



## AGENDA

**City Council Meeting**  
**Municipal Court Building, 540 Civic Blvd**  
**March 15, 2022 at 6:00 PM**

**Matt Russell, Mayor**  
Eric Gerke, Ward I  
Garry Wilson, Ward II  
Christopher Updike, Ward III  
Jennifer Mitchell, Ward IV  
  
Eric Franklin, Ward I  
Gerry Pool, Ward II  
Shane Grooms, Ward III  
Jim Deichman, Ward IV

### Call Meeting to Order

### Opening Prayer

### Pledge of Allegiance to the United States Flag

### Citizen Participation

### Consent Agenda

- [1.](#) Approve February 22, 2022 City Council Special Session Minutes.
- [2.](#) Approve February 22, 2022 Shuyler Creek Trail Meeting Minutes.
- [3.](#) Approve Vendor List.
- [4.](#) 22-R-14 A Resolution of the City Council Authorizing the Purchase of Three (3) New Police Vehicles.

### Board, Commission, and Committee Schedule

Board of Adjustment Meeting	April 7, 2022
City Council Workshop	April 5, 2022 (5:30)
City Council Meeting	April 5, 2022 (6:30)
Planning & Zoning Meeting	April 11, 2022
City Council Meeting	April 19, 2022

### Old Business and Tabled Items

- [5.](#) 22-R-11 A Resolution of the City Council to Approve Bartlett & West As Engineering Officials For The City Of Republic Quiet Zone Study. (Tabled from 2-22-22)

### New Business (First Reading of Ordinances)

- [6.](#) 22-12 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately Zero Point Nine-Four (0.94) Acres, Located at 221 East US Highway 60, from Local Commercial (C-1) to General Commercial (C-2).
- [7.](#) 22-13 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately Six Point Three Zero (6.30) Acres, Located at 6021 West US Highway 60, from Agricultural (AG) and Light Industrial (M-1) to Heavy Industrial (M-2).
- [8.](#) 22-14 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately Six Point Zero-Two (6.02) Acres, Located at the 4100 Block of South Farm Road 103, from Local Commercial (C-1) to General Commercial (C-2)
- [9.](#) 22-15 An Ordinance of the City Council Amending Title IV, Government Code, Chapter 405 Zoning Regulations, Article 405-I, Sections 405.020 Definitions, 405.150 "C-1" Local Commercial District Regulations, 405.160 "C-2" General Commercial District Regulations, 405.165 "C-3" General Commercial District Regulations, and Article 405-V Height and Area Requirements, Exceptions and Modifications.

[10.22-16](#) An Ordinance of the City Council Amending Title VI, Government Code, Chapter 600, Business and Occupation, Sections 600.010 Definitions, 600.020 License Required – Classes of Licenses, 600.030 License Regulations, 600.040 Schedule of Licenses, 600.050 Application for License and Renewal, 600.060 Minors, and 600.070 Miscellaneous Offenses, and Adding New Section 600.015 Application of Missouri State Statutes.

[11.22-17](#) An Ordinance of the City Council Authorizing the City Administrator to Execute a Cost Share Economic Development Agreement with the Missouri Highways and Transportation Commission for the Expansion of a Portion of Route MM (Brookline Boulevard) Between the Interstate-44 Interchange and the Route 360 (James River Freeway) Interchange.

### **Other Business (Resolutions)**

[12.22-R-15](#) A Resolution of the City Council Authorizing Payment to Missouri Rural Services Workers' Compensation Insurance Trust for Coverage for 2022-2023.

[13.22-R-16](#) A Resolution Of The City Council Authorizing The BUILDS Department To Apply For The Raise Grant Through The Ozarks Transportation Organization To Be Used Toward The Highway MM Realignment.

### **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.**



- Matt Russell, Mayor**
- Eric Gerke, Ward I
- Garry Wilson, Ward II
- Christopher Updike, Ward III
- Jennifer Mitchell, Ward IV
- Eric Franklin, Ward I
- Gerry Pool, Ward II
- Shane Grooms, Ward III
- Jim Deichman, Ward IV

## MINUTES

**City Council Special Session Meeting  
Community Center, 711 E. Miller Road  
February 22, 2022 at 6:00 PM**

### Call Meeting to Order

The special session meeting of the City Council of the City of Republic, Greene County, Missouri, was called to order by Mayor Matt Russell at 6:05 p.m. Council Members present via Zoom included Jim Deichman, Eric Franklin, Garry Wilson, Eric Gerke, Chris Updike, Shane Grooms, and Jennifer Mitchell. Others in attendance were: City Administrator David Cameron, City Attorney Megan McCullough, Assistant Parks and Recreation Director Jennafer Mayfield, Information Systems Director Chris Crosby, Police Chief Brian Sells, Finance Director Meghin Cook, Chief of Staff Lisa Addington, BUILDS Administrator Andrew Nelson, Assistant BUILDS Administrator Karen Haynes, Assistant City Administrator/Parks and Recreation Director Jared Keeling, Fire Chief Duane Compton, Principal Planner Chris Tabor, Customer Experience Specialist Brianna Thompson, Engineering Manager Garrett Brickner, Public Information Officer Allyssa Dudley, GIS Manager Josh Jones, Paralegal Kat Nixon, Executive Assistant Steff Weaver, Engineer in Training Angel Falig, Lieutenant Jamie Burks, 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 Matt Russell opened citizen participation at 6:06 p.m. No one came forward so Mayor Russell closed citizen participation at 6:06 p.m.

### Consent Agenda

Motion was made by Council Member Deichman and seconded by Council Member Wilson to approve the consent agenda. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried.

1. Approve February 15, 2022 City Council Minutes.
2. 22-R-10 A Resolution of the City Council Authorizing the Purchase of Three (3) Vehicles for the Parks and Recreation Department.

### Board, Commission, and Committee Schedule

City Council Meeting	March 1, 2022 (Cancelled)
Board of Adjustment Meeting	March 3, 2022
Planning & Zoning Meeting	March 7, 2022
City Council Meeting	March 15, 2022

### Old Business and Tabled Items

3. **22-05 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 15.09 Acres, Located at the 6800 Block of South Farm Road 89, from Agricultural (AG) to High Density Single-Family Residential (R1-H).**

Motion was made by Council Member Wilson and seconded by Council Member Mitchell to have the second reading of Bill 22-05 by title only. The vote was 6 Aye-Deichman, Franklin, Grooms, Mitchell, Updike, and Wilson. 0 Nay. 1 Abstention-Gerke. Motion Carried. Karen Haynes was available to answer any questions from Council. City Administrator David Cameron announced that in the previous meeting, he promised Mr. Saunders he would allow him to speak on this today. Mr. Cameron reminded Council that we do not normally allow citizen comment on second reads.

Mayor Russell opened citizen comment. Bryan Saunders-1700 Terrell Valley Dr. spoke against this bill and requested buffering along Farm Road 194. Susie Greer-2595 Terrell Valley Dr. spoke against the bill, concurring with Mr. Saunders that she would like more green space or buffering. Ms. Greer added she has concerns for how the neighborhood would impact traffic, which can be dangerous at ZZ and Farm Road 194. Chris Wynn with CJW-5051 S. National spoke in favor of bill stating they did a traffic study with level service A rating. Mr. Wynn added the average lot size is 8960 square feet, which is 40 less than medium density. Citizen comment was closed. Council Member Franklin motioned for the passage of Bill 22-05. Council Member Grooms seconded. A roll call vote was taken. The vote was 6 Aye-Grooms, Wilson, Deichman, Mitchell, Franklin, and Updike. 0 Nay. 1 Abstention-Gerke. Motion Carried.

4. **22-06 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 7.86 Acres, Located at the 8000 Block of West Farm Road 194, from The Lakes at Shuyler Ridge Planned Development District (PDD) to High Density Single-Family Residential (R1-H).**

Motion was made by Council Member Franklin and seconded by Council Member Deichman to have the second reading of Bill 22-06 by title only. The vote was 6 Aye-Deichman, Franklin, Grooms, Mitchell, Updike, and Wilson. 0 Nay. 1 Abstention-Gerke. Motion Carried. Karen Haynes was available to answer any questions from Council. Council Member Franklin motioned for the passage of Bill 22-06. Council Member Grooms seconded. A roll call vote was taken. The vote was 6 Aye-Wilson, Updike, Deichman, Mitchell, Grooms, and Franklin. 0 Nay. 1 Abstention-Gerke. Motion Carried.

5. **22-07 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 62.90 Acres, Located at 2561 South State Highway MM, from Eclipse Event Center Planned Development District (PDD) to Hankins Farm Planned Development District (PDD).**

Motion was made by Council Member Gerke and seconded by Council Member Franklin to have the second reading of Bill 22-07 by title only. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes was available to answer any questions from Council. Council Member Mitchell motioned for the passage of Bill 22-07. Council Member Updike seconded. A roll call vote was taken. The vote was 7 Aye-Wilson, Franklin, Updike, Deichman, Grooms, Mitchell, and Gerke. 0 Nay. Motion Carried.

6. **22-08 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 10.20 Acres, Located at 7294 West Farm Road 144, from Agricultural (AG) to Heavy Industrial (M-2).**

Motion was made by Council Member Mitchell and seconded by Council Member Franklin to have the second reading of Bill 22-08 by title only. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes was available to



answer any questions from Council. Council Member Grooms motioned for the passage of Bill 22-08. Council Member Updike seconded. A roll call vote was taken. The vote was 7 Aye-Gerke, Wilson, Franklin, Deichman, Grooms, Mitchell, and Updike. 0 Nay. Motion Carried.

7. **22-09 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 40 Acres, Located at 3445 East Hines Street, from Medium Density Single-Family Residential (R1-M) to High Density Single-Family Residential (R1-H).**

Motion was made by Council Member Franklin and seconded by Council Member Gerke to have the second reading of Bill 22-09 by title only. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried. Karen Haynes was available to answer any questions from Council. Council Member Franklin motioned for the passage of Bill 22-09. Council Member Grooms seconded. A roll call vote was taken. The vote was 7 Aye-Grooms, Deichman, Wilson, Mitchell, Updike, Gerke, and Franklin. 0 Nay. Motion Carried.

8. **22-10 An Ordinance of the City Council Vacating a 385 Foot Portion of North Brookline Avenue Located East of State Highway MM.**

Motion was made by Council Member Deichman and seconded by Council Member Wilson to have the second reading of Bill 22-10 by title only. The vote was 6 Aye-Deichman, Franklin, Grooms, Mitchell, Updike, and Wilson. 0 Nay. 1 Abstention-Gerke. Motion Carried. Karen Haynes was available to answer any questions from Council. Council Member Wilson motioned for the passage of Bill 22-10. Council Member Franklin seconded. A roll call vote was taken. The vote was 6 Aye-Wilson, Updike, Deichman, Mitchell, Franklin, and Grooms. 0 Nay. 1 Abstention-Gerke. Motion Carried.

9. **22-11 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 29.39 Acres, Located at the 2500 Block of South State Highway MM, from General Commercial (C-2) and Agricultural (AG) to Iron Grain District Planned Development District (PDD).**

Motion was made by Council Member Deichman and seconded by Council Member Mitchell to have the second reading of Bill 22-11 by title only. The vote was 6 Aye-Deichman, Franklin, Grooms, Mitchell, Updike, and Wilson. 0 Nay. 1 Abstention-Gerke. Motion Carried. Karen Haynes was available to answer any questions from Council. Council Member Deichman motioned for the passage of Bill 22-11. Council Member Franklin seconded. A roll call vote was taken. The vote was 6 Aye-Updike, Mitchell, Franklin, Wilson, Deichman, and Grooms. 0 Nay. 1 Abstention-Gerke. Motion Carried.

#### **New Business (First Reading of Ordinances)-None**

#### **Other Business (Resolutions)**

10. **22-R-11 A Resolution of the City Council to Approve Bartlett & West As Engineering Officials For The City Of Republic Quiet Zone Study**

Motion was made by Council Member Updike and seconded by Council Member Grooms to approve Resolution 22-R-11. Garrett Brickner provided an overview of the Resolution. Council Member Franklin motioned to table Resolution 22-R-11 until the March 15, 2022 meeting. Council Member Grooms seconded. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried.



**11.22-R-12 A Resolution of the City Council Authorizing the Police Department to Apply for Two (2) Reimbursable 2022-2023 Missouri Highway Safety Program Traffic Safety Grants.**

Jamie Burks provided an overview of the Resolution. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried.

**12.22-R-13 A Resolution of the City Council Authorizing the Parks & Recreation Director to Enter into a Contract with Sapp Design Architects Associates for Providing Architectural Services on Parks & Recreation Related Projects.**

Jared Keeling provided an overview of the Resolution. The vote was 7 Aye-Deichman, Franklin, Gerke, Grooms, Mitchell, Updike, and Wilson. 0 Nay. Motion Carried.

**Reports from Staff**

City Administrator David Cameron acknowledged the group of people waiting to speak on the trail and reported he will not be providing a staff report tonight. Mr. Cameron added for everyone to stay safe with the weather coming in.

Council Member Franklin shared he appreciates citizens coming to express their concerns as well as the developers who have trust in coming to Republic. Mr. Franklin thanked Mr. Cameron for the huddle last Friday, adding it was great to see what is going on and talk to staff. Mr. Franklin echoed Mr. Cameron reminding everyone to be careful, patient, and understanding through the weather. Mr. Franklin also thanked the citizens attending the forthcoming trail meeting.

**Adjournment**

Mayor Russell adjourned the meeting at 6:58 p.m.

ATTEST:

\_\_\_\_\_  
Laura Burbridge, City Clerk

\_\_\_\_\_  
Matt Russell, Mayor





- Matt Russell, Mayor**
- Eric Gerke, Ward I
- Garry Wilson, Ward II
- Christopher Updike, Ward III
- Jennifer Mitchell, Ward IV
- Eric Franklin, Ward I
- Gerry Pool, Ward II
- Shane Grooms, Ward III
- Jim Deichman, Ward IV

## MINUTES

**Shuyler Creek Trail Meeting**  
**Community Center, 711 E. Miller Road**  
**February 22, 2022 at 6:00 PM**

### Call Meeting to Order

The Shuyler Creek Trail Meeting of the City of Republic, Greene County, Missouri, was called to order by Mayor Matt Russell at 7:06 p.m. Council Members present included Jim Deichman, Eric Franklin, Garry Wilson, Eric Gerke, Chris Updike, Shane Grooms, and Jennifer Mitchell. Others in attendance were: City Administrator David Cameron, City Attorney Megan McCullough, Assistant Parks and Recreation Director Jennafer Mayfield, Information Systems Director Chris Crosby, Police Chief Brian Sells, Finance Director Meghin Cook, Chief of Staff Lisa Addington, BUILDS Administrator Andrew Nelson, Assistant BUILDS Administrator Karen Haynes, Assistant City Administrator/Parks and Recreation Director Jared Keeling, Fire Chief Duane Compton, Principal Planner Chris Tabor, Customer Experience Specialist Brianna Thompson, Engineering Manager Garrett Brickner, Public Information Officer Allyssa Dudley, GIS Manager Josh Jones, Paralegal Kat Nixon, Executive Assistant, Engineer in Training Angel Falig, Lieutenant Jamie Burks, and City Clerk Laura Burbridge.

### Staff Presentation on History of the Trail Project

Andrew Nelson presented the history of the trail project and discussed citizen survey results that indicated the desire to have the trail.

### Presentations from Olsson Associates on Alternatives

Johnathan Pikes with Olsson presented on the trail extension. Mr. Pikes discussed feedback from previous meeting and alignment options. Mr. Pikes mentioned an underpass that was presented as an option under Farm Road 99 after receiving concerns about the safety of that crossing.

### Public Comment

Mayor Russell opened public comment to those speaking in favor of the trail.

Bryan Penney-641 S. Garden Way

Joe Strong-437 W. Erie St., Springfield

Carrie Harrison-Willard, Mo.

Mayor Russell opened public comment to those speaking against the trail.

Michael Lacobee-7052 W. Farm Road 182

Lisa Roller-6618 W. Farm Road 182

Andy Thomasson, the OTO Senior Planner was asked to speak after the OTO was referenced in comments. Mr. Thomasson discussed how the master trail plan is determined and the alignment is made. It would have to go back through the BPAC and Technical Planning Committee to consider changing it.

Steve Piland-131 N Matteson Ave.

David Burch-6727 W Farm Road 182

Rick Faria-213 N. Cox Ave.

Bobby Dimray-101 N Matteson



Following public comment, Council asked questions of staff and discussed next steps.

**Adjournment**

Mayor Russell adjourned the meeting at 9:32 p.m.

ATTEST:

\_\_\_\_\_  
Laura Burbridge, City Clerk

\_\_\_\_\_  
Matt Russell, Mayor

DRAFT





City of Republic

# My Vendor Audit Report

Item 3.

For Date Range 02/01/2022 - 02/28/2022

Vendor	Added	Added User	Deleted	Deleted User
07799 - AmWINS Group Benefits Inc	02/01/2022	SHERRI WOODS		
07800 - KnowBe4 Inc	02/01/2022	SHERRI WOODS		
07801 - EDTS of the Ozarks	02/08/2022	SHERRI WOODS		
07802 - JER HR Group LLC	02/08/2022	SHERRI WOODS		
07803 - Stephen Roberts	02/10/2022	SHERRI WOODS		
07804 - Randy Wilson	02/11/2022	SHERRI WOODS		
07805 - Ministry Brands Parent LLC	02/16/2022	SHERRI WOODS		
07806 - Kirsten Long	02/16/2022	SHERRI WOODS		
07807 - Stifel, Nicolaus & Company Inc.	02/17/2022	SHERRI WOODS		
07808 - Link Media Services LLC	02/17/2022	SHERRI WOODS		
07809 - Lemac	02/17/2022	SHERRI WOODS		
07810 - Richard Morehouse	02/22/2022	SHERRI WOODS		
07811 - Thomas Jared Kucij	02/22/2022	SHERRI WOODS		
07812 - FisherBroyles, LLP	02/23/2022	SHERRI WOODS		
07813 - Hartford Life and Accident Insurance Company	02/23/2022	SHERRI WOODS		
07814 - Oklahoma Contractors Supply	02/28/2022	SHERRI WOODS		
5521 - Amazon.com				

Vendor Count: (17)



## **AGENDA ITEM ANALYSIS**

Project/Issue Name: 22-R-14 A Resolution of the City Council Authorizing the Purchase of Three (3) New Police Vehicles.  
Submitted By: Jamie Burks, Police Lieutenant  
Date: March 15, 2022

### **Issue Statement**

To approve the purchase of three (3) new Police vehicles and outfitting of each vehicle with appropriate safety equipment.

