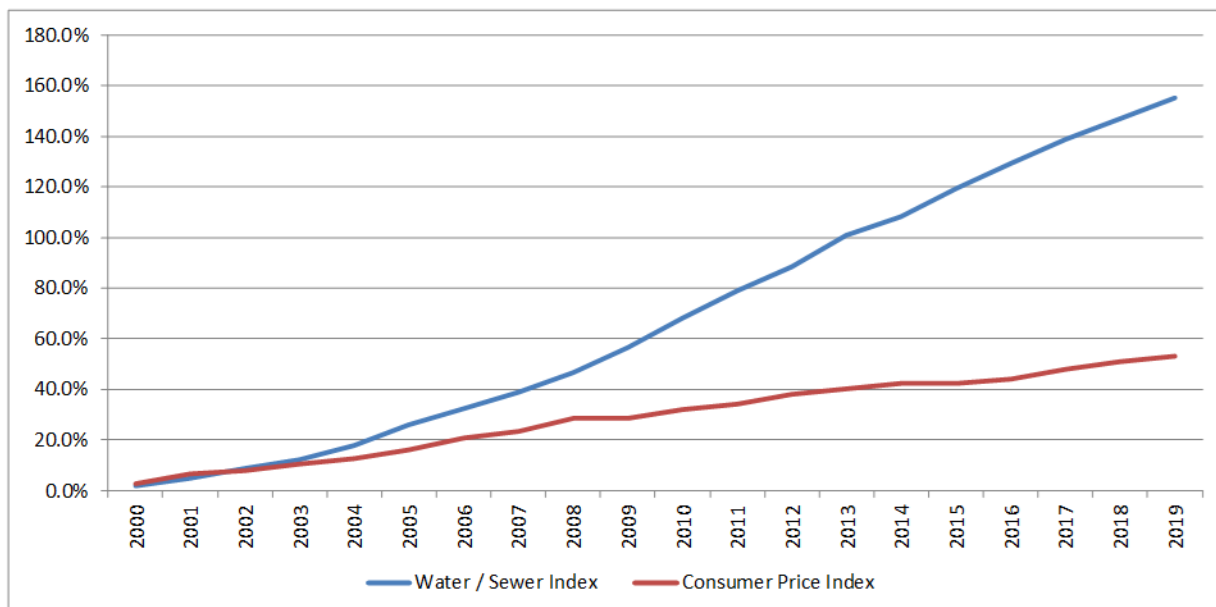
revenue increases from the financial plan. The development of proposed rates is discussed in Section 3.0 of this report.

1.3 Industry Trends in Sewer Rate Increases

Nationally, the cost of residential water and sewer service is rising faster than many other household costs. Replacement of aging infrastructure is one of several dynamics impacting utility rates. Other dynamics generally include increasing regulatory requirements, inflation on operating and capital costs, and a trend in declining consumption most often associated with more efficient fixtures and appliances and greater awareness of water conservation.

Every utility is different, and the relative importance of these dynamics will vary by utility. However, there is no doubt that water and sewer rate increases have substantially outpaced general inflation in the United States. The United States Bureau of Labor Statistics (BLS) tracks many facets of inflation. The most commonly referenced measure is the Consumer Price Index for all Urban Consumers (CPI-U) which measures inflation at the consumer level for a representative basket of goods. The BLS also tracks a combined inflation index for consumer water and sewer costs. Figure 1-2 compares changes in the BLS' consumer price index to changes in the BLS' water and sewer cost index.

Figure 1-2: Changes in General Inflation vs. Water and Sewer Rates



Source: Bureau of Labor Statistics, Consumer Price Index & Water & Sewer Maintenance Series, Not Seasonally Adjusted

Annually, since 2000 the water and sewer index has been increasing at approximately 4.9 percent per year, while CPI's annual rate of change is about 2.1 percent per year.

Other industry surveys reach similar conclusions regarding water and/or sewer rates. The National Association of Clean Water (NACWA) annually updates its *Cost of Clean Water Index*, which specifically surveys sewer utilities across the nation regarding the cost of residential sewer service. From 2000 through 2019, the annual increase according to this survey has been 4.5 percent per year. American Water Works Association (AWWA) also conducts a broad, annual water and sewer rate survey with comparable results regarding increases in water and sewer rates.

Despite these increasing costs for water and sewer service, many utilities continue to be challenged to adequately fund renewal and replacement of existing infrastructure. Each utility may be influenced by specific circumstances that can lead to the increases that are higher or lower than these industry trends. However, costs associated with renewal and replacement of existing infrastructure and the increasing cost of regulatory compliance are two of the primary dynamics contributing toward the increases in water and sewer rates. Understanding the reality of increasing costs within the water and sewer industry provides helpful context in evaluating proposed financial plans.

2.0 FINANCIAL PLANNING ANALYSIS

2.1 Introduction to Financial Planning

The primary issue addressed in Financial Planning Analysis is revenue sufficiency. The results of Financial Planning Analysis answer the questions:

- "Are the existing rates adequate to meet future funding needs?"
- "If not, what level of overall revenue increase is needed?"

To determine if the existing schedule of rates can be expected to generate enough revenue to meet the Utility's operating and capital costs, Burns & McDonnell prepared a ten-year financial projection of revenues and expenditures for the Utility. A comparison of projected revenues and expenditures provides insight into the adequacy of overall revenue levels.

Our approach to Financial Planning involves the following basic steps:

1. Project revenues under existing rates.
2. Project utility expenditures.
3. Develop a multi-year financial plan
4. Evaluate financial sufficiency based on key performance indicators such as reserve balances and debt service coverage.

The planning period includes the current fiscal year (FY) 2021 and a ten-year forecast period, 2021 – 2031. The City utilizes a twelve-month fiscal year beginning January 1. The Financial Plan Analysis recognizes and references the same fiscal year in the forecast period.

The remainder of this section of the report discusses how the sewer utility financial plan was developed and identifies the sufficiency of existing rates to adequately meet future costs.

2.2 Sewer Utility Revenues under Existing Rates

The first step in Financial Planning Analysis was to project revenues under the existing schedule of rates. Table 2-1 presents historical user revenues for 2018 and 2019 and a projection of user revenues under existing rates for the planning period. The projection of user revenues was estimated based on budgeted 2021 revenues.

In November of 2018 the City implemented a new billing software. The billing software implementation and calibration process resulted in customer billing credits and uncollected base charge revenue which

adversely effected 2019 user charge revenue billings, which can be primarily attributed to residential inside city customers as seen on Line 1 in 2019 of Table 2-2.

Overall, sewer user charge revenues under existing rates are projected to increase by 3 percent annually based on City estimates. This growth assumption has been built into the revenue forecast and can be seen on Line 7 of Table 2-1 where the revenue grows from \$3.20 million to \$4.31 million through the end of the forecast.

2.2.1 Historical and Projected Other Revenue

Table 2-2 presents historical and projected other revenues collected by the City included in the forecast. Projected other revenues are based on budgeted 2021 with the exception of interest revenue which calculates based on available balance each year.