### **Discussion and/or Analysis**

The Republic Police Department would like to purchase three (3) 2022 Ford Interceptors at \$35,285 each from Corwin Ford for the Patrol Division. This dealership is meeting the State Bid amount on all three vehicles. Each vehicle will be outfitted with the appropriate safety equipment to make them functional.

The Finance Director has reviewed the department's 2022 budget and determined we have the funds available through the Capital Improvement Sales Tax and is recommending the purchase.

### **Recommended Action**

Police Chief Sells recommends approving the purchase and outfitting of three (3) new Police vehicles for the department fleet, not to exceed \$105,855 for the purchase of the vehicles and up to \$49,145 for the necessary safety equipment packages, totaling \$155,000.

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE PURCHASE OF THREE (3) NEW POLICE VEHICLES**

**WHEREAS**, the City of Republic, Missouri, (herein called the “City” and “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 desires to purchase three (3) new 2022 Ford Interceptors to fill the needs of the Republic Police Department patrol vehicle fleet, and subsequently outfit the new vehicles with the necessary and appropriate safety equipment; and

**WHEREAS**, the new vehicles will be purchased in compliance with the Missouri State Bid Purchase Agreement through Corwin Ford; and

**WHEREAS**, the new vehicles will improve the safety of the Republic Police Department’s officers, City residents and the general public, and will assist the Police Department in delivering the highest quality of services to the City.

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

- Section 1. Corwin Ford, pursuant to the Missouri State Bid Purchase Agreement, is selected to provide three (3) new 2022 Ford Interceptors at the purchase price of \$35,285 each, plus applicable taxes, to the City.
- Section 2. The purchase price of the three new vehicles shall not exceed a total cost of \$105,855.00, and the price for the addition of the safety packages to the new vehicles shall not exceed a total cost of \$49,145.00, for a total not to exceed amount of \$155,000.00.
- Section 3. The City Administrator, or his designee, on behalf of the City, is authorized to take the necessary steps to implement this Resolution.
- Section 4. This Resolution shall become effective on and after the date of passage and approval as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

RESOLUTION NO. 22-R-14  
Laura Burbridge, City Clerk

**Approved as to Form:**

  
Megan McCullough, City Attorney

**Final Passage and Vote:**



**Contract Number: CC220022004**

**Contractor: Joe Machens Ford Lincoln**

**Line Item 32**

**UNSPSC Code: 25101702**

**MAKE/MODEL: 2022 Ford Police Interceptor Utility AWD**

**PRICE: \$34,190.00**

**EQUIPMENT INCLUDED IN PRICE**

ENGINE: 3.3 liter V6 direct injection engine, Gasoline, Heavy duty cooling system, Engine oil cooler  
 ALL WHEEL DRIVE  
 WHEEL COVERS: Manufacturers full wheel covers required  
 REMOTE KEYLESS ENTRY SYSTEM: Remote keyless entry system with minimum of four (4) keyless entry key FOBs  
 OUTSIDE REAR VIEW MIRRORS: Left hand and right hand power adjusting, Heated required  
 FRONT SEATS: Cloth, No center console  
 REAR SEAT: Heavy duty cloth fabric rear bench seat  
 FLOOR COVERING: Full carpeting, first and second rows  
 FLOOR MATS: Manufacturer's carpeted mats required  
 FRONT LICENSE BRACKET: Manufacturer's standard required  
 SPOTLIGHT PROVISION/SPOTLIGHT, LEFT HAND: Left (driver side) factory spotlight provision, LED spotlight installed  
 POLICE POWER PIGTAIL: Power pigtail harness required  
 WIRING: Pre-wiring for grill LED lamp, siren and speaker  
 COURTESY LAMP DISABLE: Courtesy lamp disabled when any door is opened  
 AUXILIARY DOME LAMPS: Factory installed first row overhead red/white auxiliary dome lamp, Factory installed red/white overhead dome lamp in cargo area  
 POLICE INTERCEPTOR HEADLAMP HOUSINGS: Includes LED wig-wag feature, Pre-drilled holes for side marker police use, Does not include LED installed lights  
 TAIL LAMP HOUSING PREP PACKAGE: Factory installed tail lamp housing prep package required, Does not include LED installed lights.  
 NOISE SUPPRESSION BONDS: Factory installed radio noise suppression bonding straps required  
 GLOBAL LOCK/UNLOCK FEATURE: Door panel switches will lock/unlock all doors and rear lift gate  
 REVERSE SENSING: Reverse sensing system required  
 POLICE ENGINE IDLE FEATURE: Allows driver to leave the engine running and prevents unauthorized vehicle use  
 UNDERBODY DEFLECTOR PLATE: Engine and transmission shield  
 OBD-II SPLIT CONNECTOR: Allows up to two devices to be connected to the vehicle OBD-II Port  
 TRAILER TOW: Class III Trailer Tow Lighting Package(4-pin and 7-pin connectors and wiring)  
 COLORS:  
 Standard production solid color exterior and standard interior trim

**AVAILABLE OPTIONS  
(for line item 32)**

- Line Item 33** – 3.3 liter Direct Injection Hybrid Engine **\$3,500.00**
- Line Item 34** – 3.0 liter V6 EcoBoost turbocharged engine **\$4,300.00**
- Line Item 35** – Black vinyl floor covering **\$20.00**  
(Deletes carpet and carpeted floor mats)  
(credit)
- Line Item 36** – Auxiliary air conditioning **\$600.00**
- Line Item 37** - Standard wheel center caps in lieu of full wheel covers **\$20.00**  
(credit)
- Line Item 38** - 18"painted aluminum wheels in lieu of standard steel wheels. Spare will remain steel **\$470.00**
- Line Item 39** – Second row grey vinyl seating in lieu of cloth **\$20.00** (credit)
- Line Item 61:** Miscellaneous Option/Features  
\*\*for the purchase of options/features not specifically identified herein

**DELIVERY:** 120-150 days ARO

**WARRANTY:** 3 years or 36,000 miles (bumper to bumper)  
5 years or 100,000 miles (drive train)



**PREPARATION & DELIVERY COST FOR COOP MEMBERS & OTHER STATE AGENCIES  
(fee pertains to line item 32)**

**Line Item 40 – Preparation Cost**

**\$1,095.00 per vehicle**

Other State agencies and Cooperative Procurement members may purchase vehicles off this contract. The total vehicle preparation cost stated for the vehicles processed through the contractors dealership is charged per vehicle.

**Line Item 60 – Delivery Cost**

**\$150.00 per mile not to exceed \$300.00**

Total round trip per mile cost for contractor to deliver cooperative procurement member and other state agency vehicles if requested.

Vehicles will be delivered from Columbia, Missouri.

\*\*\*\*\*



**Model Year 2022 Patrol Vehicles  
CC220022001, CC220022002, CC220022003, and CC220022004**

**Issuance Date: 11/30/21  
Revised Date: N/A**

<b>CONTRACT PERIOD/RENEWAL OPTIONS</b>	
<b>Current Contract Period:</b>	October 1, 2021 through June 30, 2022
<b>Original Contract Period:</b>	October 1, 2021 through June 30, 2022
<b>Available Renewal Period Options:</b>	1
<b>Potential Final Expiration Date:</b>	December 31, 2022

**ALL PURCHASES MADE UNDER THESE CONTRACTS MUST BE FOR PUBLIC (STATE AGENCY) USE ONLY. PURCHASES FOR PERSONAL USE BY PUBLIC EMPLOYEES OR OFFICIALS ARE PROHIBITED.**

A state agency shall be defined as a division, section, bureau, office, program, board, regional/district office, etc., that exists within a department of Missouri State Government. For the purposes of this document, this shall also include the Judicial and Legislative branches of the State of Missouri.

<b>BUYER CONTACT INFORMATION</b>	
<b>Name:</b>	Teri Schulte
<b>Email:</b>	<a href="mailto:teri.schulte@oa.mo.gov">teri.schulte@oa.mo.gov</a>
<b>Phone Number:</b>	(573) 522-3296



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-R-11 A Resolution of the City Council to Approve Bartlett & West As Engineering Officials For The City Of Republic Quiet Zone Study

Submitted By: Garrett Brickner, Engineering Manager

Date: Tuesday, March 15, 2022

### Issue Statement

A Resolution to Approve Bartlett & West As Engineering Officials For The City Of Republic Quiet Zone Study.

### Discussion and/or Analysis

The City released a Request for Qualifications (RFQ) to engineering and architectural firms in the region in September 2021. A total of thirteen firms submitted qualifications for review, including the firm Bartlett & West. After scoring three engineering firms from the previously approved list, it was decided that Bartlett & West is best suited and qualified for the City of Republic quiet zone study.

Bartlett & West has provided preliminary costs to provide an Engineering Study for the Quiet Zone at an amount not to exceed \$50,000.00.

### Recommended Action

Staff recommends approval.



**A RESOLUTION OF THE CITY COUNCIL TO APPROVE BARTLETT & WEST AS ENGINEERING OFFICIALS FOR THE CITY OF REPUBLIC QUIET ZONE STUDY**

**WHEREAS**, the City of Republic, Missouri, (herein called the "City") 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**, in September 2021, the City released to engineering and architectural firms in the region a Request for Qualifications (RFQ) to serve in the capacity as the engineering officials for the City's Quiet Zone Study by preparing and providing the Engineering Study; and

**WHEREAS**, a total of thirteen firms submitted qualifications for review, including the firm Bartlett & West; and

**WHEREAS**, after scoring, the City determined Bartlett & West is best suited and qualified to serve as the engineering officials for the City's Quiet Zone Study to prepare and provide the Engineering Study; and

**NOW, THEREFORE, BE IT RESOLVED 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 select and retain Bartlett & West to prepare and provide the Engineering Study for the City's Quiet Zone Study, the cost of which shall not exceed \$50,000.
- Section 2.** The City Administrator, or designee, on behalf of the City, is authorized to take the necessary steps to execute this Resolution.
- Section 3.** The whereas clauses are hereby specifically incorporated herein by reference.
- Section 4.** This Resolution shall take effect after 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney

**Final Passage and Vote:**



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-12 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately Zero Point Nine-Four (0.94) Acres, Located at 221 East US Highway 60, from Local Commercial (C-1) to General Commercial (C-2).

Submitted By: Chris Tabor, Principal Planner

Date: March 15, 2022

### Issue Statement

Tracy Carter has applied to change the Zoning Classification of **0.94 acres** of property located at the 221 E US Hwy 60 from **Local Commercial (C-1) to General Commercial (C-2)**.

### Discussion and/or Analysis

The property subject to this Rezoning Application is comprised of approximately **0.94 acres** of land located at 221 E US Hwy 60. The property is currently vacant. The Applicant intends to develop the property into a commercial development.

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**.

- **Goal:** Support market conditions to develop a greater variety of commercial options.
- **Goal:** Support new development that is well-connected to the existing community.
  - **Objective:** Promote development aligning with current adopted plans of the City.

The Rezoning of this parcel is consistent with City's Adopted Plans.

The general trend of development in the vicinity of the subject property is commercial development of varying intensity.

### Compatibility with Surrounding Land Uses

The subject property is bordered by both Medium-Density Single Family Residential (R1-M) homes and E's Inn, zoned Local Commercial (C-1) to the north, Local Commercial (C-1) across US Hwy 60 to the south, and Dairy Queen, a Local Commercial (C-1) zoned parcel to the west.

The intent of the General Commercial (C-2) Zoning District is to permit less restrictive commercial and service-related business.

#### **Capacity To Serve Potential Development and Land Use**

**Municipal Water and Sewer Service:** Water is available onsite. Sanitary sewer service is in close proximity to the site but may require main extension to serve the property. In addition, sewer will require an easement be obtained through adjacent property by the developer. The exact configuration of sanitary sewer service will be determined by the specific easement obtained as well as the eventual development pursued. These items will be more thoroughly examined upon application for a commercial building permit.

**Transportation:** The property currently has deeded access to US Hwy 60. The exact placement of that access will be at the discretion of MODOT in cooperation with the City of Republic.

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

**Sinkholes:** The subject parcel **does not** contain any **identified sinkholes**.

#### **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**, generally **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.**

**AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CODE AND OFFICIAL MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY ZERO POINT NINE-FOUR (0.94) ACRES, LOCATED AT 221 EAST US HIGHWAY 60, FROM LOCAL COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2)**

**WHEREAS**, the City of Republic, Missouri, (“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 certain real property consisting of approximately 0.94 acres located at 221 East US Highway 60, in Republic, Missouri, from Local Commercial (C-1) to General Commercial (C-2) was submitted to the City’s BUILDS Department; and

**WHEREAS**, the City submitted the application to the Planning and Zoning Commission and set a public hearing on the application for March 7, 2022; and

**WHEREAS**, a notice of the time and date of the public hearing on the application was given by publication on February 16, 2022, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least fifteen (15) days before the date set for the public hearing; and

**WHEREAS**, the City gave notice of the public hearing on the application 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**, the public hearing on the application was conducted by the Planning and Zoning Commission on March 7, 2022, at which all interested persons and entities were afforded the opportunity to present evidence or statement on the application, after which the Commission rendered written findings of fact and submitted the same, together with its recommendations, to the Council; and

**WHEREAS**, the Planning and Zoning commission, by a vote of five (5) Ayes to zero (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 for first read at its regular meeting on March 15, 2022, and again submitted for second read at its regular meeting on April 5, 2022, after which the City Council voted 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 to reflect the rezoning of the real property tract located at 221 East US Highway 60 in Republic, Missouri, more fully described in the legal description herein below, from Local Commercial (C-1) to General Commercial (C-2):

All of the North One-Half (N1/2) of the North One-Half (N1/2) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Twenty (20), Township Twenty-Eight (28), Range Twenty-Three (23), in Greene County, Missouri, lying North and Northwest of U.S. Highway No.60.

**EXCEPT:**

Commencing at the NW corner of the SW1/4 of the SW1/4 of Section 20, Township 28 North, Range 23 West of the Fifth Principal Meridian in Republic, Greene County, Missouri; thence East along the North line of said SW ¼ of the SW ¼, a distance of 30' to a point on the East line of Main Street (State Hwy. "P"); thence continuing East along and North line a distance of 366.55' to an iron pin for a point of beginning; thence continuing East along said North line a distance of 135'; thence South a distance of 167.77' to an iron pin on the Northwesterly right of way line of U.S. Highway 60; thence Southwesterly along said Northwesterly right of way line of U.S. Hwy 60 a distance of 142.41' to an iron pin; thence North a distance of 213.10' to the point of beginning.

**ALSO EXCEPT:**

Commencing at the Northwest corner of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Twenty (20), Twenty-Eight (28), Range Twenty-Three (23), in Republic, Greene County, Missouri; thence East along the North line of said Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) a distance of 30 feet to an existing iron pin on the East right-of-way line of Main Street (State Highway "P") for the point of beginning: Thence continuing along and said North line a distance of 177.35 feet to an iron pin set; thence South 00°43'32" East a distance of 248.88 feet to an iron pin set on the Northerly right-of-way of U.S. Highway No. 60, as it now exists; thence North 86°51'11" West along said right-of-way line, a distance of 180.41 feet to a point on the East right-of-way line of Main Street (State Highway "P"), thence North 00°02'43" West along said East right-of-way line, a distance of 113.55 feet to an existing right-of-way marker, thence North 00°03'17" West along said East right-of-way a distance of 123.50 feet to the point of beginning, all being in Republic, Greene County, Missouri, except any part thereof taken, deeded or used for road or highway purposes.

**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 above are 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

---

Laura Burbridge, City Clerk

**Approved as to Form:**

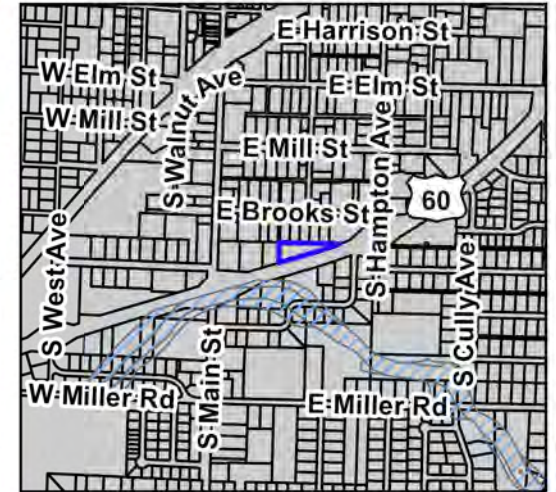
*Megan E. McCullough*  
Megan McCullough, City Attorney

**Final Passage and Vote:**

# REZN 22-001: 221 US Hwy 60

Item 6.

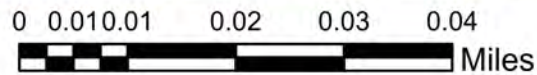
## Vicinity Map



### Legend

-  221 E US Hwy 60
-  Parcels
-  Sinkhole
-  Floodplain

Parcel Owner: Looney Family Trust  
Parcel Address: 221 E US Hwy 60  
Area: 0.94 Acres  
Existing Zoning: Local Commercial (C-1)  
Requested Zoning: General Commercial (C-2)

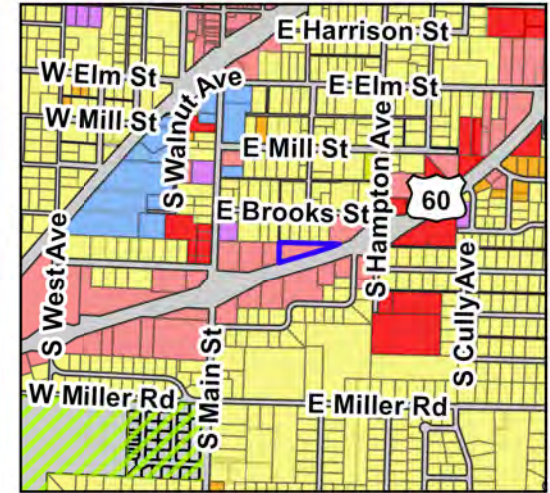
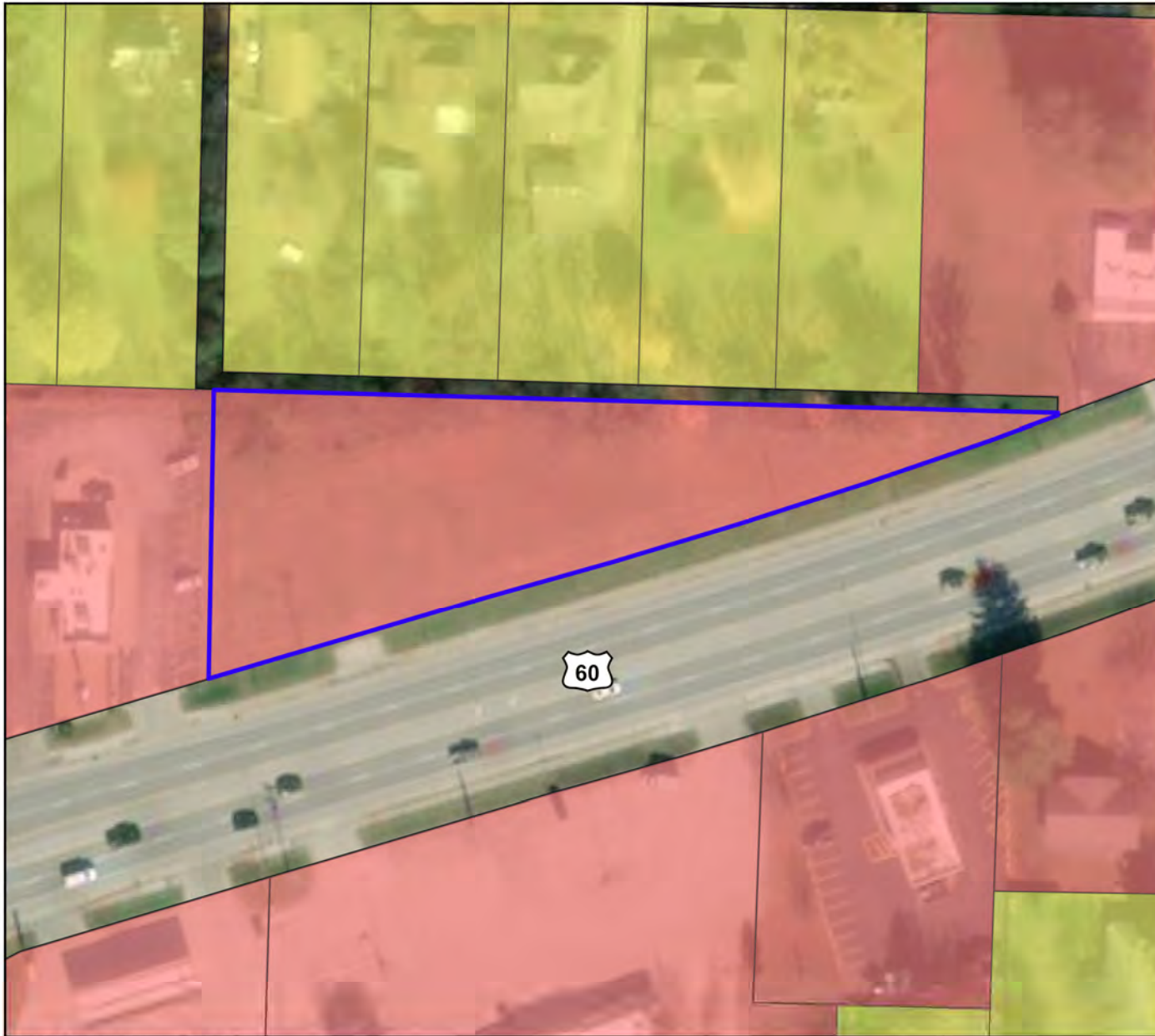




# REZN 22-001: 221 US Hwy 60

Item 6.

## Zoning Map



### Legend

221 E US Hwy 60

Parcels

### 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

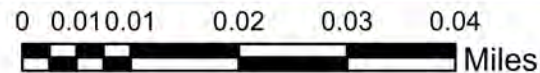
R1-H Single Family High Density

R1-Z Zero Lot Line Residential

R-2 Two-family Residential

R-3 Multi-family Residential

Parcel Owner: Looney Family Trust  
 Parcel Address: 221 E US Hwy 60  
 Area: 0.94 Acres  
 Existing Zoning: Local Commercial (C-1)  
 Requested Zoning: General Commercial (C-2)



# Findings of Fact

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezone

Name of Applicant:

Terry Carter - 221 E US Hwy 60(REZN 22-001)

Location:

City Council Chambers

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:

Randall Ellis III

Commissioner Signature:

[Handwritten Signature]

Date:

03-07-22

# Findings of Fact

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezone

Name of Applicant:

Terry Carter - 221 E US Hwy 60(REZN 22-001)

Location:

City Council Chambers

**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:**

C1 → C2  
Surrounded by other commercial (C-1) on edges + R-2 behind  
Water, sewer, + Transportation can accommodate

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

Approval  Denial

Commissioner Name:

Brian Dabrowski

Commissioner Signature:



Date:

3-7-22

# Findings of Fact

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezoning

Name of Applicant:

Terry Carter - 221 E US Hwy 60(REZN 22-001)

Location:

City Council Chambers

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:

Owner present.  
E's Jan owner speaking - questions on fringe, no concerns

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

Approval  Denial

Commissioner Name:

John Alexander

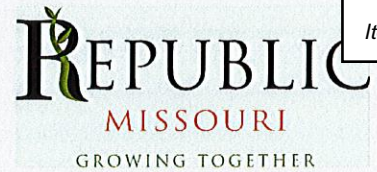
Commissioner Signature:



Date:

3/7/22

# Findings of Fact



Item 6.

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezone

Name of Applicant:

Terry Carter - 221 E US Hwy 60(REZN 22-001)

Location:

City Council Chambers

**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:

Darran Campbell

Commissioner Signature:

*Darran Campbell*

Date:

3-7-22



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-13 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately Six Point Three Zero (6.30) Acres, Located at 6021 West US Highway 60, from Agricultural (AG) and Light Industrial (M-1) to Heavy Industrial (M-2).

Submitted By: Karen Haynes, Assistant BUILDS Administrator

Date: March 15, 2022

### Issue Statement

Burk Bridge Co. has applied to change the Zoning Classification of approximately **6.30 acres** of property located at 6021 West US Highway 60 from Agricultural (AG) and Light Industrial (M-1) to **Heavy Industrial (M-2)**.

### Discussion and/or Analysis

The property subject to this Rezoning Application consists of approximately (6.30) acres of land located at 6021 West US Highway 60; the property contains two primary commercial structures that were previously used by a bridge building contractor. The Applicant intends to develop the property into a commercial development.

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 and industrial 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**.

- **Goal:** Support market conditions to develop a greater variety of commercial options
- **Goal:** Support new development that is well-connected to the existing community
  - **Objective:** Encourage development that improves and expands upon existing infrastructure
  - **Objective:** Promote development aligning with current adopted plans of the City

The Rezoning of this parcel is consistent with City's Adopted Plans.

The general trend in the vicinity of the subject property, along US Highway 60, is commercial and industrial development.

**Compatibility with Surrounding Land Uses**

The subject property is surrounded by Light Industrial (M-1) to the west, Agricultural (AG) to the north; Light Industrial (M-1) to the east, and US Highway 60 to the south.

The land uses permitted in the Heavy Manufacturing (M-2) Zoning District include a wide range of commercial and industrial uses.

**Capacity to Serve Potential Development and Land Use****Municipal Water and Sewer Service:**

Development of the property will require connecting to existing municipal water and sewer mains located parallel to US Highway 60; connections to municipal utilities will require the decommissioning of private connections.

A (12) inch water main and a (10) inch gravity sewer main are located parallel to US Highway 60. The sanitary sewer will flow from the site to the McElhaney and Shuyler Creek Lift Stations before it is pumped to the Wastewater Treatment Facility.

The water system, named Lift Stations, and Wastewater Treatment Facility currently have capacity to serve the intended use.

**Transportation:**

A Traffic Impact Study (TIS) was not required for the Rezoning Application, as the property currently has two commercial access points on US Highway 60, which will continue to be utilized for the proposed development. These access points will also be utilized by the two adjacent properties on either side of the subject property and are served by a (30) foot platted access easement. Development of the property will require adherence to the City's Transportation Plan, Adopted Transportation Map, and MODOT's regulations.

**Floodplain:** The subject parcel **does not** contain any areas of Special Flood Hazard Area (Floodplain).

**Sinkholes:** The subject property **does not** contain any identified sinkholes.

**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.**

**AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CODE AND OFFICIAL MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY SIX POINT THREE ZERO (6.30) ACRES, LOCATED AT 6021 WEST US HIGHWAY 60, FROM AGRICULTURAL (AG) AND LIGHT INDUSTRIAL (M-1) TO HEAVY INDUSTRIAL (M-2)**

**WHEREAS**, the City of Republic, Missouri, (“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 certain real property consisting of approximately 6.30 acres located at 6021 West US Highway 60 from Agricultural (AG) and Light Industrial (M-1) to Heavy Industrial (M-2) was submitted to the City’s BUILDS Department; and

**WHEREAS**, the City submitted the application and Development Plan to the Planning and Zoning Commission and set a public hearing on the application for March 7, 2022; and

**WHEREAS**, a notice of the time and date of the public hearing on the application was given by publication on February 16, 2022, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least fifteen (15) days before the date set for the public hearing; and

**WHEREAS**, the City gave notice of the public hearing on the application 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**, the public hearing on the application and Development Plan was conducted by the Planning and Zoning Commission on March 7, 2022, after which the Commission rendered written findings of fact on the proposed rezoning and, thereafter, submitted the same, together with its recommendations, to the Council; and

**WHEREAS**, the Planning and Zoning Commission, by a vote of five (5) Ayes to zero (0) Nays, recommended the approval of the application for rezoning; and

**WHEREAS**, the application for rezoning and the request to amend the Zoning Code and Official Zoning Map was submitted to the City Council for first read at its regular meeting on March 15, 2022, and again submitted for second read at its regular meeting on April 5, 2022, after which the City Council voted 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 to reflect the rezoning of the real property tract at 6021 West US Highway 60, Republic, Missouri, more fully described in the legal description herein below, from Agricultural (AG) and Light Industrial (M-1) to Heavy Industrial (M-2):



TRACT I: ALL THAT PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AS DESCRIBED IN BOOK 1695, PAGE 1305 OF THE GREENE COUNTY RECORDER'S OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWO (2), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI; THENCE ALONG THE NORTH LINE OF SAID QUARTER-QUARTER SECTION, SOUTH 88 ° 47'05" EAST, 516.37 FEET; THENCE LEAVING SAID QUARTER-QUARTER SECTION LINE, SOUTH 32 ° 32'55" EAST, 397.13 FEET TO THE NORTHERLY RIGHT-OF-WAY OF HIGHWAY 60; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 57 ° 27'05" WEST, 319.62 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 25 ° 37 51 M WEST, 208.05 FEET; THENCE SOUTH 74 ° 20'03" WEST, 355.53 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER -QUARTER SECTION LINE; THENCE ALONG SAID WEST LINE, NORTH 01 ° 46'00" EAST, 453.21 FEET TO THE POINT OF BEGINNING; GREENE COUNTY, MISSOURI. AKA TRACT I BURK BRIDGE MINOR SUBIVISION IN PLAT BOOK AAA PAGE 436

**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 above are 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

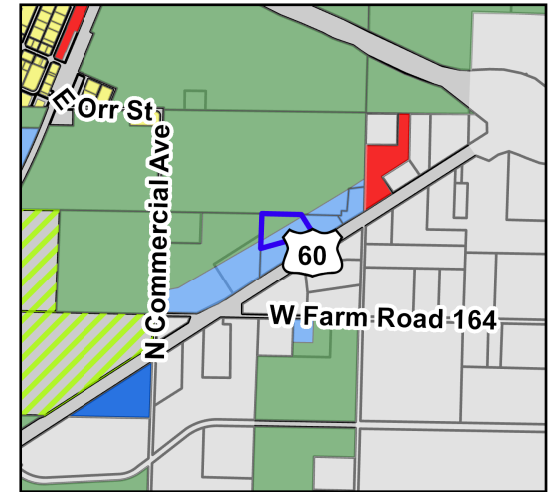
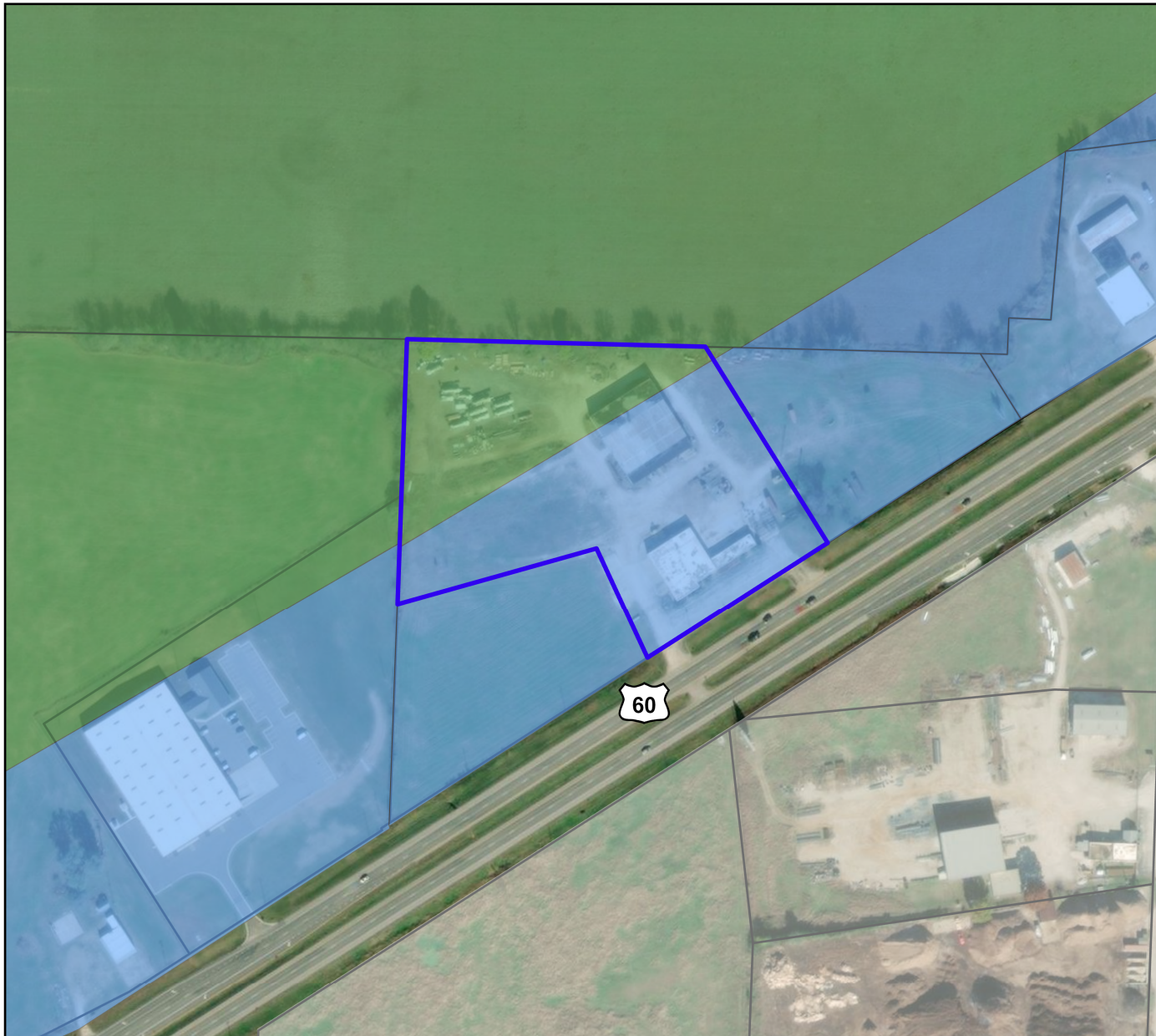
*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney

**Final Passage and Vote:**

# REZN 22-002: 6021 W US Hwy 60

Item 7.

## Zoning Map



### Legend

6021 W US Hwy 60

Parcels

### 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

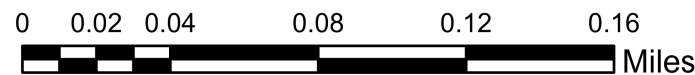
R1-H Single Family High Density

R1-Z Zero Lot Line Residential

R-2 Two-family Residential

R-3 Multi-family Residential

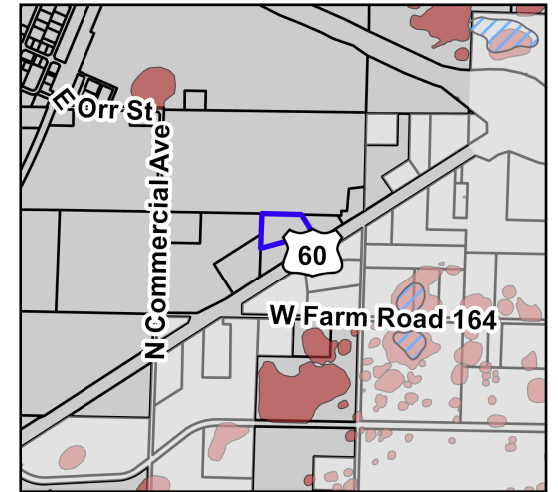
Parcel Owner: Burk Bridge Company  
Parcel Address: 6021 West US Hwy 60  
Area: 6.3 Acres  
Existing Zoning: Agricultural (AG); Light Manufacturing (M-1)  
Requested Zoning: Heavy Manufacturing (M-2)



# REZN 22-002: 6021 W US Hwy 60

Item 7.