Table 2-1: Historical and Projected Sewer User Charge Revenues

Line No.		Historical		Budget	Budget	Projected									
		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
User Revenues Under Existing Rates [1] [2] [3]															
1	Residential (Inside City)	\$ 2,505,824	\$ 2,277,821	\$ 2,485,632	\$ 2,608,630	\$ 2,686,900	\$ 2,767,500	\$ 2,850,500	\$ 2,936,000	\$ 3,024,100	\$ 3,114,800	\$ 3,208,200	\$ 3,304,400	\$ 3,403,500	\$ 3,505,600
2	Residential (Outside City)	\$ 15,599	\$ 14,229	\$ 15,527	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Commercial (Inside City)	\$ 694,416	\$ 727,418	\$ 793,782	\$ 600,000	\$ 618,000	\$ 636,500	\$ 655,600	\$ 675,300	\$ 695,600	\$ 716,500	\$ 738,000	\$ 760,100	\$ 782,900	\$ 806,400
4	Commercial (Outside City)	\$ 2,751	\$ 4,636	\$ 5,059	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5	Industrial	\$ 426	\$ 352	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Institutional	\$ 92,485	\$ 80,327	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Total Revenue	\$ 3,311,501	\$ 3,104,783	\$ 3,300,000	\$ 3,208,630	\$ 3,304,900	\$ 3,404,000	\$ 3,506,100	\$ 3,611,300	\$ 3,719,700	\$ 3,831,300	\$ 3,946,200	\$ 4,064,500	\$ 4,186,400	\$ 4,312,000

[1] Historical revenue taken from Billed Consumption Excel Reports
 [2] Projected growth of 3% per year starting in 2022, builds on 2021 budget
 [3] 2020 revenue allocated to class on the basis of 2019 actuals

Table 2-2: Historical and Projected Other Revenue

Line No.		Historical [1]	Budget	Budget	Projected										
		2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Other Revenue															
1	Impact Fees	118,450	147,750	110,000	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200
2	Construction Inspection Fees	-	9,503	-	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500
3	Account Set-Up Fees	25	-	4,000	-	-	-	-	-	-	-	-	-	-	-
4	Late Fees	24,701	24,450	-	-	-	-	-	-	-	-	-	-	-	-
5	Admissions	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Interest Revenue [2]	144,853	145,759	20,000	1,000	16,700	19,000	20,600	22,000	21,400	24,000	24,700	25,400	26,200	27,000
7	Refunds & Reimbursements	3,020	78,259	226,806	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
8	Collections	33	-	250	-	-	-	-	-	-	-	-	-	-	-
9	SRF Investment Revenue	196,602	-	-	-	-	-	-	-	-	-	-	-	-	-
10	Developer Donated Infrastructure	151,480	147,631	-	-	-	-	-	-	-	-	-	-	-	-
11	Gain on Sale of Assets	24,674	-	-	-	-	-	-	-	-	-	-	-	-	-
12	Sewer Inspection Fees	-	-	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500
13	Total Other Revenue	663,838	553,351	365,556	150,200	165,900	168,200	169,800	171,200	170,600	173,200	173,900	174,600	175,400	176,200

[1] Historical revenue taken from Audits
 [2] Calculated in the forecast based on cash balances throughout the year

2.3 Sewer Utility Expenditures

The sewer utility's primary cash expenditures include the following operating and capital costs:

- Operation and Maintenance (O&M) Expenses
- Revenue-Financed Capital Improvement Program (CIP) Expenditures
- Existing Debt Service Expenditures

2.3.1 Operation and Maintenance Expenses

Table 2-3 presents the recent historical and projected sewer system operation and maintenance (O&M) expenses through the 2031 planning period. The sewer O&M expenses include the collection, treatment, and administrative operating costs incurred by the Utility in providing sewer service to the City. Costs related to major capital projects are excluded from Table 2-3 and will be discussed later in this report.

O&M costs for 2021 reflect the approved budgeted operating costs. Projected O&M expenses are escalated from the 2021 budget amounts based on 3.0 percent annual inflation applied uniformly to all existing O&M expenses from 2022 through 2031.

Chemical and power cost forecasts are shown for the existing treatment facility on Lines 72 and 73 of Table 2-3, and for the new treatment facility on Lines 74 and 75.

Table 2-3: Historical and Projected Operation and Maintenance Expenses

Line No.	Historical		Budget		Projected [1]									
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Administration														
1	139,592	108,682	126,859	126,571	130,400	134,300	138,300	142,400	146,700	151,100	155,600	160,300	165,100	170,100
2	124	-	-	-	-	-	-	-	-	-	-	-	-	-
3	526	176	1,600	1,667	1,700	1,800	1,900	2,000	2,100	2,200	2,300	2,400	2,500	2,600
4	13,032	10,591	11,035	11,888	12,200	12,600	13,000	13,400	13,800	14,200	14,600	15,000	15,500	16,000
5	9,719	7,978	9,828	9,683	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,200	12,600	13,000
6	2,799	21,215	17,126	16,834	17,300	17,800	18,300	18,800	19,400	20,000	20,600	21,200	21,800	22,500
7	163	2,739	217	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
8	1,006	908	1,288	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
9	595	1,539	1,500	5,000	5,200	5,400	5,600	5,800	6,000	6,200	6,400	6,600	6,800	7,000
10	445	1,189	1,000	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
11	625	-	-	-	-	-	-	-	-	-	-	-	-	-
12	105	250	5,000	250	300	300	300	300	300	300	300	300	300	300
13	3,821	127,924	2,500	2,500	2,600	2,700	2,800	2,900	3,000	3,100	3,200	3,300	3,400	3,500
14	4,375	723	1,250	1,250	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
15	-	318	-	-	-	-	-	-	-	-	-	-	-	-
16	955	1,000	1,500	1,605	1,700	1,800	1,900	2,000	2,100	2,200	2,300	2,400	2,500	2,600
17	484	1,337	600	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
18	395	930	750	750	800	800	800	800	800	800	800	800	800	800
19	85	-	500	500	500	500	500	500	500	500	500	500	500	500
20	331	1,952	1,000	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	2,900	3,000
21	822	4,408	5,000	5,000	5,200	5,400	5,600	5,800	6,000	6,200	6,400	6,600	6,800	7,000
22	-	853	-	-	-	-	-	-	-	-	-	-	-	-
23	200	258	500	500	500	500	500	500	500	500	500	500	500	500
24	2,088	5,655	2,500	2,500	2,600	2,700	2,800	2,900	3,000	3,100	3,200	3,300	3,400	3,500
25	45	83	250	250	300	300	300	300	300	300	300	300	300	300
26	887	1,310	2,000	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	2,900	3,000
27	-	115	-	200	200	200	200	200	200	200	200	200	200	200
28	1,915	1,849	2,000	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	2,900	3,000
29	130	640,868	3,000	-	-	-	-	-	-	-	-	-	-	-
30	135,532	129,053	135,254	195,443	201,300	207,300	213,500	219,900	226,500	233,300	240,300	247,500	254,900	262,500
31	1,329	1,684	5,179	5,200	5,400	5,600	5,800	6,000	6,200	6,400	6,600	6,800	7,000	7,200
32	212,915	173,791	176,725	193,975	199,800	205,800	212,000	218,400	225,000	231,800	238,800	246,000	253,400	261,000
33	535,040	1,249,378	515,961	591,966	610,000	628,400	647,300	666,700	686,800	707,400	728,500	750,300	772,700	795,800
Wastewater Plant														
34	334,803	359,338	394,153	505,057	520,200	535,800	551,900	568,500	585,600	603,200	621,300	639,900	659,100	678,900
35	2,376	-	10,000	7,500	7,700	7,900	8,100	8,300	8,500	8,800	9,100	9,400	9,700	10,000
36	15,589	20,089	20,000	33,000	34,000	35,000	36,100	37,200	38,300	39,400	40,600	41,800	43,100	44,400
37	55,364	54,417	52,968	60,356	62,200	64,100	66,000	68,000	70,000	72,100	74,300	76,500	78,800	81,200
38	23,546	26,029	32,836	41,735	43,000	44,300	45,600	47,000	48,400	49,900	51,400	52,900	54,500	56,100
39	7,455	72,130	53,211	71,562	73,700	75,900	78,200	80,500	82,900	85,400	88,000	90,600	93,300	96,100
40	3,861	-	2,500	2,500	2,600	2,700	2,800	2,900	3,000	3,100	3,200	3,300	3,400	3,500
41	3,976	5,934	8,368	7,500	7,700	7,900	8,100	8,300	8,500	8,800	9,100	9,400	9,700	10,000
42	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
43	2,096	1,199	2,244	2,618	2,700	2,800	2,900	3,000	3,100	3,200	3,300	3,400	3,500	3,600
44	4,216	2,254	3,000	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	2,900	3,000
45	4,463	1,927	5,000	5,000	5,200	5,400	5,600	5,800	6,000	6,200	6,400	6,600	6,800	7,000
46	82,253	116,448	95,000	95,000	97,900	100,800	103,800	106,900	110,100	113,400	116,800	120,300	123,900	127,600
47	17,258	18,469	30,000	30,000	30,900	31,800	32,800	33,800	34,800	35,800	36,800	37,800	38,800	39,800
48	34,474	48,040	38,904	44,145	45,500	46,900	48,300	49,700	51,200	52,700	54,300	55,900	57,600	59,300
49	6,409	11,707	10,000	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,200	12,600	13,000	13,400
50	163	1,956	500	500	500	500	500	500	500	500	500	500	500	500
51	611	32	1,500	100	100	100	100	100	100	100	100	100	100	100
52	2,261	2,545	5,000	5,000	5,200	5,400	5,600	5,800	6,000	6,200	6,400	6,600	6,800	7,000
53	9,868	16,710	15,000	20,000	20,600	21,200	21,800	22,500	23,200	23,900	24,600	25,300	26,100	26,900
54	4,456	32,253	10,000	25,000	25,800	26,600	27,400	28,200	29,000	29,900	30,800	31,700	32,700	33,700
55	3,013	6,415	10,000	10,000	10,300	10,600	10,900	11,200	11,500	11,800	12,200	12,600	13,000	13,400
56	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
57	16	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
58	-	-	15,000	3,000	3,100	3,200	3,300	3,400	3,500	3,600	3,700	3,800	3,900	4,000
59	4,702	2,656	27,938	2,500	2,600	2,700	2,800	2,900	3,000	3,100	3,200	3,300	3,400	3,500
60	-	-	7,500	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
61	1,199	-	500	500	500	500	500	500	500	500	500	500	500	500
62	9	69	500	500	500	500	500	500	500	500	500	500	500	500
63	-	3,641	2,500	3,000	3,100	3,200	3,300	3,400	3,500	3,600	3,700	3,800	3,900	4,000
64	11,454	13,047	15,000	15,000	15,500	16,000	16,500	17,000	17,500	18,000	18,500	19,100	19,700	20,300
65	11,798	15,411	12,000	15,000	15,500	16,000	16,500	17,000	17,500	18,000	18,500	19,100	19,700	20,300
66	434	53	750	750	800	800	800	800	800	800	800	800	800	800
67	16,500	15,758	16,500	15,000	15,500	16,000	16,500	17,000	17,500	18,000	18,500	19,100	19,700	20,300
68	-	5,495	-	100	100	100	100	100	100	100	100	100	100	100
69	-	-	500	250	300	300	300	300	300	300	300	300	300	300
70	680	4,963	2,000	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	2,900	3,000
71	3,600	3,162	5,000	5,000	5,200	5,400	5,600	5,800	-	-	-	-	-	-
72	329,996	324,007	305,000	320,000	329,600	339,500	349,700	360,200	-	-	-	-	-	-
73	1,348,782	1,203,198	1,213,872	1,365,173	1,406,60									

2.3.2 Projected Capital Improvement Expenditures

Table 2-4 presents the projected capital improvement (CIP) expenditures anticipated for the planning period. The CIP used for this Study is based on a combination of the (a) five-year capital planning estimates developed by the City, (b) Burns & McDonnell Master Planning CIP, (c) feedback received from City staff throughout the development of the Study. Projects are presented in current dollars on Lines 1 through 34. For use in financial planning, these project costs are inflated at 2.5 percent annually starting in 2023. Overall, the total CIP through 2031 amounts to \$53.1 million in inflated dollars and includes projects ranging from treatment plant, vehicles, and collection system improvements.

The new wastewater treatment plant and the collection system CIP project #9 are intended to be financed using two Certificates of Participation (COP) which will be discussed in more detail in section 2.3.3.

Some projects are anticipated to be development driven and result in developer contributed capital resulting in a reduction in projected project costs. These projects are footnoted at the bottom of Table 2-4.

Table 2-4: Capital Improvement Program

Line No.	Projected											Total
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Treatment Plant												
1	1,147,230	727,350	-	-	-	-	-	-	-	-	-	1,874,580
2	-	-	250,000	250,000	250,000	-	-	-	-	-	-	750,000
3	-	-	6,700,000	10,050,000	3,350,000	-	-	-	-	-	-	20,100,000
4	-	50,000	-	-	-	-	-	-	-	-	-	50,000
5	-	-	-	-	-	64,894	129,788	194,681	259,575	259,575	259,575	1,168,088
6	1,147,230	777,350	6,950,000	10,300,000	3,600,000	64,894	129,788	194,681	259,575	259,575	259,575	23,942,668
Vehicles & Other												
7	-	-	-	-	-	100,000	100,000	100,000	100,000	100,000	100,000	600,000
8	86,667	-	-	-	-	-	-	-	-	-	-	86,667
9	15,000	-	-	-	-	-	-	-	-	-	-	15,000
10	30,000	-	-	-	-	-	-	-	-	-	-	30,000
11	30,000	-	-	-	-	-	-	-	-	-	-	30,000
12	-	400,000	-	-	-	-	-	-	-	-	-	400,000
13	-	30,000	-	-	30,000	-	-	-	-	-	-	60,000
14	-	50,000	50,000	-	-	-	-	-	-	-	-	100,000
15	-	-	-	-	175,000	-	-	-	-	-	-	175,000
16	-	-	40,000	40,000	-	-	-	-	-	-	-	80,000
17	-	-	-	105,000	105,000	-	-	-	-	-	-	210,000
18	161,667	480,000	90,000	145,000	310,000	100,000	100,000	100,000	100,000	100,000	100,000	1,851,667
Collection System												
19	40,000	-	-	-	-	-	-	-	-	-	-	40,000
20	500,000	-	-	-	-	-	-	-	-	-	-	500,000
21	-	25,000	-	25,000	-	25,000	-	25,000	-	25,000	-	125,000
22	100,000	-	100,000	-	100,000	-	100,000	-	100,000	-	100,000	600,000
23	52,000	-	-	-	-	-	-	-	-	-	-	52,000
24	75,000	-	-	-	264,600	264,600	264,600	264,600	264,600	-	-	1,398,000
25	-	-	1,190,500	-	-	-	-	-	-	-	-	1,190,500
26	-	-	344,200	344,200	344,200	344,200	344,200	-	-	-	-	1,721,000
27	-	-	-	-	-	2,849,500	-	-	-	-	-	2,849,500
28	425,750	325,750	100,000	-	-	-	-	-	-	-	-	851,500
29	-	-	1,100,000	-	-	-	-	-	-	-	-	1,100,000
30	-	500,000	500,000	250,000	250,000	-	-	-	-	-	-	1,500,000
31	-	-	2,000,000	3,000,000	5,000,000	-	-	-	-	-	-	10,000,000
32	-	-	-	-	-	617,667	617,667	617,667	-	-	-	1,853,000
33	1,192,750	850,750	5,334,700	3,619,200	5,958,800	4,100,967	1,326,467	907,267	364,600	25,000	100,000	23,780,500
34	2,501,600	2,108,100	12,374,700	14,064,200	9,868,800	4,265,900	1,556,300	1,201,900	724,200	384,600	459,600	49,574,800
35	2,501,600	2,108,100	12,684,100	14,776,200	10,627,600	4,708,700	1,760,800	1,393,900	860,800	468,600	573,900	53,100,200