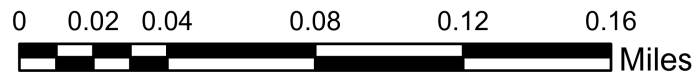
## Vicinity Map



### Legend

- Parcels
- Sinkhole
- Floodplain
- 6021 W US Hwy 60

Parcel Owner: Burk Bridge Company  
Parcel Address: 6021 West US Hwy 60  
Area: 6.3 Acres  
Existing Zoning: Agricultural (AG); Light Manufacturing (M-1)  
Requested Zoning: Heavy Manufacturing (M-2)



# Findings of Fact

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezoning

Name of Applicant:

6021 West US Hwy 60-Burk Bridge (REZN 22-002)

Location:

City Council Chambers

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:

Ransom Ellis III

Commissioner Signature:

Ransom Ellis III

Date:

03-07-22

# 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:

AG → MG2 surrounded by M1 on sides + AG to North  
M1 → MG2  
Capacity for water + Sewer  
No TIS - 2 commercial entrances

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:

03/07/2022

Time:

6:00

Type of Application:

Rezone

Name of Applicant:

6021 West US Hwy 60-Burk Bridge (REZN 22-002)

Location:

City Council Chambers

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:

*Under contract owner present.*

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

Approval  Denial

Commissioner Name:

*John Alexander*

Commissioner Signature:

*[Signature]*

Date:

*3/7/22*

# Findings of Fact

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezone

Name of Applicant:

6021 West US Hwy 60-Burk Bridge (REZN 22-002)

Location:

City Council Chambers

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                                      | <input checked="" type="radio"/> Yes | <input type="radio"/> No |
| Conforming to the City's adopted Transportation Plan                                | <input checked="" type="radio"/> Yes | <input type="radio"/> No |
| Conforming to other adopted plans of the City (i.e. water, wastewater, parks, etc.) | <input checked="" type="radio"/> Yes | <input type="radio"/> No |
| Compatible with surrounding land uses   | <input type="radio"/> Yes            | <input type="radio"/> No |
| Able to be adequately served by municipal infrastructure                            | <input checked="" type="radio"/> Yes | <input type="radio"/> No |
| Aligned with the purposes of RSMo. 89.040   | <input checked="" type="radio"/> Yes | <input type="radio"/> 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:

Darran Campbell

Commissioner Signature:

*Darran Campbell*

Date:

3-7-22



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-14 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately Six Point Zero-Two (6.02) Acres, Located at the 4100 Block of South Farm Road 103, from Local Commercial (C-1) to General Commercial (C-2)

Submitted By: Karen Haynes, Assistant BUILDS Administrator

Date: March 15, 2022

### Issue Statement

Solarplex LLC has applied to change the Zoning Classification of approximately **6.02 acres** of property located in the 4100 Block of South Farm Road 103 from Local Commercial (C-1) to **General Commercial (C-2)**.

### Discussion and/or Analysis

The property subject to this Rezoning Application consists of approximately (6.02) acres of land located in the 4100 Block of South Farm Road 103; the property is currently vacant. The Applicant intends to develop the property into a commercial development.

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**.

- **Goal:** Support market conditions to develop a greater variety of commercial options
- **Goal:** Support new development that is well-connected to the existing community
  - **Objective:** Encourage development that improves and expands upon existing infrastructure
  - **Objective:** Promote development aligning with current adopted plans of the City

The Rezoning of this parcel is consistent with City's Adopted Plans.

The general trend in the vicinity of the subject property, along West Republic Road, is commercial and residential development.



**Compatibility with Surrounding Land Uses**

The subject property is surrounded by Local Commercial (C-1) to the west, Multi-Family Residential (R-3) to the north; Greene County Agricultural to the east, and Agricultural (AG) to the south.

The land uses permitted in the General Commercial (C-2) Zoning District include a variety of commercial uses, including Contractor Offices.

**Capacity to Serve Potential Development and Land Use****Municipal Water and Sewer Service:**

Development of the property will require connecting to existing municipal water and sewer mains located adjacent and through the property; no existing private utilities exist on the parcel.

A (12) inch water main runs parallel to West Republic Road and may need to be extended depending on the area of development on the parcel; a (15) inch gravity sewer main runs through the southwest corner of the property. The sanitary sewer will flow from the site to the McElhaney and Shuyler Creek Lift Stations before it is pumped to the Wastewater Treatment Facility.

The water system, named Lift Stations, and Wastewater Treatment Facility currently have capacity to serve the intended use.

**Transportation:**

A Traffic Impact Study (TIS) was not required for the Rezoning Application, as the property will be accessed only from South Farm Road 103; the BUILDS Department will coordinate driveway access review during the Building Permitting Process with Greene County Highway Department. Development of the property will require adherence to the City's Transportation Plan and Adopted Transportation Map.

**Floodplain:** The subject parcel **does** contain any areas of Special Flood Hazard Area (Floodplain); development of the property will require compliance with the City's Floodplain Ordinance.

**Sinkholes:** The subject property **does not** contain any identified sinkholes.

**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.**

**AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CODE AND OFFICIAL MAP BY CHANGING THE CLASSIFICATION OF APPROXIMATELY SIX POINT ZERO-TWO (6.02) ACRES, LOCATED AT THE 4100 BLOCK OF SOUTH FARM ROAD 103, FROM LOCAL COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2)**

**WHEREAS**, the City of Republic, Missouri, (“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 certain real property consisting of approximately 6.02 acres located at the 4100 Block of South Farm Road 103, in Republic, Missouri, from Local Commercial (C-1) to General Commercial (C-2) was submitted to the City’s BUILDS Department; and

**WHEREAS**, the City submitted the application to the Planning and Zoning Commission and set a public hearing on the application for March 7, 2022; and

**WHEREAS**, a notice of the time and date of the public hearing on the application was given by publication on February 16, 2022, in the *Greene County Commonwealth*, a newspaper of general circulation in the City, such notice being at least fifteen (15) days before the date set for the public hearing; and

**WHEREAS**, the City gave notice of the public hearing on the application 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**, the public hearing on the application was conducted by the Planning and Zoning Commission on March 7, 2022, at which all interested persons and entities were afforded the opportunity to present evidence or statement on the application, after which the Commission rendered written findings of fact and submitted the same, together with its recommendations, to the Council; and

**WHEREAS**, the Planning and Zoning commission, by a vote of five (5) Ayes to zero (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 for first read at its regular meeting on March 15, 2022, and again submitted for second read at its regular meeting on April 5, 2022, after which the City Council voted 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 to reflect the rezoning of the real property tract located at the 4100 Block of South Farm Road 103 in Republic, Missouri, more fully described in the legal description herein below, from Local Commercial (C-1) to General Commercial (C-2):

COMMENCING AT THE SOUTHEAST CORNER OF THE EAST HALF (E1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ELEVEN (11), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23); THENCE NORTH 30.67 FEET AND WEST 20.35 FEET; THENCE WEST ALONG THE NORTH LINE OF HIGHWAY "H" 644.08 FEET; THENCE NORTH ALONG THE WEST SIDE OF SAID EAST HALF (E1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) 202.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 202.70 FEET; THENCE EAST 644.99 FEET; THENCE SOUTH 202.85 FEET; THENCE WEST 644.54 FEET TO THE TRUE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART DEEDED, TAKEN OR USED FOR ROAD, STREET OR HIGHWAY PURPOSES.

AND,

COMMENCING AT THE SOUTHEAST CORNER OF THE EAST HALF (E1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ELEVEN (11), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23); THENCE NORTH 30.67 FEET AND WEST 20.35 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF HIGHWAY "H" 644.08 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID EAST HALF (E1/2) OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) 202.85 FEET; THENCE EAST 644.54 FEET; THENCE SOUTH 202.85 FEET TO THE TRUE POINT OF BEGINNING, ALL IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART DEEDED, TAKEN OR USED FOR ROAD, STREET OR HIGHWAY PURPOSES.

**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 above are 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

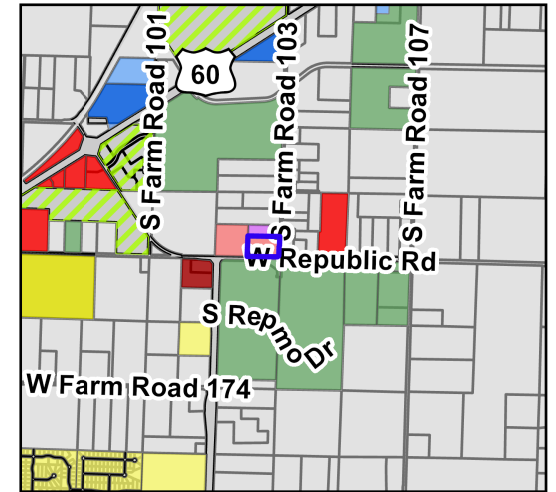
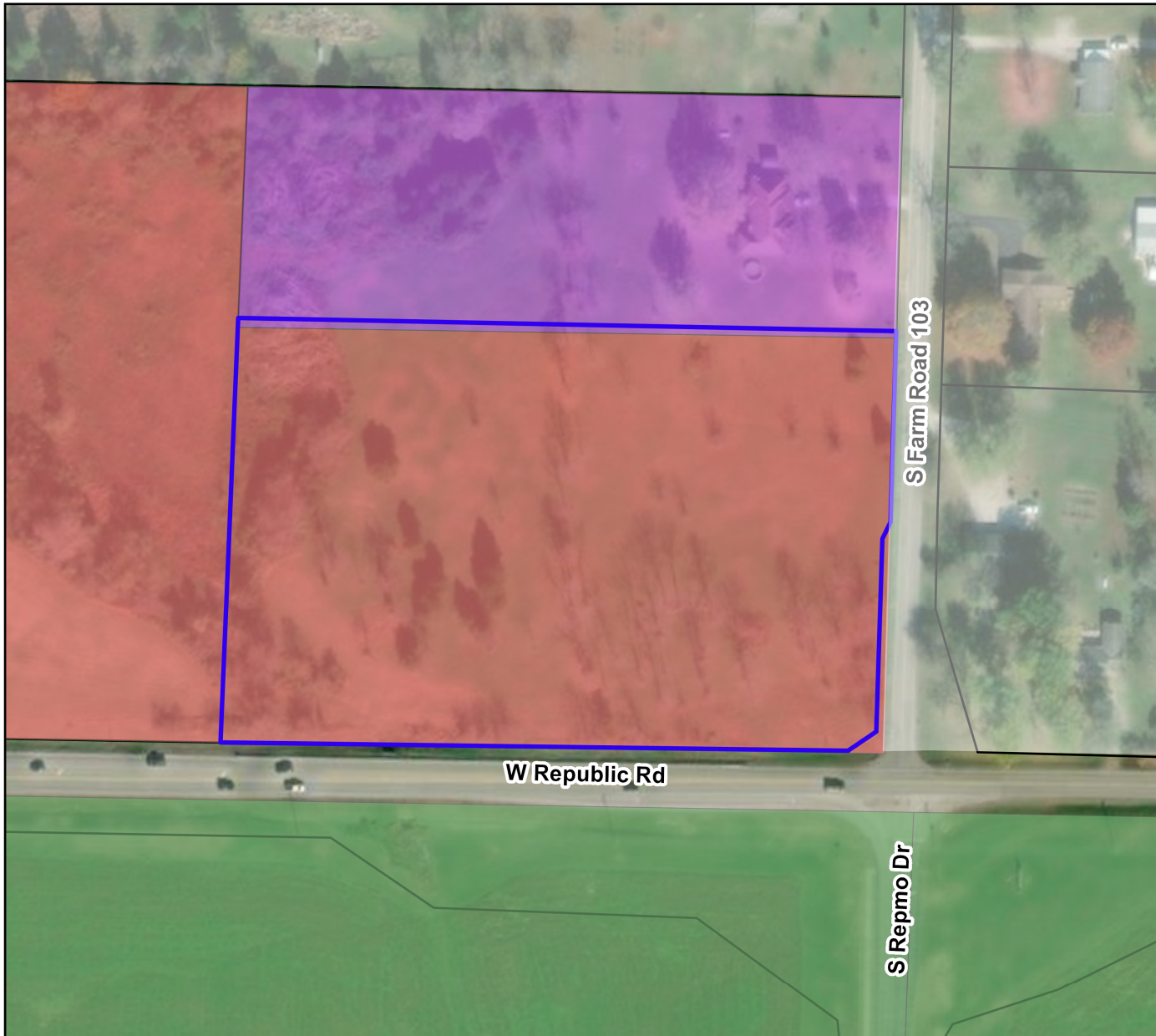
*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney

**Final Passage and Vote:**

# REZN 22-005: 4100 Block S FR 103

Item 8.

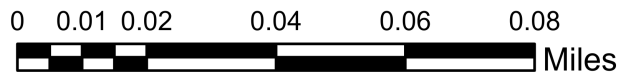
## Zoning Map



### Legend

- Solarplex
- Parcels
- 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

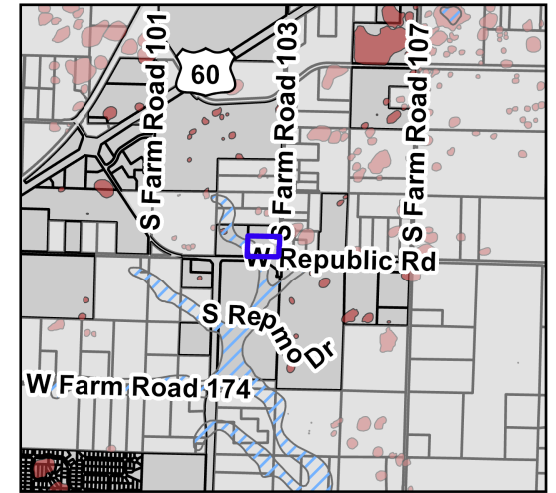
Parcel Owner: Solarplex LLC  
Parcel Address: 4100 Block of South Farm Road 103  
Area: 6.02 Acres  
Existing Zoning: Local Commercial (C-1)  
Requested Zoning: General Commercial (C-2)







# REZN 22-005: 4100 Block S FR 103

Item 8.

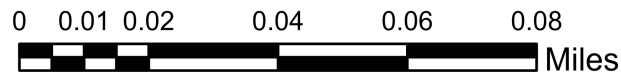
## Vicinity Map



### Legend

-  Solarplex
-  Parcels
-  Sinkhole
-  Floodplain

Parcel Owner: Solarplex LLC  
Parcel Address: 4100 Block of South Farm Road 103  
Area: 6.02 Acres  
Existing Zoning: Local Commercial (C-1)  
Requested Zoning: General Commercial (C-2)



# 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:**

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



Item 8.

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:

C-1 → C2 C1 + R-3 + AG surround  
Capacity is available in sewer + water  
No TIS needed

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:

03/07/2022

Time:

6:00

Type of Application:

Rezoning

Name of Applicant:

Solarplex, South Farm Road 103 (REZN 22-005)

Location:

City Council Chambers

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:

Applicant Present.  
NO opposed.

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

Approval  Denial

Commissioner Name:

John Alexander

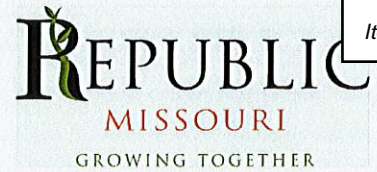
Commissioner Signature:

*[Handwritten Signature]*

Date:

3/7/22

# Findings of Fact



Item 8.

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Rezone

Name of Applicant:

Solarplex, South Farm Road 103 (REZN 22-005)

Location:

City Council Chambers

**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:

Darran Campbell

Commissioner Signature:

*Darran Campbell*

Date:

3-7-22



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-15 An Ordinance of the City Council Amending Title IV, Government Code, Chapter 405 Zoning Regulations, Article 405-I, Sections 405.020 Definitions, 405.150 “C-1” Local Commercial District Regulations, 405.160 “C-2” General Commercial District Regulations, 405.165 “C-3” General Commercial District Regulations, and Article 405-V Height and Area Requirements, Exceptions and Modifications.

Submitted By: Chris Tabor, Principal Planner, BUILDS Department

Date: March 15, 2022

### Issue Statement

Consideration to approve Amendments to Chapter 405 Zoning Regulations

### Discussion and/or Analysis

The City of Republic is requesting Amendments to Chapter 405 Zoning Regulations– specifically to Sections 405.020 Definitions, 405.150 “C-1” Local Commercial District Regulations, 405.160 “C-2” General Commercial District Regulations, 405.165 “C-3” General Commercial District Regulations, and Chapter 405 Article – V Height and Area Requirements, Exceptions and Modifications.

Together these amendments serve two purposes.

1. The permittance of Bars and Taverns in the C-1, C-2, and C-3 zoning districts.
2. General cleanup of the ordinance as necessary to ensure clarity and concision.

#### ***405.020 Definitions***

Adding definition within 405.020: **BAR OR TAVERN** - Any building or structure devoted primarily to the selling, serving or dispensing for consumption of malt, vinous, or other alcoholic beverages in which the incidental selling or serving of food may also occur. This definition includes any building or structure in which the brewing, distilling, or vintning of alcoholic beverages is performed therein, so long as such beverages are sold, served and/or dispensed for retail sale directly to the consumer, and not intended for or put to any wholesale use.

The definition allows for the manufacturing and sale of alcohol for sale on the premises.

#### ***405.150 “C-1” Local Commercial Zoning District Regulations***

Removing text within 405.150.B Uses Permitted: 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.~~

The necessary restrictions on alcohol sales and distribution are present in Chapter 600 Alcoholic Beverages. Regulations regarding alcohol should remain relegated to the single, most appropriate area of the Municipal Code.

**405.160 “C-2” General Commercial District Regulations**

Altering text within 405.160.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~~ take into consideration the adjacency of residential uses ~~restricted~~.

This change is intended to clarify unclear language as well as reflect the application of the district as practiced.

**405.165 “C-3” General Commercial District Regulations**

Adding text within 405.165.B Uses Permitted:

**43. 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.**

**44. Bar or tavern**

**405-V Height And Area Requirements, Exceptions, And Modifications**

Altering references in the chart to ensure that they match up with changes made in a previous amendment.

**Recommended Action**

Staff recommends the approval of the referenced Amendment.

**AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE IV, GOVERNMENT CODE, CHAPTER 405 ZONING REGULATIONS, ARTICLE 405-I, SECTIONS 405.020 DEFINITIONS, 405.150 "C-1" LOCAL COMMERCIAL DISTRICT REGULATIONS, 405.160 "C-2" GENERAL COMMERCIAL DISTRICT REGULATIONS, 405.165 "C-3" GENERAL COMMERCIAL DISTRICT REGULATIONS, AND ARTICLE 405-V HEIGHT AND AREA REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS**

**WHEREAS**, the City of Republic, Missouri ("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 the Municipal Code of the City of Republic, Missouri to enhance clarity, simplify unnecessary complexity and eliminate ambiguity in its language, as well as to meet the evolving demands and/or needs of the City's citizens when such demands and/or needs are warranted and in accord with the City's mission, vision and values, and in the best interests of the City and its citizenship body as a whole; and

**WHEREAS**, the City has identified a need for amendments and additions to Title IV, Government Code, Chapter 405 Zoning Regulations, in order to ensure stricter adherence to the regulations of alcoholic beverages and liquor licensing under applicable Missouri Statutes, and to add a permitting process through which the City may consider for licensure "Bars and Taverns" in the C-1, C-2, and C-3 zoning districts.

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

**Section 1:** TITLE IV, GOVERNMENT CODE, CHAPTER 405 ZONING REGULATIONS, ARTICLE 405-I, Sections 405.020 Definitions, 405.150 "C-1" Local Commercial District Regulations, 405.160 "C-2" General Commercial District Regulations, 405.165 "C-3" General Commercial District Regulations, and ARTICLE 405-V Height and Area Requirements, Exceptions and Modifications, are hereby amended as follows:

**405.20 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.

**BAR OR TAVERN**

Any building or structure devoted primarily to the selling, serving or dispensing for consumption of malt, vinous, or other alcoholic beverages in which the incidental selling or serving of food may also occur. This definition includes any building or structure in which the brewing, distilling, or vintning of alcoholic beverages is performed therein, so long as such beverages are sold, served and/or dispensed for retail sale directly to the consumer, and not intended for or put to any wholesale use.

**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**

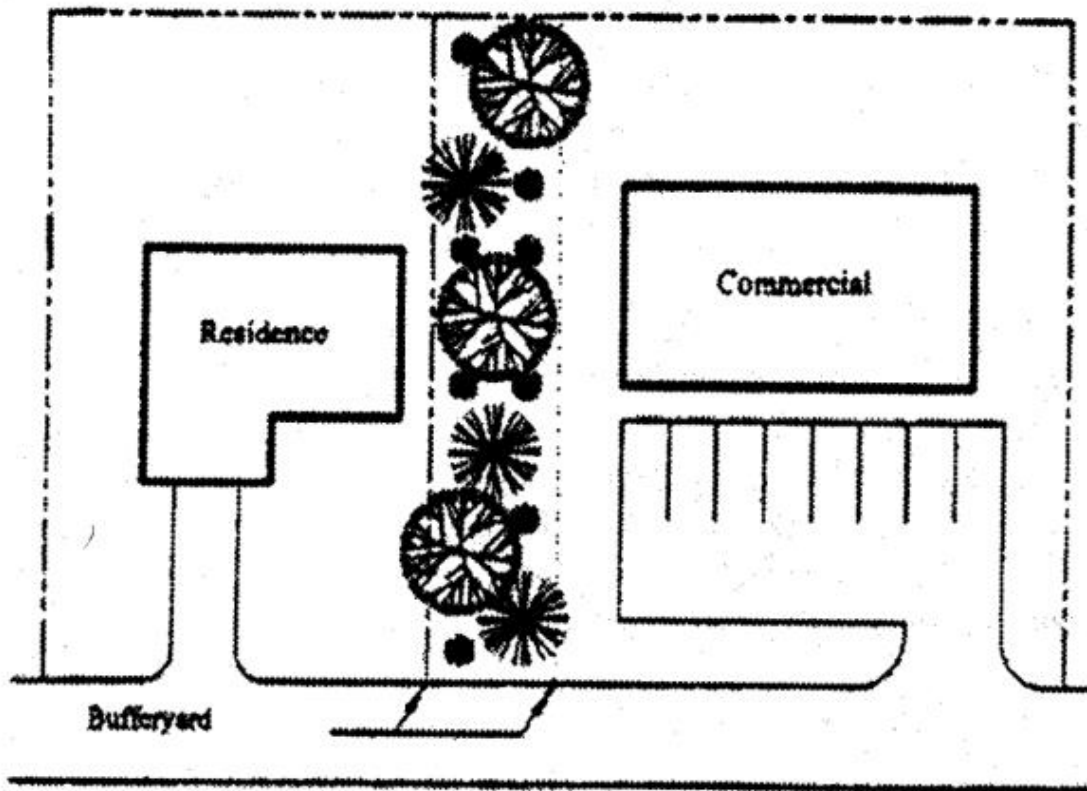
An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**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 and installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or 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**

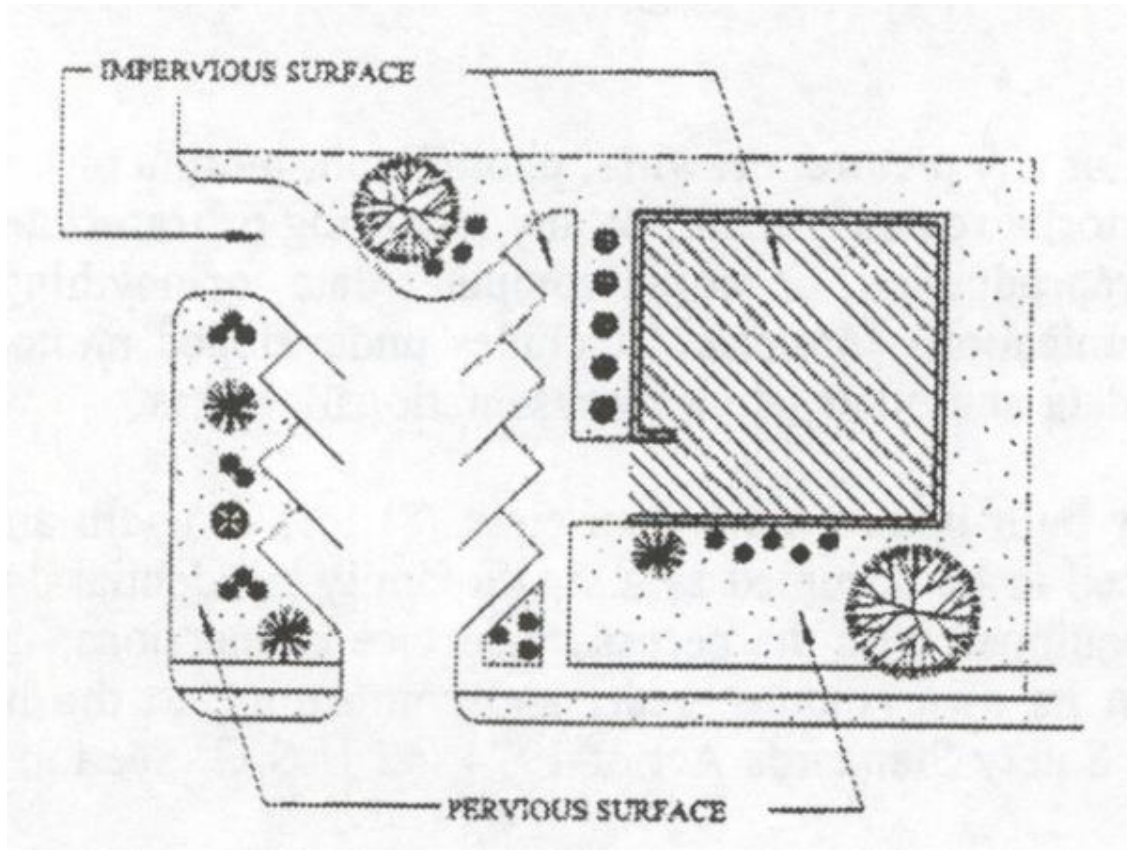
Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member(s) of a family residing on the premises.

**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 six (6) foot greenspace strip which surrounds the entire 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 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.

#### **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.
  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.  
**[Ord. No. 19-28, 12-10-2019]**
  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. No outside cages, kennels, fences, equipment, materials, or accessories to the business shall be stored outside or used 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**.

**405.160 “C-2” General Commercial District Regulations**

- A. *Purpose.* The intent of the "C-2" Commercial District is to permit less restrictive ~~commercial retail~~ and service related business with a compatible location adjacent to similar uses, which ~~are separated from~~ take into consideration the adjacency of residential uses restricted.
- B. *Uses Permitted.*
1. Any use permitted in the "C-1" Commercial District, without restriction as to the 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. Swimming pool sales and displays.
  13. Truck stops including fueling; sales; and service of commercial freight hauling vehicles.
  14. 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.
  15. Radio; cable; television; or other broadcasting studios.
  16. Rental and service of commercial moving vehicles; including trailers, towing equipment, construction and landscaping equipment.
  17. Car wash, quick lube or place of express auto service.
  18. General automotive repair establishments, excluding auto-body and painting establishments.
  19. Hardware and home improvement stores, excluding the outside storage of lumber, block and associated aggregate products.
  20. Farm equipment and supplies, implement sales and service, livestock and animal feed.
  21. Pre-manufactured storage buildings and accessory structures display and sales.
  22. 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**.

**405.165 "C-3" General Commercial District**

- A. *Intent.* The zoning of property as "C-3" is intended to provide for retail and wholesale sales and services with only minor restrictions.
- B. *Uses Permitted.*
  1. Residential building construction.
  2. Heavy and civil engineering construction.
  3. Specialty trade contractors.
  4. Merchant wholesalers, durable goods.
  5. Merchant wholesalers non-durable goods.
  6. Motor vehicle and parts dealers.
  7. Furniture and home furnishings stores.
  8. Electronics and appliance stores.
  9. Building material and garden equipment and supplies dealers.
  10. Food and beverage stores.
  11. Health and personal care stores.
  12. Gasoline stations.
  13. Clothing and clothing accessories stores.
  14. Sporting goods, hobby and music stores.
  15. General merchandise stores.
  16. Miscellaneous store retailers such as florists, office supplies, stationery, gift stores, novelty and souvenir stores, used merchandise stores, pet and pet supplies stores, art dealers, manufactured home dealers, tobacco stores.
  17. Non-store retailers.
  18. Truck transportation.
  19. Transit and ground passenger transportation.
  20. Support activities for transportation.
  21. Postal service.
  22. Couriers and messengers.
  23. Publishing industries.
  24. Motion picture and sound recording industries.
  25. Broadcasting.
  26. Internet publishing and broadcasting.
  27. Telecommunications.
  28. Internet service providers.
  29. Finance and insurance offices.
  30. Real estate, rental and leasing.
  31. Professional, scientific and technical services.
  32. Management of companies and enterprises.
  33. Administrative and support services.
  34. Educational services.
  35. Health care and social assistance.
  36. Arts, entertainment and recreation.
  37. Accommodation and food services.
  38. Repair and maintenance.
  39. Personal and laundry services.

40. Religious, grantmaking, civic, professional and similar organizations.
  41. Executive, legislative and other general government services.
  42. 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. [**Ord. No. 19-28, 12-10-2019**]
  43. 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.
  44. Bar or tavern
- 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**.
- E. *Site Plan Review.* Development in the "C-3" District shall be subject to site plan review requirements and procedures.

**405.540 Height And Area Regulations Established -- Chart**

The required height and area regulations are established and shown on the following chart which is part of Article V.

**CITY OF REPUBLIC HEIGHT AND AREA REGULATIONS CHART [Ord. No. 17-06 § 1, 1-17-2017]**

	AG	R-1L	R-1M	R-1H	R1-MH	R-1Z	R-2	R-3	C-1	C-2	C-3	M-1	M-2
Min. Lot Size	3 acres	12,000 s.f.	9,000 s.f.	7,000 s.f.	6,000 s.f.	5,000 s.f.	10,000 s.f.	2,500 s.f.	--	--	--	--	--
Front Setback	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Rear Setback	25'	25'	25'	25'	25'	25'	25'	15'	15' (BF)	15' (BF)	15' (BF)	15' (CG)	30' (CG)
Side Street Setback at an Intersection of two Collector Class Streets or Greater	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Side Street Setback at an Intersection of Local and Collector Class Streets	20'	20'	20'	20'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Side Street Setback at an Intersection of Local and Local Class Streets.	15'	15'	15'	15'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Interior Side Yard Setback	6'	6'	6'	6'	6'	0 <sup>(A+D)</sup>	6'	15' (BF)	6' (BF)	6' (BF)	6' (BF)	15' (CG)	15' (CG)
Min. Lot Width	100'	100'	80'	70'	60'	45'	85'	70'	--	--	--	--	--
Min. Cul-de-sac Lot Width	60'	80' <sup>(E)</sup>	70' <sup>(E)</sup>	60' <sup>(E)</sup>	40' <sup>(E)</sup>	40' <sup>(E)</sup>	80' <sup>(E)</sup>	60' <sup>(E)</sup>	--	--	--	--	--
Min. Lot Depth	200'	110'	100'	90'	80'	100'	100'	100'	--	--	--	--	--
Max. Lot Coverage	--	--	--	--	--	--	--	80%	90%	90%	90%	90%	90%
Max Density (Lots per	0.33	3.63	4.84	6.22	7.26	8.71	4.36	17.42	--	--	--	--	--

acre)													
Min. Distance Between Structures	--	--	--	--	--	--	--	15'	--	--	--	--	--
Max. Building Height	--	--	--	--	--	--	--	--	(DH)	(DH)	(DH)	(DH)	(DH)

**NOTES:** The coordinating notes (subscript 1-12) concerning this table are contained in Section 405.545: Height and Area Exceptions and Conditions.

**405.545 Height And Area Exceptions And Conditions** [Edit](#)

- A. The dwelling unit shall be placed on one (1) interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet, excluding the connecting elements such as fences, walls and trellises, but including covered porches, patios and storage spaces which are part of the principal structure. Non-zero lot line dwelling units shall comply with the interior side yard setbacks of the appropriate single-family residential district.
- B. The minimum interior side or rear yard setback shall be as established in Section **405.540** unless the premises is located adjacent to a residential zoning district, in which case the minimum rear yard and side yard setback shall each be twenty-five (25) feet.
- C. The minimum interior side or rear yard setback shall be as established in Section **405.540** unless the premises is located adjacent to a residential zoning district, in which case the minimum rear yard and side yard setback shall each be thirty-five (35) feet in a "M-1" District; and fifty (50) feet in a "M-2" District.
- D. No maximum building height unless the structure is adjacent to a single-family residential district, in which case the height of the structure shall remain below a forty-five degree (45°) bulk plane as measured from the boundary of the adjacent residential district.
- E. The minimum lot width on a cul-de-sac shall be measured across the front of the lot at the radius of the twenty-five (25) feet setback.

**405.550 Generally** [Edit](#)

- A. Where a lot of record at the time of the effective date of this ordinance has less area or width than herewith required in the district in which it is located, said lot may nonetheless be used for a single-family dwelling use permitted in the district in which it is located.
- B. Where a use is permitted in a less restrictive district in which the property is zoned, the use shall be subject to the area regulations of similar and appropriate districts. Determination of which shall be based on use and the closest lot size, without exceeding the minimum requirements for that district. When single-family is permitted, the area regulations for the "R1-M" shall apply.
- C. Minimum lot width on a cul-de-sac shall be measured at the building setback as established in Section **405.540**.

**405.560 Height Limitations** [Edit](#)

- A. The height limitations of this Chapter shall not apply to:
  - 1. Church spires.
  - 2. Belfries.
  - 3. Monuments.
  - 4. Water towers.
  - 5. Tanks.
  - 6. Fire towers.

- 7. Stage towers
  - 8. Cooling towers.
  - 9. Ornamental towers and spires below fifty (50) feet in height.
  - 10. Radio and television towers, antennae or aerials below fifty (50) feet in height.
  - 11. Chimneys.
  - 12. Elevator bulkheads.
  - 13. Smoke stacks.
  - 14. Conveyors.
  - 15. Flagpoles.
  - 16. Communication towers shall comply with the regulations set forth in Section **405.170(B)(8)**.
- B. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height limit otherwise provided in the district in which the building is located.
- C. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such district.

EXPLANATION(S) - Matter in underlined type in the above is added language. Matter in strikethrough in the above is deleted.

**Section 2:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

**Section 3:** The WHEREAS clauses above are 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.

**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.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**



*Megan E. McCullough*

Megan McCullough, City Attorney

**Final Passage and Vote:**

## **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.

### **BAR OR TAVERN**

Any building or structure devoted primarily to the selling, serving or dispensing for consumption of malt, vinous, or other alcoholic beverages in which the incidental selling or serving of food may also occur. This definition includes any building or structure in which the brewing, distilling, or vintning of alcoholic beverages is performed therein, so long as such beverages are sold, served and/or dispensed for retail sale directly to the consumer, and not intended for or put to any wholesale use.

### **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**

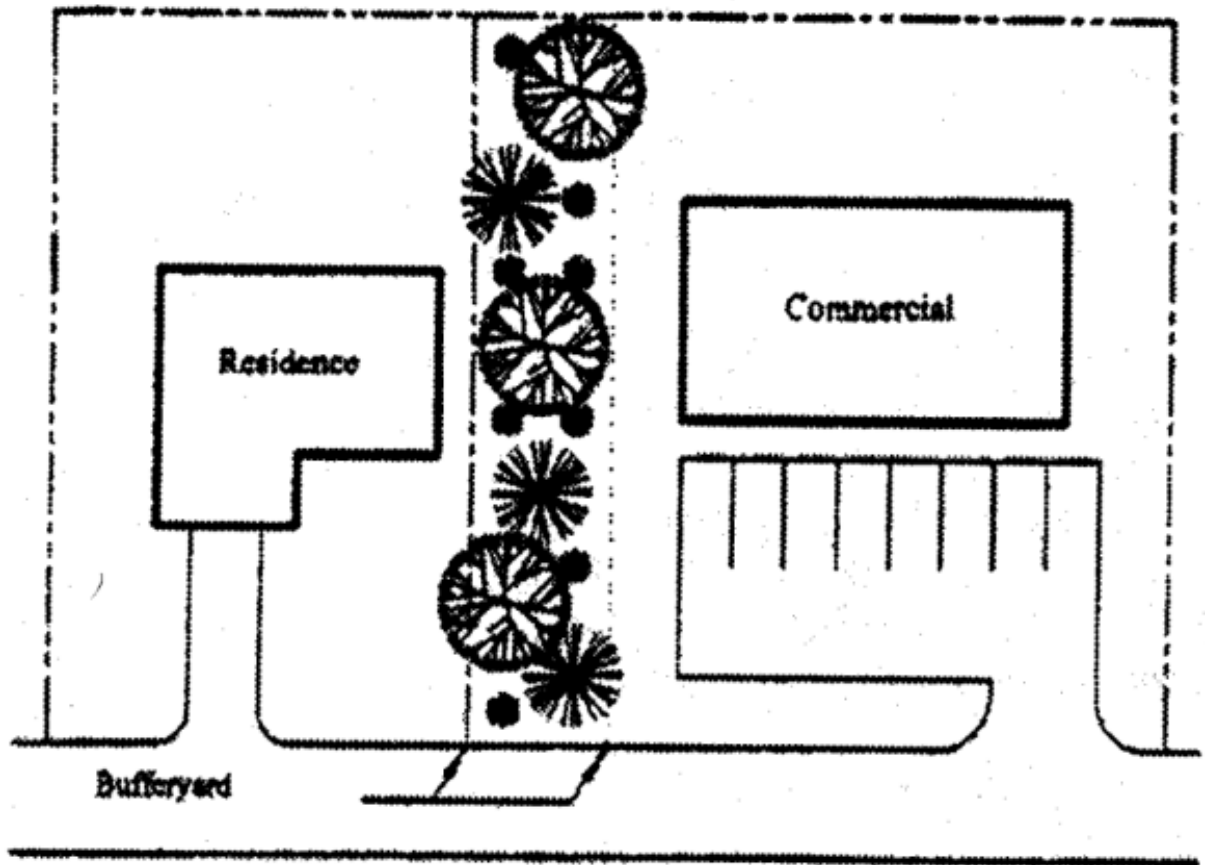
An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