[1] All project costs are inflating at 2.50% compounding annually starting in 2023
 [2] Based on 2021 budget
 [3] Assumes full equipment replacement costs are not incurred at the new plant until year 4
 [4] Opportunity that project costs might be lower due to developer built and contributed capital infrastructure
 [5] Project costs spread out based on City staff recommendations
 [6] Annual spending allowance based on City staff recommendation

2.3.3 Projected Debt Service Requirements

The City currently has one outstanding sewer system debt issue, shown on Line 1 of Table 2-5, which will be fully amortized in 2031. The outstanding series 2006A Brookline debt is an expense that is shared between the water and sewer utilities in which the sewer utility is responsible for 52 percent of the total debt. Table 2-5 recognizes this split and represents only the portion of the debt that the sewer utility is responsible for. Table 2-5 also summarizes proposed debt issuances for two COP's and for a new public works building.

The proposed COP debt issuance amount is \$36 million with \$24 million anticipated to be issued in 2022 and the remaining \$12 million issued in 2024. Debt payment estimates and debt structure has been drafted by Piper Sandler, the City's financial advisor. Each COP issuance contains a partial interest payment in the year of issuance and interest only payments for the next three years, with full principal and interest payments starting in the fifth year. Under the proposed plan full principal and interest is realized for both debt issuances starting in year 2028, as shown on Line 5 of Table 2-5. Additional COP details can be seen in footnotes [2] and [3] of Table 2-5.

It is anticipated that the new public works building will be constructed and financed, a portion of which will be funded by the sewer utility. Debt payments are estimated to start in 2022. The sewer utility share of the public works building payment is estimated to be \$155,000.

Table 2-5: Existing and Proposed Debt Service

Line No.	Projected											
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
Existing Debt Issues												
1	Series 2006 A (Brookline) [1]	284,800	284,600	284,000	285,000	284,100	284,900	284,100	283,900	284,300	284,100	283,900
2	Total Existing Debt Service	284,800	284,600	284,000	285,000	284,100	284,900	284,100	283,900	284,300	284,100	283,900
Proposed Debt												
3	Proposed 2022 COP Debt [2]	-	390,900	670,200	670,200	670,200	1,794,500	1,792,700	1,795,100	1,796,500	1,796,900	1,796,300
4	Proposed 2024 COP Debt [3]	-	-	-	213,238	365,550	365,550	365,550	912,225	915,275	912,800	914,800
5	Total Proposed COP Debt	-	390,900	670,200	883,438	1,035,750	2,160,050	2,158,250	2,707,325	2,711,775	2,709,700	2,711,100
6	Gross Public Works Building [4]	-	310,000	310,000	310,000	310,000	310,000	310,000	310,000	310,000	310,000	310,000
7	Less Contribution From Other Funds [5]	-	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000
8	Net Payment	-	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000
9	Total Proposed Debt	-	545,900	825,200	1,038,438	1,190,750	2,315,050	2,313,250	2,862,325	2,866,775	2,864,700	2,866,100
10	Total Debt	284,800	830,500	1,109,200	1,323,438	1,474,850	2,599,950	2,597,350	3,146,225	3,151,075	3,148,800	3,150,000

[1] Series 2006 A Brookline Debt allocates 52% of total amortization to sewer

[2] Assumed debt issuance with Interest only for the first four years, full payments begin in year five
COP debt assumes a 20-year term, 1.5% issuance expense and 2.75% interest

[3] Assumed debt issuance with Interest only for the first four years, full payments begin in year five
COP debt assumes a 20-year term, 1.5% issuance expense and 3.00% interest

[4] New public works building is estimated to cost \$4.45M with a 15 year term. Payment schedule provided by City staff

[5] Contributions from water and street funds make up for 50% of the public works building payment

2.4 Sewer Utility Financial Plan Cash Flow

Table 2-6 presents a cash flow that evaluates the sufficiency of revenues under existing rates to meet future cash requirements of the system.

Line 1 of Table 2-6 shows net user revenues under existing rates as shown previously on Table 2-1. Lines 2 through 12 of Table 2-6 present proposed revenue increases needed to finance the City's operating and capital costs for the planning period and sustain reserves. Beginning in 2021, proposed revenue increases are programmed to achieve the City's financial planning targets with proposed increases planned to be implemented annually through 2027. The first proposed increase is anticipated to take effect in July of 2021. All other proposed increases are anticipated to take effect in January of their respective years.

Other revenues are summarized on Line 15 and are shown previously on Table 2-2, with the exception of impact fees which are shown on Line 29. Line 16 summarizes the total operating revenues forecasted over the study period. Including proposed revenue adjustments, total sewer utility operating revenues are projected to range from \$3.47 million in 2021 to \$7.63 million in 2031.

Operating revenue requirements are shown on Lines 17 through 22 of Table 2-6 and include O&M expenses and existing debt service payments. O&M expenses, identified previously on Table 2-3, are shown on Line 17 of Table 2-6. Total Debt Service is shown on Line 21 of Table 2-6 which summarizes existing and proposed debt shown previously in Table 2-5. Line 22 summarizes total operating revenue requirements for each year of the Study period.

Annual operating balance is shown on Line 23 and is determined by deducting total revenue requirements, Line 22, from the total sewer revenue found on Line 16.

Lines 24 through 27 projects the operating fund balance. The 2020 end of year cash balances provided by City staff indicate an ending unrestricted net position of nearly \$1.5 million, which is shown as the 2021 beginning balance on Line 24 of Table 2-6. Note that this amount excludes restricted reserves. The annual operating cash projected to be generated by each fiscal year, shown previously on Line 23, is added to the beginning balance on Line 25. As a matter of policy, the Utility is targeting a minimum operating reserve of 90 days operating cash, which is a frequent minimum reserve target for municipal water and sewer utilities. After taking into consideration the beginning balance and annual cash flow, any monies in excess of the minimum reserve target are considered available for capital projects and are transferred to the capital flow of funds as shown on Line 26. The ending balance shown on Line 27 represents 90 days of each year's operation and maintenance expense.

Table 2-6: Projected Sewer Utility Cash Flow

Line No.	Projected													
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031			
Sewer Utility Operating Flow of Funds														
1	Revenues Under Existing and Approved Rates [1]													
	3,208,600	3,304,900	3,404,000	3,506,100	3,611,300	3,719,700	3,831,300	3,946,200	4,064,500	4,186,400	4,312,000			
	<u>Year</u>	<u>Increases</u>	<u>Month</u>											
2	2021	18%	8	240,600	594,900	612,700	631,100	650,000	669,500	689,600	710,300	731,600	753,600	776,200
3	2022	18%	1		702,000	723,000	744,700	767,000	790,100	813,800	838,200	863,300	889,200	915,900
4	2023	7%	1			331,800	341,700	352,000	362,600	373,400	384,600	396,200	408,000	420,300
5	2024	7%	1				365,700	376,600	387,900	399,600	411,600	423,900	436,600	449,700
6	2025	6%	1					345,400	355,800	366,500	377,500	388,800	400,400	412,400
7	2026	2%	1						125,700	129,500	133,400	137,400	141,500	145,700
8	2027	2%	1							132,100	136,000	140,100	144,300	148,600
9	2028	0%	1								-	-	-	-
10	2029	0%	1								-	-	-	-
11	2030	0%	1								-	-	-	-
12	2031	0%	1								-	-	-	-
13	Total Proposed Additional Revenue	240,600	1,296,900	1,667,500	2,083,200	2,491,000	2,691,600	2,904,500	2,991,600	3,081,300	3,173,600	3,268,800		
14	Total Sewer User Charge Revenue	3,449,200	4,601,800	5,071,500	5,589,300	6,102,300	6,411,300	6,735,800	6,937,800	7,145,800	7,360,000	7,580,800		
15	Total Other Revenue	25,000	41,900	44,100	46,500	48,900	48,200	50,600	51,400	52,200	53,000	53,900		
16	Total Revenues	3,474,200	4,643,700	5,115,600	5,635,800	6,151,200	6,459,500	6,786,400	6,989,200	7,198,000	7,413,000	7,634,700		
Revenue Requirements														
17	Operation & Maintenance Expense	1,957,100	2,016,600	2,077,300	2,139,700	2,203,800	2,267,100	2,331,500	2,396,000	2,461,600	2,528,300	2,596,100		
Debt Service														
18	Existing Bond Debt Service	284,800	284,600	284,000	285,000	284,100	284,900	284,100	283,900	284,300	284,100	283,900		
19	Proposed COP Debt	-	390,900	670,200	883,400	1,035,700	2,160,100	2,158,300	2,707,300	2,711,700	2,709,700	2,711,100		
20	Proposed Public Works Building	-	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000	155,000		
21	Total Debt Service	284,800	830,500	1,109,200	1,323,400	1,474,800	2,600,000	2,597,400	3,146,200	3,151,000	3,148,800	3,150,000		
22	Total Expenses	2,241,900	2,847,100	3,186,500	3,463,100	3,678,600	5,287,100	5,364,900	5,996,700	6,086,800	6,172,600	6,264,300		
23	Annual Operating Balance	1,232,300	1,796,600	1,929,100	2,172,700	2,472,600	1,172,400	1,421,500	992,500	1,111,200	1,240,400	1,370,400		
24	Beginning Balance [2]	1,479,600	482,600	497,200	512,200	527,600	543,400	662,600	682,400	702,900	723,900	745,600		
25	Annual Operating Balance	1,232,300	1,796,600	1,929,100	2,172,700	2,472,600	1,172,400	1,421,500	992,500	1,111,200	1,240,400	1,370,400		
26	Transfers to Capital	(2,229,300)	(1,782,000)	(1,914,100)	(2,157,300)	(2,456,800)	(1,053,200)	(1,401,700)	(972,000)	(1,090,200)	(1,218,700)	(1,348,100)		
27	Ending Balance [3]	482,600	497,200	512,200	527,600	543,400	662,600	682,400	702,900	723,900	745,600	767,900		
Impact Fee Flow of Funds														
Impact Fees Flow of Funds														
28	Beginning Balance	420,300	-	-	-	-	-	-	-	-	-	-		
29	Annual Impact Fees	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200		
30	Transfer to Capital	(545,500)	(125,200)	(125,200)	(125,200)	(125,200)	(125,200)	(125,200)	(125,200)	(125,200)	(125,200)	(125,200)		
31	Ending Balance	-	-	-	-	-	-	-	-	-	-	-		
Sewer Utility Capital Flow of Funds														
Sources of Funds														
32	Beginning Balance [4]	797,226	1,070,426	24,869,526	14,224,726	13,731,026	5,685,426	2,155,126	1,921,226	1,624,526	1,979,126	2,854,426		
33	COP's	-	24,000,000	-	12,000,000	-	-	-	-	-	-	-		
34	Transfers from Operations	2,229,300	1,782,000	1,914,100	2,157,300	2,456,800	1,053,200	1,401,700	972,000	1,090,200	1,218,700	1,348,100		
35	Transfers from Impact Fees	545,500	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200	125,200		
36	Total Sources of Funds	3,572,026	26,977,626	26,908,826	28,507,226	16,313,026	6,863,826	3,682,026	3,018,426	2,839,926	3,323,026	4,327,726		
Uses of Funds														
37	Capital Projects	2,501,600	2,108,100	12,684,100	14,776,200	10,627,600	4,708,700	1,760,800	1,393,900	860,800	468,600	573,900		
38	Total Uses of Funds	2,501,600	2,108,100	12,684,100	14,776,200	10,627,600	4,708,700	1,760,800	1,393,900	860,800	468,600	573,900		
39	Ending Capital Balance [5]	1,070,426	24,869,526	14,224,726	13,731,026	5,685,426	2,155,126	1,921,226	1,624,526	1,979,126	2,854,426	3,753,826		
Debt Service Coverage														
40	Revenues Available for Debt Service	1,517,100	2,627,100	3,038,300	3,496,100	3,947,400	3,772,400	4,018,900	4,138,700	4,262,200	4,389,200	4,520,400		
41	Net Debt Service Coverage [6]	5.33	3.16	2.74	2.64	2.68	1.45	1.55	1.32	1.35	1.39	1.44		

[1] Based on 2021 Budget with 3% growth per year
 [2] 2020 end of the year cash balance
 [3] Maintains 90 days operating cash
 [4] 2020 end of the year capital balance
 [5] Targeted ending capital balance of \$500k
 [6] Target DSC of 1.20X

The sewer utility also holds a balance of “designated cash” which primarily consists of sewer impact fee generated revenue earmarked for growth-related projects. Lines 28 through 31 models the Impact fee flow of funds in a similar manner as the operating flow of funds. Line 28 represents the beginning balance to

which the annual impact fee revenue is added. All impact fee related funds are made available for capital related projects and transferred to the capital flow of funds on Line 30. General capital improvement project funding sources and uses are shown on Lines 32 through 39 of Table 2-6. Line 32 reflects the 2020 end of year cash for capital projects. Shown on Line 33 are the two separate COP debt issuances of \$24 million in 2022 and \$12 million in 2024. Line 34 and 35 represent the inflow from the transfers from operations and the impact fees. The use of capital funds is shown on Line 37 which summarizes various capital improvement projects previously shown on Table 2-4.

Lines 40 and 41 evaluate the debt service coverage requirements for the City. Debt service coverage is shown on Line 41. Debt service coverage is a frequent requirement in bond covenants associated with utility revenue bonds, and are a good measure of the health of utility cash flows. For the purposes of this Study, the debt service coverage ratio is calculated as follows:

$$\left(\frac{\text{Grand Total Sewer Revenue} - \text{O\&M Expense}}{\text{Total Debt Service}} \right)$$

Debt service coverage represents a degree of security to bondholders that the Utility could encounter lower revenues or higher O&M and still have the financial capacity to pay annual debt service. The City has an internal debt service coverage target of 1.2x. As shown on Line 41 the Utility is projected to be above this internal target throughout the Study period.