### **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.

[Ord. No. 19-28, 12-10-2019]

**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 and installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or 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**

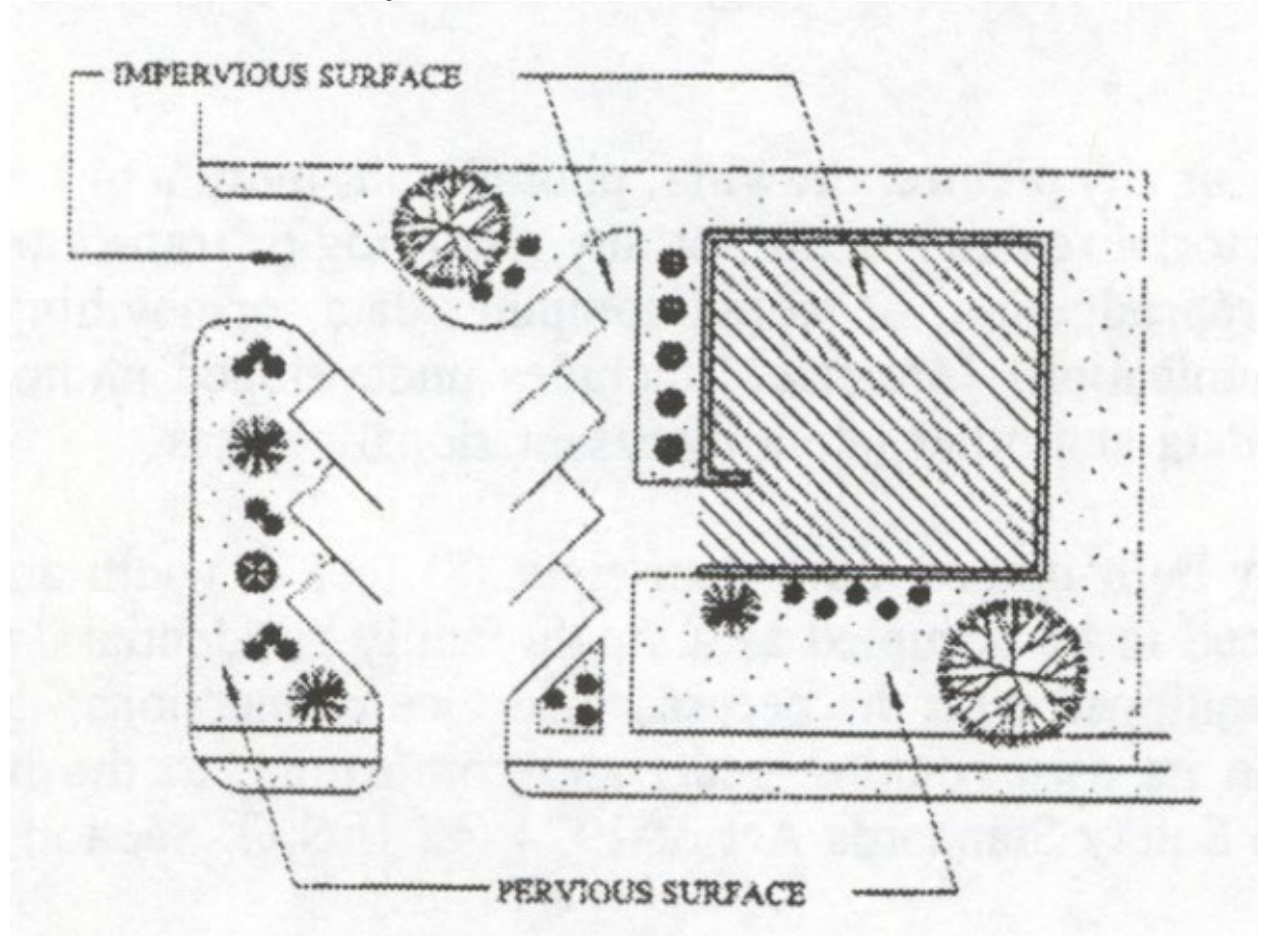
Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building by a member(s) of a family residing on the premises.

**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.

[Ord. No. 19-28, 12-10-2019]

**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.

[Ord. No. 19-28, 12-10-2019]

**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.

**[Ord. No. 19-28, 12-10-2019]**

#### **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.

**[Ord. No. 19-28, 12-10-2019]**

#### **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.

**[Ord. No. 19-28, 12-10-2019]**

#### **MEDICAL MARIJUANA TESTING FACILITY**

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

**[Ord. No. 19-28, 12-10-2019]**

#### **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.

**[Ord. No. 19-28, 12-10-2019]**

#### **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 six (6) foot greenspace strip which surrounds the entire 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 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.

[CC 1999 §§26-2 — 26-3, 26-132; Ord. No. 03-56 §1, 8-25-2003; Ord. No. 03-80 §1, 11-24-2003; Ord. No. 05-82 §1, 10-10-2005; Ord. No. 05-83 §1, 11-14-2005; Ord. No. 05-96 §1, App. A §1, 12-12-2005; Ord. No. 11-20 §1, 8-8-2011; Ord. No. 19-21, 11-5-2019]

### **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.
  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. [Ord. No. 19-28, 12-10-2019]
  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. No outside cages, kennels, fences, equipment, materials, or accessories to the business shall be stored outside or used 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.

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004]



## **405.160 "C-2" General Commercial District Regulations**

- A. *Purpose.* The intent of the "C-2" Commercial District is to permit less restrictive ~~commercial~~ retail and service related business with a compatible location adjacent to similar uses, which ~~are separated from~~ take into consideration the adjacency of residential uses ~~restricted~~.
- B. *Uses Permitted.*
1. Any use permitted in the "C-1" Commercial District, without restriction as to the 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. Swimming pool sales and displays.
  13. Truck stops including fueling; sales; and service of commercial freight hauling vehicles.
  14. 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.
  15. Radio; cable; television; or other broadcasting studios.
  16. Rental and service of commercial moving vehicles; including trailers, towing equipment, construction and landscaping equipment.
  17. Car wash, quick lube or place of express auto service.
  18. General automotive repair establishments, excluding auto-body and painting establishments.
  19. Hardware and home improvement stores, excluding the outside storage of lumber, block and associated aggregate products.
  20. Farm equipment and supplies, implement sales and service, livestock and animal feed.
  21. Pre-manufactured storage buildings and accessory structures display and sales.
  22. 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**.

[CC 1999 §§26-27 — 26-30; Ord. No. 04-19 §1, 3-8-2004]

**405.165 "C-3" General Commercial District**

- A. *Intent.* The zoning of property as "C-3" is intended to provide for retail and wholesale sales and services with only minor restrictions.
- B. *Uses Permitted.*
1. Residential building construction.
  2. Heavy and civil engineering construction.
  3. Specialty trade contractors.
  4. Merchant wholesalers, durable goods.
  5. Merchant wholesalers non-durable goods.
  6. Motor vehicle and parts dealers.
  7. Furniture and home furnishings stores.
  8. Electronics and appliance stores.
  9. Building material and garden equipment and supplies dealers.
  10. Food and beverage stores.
  11. Health and personal care stores.
  12. Gasoline stations.
  13. Clothing and clothing accessories stores.
  14. Sporting goods, hobby and music stores.
  15. General merchandise stores.
  16. Miscellaneous store retailers such as florists, office supplies, stationery, gift stores, novelty and souvenir stores, used merchandise stores, pet and pet supplies stores, art dealers, manufactured home dealers, tobacco stores.
  17. Non-store retailers.
  18. Truck transportation.
  19. Transit and ground passenger transportation.
  20. Support activities for transportation.
  21. Postal service.
  22. Couriers and messengers.
  23. Publishing industries.
  24. Motion picture and sound recording industries.
  25. Broadcasting.
  26. Internet publishing and broadcasting.
  27. Telecommunications.
  28. Internet service providers.
  29. Finance and insurance offices.
  30. Real estate, rental and leasing.
  31. Professional, scientific and technical services.
  32. Management of companies and enterprises.
  33. Administrative and support services.
  34. Educational services.
  35. Health care and social assistance.
  36. Arts, entertainment and recreation.
  37. Accommodation and food services.
  38. Repair and maintenance.
  39. Personal and laundry services.
  40. Religious, grantmaking, civic, professional and similar organizations.
  41. Executive, legislative and other general government services.
  42. 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. [Ord. No. 19-28, 12-10-2019]

43. 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.
  44. Bar or tavern
- 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.
- E. *Site Plan Review.* Development in the "C-3" District shall be subject to site plan review requirements and procedures.

[Ord. No. 06-58 §1, 8-14-2006]

**405.540 Height And Area Regulations Established -- Chart**

The required height and area regulations are established and shown on the following chart which is part of Article V.

**CITY OF REPUBLIC HEIGHT AND AREA REGULATIONS CHART [Ord. No. 17-06 § 1, 1-17-2017]**

	AG	R-1L	R-1M	R-1H	R1-MH	R-1Z	R-2	R-3	C-1	C-2	C-3	M-1	M-2
Min. Lot Size	3 acres	12,000 s.f.	9,000 s.f.	7,000 s.f.	6,000 s.f.	5,000 s.f.	10,000 s.f.	2,500 s.f.	--	--	--	--	--
Front Setback	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Rear Setback	25'	25'	25'	25'	25'	25'	25'	15'	15' (BF)	15' (BF)	15' (BF)	15' (CG)	30' (CG)
Side Street Setback at an Intersection of two Collector Class Streets or Greater	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Side Street Setback at an Intersection of Local and Collector Class Streets	20'	20'	20'	20'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Side Street Setback at an Intersection of Local and Local Class Streets.	15'	15'	15'	15'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Interior Side Yard Setback	6'	6'	6'	6'	6'	0'(A4B)	6'	15' (BF)	6' (BF)	6' (BF)	6' (BF)	15' (CG)	15' (CG)
Min. Lot Width	100'	100'	80'	70'	60'	45'	85'	70'	--	--	--	--	--

Min. Cul-de-sac Lot Width	60'	80' (E)	70' (E)	60' (E)	40' (E)	40' (E)	80' (E)	60' (E)	--	--	--	--	--
Min. Lot Depth	200'	110'	100'	90'	80'	100'	100'	100'	--	--	--	--	--
Max. Lot Coverage	--	--	--	--	--	--	--	80%	90%	90%	90%	90%	90%
Max Density (Lots per acre)	0.33	3.63	4.84	6.22	7.26	8.71	4.36	17.42	--	--	--	--	--
Min. Distance Between Structures	--	--	--	--	--	--	--	15'	--	--	--	--	--
Max. Building Height	--	--	--	--	--	--	--	--	(DH)	(DH)	(DH)	(DH)	(DH)

**NOTES:** The coordinating notes (subscript 1-12) concerning this table are contained in Section 405.545: Height and Area Exceptions and Conditions.

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 04-64 §1, 10-11-2004; Ord. No. 07-38 §1, 5-29-2007; Ord. No. 17-06 § 1, 1-17-2017]

HISTORY  
 Amended by Ord. [21-66](#) on 11/4/2021

**405.545 Height And Area Exceptions And Conditions** [Edit](#)

- A. The dwelling unit shall be placed on one (1) interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of ten (10) feet, excluding the connecting elements such as fences, walls and trellises, but including covered porches, patios and storage spaces which are part of the principal structure. Non-zero lot line dwelling units shall comply with the interior side yard setbacks of the appropriate single-family residential district.
- B. The minimum interior side or rear yard setback shall be as established in Section **405.540** unless the premises is located adjacent to a residential zoning district, in which case the minimum rear yard and side yard setback shall each be twenty-five (25) feet.
- C. The minimum interior side or rear yard setback shall be as established in Section **405.540** unless the premises is located adjacent to a residential zoning district, in which case the minimum rear yard and side yard setback shall each be thirty-five (35) feet in a "M-1" District; and fifty (50) feet in a "M-2" District.
- D. No maximum building height unless the structure is adjacent to a single-family residential district, in which case the height of the structure shall remain below a forty-five degree (45°) bulk plane as measured from the boundary of the adjacent residential district.
- E. The minimum lot width on a cul-de-sac shall be measured across the front of the lot at the radius of the twenty-five (25) feet setback.

[Ord. No. 03-56 §1, 8-25-2003; Ord. No. 04-19 §1, 3-8-2004; Ord. No. 07-38 §1, 5-29-2007]

## HISTORY

Amended by Ord. [21-66](#) on 11/4/2021

**405.550 Generally** [Edit](#)

- A. Where a lot of record at the time of the effective date of this ordinance has less area or width than herewith required in the district in which it is located, said lot may nonetheless be used for a single-family dwelling use permitted in the district in which it is located.
- B. Where a use is permitted in a less restrictive district in which the property is zoned, the use shall be subject to the area regulations of similar and appropriate districts. Determination of which shall be based on use and the closest lot size, without exceeding the minimum requirements for that district. When single-family is permitted, the area regulations for the "R1-M" shall apply.
- C. Minimum lot width on a cul-de-sac shall be measured at the building setback as established in Section **405.540**.

**405.560 Height Limitations** [Edit](#)

- A. The height limitations of this Chapter shall not apply to:
  - 1. Church spires.
  - 2. Belfries.
  - 3. Monuments.
  - 4. Water towers.
  - 5. Tanks.
  - 6. Fire towers.
  - 7. Stage towers
  - 8. Cooling towers.
  - 9. Ornamental towers and spires below fifty (50) feet in height.
  - 10. Radio and television towers, antennae or aerials below fifty (50) feet in height.
  - 11. Chimneys.
  - 12. Elevator bulkheads.
  - 13. Smoke stacks.
  - 14. Conveyors.
  - 15. Flagpoles.
  - 16. Communication towers shall comply with the regulations set forth in Section **405.170(B)(8)**.
- B. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height limit otherwise provided in the district in which the building is located.
- C. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such district.

[CC 1999 §26-44]

# 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:

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



Item 9.

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Code Amendment

Name of Applicant:

Zoning Regulations Amendment (ORD 22-001)

Location:

City Council Chambers

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:

40S.150 => Remain to be included in liquor licensing  
.160 -> Clear up language  
.165 => Not inclusive of C/2 so adding uses  
.020  
  
Reference updates -

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

Approval  Denial

Commissioner Name:

Brian Doubrava

Commissioner Signature:

Date:

3-7-22

# Findings of Fact

Date of Hearing:

03/07/2022

Time:

6:00

Type of Application:

Code Amendment

Name of Applicant:

Zoning Regulations Amendment (ORD 22-001)

Location:

City Council Chambers

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
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- 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:

In favor - Proposed cocktail lounge @ 600 West  
No one against.

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

Approval

Denial

Commissioner Name:

John Alexander

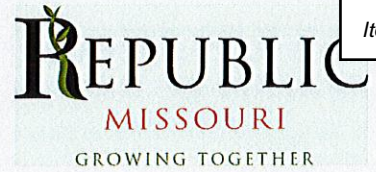
Commissioner Signature:



Date:

3/7/22

# Findings of Fact



Item 9.

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:**

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

Commissioner Name:  Commissioner Signature:  Date:



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-16 An Ordinance of the City Council Amending Title VI, Government Code, Chapter 600, Business and Occupation, Sections 600.010 Definitions, 600.020 License Required – Classes of Licenses, 600.030 License Regulations, 600.040 Schedule of Licenses, 600.050 Application for License and Renewal, 600.060 Minors, and 600.070 Miscellaneous Offenses, and Adding New Section 600.015 Application of Missouri State Statutes.

Submitted By: Chris Tabor, Principal Planner, BUILDS Department

Date: March 15, 2022

### Issue Statement

Consideration to approve Amendments to Chapter 600 Alcoholic Beverages

### Discussion and/or Analysis

The City of Republic is requesting Amendments to Chapter Regulations– specifically to Sections 600.010 Definitions, 600.015 Application of Missouri State Statutes (new section), 600.020 License Required – Classes of Licenses, 600.030 License Regulations, 600.040 Schedule of Licenses, 600.050 Application for License and Renewal, 600.060 Minors, and 600.070 Miscellaneous Offenses.

Together these amendments serve the following purposes.

1. Stricter adherence to the regulations for alcoholic beverages and liquor licensing present in Missouri Statutes.
2. Removal of areas of the ordinance
3. Addition of a permitting process to accommodate liquor catering.
4. General cleanup of the ordinance as necessary to ensure clarity and concision.

### **Important Changes**

#### ***600.020 License Required – Classes of Licenses***

A Liquor Catering permit and process have been created to allow for situations in which a licensed entity wishes to sell or serve alcohol somewhere other than the premises described in their Liquor License. The most obvious application of this permit is for caterers who wish to supply and/or serve alcoholic drinks for an event such as a wedding. Fees for this permit are being included in the Fee Schedule through a separate amendment.

#### ***600.050 Application For License And Renewal***

Separation of distance requirements for licensed locations are brought in line with those of the state of Missouri by lowering the distance threshold from 300 to 100 feet. Also, the reference to “hospital”,



included nowhere else in the language, has been removed.

**Recommended Action**

Staff recommends the **approval** of the referenced Amendment.

**AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE VI, GOVERNMENT CODE, CHAPTER 600, BUSINESS AND OCCUPATION, SECTIONS 600.010 DEFINITIONS, 600.020 LICENSE REQUIRED – CLASSES OF LICENSES, 600.030 LICENSE REGULATIONS, 600.040 SCHEDULE OF LICENSES, 600.050 APPLICATION FOR LICENSE AND RENEWAL, 600.060 MINORS, AND 600.070 MISCELLANEOUS OFFENSES, AND ADDING NEW SECTION 600.015 APPLICATION OF MISSOURI STATE STATUTES**

**WHEREAS**, the City of Republic, Missouri (“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 the Municipal Code of the City of Republic, Missouri to enhance clarity, simplify unnecessary complexity and eliminate ambiguity in its language, as well as to meet the evolving demands and/or needs of the City’s citizens when such demands and/or needs are warranted and in accord with the City’s mission, vision and values, and in the best interests of the City and its citizenship body as a whole; and

**WHEREAS**, the City has identified a need for amendments and additions to Title VI, Government Code, Chapter 600, in order to ensure stricter adherence to the regulations of alcoholic beverages and liquor licensing under applicable Missouri Statutes and to add a permitting process through which the City may accommodate liquor catering within City limits in accord with applicable law and regulations.

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

**Section 1:** Title VI, Government Code, Chapter 600, Business and Occupation, is hereby amended by amending Sections 600.010 Definitions, 600.020 License Required – Classes of Licenses, 600.030 License Regulations, 600.040 Schedule of Licenses, 600.050 Application for License and Renewal, 600.060 Minors, and 600.070 Miscellaneous Offenses, and adding new Section 600.015 Application of Missouri State Statutes, as follows:

**600.010 Definitions**

When used in this Chapter, the following words shall have the following meanings:

**BUSINESS** As defined in Code Section **605.005**.

**CLOSED PLACE** A place where all doors are locked and where no patrons are in the place or about the premises.

**INTOXICATING LIQUOR** Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

**LIGHT WINES** Intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

**LIQUOR MANUFACTURER** A business engaged in the production of intoxicating liquor as defined in this Chapter.

**MALT LIQUOR** An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

**MICROBREWERY** A business whose activity is the brewing and selling of beer, with an annual production

of 10,000 barrels or less.

**ORIGINAL PACKAGE** Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "*Original package*" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

**PERSON** An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

**PROXIMITY** The distance separating a business or entity licensed to sell intoxicating liquor and any adjacent or nearby property, premises, parcel, or land use, as determined by and through the following methods:

- A. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in question through the most direct possible route.
- B. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use.
- C. In circumstances where neither of the above methods apply the determination of proximity shall be made by the BUILDS Department Administrator or their designee.

**RESORT** Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

**RESTAURANT BAR** Any establishment having at least forty (40) rooms for overnight accommodations of transient guests or any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

**SALE BY THE DRINK** Sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

**WINE** A vinous liquor produced by fermentation of juices of grapes, berries or other fruits or a preparation of certain vegetables by fermentation and containing alcohol not in excess of twenty-two percent (22%) by volume.

**WINE OR BRANDY MANUFACTURER** A business whose activity is the production of wine or brandy.

**600.015 Application of Missouri State Statutes**

Chapter 311 of the Revised Statutes of Missouri applies with respect to the licensing, purchasing, consumption, enforcement, penalties, and all other aspects relating to the control of alcoholic beverages.

**600.020 License Required -- Classes Of Licenses**

- A. No person shall manufacture, brew, sell or offer for sale intoxicating liquor in the City of Republic without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein. No license shall be required if the manufacture is for personal use as allowed by Section 311.055, RSMo.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell or manufacture intoxicating liquor:
1. *Package liquor — malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
  2. *Package liquor — all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  3. *Liquor by the drink — malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  4. *Liquor by the drink — all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection **(B)(2)** of this Section.
  5. *Common eating and drinking areas:* Sales of intoxicating liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
  6. *Liquor by the drink — resort:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any resort or qualified restaurant.
  7. *Wine or brandy manufacturer:* A producer of wine or brandy through a manufacturing process.
  8. *Microbrewery license:* A producer of beer, with an annual production of 10,000 barrels or less.
  9. *Liquor manufacturer:* A producer of intoxicating liquor not otherwise licensed under this Chapter.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor — all kinds:* Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.
  2. *Liquor by the drink — restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
  3. *Liquor by the drink — amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
  4. *Liquor by the drink — place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
  5. *Liquor by the drink — common eating and drinking area:* Sales of liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
- D. *Permits.*
1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section **600.030(C)** below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
  2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections **(B)(3)** and **(C)** of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.



3. Liquor Catering permit. Any person wishing to exercise the sale of liquor by the drink for an event held somewhere other than the location described within the Applicant's current and valid liquor license may apply for a Liquor Catering permit. Said permit may be issued for no more than a period of 72 consecutive hours. An application for a Liquor Catering permit must meet the following requirements:
  - a. Materials required for Liquor Catering permit must be presented at the time of application:
    1. Signed letter from the entity requesting the permit.
    2. Copy of related State Liquor license.
    3. Signed letter of permission from the owner of the location or premise where the service of alcohol will be conducted.
    4. Statement of intended dates for permit.
  4. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate jurisdictions - City, County, and State.
  5. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate categories of intended sale.

### 600.030 License Regulations

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. *Newly-Opened Restaurant Bars Or Amusement Places.*
  1. ~~Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~
  2. ~~Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~
  3. Any new ~~resort/restaurant~~ restaurant establishment having been in operation for less than ninety (90) days and having received a temporary license in accordance with the state of Missouri's rules and regulations may be issued a temporary license, for a period not to exceed ninety (90) days, to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 A.M. and 1:30 A.M. on weekdays and between the hours of 6:00 A.M. on Saturdays until 1:30 A.M. on Sundays. No intoxicating liquor may be sold on Sundays except in accordance with the provisions of Section **600.020(C)** of this Code of Ordinances, and except in accordance with the provisions of Subsection (B)(1) hereof. ~~No such temporary license shall be issued except for an establishment having at least thirty (30) rooms for the~~

~~overnight accommodation of transient guests, having a restaurant or similar facility on the premises, at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food; or which is a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant can show a projection of annual gross receipts of not less than seventy-five thousand dollars (\$75,000.00) per year, with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales; or which is a seasonal resort restaurant as defined and with food sales as established in Subsection (2) of Section 311.095, RSMo.~~

C. *Temporary Permit For Sale By Drink — Certain Organizations.*

1. The BUILDS Department Administrator or their designee may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 9:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity ~~except as outlined in Chapter 311 RSMo, between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.~~
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the BUILDS Department Administrator or their designee may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the BUILDS Department Administrator or their Designee, upon being requested, shall permit the remaining partner or partners originally licensed, to

continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the ~~Council~~BUILDS Department Administrator or their Designee. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

~~F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.~~

~~G. *Certain Persons May Not Be Supplied Intoxicating Liquors.*~~

1. ~~No licensee or his employee shall sell or supply intoxicating liquor, or permit the same to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty one (21) years, but this shall not apply to the supplying of intoxicating liquor to a person under said age for medicinal purposes only or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person under the age of twenty one (21) years shall sell, or assist in the sale or dispensing of intoxicating liquor except as may be authorized under Section 311.300, RSMo.~~

2. ~~These provisions shall not apply to premises where substantial quantity of foods are served, premises used primarily as a bowling alley or premises with licenses prescribed in Section 311.480, RSMo. For the purpose of this paragraph, "substantial quantities of food" shall mean the amount of prepared meals and food wherefrom at least fifty percent (50%) of the gross income of any establishment has been derived during the three (3) most recent months preceding. Persons under the age of twenty one (21) are restricted from entering premises selling intoxicating liquors, etc., except that a person age sixteen (16) through twenty (20) years may be on said premises if accompanied by a legal guardian, parent or spouse over the age of twenty one (21) years. It shall be unlawful for any licensee holding a sales by drink license for intoxicating liquor or beer, or his employee, agent or servant, to either directly or indirectly suffer or allow a person under the age of twenty one (21) years to enter the premises of said licensee, except that a person age sixteen (16) through twenty (20) years may be on said premises if accompanied by a legal guardian, parent or spouse over the age of twenty one (21) years.~~

~~H. *Prohibiting The Use Of Alcoholic Beverages And Drugs By Any Minor At Open House Parties.*~~

1. ~~No person who is the owner in possession, a tenant or subtenant, or has temporary charge of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drug is possessed or consumed at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage or drug was in the possession of or being consumed by a minor at the residence or premises and where the person failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at the residence or premises. The provisions of this Section shall not apply to:
 
  - a. ~~The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for each drug.~~
  - b. ~~Religious observance or prescribed medical treatments.~~~~

- ~~e. The possession by a minor of alcoholic beverages or lawfully prescribed drugs incidental to the lawful employment of such minor.~~
- ~~2. The following definitions shall be used for the provisions of this Section:~~

**ADULT**

~~Person seventeen (17) years of age or older.~~

**ALCOHOLIC BEVERAGE**

~~Any alcoholic liquor as defined now and hereafter by the Revised Statutes of Missouri (RSMo). Currently, "alcoholic liquor" is defined by Section 311.020, RSMo.~~

**CONTROL**

~~Any form of authority, regulation, responsibility or dominion, including a possessory right.~~

**DRUG**

~~A controlled substance as defined and described now or hereafter by the Revised States of Missouri. Currently "controlled substances" are defined and described by Sections 195.005 — 195.425, RSMo.~~

**MINOR**

~~A person not legally permitted by reason of age to possess, consume or purchase alcoholic liquor as described now or hereafter by the Revised Statutes of Missouri.~~

**OPEN HOUSE PARTY**

~~A social gathering at a residence or premises of persons in addition to the owner or those with rights of possession or their immediate family members at which one (1) or more minors are present.~~

**RESIDENCE OR PREMISES**

~~A motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of a dwelling unit, or a hall, meeting room or other place of assembly, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.~~

**600.040 Schedule Of License Fees**

- A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee as provided for in the fee schedule found in Section 805.030.
1. *General licenses.*
    - a. Malt liquor.
    - b. Intoxicating liquor (all kinds).
    - c. Malt liquor and light wines.
    - d. Intoxicating liquor (all kinds).
    - e. Common eating and drinking places.
    - f. Wine and brandy manufacturer.
    - g. Microbrewery.
    - h. Liquor manufacturer not otherwise licensed under this Chapter.
    - i. NOTE: Not to exceed Statutory fee limits per Sections 311.180, 311.190 and 311.195, RSMo.
  2. *Sunday sales.* (Additional fees)
    - a. Intoxicating liquor.
    - b. Restaurant bars.
    - c. Amusement places.
    - d. Common eating and drinking places.
    - e. Liquor by the drink — charitable organizations.
  3. *Permits.*

- a. Temporary permit — by the drink for certain organizations (7 days max.).
  - b. Tasting permit.
  - c. Liquor Catering permit
4. Temporary licenses.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

**600.50 Application For License And Renewal**

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the BUILDS Department Administrator or their designee on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The BUILDS Department Administrator or their designee may request such additional information as deemed necessary or appropriate in determining whether or not an application should be granted or denied.
- C. *Review Of Application.* Upon the submission of an application to the City, the BUILDS Department Administrator or their designee shall review the application and all documents filed therewith and approve or deny the application in accordance with the following:
  1. License applications shall be reviewed with respect to their proximity to particular established uses at the time of application to ensure that a separation of at least 100 feet exists between any business licensed to sell intoxicating liquor and any previously established school, church, or building regularly used as a place of worship.
    - a. Proximity shall be determined through the following methods:
      - i. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in question through the most direct possible route.
      - ii. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use.
      - iii. In circumstances where neither of the above methods apply the determination of proximity shall be made by the BUILDS Department Administrator or their designee.
    - b. If a license applicant obtains the consent, in writing, of the Board of Directors of the school, or the consent, in writing, of the majority of the Managing Board of the church or place of worship then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.

- c. If the subject location of an application had previously been issued a license which was valid within one (1) year immediately preceding the application for a new license, then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.
- ~~2. No license shall be granted for the sale of intoxicating liquor within three hundred (300) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent, in writing, of the Board of Directors of the school or hospital, or the consent, in writing, of the majority of the Managing Board of the church or place of worship, except that when a school, church or place of worship shall hereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for lack of consent in writing as herein provided. The three hundred (300) feet distance provided for in this Section shall be measured from the center threshold of the main public entrances of such premises by the most direct walking route. No license shall be denied under this Section if a valid license to sell intoxicating beverages had been issued for the same location or address within one (1) year immediately preceding the application for a new license to be issued for the same location.~~
3. The BUILDS Department Administrator or their designee shall not approve the issuance of a license if in the opinion of the issuer extraordinary or unusual circumstances exist which would result in detrimental harm to the surrounding community. In such a circumstance, the matter shall be referred to the City Council for its determination.
4. The BUILDS Department Administrator or their designee shall approve the application and issue a license if after said application is reviewed it is found that:
- The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;
  - No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
  - The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
  - The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter;
  - The provisions of Subdivisions (1) or (2) of this Subsection do not apply.
- D. Upon approval of any application for a license the BUILDS Department Administrator or their designee shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. The BUILDS Department Administrator or their designee shall review such renewal applications in accordance with the provisions of this Chapter and all other ordinances of the City which may affect any such renewal application. Upon being satisfied that the renewal application is proper and in order and upon payment of the appropriate license fee, the BUILDS Department Administrator or their designee shall renew the license.

#### 600.060 Minors

- ~~A. Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.~~
- ~~1. Except as otherwise provided in this Section, no person under the age of twenty one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.~~
  - ~~2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or~~

~~scanner connected to a cash register, accept payment for, and sack for carry out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty one (21) years. Any licensee who employs any person under the age of twenty one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty one (21) years of age or older on the licensed premises during all hours of operation.~~

3. ~~Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty one (21) years of age to mix or serve across the bar, intoxicating beverages.~~

~~B. *Sales To Minor — Exceptions.* No licensee, his/her employee, or any other person, shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty one (21) years for medical purposes only, or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.~~

~~C. *Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*~~

1. ~~No person under the age of twenty one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty one (21) years, except in cases authorized by law.~~

2. ~~In addition to Subsection (C)(1) of this Section, no person under the age of twenty one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.~~

~~D. *Minors In Possession Of Intoxicating Liquor.* Any person under the age of twenty one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is in violation of this Section. For purposes of prosecution under this Section, a manufacturer sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.~~

### **600.070 Miscellaneous Offenses**

~~A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.~~

~~B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.~~

~~C. *Unlawful To Sell Unlabeled Liquor — Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the~~

~~Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.~~

- ~~D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises.~~
- ~~E. A. *Off-Premises Consumption.*~~
- ~~1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.~~
  - ~~2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor in any unsealed glass, bottle, can or other open container of any type.~~
  - ~~3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".~~
- ~~F. B. *Drinking In Public Places Prohibited.*~~
- ~~1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.~~
  - ~~2. No person shall drink or ingest any intoxicating liquor in or on any public place.~~
  - ~~3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.~~
  - ~~4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.~~
- ~~G. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.~~
- ~~H. *Window Displays.* Licensees shall not place or permit the placing of any object on or within the windows of premises covered by licenses which shall impede or obstruct vision from the exterior into the interior. This prohibition shall include illuminated signs, floral decorations, posters, placards, paintings or writings and all other similar devices or designs. In case venetian blinds are used in windows, slats shall be removed entirely across the blind so as to make a visible space beginning at four (4) feet from the sidewalk, and extending six (6) feet above the sidewalk, if the venetian blinds are kept closed. If the venetian blinds are kept open, it shall not be necessary to remove slats provided the slats at all times shall be adjusted horizontally so that the flat surfaces of the seats are parallel with the floor of the licensed premises. If curtains are used, they must be drawn apart so as to permit a clear view into the interior of the premises.~~
- ~~I. *Notice To Police By Retail Licensee Of Certain Conditions.* Each retail licensee under this Chapter or an employee of the licensee shall notify the Police Department of all conditions which would make the licensed premises not be an orderly place or house that they are unable to immediately cause to cease, and shall also notify immediately the Police Department of the occurrence of any assault or any other act of violence upon their premises.~~

EXPLANATION(S) - Matter in underlined type in the above is added language. Matter in strikethrough in the above is deleted.

**Section 2:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.



**Section 3:** The WHEREAS clauses above are 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.

**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.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney

**600.010 Definitions**

When used in this Chapter, the following words shall have the following meanings:

**BUSINESS** As defined in Code Section 605.005.

[Ord. No. 16-06 §1, 3-14-2016]

**CLOSED PLACE** A place where all doors are locked and where no patrons are in the place or about the premises.

**INTOXICATING LIQUOR** Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

**LIGHT WINES** Intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

**LIQUOR MANUFACTURER** A business engaged in the production of intoxicating liquor as defined in this Chapter.

[Ord. No. 16-06 §1, 3-14-2016]

**MALT LIQUOR** An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight, manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water.

**MICROBREWERY** A business whose activity is the brewing and selling of beer, with an annual production of 10,000 barrels or less.

[Ord. No. 16-06 §1, 3-14-2016]

**ORIGINAL PACKAGE** Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor, where the package and/or container(s) describes the contents thereof as intoxicating liquor. "Original package" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

**PERSON** An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

**PROXIMITY** The distance separating a business or entity licensed to sell intoxicating liquor and any adjacent or nearby property, premises, parcel, or land use, as determined by and through the following methods:

- A. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in question through the most direct possible route.
- B. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use.
- C. In circumstances where neither of the above methods apply the determination of proximity shall be made by the BUILDS Department Administrator or their designee.

**RESORT** Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the

premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

**RESTAURANT BAR** Any establishment having at least forty (40) rooms for overnight accommodations of transient guests or any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

**SALE BY THE DRINK** Sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

**WINE** A vinous liquor produced by fermentation of juices of grapes, berries or other fruits or a preparation of certain vegetables by fermentation and containing alcohol not in excess of twenty-two percent (22%) by volume.

[Ord. No. 16-06 §1, 3-14-2016]

**WINE OR BRANDY MANUFACTURER** A business whose activity is the production of wine or brandy.

[Ord. No. 16-06 §1, 3-14-2016]

[Ord. No. 03-62 §1, 9-8-2003; Ord. No. 09-40 §1, 11-23-2009]

### 600.015 Application of Missouri State Statutes

Chapter 311 of the Revised Statutes of Missouri applies with respect to the licensing, purchasing, consumption, enforcement, penalties, and all other aspects relating to the control of alcoholic beverages.

### 600.020 License Required -- Classes Of Licenses

- A. No person shall manufacture, brew, sell or offer for sale intoxicating liquor in the City of Republic without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein. No license shall be required if the manufacture is for personal use as allowed by Section 311.055, RSMo.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell or manufacture intoxicating liquor: [Ord. No. 16-06 §1, 3-14-2016]
  1. *Package liquor — malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
  2. *Package liquor — all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  3. *Liquor by the drink — malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection **(B)(1)** of this Section.
  4. *Liquor by the drink — all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection **(B)(2)** of this Section.
  5. *Common eating and drinking areas:* Sales of intoxicating liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
  6. *Liquor by the drink — resort:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any resort or qualified restaurant.

7. *Wine or brandy manufacturer*: A producer of wine or brandy through a manufacturing process.
  8. *Microbrewery license*: A producer of beer, with an annual production of 10,000 barrels or less.
  9. *Liquor manufacturer*: A producer of intoxicating liquor not otherwise licensed under this Chapter.
- C. *Sunday Sales*. Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor — all kinds*: Sales of liquor of all kinds in the original package at retail, not for consumption on the premises where sold.
  2. *Liquor by the drink — restaurant bar*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
  3. *Liquor by the drink — amusement place*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
  4. *Liquor by the drink — place of entertainment*: Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.
  5. *Liquor by the drink — common eating and drinking area*: Sales of liquor of all kinds by the drink at retail not for consumption on the premises where sold but for consumption in a common eating or drinking area.
- D. *Permits*.
1. *Temporary permit for sale by drink*. Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section **600.030(C)** below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
  2. *Tasting permit*. Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections **(B)(3)** and **(C)** of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.
  3. *Liquor Catering permit*. Any person wishing to exercise the sale of liquor by the drink for an event held somewhere other than the location described within the Applicant's current and valid liquor license may apply for a Liquor Catering permit. Said permit may be issued for no more than a period of 72 consecutive hours. An application for a Liquor Catering permit must meet the following requirements:
    - a. Materials required for Liquor Catering permit must be presented at the time of application:
      1. Signed letter from the entity requesting the permit.
      2. Copy of related State Liquor license.
      3. Signed letter of permission from the owner of the location or premise where the service of alcohol will be conducted.
      4. Statement of intended dates for permit.
    4. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate jurisdictions - City, County, and State.
    5. A current and valid license for the sale of Liquor by the drink must be held by the Applicant for all appropriate categories of intended sale.