3.0 PROPOSED RATE DESIGN

3.1 Introduction

The primary focus of Step 2, Rate Design is the development of proposed rates. The objective of rate design is to establish rates for the Utility that generate adequate revenues to meet the projected operating and capital costs, while sustaining the Utility's sound financial performance.

3.2 Existing and Proposed Wastewater Rates

The existing rates feature a monthly base charge which includes the first 1,500 gallons and a surcharge per 1,000 gallons over the base. Outside City rates are based on a 50 percent differential over Inside City rates.

Existing and proposed wastewater rates are shown in Table 3-1. Proposed wastewater rates were designed using the existing rate structure, adjusted proportionately in accordance with the system adjustments summarized in Table 2-7. Proposed rates for 2021 are assumed to be effective in July 2021, while all subsequent rates are assumed to be effective on January 1 of each fiscal year.

Table 3-1: Proposed Wastewater Rates

Line No.	Customer Class	Existing			Proposed		
		2020 Rates	2021 Rates	2022 Rates	2023 Rates	2024 Rates	2025 Rates
		\$	\$	\$	\$	\$	\$
Inside City							
1	Base Charge	\$ 15.93	\$ 18.80	\$ 22.18	\$ 23.73	\$ 25.39	\$ 26.92
2	Surcharge	\$ 9.47	\$ 11.17	\$ 13.19	\$ 14.11	\$ 15.10	\$ 16.00
Outside City							
3	Base Charge	\$ 23.90	\$ 28.20	\$ 33.28	\$ 35.61	\$ 38.10	\$ 40.39
4	Surcharge	\$ 14.21	\$ 16.77	\$ 19.79	\$ 21.17	\$ 22.65	\$ 24.01

[1] Base charge includes 1,500 gallons

3.3 Typical Bills and Residential Bill Comparison

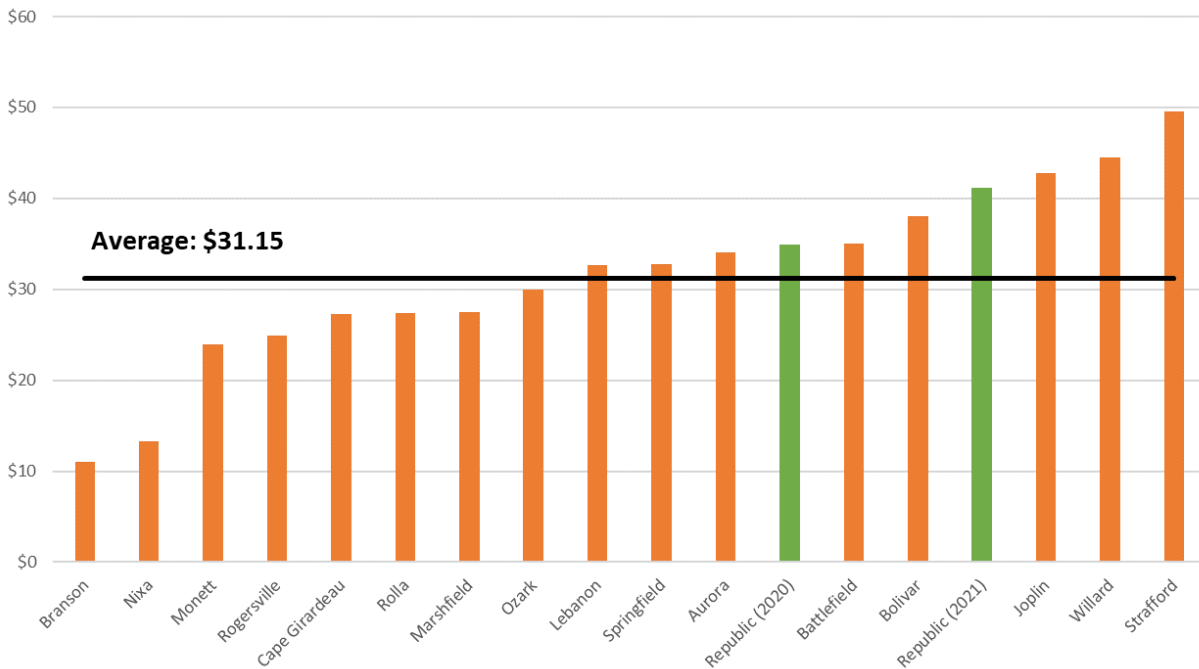
A comparison of typical monthly wastewater bills for an inside and outside residential customer with three different usage profiles has been calculated under existing and proposed rates in Table 3-2.

Table 3-2: Proposed Monthly Wastewater Bills

Line No.	Customer Class	Billable Flow kgal	Monthly Bill Under					
			Existing 2020 Rates	2021 Rates	2022 Rates	2023 Rates	2024 Rates	2025 Rates
			\$	\$	\$	\$	\$	\$
Inside City								
1	Small User	2.0	\$ 20.67	\$ 24.38	\$ 28.77	\$ 30.79	\$ 32.94	\$ 34.92
2	Medium User	3.5	\$ 34.87	\$ 41.15	\$ 48.55	\$ 51.95	\$ 55.59	\$ 58.92
3	Large User	8.0	\$ 77.49	\$ 91.43	\$ 107.89	\$ 115.44	\$ 123.52	\$ 130.93
Outside City								
4	Small User	2.0	\$ 31.01	\$ 36.59	\$ 43.17	\$ 46.19	\$ 49.43	\$ 52.39
5	Medium User	3.5	\$ 52.32	\$ 61.74	\$ 72.85	\$ 77.95	\$ 83.41	\$ 88.41
6	Large User	8.0	\$ 116.27	\$ 137.19	\$ 161.89	\$ 173.22	\$ 185.34	\$ 196.47

A comparison of monthly Residential typical bills from other regional wastewater utilities was also completed and is shown in Figure 3-1, calculated using 3.5 Kgal per month, using rates effective as of March 1, 2020. Under existing rates, the typical Republic residential bill is indicated to be slightly higher than average for this regional comparison. Under proposed rates, Republic’s residential wastewater bill remains in the upper half of surveyed utilities. However, it should be noted that surrounding community’s sewer rates are likely to increase in the future as well.

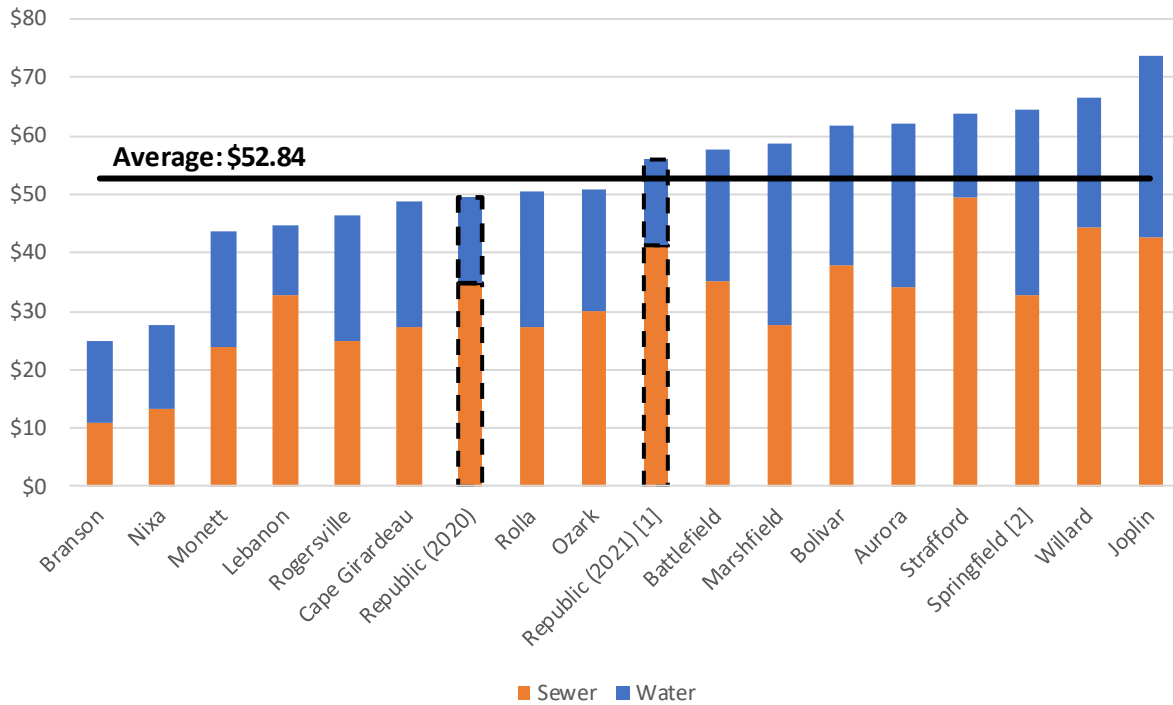
Figure 3-1: Residential Monthly Sewer Bill Comparison



The regional comparison provided in Figure 3-1 is expanded to include monthly Residential typical water bills in Figure 3-2. This comparison was also calculated using 3.5 Kgal per month, and also reflects rates effective as of March 1, with the exception of Springfield who has an approved rate increase that will be implemented July 1.

Under existing rates, the combined Republic residential water and sewer bill is indicated to be slightly below average amongst regional peers. Under proposed sewer rates detailed in this report, Republic’s combined residential water and wastewater bill is anticipated to be slightly above average amongst regional peers. Note that the sufficiency of Republic’s water rates is currently being evaluated.

Figure 3-2: Residential Monthly Water and Sewer Bill Comparison



[1] Republic water rates reflect existing 2020 water rates pending completion of a rate review that is currently in process

[2] Springfield sewer bill calculation uses approved 2021 rates effective July 1

3.4 Statement of Limitations

In preparation of the City of Republic Sewer Rate Study (Study), Burns & McDonnell relied upon information provided by the City. The information included various analyses, computer-generated information and reports, audited financial reports, and other financial and statistical information, as well as other documents such as operating budgets and current retail sewer rate schedules. In addition, input to key assumptions regarding expected future levels of revenue, sales, and expenditures was provided by City staff to Burns & McDonnell. While Burns & McDonnell has no reason to believe that the information provided, and upon which Burns & McDonnell has relied, is inaccurate or incomplete in any material respect, Burns & McDonnell has not independently verified such information and cannot guarantee its accuracy or completeness.

Estimates and projections prepared by Burns & McDonnell relating to financial forecasting and costs are based on Burns & McDonnell's experience, qualifications, and judgment as a professional consultant. Since Burns & McDonnell has no control over weather, cost and availability of labor, material and equipment, labor productivity, contractors' procedures and methods, unavoidable delays, economic conditions, government regulations and laws (including interpretation thereof), competitive bidding, and market conditions or other factors affecting such estimates or projections, Burns & McDonnell does not guarantee the accuracy of its estimates or predictions.



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AGENDA ITEM ANALYSIS

Project/Issue Name: 21-21 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the Mayor to Enter into an Intergovernmental Agreement with Greene County and the Greene County Sheriff's Department for Law Enforcement Mutual Aid.

Submitted By: Brian Sells, Chief of Police

Date: April 6, 2021

Issue Statement

To facilitate cooperation and a better delivery of service between the City Police Department and Greene County Sheriff, we have agreed on the language in this agreement.

Discussion and/or Analysis

It is recognized that in certain situations, it may be necessary for law enforcement officers to perform police duties outside the territorial limits of the jurisdiction where they are employed to preserve and protect the health, safety and welfare of the public. Officers providing police services in another jurisdiction should have the same powers of arrest as officers of the requesting political subdivision. The Police Chief and Sheriff should be authorized to permit officers in their respective departments or agencies to respond in emergency situations or upon request for mutual aid within Greene County. Coordination among law enforcement agencies will enhance the efforts of the Republic Police Department in providing the best law enforcement services for the citizens of Greene County and the community of Republic.

Recommended Action

Chief Sells recommends and requests that the Council adopt the ordinance as proposed.

BILL NO. 21-21

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH GREENE COUNTY AND THE GREENE COUNTY SHERIFF'S DEPARTMENT FOR LAW ENFORCEMENT MUTUAL AID

WHEREAS, the City of Republic, Missouri, (herein called "City" or "Republic") is a municipal corporation and charter city located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, various sections of Chapter 70 of the Missouri Revised Statutes authorize the cooperation between political subdivisions for law enforcement services; and

WHEREAS, the City, Greene County, and the Greene County Sheriff's Department desire to cooperate in connection with providing law enforcement services for mutual aid; and

WHEREAS, the Council finds this intergovernmental agreement for law enforcement mutual aid is in the City and the Citizens' best interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1. On behalf of the City, the Mayor is authorized to enter into an intergovernmental agreement with Greene County and the Greene County Sheriff for a law enforcement mutual aid to be in substantially the same form as "Attachment 1."
- Section 2. The whereas clauses are hereby specifically incorporated herein by reference.
- Section 3. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 4. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.


Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

BILL NO. 21-21

ORDINANCE NO.

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.03.30 08:15:35
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____

**INTERGOVERNMENTAL AGREEMENT FOR MUTUAL AID, POLICE SERVICES,
EMERGENCY AID AND DISASTER SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT is entered to facilitate aid from law enforcement or peace officers as defined by the statutes referenced herein (“officers”) employed by the Sheriff of Greene County, Missouri (“GCSO”) and the City of Republic, Missouri through its Police Department (“City”).

WHEREAS, it is recognized that in certain situations the use of officers outside the territorial limits of the jurisdiction where such are employed may be desirable and necessary in order to preserve and protect the health, safety and welfare of the public; and

WHEREAS, Section 70.220, RSMo. authorizes cooperative action between municipalities and political subdivisions, or with an elective or appointed official thereof, for a common service; and

WHEREAS, Section 70.815, RSMo. authorizes the governing body of any political subdivision, by ordinance, order or other ruling, to enter into agreement, the scope of which may be general, with any other political subdivision, for the provision of police services by one political to another on request, without compensation, and that all officers providing police services in another jurisdiction pursuant to such an agreement shall have the same powers of arrest as officers of the requesting political subdivision, and shall have the same immunity as if acting within their own jurisdiction; and

WHEREAS, Section 70.820, RSMo. authorizes officers to respond to emergency situations outside the boundaries of the political subdivision from which such peace officer’s authority is derived pursuant to enabling ordinance, order or other ruling by the governing body of the political subdivision from which the officer derives such officers’ authority and by the governing body of the political subdivision in which the emergency situation is alleged to be occurring; and

WHEREAS, Section 70.820, RSMo. additionally authorizes that an officer may arrest at any place within the state any person the officer sees asserting physical force or using forcible compulsion for the purpose of causing or creating a substantial risk of death or serious physical injury to any person or any person the officer sees committing a dangerous felony as defined in Section 556.061, RSMo. and that any such action shall be deemed to be within the scope of the officer’s employment; and

WHEREAS, Section 70.837, RSMo. provides that county sheriffs and political subdivision police departments may provide assistance to one another in the state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident or other such disaster, and

WHEREAS, it is in the public interest to enter into a cooperative agreement for the purpose of providing mutual aid, police services, emergency aid and disaster services outside the jurisdictional boundaries of the City of Republic and within Greene County, Missouri;

THEREFORE, IT IS AGREED AS FOLLOWS:

DEFINITION OF TERMS:

These terms shall have the following meanings when used in this Agreement:

1. "Emergency Situation" means any situation in which an officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat or injury to any person, property, or governmental interest and the officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation. This also includes situations in which the officer is engaged in in fresh or hot pursuit as authorized by law, including Section 544.157, RSMo.

2. "Chief law enforcement officer" means the Sheriff of Greene County, Missouri or the Chief of Police for the City of Republic, Missouri.

3. "Officer" means a Missouri law enforcement officer licensed as required by the Peace Officer Standards and Training (POST) Commission pursuant to Chapter 590 and/or as defined by § 556.061, RSMo. under the command of a chief law enforcement officer.

4. "Aid" means a response by an officer as authorized by their chief law enforcement officer to a request for mutual aid, police services, emergency situation, or disaster services.

5. "Disaster" means a fire, earthquake, flood, tornado, hazardous material incident or other natural or man-made emergency.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. Each chief law enforcement officer as defined in this Agreement, or the officer commanding in their absence, or at their direction, is authorized to render and request mutual aid, police services, emergency situation and disaster services, collectively described herein as "aid," to the other chief law enforcement officer as defined in this Agreement, to the extent of available personnel and equipment not required for adequate protection of the party rendering aid. The judgment of the rendering party as to such availability shall be final.

2. Consistent with this Agreement, officers of the GCSO as directed by their chief law enforcement officer may respond or provide aid within the jurisdictional boundaries of the City.

3. Consistent with this Agreement, officers of the City as directed by their chief of law enforcement officer may respond or provide aid within the jurisdictional boundaries of Greene County, Missouri.

3. Officers used to render aid shall continue to follow their own command structure but shall coordinate with the party being aided and render aid to the extent authorized by both chief law enforcement officers.

4. Officers who render aid authorized by this Agreement shall have the same powers, authority, and protections, that they would have acting within their own territorial limits, and the

same powers, authority, and protections provided to officers of the party requesting aid.

5. In no event shall the language or requirements of this Agreement constitute or be construed as a waiver or limitation of any rights or defenses with regard to applicable sovereign, governmental, official, or any individual immunities and any other protections or defenses as provided by federal and state constitutions, statutes, and laws. The procurement and maintenance of insurance shall not be construed as waiving any such defense otherwise available.

6. A chief law enforcement officer shall endeavor to request aid no fewer than thirty (30) days prior to the date on which aid is desired, and if this is not practicable due to the nature of the need for aid, then at least within a reasonable amount of time prior to the date for which aid is requested.

7. A request that is capable of being made at least five (5) days prior to the date for which aid is desired, shall be in writing, directed to the chief law enforcement officer from whom aid is sought.

8. In the event the event a request is not capable of being made at least five (5) days prior to the date for which aid is desired, such as where the request is based on an emergency situation or disaster, then the request may be conveyed verbally.

9. In the event a request is not capable of being made at least five (5) days prior to the date for which aid is desired, including requests that were conveyed verbally, then the chief law enforcement officer who requested aid shall make a written statement of the aid that was requested, and submit this to the chief law enforcement officer from whom aid was requested, no later than five (5) days after the date for which aid was requested.

10. This Agreement shall not be construed to impose or create any duty to request or render aid, or to provide or refuse aid, or to require that aid be provided in any particular manner.

11. This Agreement shall not form the basis for any person or entity to be liable, to any person or entity, for any act or omission related to the manner in which aid pursuant to this Agreement is requested, refused, or provided, regardless of any delay, mistake, refusal, negligence, or failure to effectively address or resolve any matter arising out of or related to a request for aid or provided or withheld aid.

12. This Agreement shall not be construed as an agreement for the benefit of any third party, including, but not limited to, that this Agreement does not create any employment relationship of any kind, including any between any individual who receives, responds, or renders aid, and that no such individual shall be entitled to wages or benefits or compensation of any kind as the result of receiving, responding, or rendering aid, including any pursuant to any employment law liability theory, such as, but not limited to: the Fair Wage and Labor Standards Act of 1938, and as subsequently amended, all Missouri statutory laws, including Workers' Compensation, or common law.

13. This Agreement shall be effective upon the signing of the last signature affixed to this document and shall last through December 31, 2024.

14. This Agreement may be cancelled at any time by the cancelling chief law enforcement officer providing written notice to the other chief law enforcement officer at least six (6) months prior to the effective date of cancellation.

15. This Agreement constitutes the entire understanding described herein and supersedes any prior agreements, written or verbal, and may only be amended or modified by a writing executed with the same formality of this Agreement. This Agreement shall be construed as having been drafted jointly.


16. This Agreement shall be construed in accordance with and governed by the laws of the State of Missouri. Should any part of this Agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

17. This Agreement may be signed in one or more counterparts, each of which shall constitute an original, but all of which together shall be one and the same document. For purposes of executing this Agreement, a document signed and transmitted electronically, by facsimile machine, or telecopier, is to be treated as an original document. Each signature shall be considered as an original signature, and the document transmitted is to be considered to have the same binding effect as an original signature or an original document.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by the party's duly authorized representatives as set forth below.

GREENE COUNTY SHERIFF'S OFFICE

CITY OF REPUBLIC POLICE DEPARTMENT

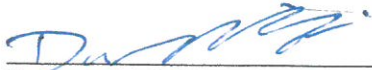


Sheriff Jim C. Arnott
Date: 1-7-21

Chief Brian Sells
Date: _____

Approved as to form:

Approved as to form:



Damon S. Phillips, Legal Counsel
Date: 1/4/21

Scott Ison, City Attorney
Date: _____

GREENE COUNTY COMMISSION



Bob Dixon, Presiding Commissioner

Rusty MacLachlan
Rusty MacLachlan, Associate Commissioner District #1

John C. Russell
John C. Russell, Associate Commissioner District #2

1/20/2021
Date

John Housley
John Housley, Greene County
Legal Counsel
3 8 21
Date

ATTEST: I, Shane Schoeller, the Clerk of the Greene County Commission hereby attests that the above agreement was executed by Commissioners Bob Dixon, Rusty MacLachlan and John Russell, pursuant to a duly passed motion of the Greene County Commission approving the agreement.

Shane Schoeller
County Clerk, Shane Schoeller

ATTEST: I, Cindy Stein, am the duly appointed and acting Auditor for Greene County, Missouri, and in that capacity, do hereby certify on this 24th day of February, 2021, that there is an unencumbered balance to the credit of the appropriation which is to be charged for the County's share of the costs described in this Agreement and an unencumbered cash balance in the County treasury to the credit of the fund from which the County's financial obligation described in this agreement shall be paid sufficient to meet the County's obligations under this agreement.

Cindy Stein
Auditor, Cindy Stein



CITY OF REPUBLIC

Matt Russell, Mayor

ATTEST: I, Laura Burbridge, the Clerk of the City of Republic hereby attests that the above agreement was executed by Mayor Russell as authorized by the Board of Alderman pursuant to a duly passed motion of the Board of Alderman approving the agreement.

Laura Burbridge, City Clerk