[Ord. No. 03-63 §§1 — 2, 9-8-2003; Ord. No. 09-40 §1, 11-23-2009]

### **600.030 License Regulations**

- A. *Package Sales, Limitations*. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor

shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

B. *Newly-Opened Restaurant Bars Or Amusement Places.*

1. ~~Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~
2. ~~Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.~~
3. Any new resort/restaurant establishment having been in operation for less than ninety (90) days and having received a temporary license in accordance with the state of Missouri's rules and regulations may be issued a temporary license, for a period not to exceed ninety (90) days, to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 6:00 A.M. and 1:30 A.M. on weekdays and between the hours of 6:00 A.M. on Saturdays until 1:30 A.M. on Sundays. No intoxicating liquor may be sold on Sundays except in accordance with the provisions of Section **600.020(C)** of this Code of Ordinances, ~~and except in accordance with the provisions of Subsection (B)(1) hereof. No such temporary license shall be issued except for an establishment having at least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises, at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food; or which is a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant can show a projection of annual gross receipts of not less than seventy five thousand dollars (\$75,000.00) per year, with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non alcoholic sales; or which is a seasonal resort restaurant as defined and with food sales as established in Subsection (2) of Section 311.095, RSMo.~~

C. *Temporary Permit For Sale By Drink — Certain Organizations.*

1. The BUILDS Department Administrator or their designee may issue a permit for the sale of intoxicating liquor for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 9:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No licensee or any employee of such licensee shall sell, give away or otherwise dispose of, or allow the same to be done, on or about the premises, any intoxicating liquor in any quantity ~~except as outlined in Chapter 311 RSMo, between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor by the drink shall keep a closed place during the aforementioned prohibited times.~~
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the BUILDS Department Administrator or their designee may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the BUILDS Department Administrator or their Designee, upon being requested, shall permit the remaining partner or partners originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the ~~Council~~ BUILDS Department Administrator or their Designee. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

~~F.—Druggists May Sell And Physicians Prescribe Liquor. Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package, but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time, or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.~~

~~G.—Certain Persons May Not Be Supplied Intoxicating Liquors.~~

1. ~~No licensee or his employee shall sell or supply intoxicating liquor, or permit the same to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor. Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty one (21) years, but this shall not apply to the supplying of intoxicating liquor to a person under said age for medicinal purposes only or to the administering of such intoxicating liquor to any person by a duly licensed physician. No~~

~~person under the age of twenty one (21) years shall sell, or assist in the sale or dispensing of intoxicating liquor except as may be authorized under Section 311.300, RSMo.~~

- ~~2.—These provisions shall not apply to premises where substantial quantity of foods are served, premises used primarily as a bowling alley or premises with licenses prescribed in Section 311.480, RSMo. For the purpose of this paragraph, "substantial quantities of food" shall mean the amount of prepared meals and food wherefrom at least fifty percent (50%) of the gross income of any establishment has been derived during the three (3) most recent months preceding. Persons under the age of twenty one (21) are restricted from entering premises selling intoxicating liquors, etc., except that a person age sixteen (16) through twenty (20) years may be on said premises if accompanied by a legal guardian, parent or spouse over the age of twenty one (21) years. It shall be unlawful for any licensee holding a sales by drink license for intoxicating liquor or beer, or his employee, agent or servant, to either directly or indirectly suffer or allow a person under the age of twenty one (21) years to enter the premises of said licensee, except that a person age sixteen (16) through twenty (20) years may be on said premises if accompanied by a legal guardian, parent or spouse over the age of twenty one (21) years.~~

~~H.—Prohibiting The Use Of Alcoholic Beverages And Drugs By Any Minor At Open House Parties.~~

- ~~1.—No person who is the owner in possession, a tenant or subtenant, or has temporary charge of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drug is possessed or consumed at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage or drug was in the possession of or being consumed by a minor at the residence or premises and where the person failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at the residence or premises. The provisions of this Section shall not apply to:~~
- ~~a.—The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for each drug.~~
  - ~~b.—Religious observance or prescribed medical treatments.~~
  - ~~c.—The possession by a minor of alcoholic beverages or lawfully prescribed drugs incidental to the lawful employment of such minor.~~
- ~~2.—The following definitions shall be used for the provisions of this Section:~~

~~**ADULT**~~

~~Person seventeen (17) years of age or older.~~

~~**ALCOHOLIC BEVERAGE**~~

~~Any alcoholic liquor as defined now and hereafter by the Revised Statutes of Missouri (RSMo). Currently, "alcoholic liquor" is defined by Section 311.020, RSMo.~~

~~**CONTROL**~~

~~Any form of authority, regulation, responsibility or dominion, including a possessory right.~~

~~**DRUG**~~

~~A controlled substance as defined and described now or hereafter by the Revised States of Missouri. Currently "controlled substances" are defined and described by Sections 195.005—195.425, RSMo.~~

~~**MINOR**~~

~~A person not legally permitted by reason of age to possess, consume or purchase alcoholic liquor as described now or hereafter by the Revised Statutes of Missouri.~~

~~**OPEN HOUSE PARTY**~~

~~A social gathering at a residence or premises of persons in addition to the owner or those with rights of possession or their immediate family members at which one (1) or more minors are present.~~

**RESIDENCE OR PREMISES**

~~A motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of a dwelling unit, or a hall, meeting room or other place of assembly, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.~~

[Ord. No. 03-64 §§1 — 4, 9-8-2003; Ord. No. 09-40 §1, 11-23-2009]

## HISTORY

Amended by Ord. [21-67](#) on 11/4/2021

**600.040 Schedule Of License Fees**

- A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee as provided for in the fee schedule found in Section 805.030.
1. *General licenses.*
    - a. Malt liquor.
    - b. Intoxicating liquor (all kinds).
    - c. Malt liquor and light wines.
    - d. Intoxicating liquor (all kinds).
    - e. Common eating and drinking places.
    - f. Wine and brandy manufacturer. [Ord. No. 16-06 §1, 3-14-2016]
    - g. Microbrewery. [Ord. No. 16-06 §1, 3-14-2016]
    - h. Liquor manufacturer not otherwise licensed under this Chapter. [Ord. No. 16-06 §1, 3-14-2016]
    - i. NOTE: Not to exceed Statutory fee limits per Sections 311.180, 311.190 and 311.195, RSMo. [Ord. No. 16-06 §1, 3-14-2016]
  2. *Sunday sales.* (Additional fees)
    - a. Intoxicating liquor.
    - b. Restaurant bars.
    - c. Amusement places.
    - d. Common eating and drinking places.
    - e. Liquor by the drink — charitable organizations.
  3. *Permits.*
    - a. Temporary permit — by the drink for certain organizations (7 days max.).
    - b. Tasting permit.
    - c. Liquor Catering permit
  4. Temporary licenses.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

[Ord. No. 09-40 §1, 11-23-2009]

## HISTORY

Amended by Ord. [20-53](#) on 12/8/2020

**600.50 Application For License And Renewal**

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the BUILDS Department Administrator or their designee, on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or



dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business, and if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The BUILDS Department Administrator or their designee may request such additional information as deemed necessary or appropriate in determining whether or not an application should be granted or denied.

C. *Review Of Application.* Upon the submission of an application to the City, the BUILDS Department Administrator or their designee shall review the application and all documents filed therewith and approve or deny the application in accordance with the following:

1. License applications shall be reviewed with respect to their proximity to particular established uses at the time of application to ensure that a separation of at least 100 feet exists between any business licensed to sell intoxicating liquor and any previously established school, church, or building regularly used as a place of worship.
  - a. Proximity shall be determined through the following methods:
    - i. When both uses occupy separate land parcels the measurement will start with the nearest entrance of the establishment intending to provide intoxicating liquor and extend to the nearest property line of the established use in question through the most direct possible route.
    - ii. When both uses occupy the same premise the measurement will be taken from the nearest entrance of each use.
    - iii. In circumstances where neither of the above methods apply the determination of proximity shall be made by the BUILDS Department Administrator or their designee.
  - b. If a license applicant obtains the consent, in writing, of the Board of Directors of the school, or the consent, in writing, of the majority of the Managing Board of the church or place of worship then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.
  - c. If the subject location of an application had previously been issued a license which was valid within one (1) year immediately preceding the application for a new license, then the requirements of Subdivision (1) of this section are waived and shall not be considered grounds for denial of the application.
- ~~2.—No license shall be granted for the sale of intoxicating liquor within three hundred (300) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent, in writing, of the Board of Directors of the school or hospital, or the consent, in writing, of the majority of the Managing Board of the church or place of worship, except that when a school, church or place of worship shall hereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for lack of consent in writing as herein provided. The three hundred (300) feet distance provided for in this Section shall be measured from the center threshold of the main public entrances of such premises by the most direct walking route. No license shall be denied under this Section if a valid license to sell intoxicating beverages had been issued for the same location or address within one (1) year immediately preceding the application for a new license to be issued for the same location.~~
3. The BUILDS Department Administrator or their designee shall not approve the issuance of a license if in the opinion of the issuer extraordinary or unusual circumstances exist which would result in detrimental harm to the surrounding community. In such a circumstance, the matter shall be referred to the City Council for its determination.

4. The BUILDS Department Administrator or their designee shall approve the application and issue a license if after said application is reviewed it is found that:
  - a. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;
  - b. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
  - c. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;
  - d. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter;
  - e. The provisions of Subdivisions (1) or (2) of this Subsection do not apply.
- D. Upon approval of any application for a license the BUILDS Department Administrator or their designee shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. The BUILDS Department Administrator or their designee shall review such renewal applications in accordance with the provisions of this Chapter and all other ordinances of the City which may affect any such renewal application. Upon being satisfied that the renewal application is proper and in order and upon payment of the appropriate license fee, the BUILDS Department Administrator or their designee shall renew the license.

[Ord. No. 03-07 §1 — 3, 1-27-2003; Ord. No. 09-40 §1, 11-23-2009; Ord. No. 17-33 § 1, 9-19-2017]

#### HISTORY

Amended by Ord. [21-67](#) on 11/4/2021

#### 600.060 Minors

##### ~~A. — Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.~~

- ~~1. — Except as otherwise provided in this Section, no person under the age of twenty one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.~~
- ~~2. — In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty one (21) years. Any licensee who employs any person under the age of twenty one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non alcoholic sales, have an employee twenty one (21) years of age or older on the licensed premises during all hours of operation.~~
- ~~3. — Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty one (21) years of age to mix or serve across the bar, intoxicating beverages.~~

~~B. — Sales To Minor — Exceptions. No licensee, his/her employee, or any other person, shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty one (21) years for medical purposes only, or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.~~

~~C. *Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*~~

- ~~1. No person under the age of twenty one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty one (21) years, except in cases authorized by law.~~
- ~~2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.~~

~~D. *Minors In Possession Of Intoxicating Liquor.* Any person under the age of twenty one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in Section 600.010, or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is in violation of this Section. For purposes of prosecution under this Section, a manufacturer sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was no intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.~~

[Ord. No. 06-19 §1, 3-13-2006; Ord. No. 09-40 §1, 11-23-2009]

**600.070 Miscellaneous Offenses**

- ~~A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.~~
- ~~B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage, any drug or form of methyl alcohol or impure form of alcohol.~~
- ~~C. *Unlawful To Sell Unlabeled Liquor — Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.~~
- ~~D. *Only Those Liquors Authorized By License To Be Kept On Premises.* It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises.~~
- ~~E. *A. Off-Premises Consumption.*~~
- ~~1. No licensee shall sell intoxicating liquor at retail in the original package, not to be consumed on the premises where sold, in any original package containing less than fifty (50) milliliters.~~
  - ~~2. No licensee shall permit any person to remove from the licensed premises any intoxicating liquor in any unsealed glass, bottle, can or other open container of any type.~~
  - ~~3. All licensees shall post a notice at each exit of the premises which is used by customers or patrons that "NO ALCOHOLIC BEVERAGES MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING".~~
- ~~F. *B. Drinking In Public Places Prohibited.*~~
- ~~1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.~~
  - ~~2. No person shall drink or ingest any intoxicating liquor in or on any public place.~~
  - ~~3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.~~

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

~~G. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.~~

~~H. *Window Displays.* Licensees shall not place or permit the placing of any object on or within the windows of premises covered by licenses which shall impede or obstruct vision from the exterior into the interior. This prohibition shall include illuminated signs, floral decorations, posters, placards, paintings or writings and all other similar devices or designs. In case venetian blinds are used in windows, slats shall be removed entirely across the blind so as to make a visible space beginning at four (4) feet from the sidewalk, and extending six (6) feet above the sidewalk, if the venetian blinds are kept closed. If the venetian blinds are kept open, it shall not be necessary to remove slats provided the slats at all times shall be adjusted horizontally so that the flat surfaces of the slats are parallel with the floor of the licensed premises. If curtains are used, they must be drawn apart so as to permit a clear view into the interior of the premises.~~

~~I. *Notice To Police By Retail Licensee Of Certain Conditions.* Each retail licensee under this Chapter or an employee of the licensee shall notify the Police Department of all conditions which would make the licensed premises not be an orderly place or house that they are unable to immediately cause to cease, and shall also notify immediately the Police Department of the occurrence of any assault or any other act of violence upon their premises.~~

[Ord. No. 09-40 §1, 11-23-2009]



## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-17 An Ordinance of the City Council Authorizing the City Administrator to Execute a Cost Share Economic Development Agreement with the Missouri Highways and Transportation Commission for the Expansion of a Portion of Route MM (Brookline Boulevard) Between the Interstate-44 Interchange and the Route 360 (James River Freeway) Interchange.

Submitted By: Andrew Nelson, BUILDS Administrator

Date: March 15, 2022

### Issue Statement

An ordinance of the City Council of the City of Republic Missouri authorizing a cost share agreement with the Missouri Highway Commission for the expansion of MM Highway from Interstate 44 to James River Freeway.

### Discussion and/or Analysis

The City applied for and was awarded a cost share allocation of \$6 million dollars from the State of Missouri to widen MM Highway from Interstate 44 to James River Freeway. This will include intersection improvement in that section, as well as widening to five lanes. The City's portion of the Cost Share is \$4.2M for a project total of \$10.2M. The City was also approved for an MTFC loan to cover the local portion, that loan will be presented to the council in a separate agreement. The purpose of the loan is to cover project expenditures as the City's STBG-Urban allocation through OTO is also pledged to this project and allocated over several years. The Greene County Highway Department also pledged \$1.5M toward these roadway improvements. The project will take approximately through 2025 to design and build. As the outside funds are allocated and the MTFC loan is reimbursed throughout the project, the actual cost to the local Street Fund is anticipated to be approximately \$300,000

### Recommended Action

Staff recommends approval.

**AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A COST SHARE ECONOMIC DEVELOPMENT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE EXPANSION OF A PORTION OF ROUTE MM (BROOKLINE BOULEVARD) BETWEEN THE INTERSTATE-44 INTERCHANGE AND THE ROUTE 360 (JAMES RIVER FREEWAY) INTERCHANGE**

**WHEREAS**, the City of Republic, Missouri (“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 applied for and received a cost share allocation from the State of Missouri of approximately \$6 million dollars for the purpose of implementing transportation improvements to Route MM (Brookline Boulevard) by widening the portion of that roadway beginning at the Interstate-44 Interchange and extending to the Route 360 (James River Freeway) Interchange; and

**WHEREAS**, the City desires to utilize the cost share allocation from the State of Missouri, along with MTFC loan proceeds for which it has been approved, to aid in the construction of the aforementioned transportation improvements to Route MM; and

**WHEREAS**, the Missouri Highways and Transportation Commission has presented an Economic Development Agreement (“Agreement”), setting forth the terms and conditions for the participation of each entity participating in the cost share allocation for the aforementioned transportation improvements; and

**WHEREAS**, the Agreement is deemed acceptable by the City Council.

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

**Section 1:** The City Administrator or his/her designee, on behalf of the City, is authorized to enter into the Agreement attached to this Ordinance as Exhibit 1, or an agreement in substantially the same form as Exhibit 1.

**Section 2:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

**Section 3:** The WHEREAS clauses above are 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.

**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.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

Matt Russell, Mayor

**Attest:**

---

Laura Burbridge, City Clerk

**Approved as to Form:**

*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney

CCO Form: FS09  
 Approved: 03/04 (BDG)  
 Revised: 12/17 (MWH)  
 Modified: 02/22 (MWH)

Route MM, Greene County  
 MoDOT Project No. 8S0836B  
 City of Republic  
 2021-11-66806

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
 ECONOMIC DEVELOPMENT AGREEMENT**

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Republic (hereinafter, "Entity").

WITNESSETH:

WHEREAS, the Entity applied to the Commission's Cost Share Committee for participation in the Commission's *Cost Share Program*; and

WHEREAS, on September 23, 2021, the Cost Share Committee approved the Entity's application to the *Cost Share Program* for economic development subject to the terms and conditions of this Agreement.

WHEREAS, on November 3, 2021, the Commission approved the Entity's application to the *Cost Share Program* subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to co-ordinate the participation by the Entity in the cost of the Commission's Project 8S0836B.

(2) LOCATION: The transportation improvement that is the subject of this Agreement is contemplated at the following location:

Route MM (Brookline Boulevard) from the Interstate 44 interchange to the Route 360 (James River Freeway) interchange in Republic, Missouri.

The general location of the project is shown on attachment marked "Exhibit A" and incorporated herein by reference.

(3) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the Entity and the Commission.

(4) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of



administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(5) ASSIGNMENT: The Entity shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(6) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The Entity shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(7) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

(8) PLANS AND CONSTRUCTION: The Entity shall be responsible for preliminary engineering, including preparation of environmental documentation for Commission review, right-of-way acquisition, utility relocations and construction engineering and inspection for the herein improvements. The plans shall be prepared in accordance with and conform to Commission requirements. The Commission will provide engineering oversight of preliminary engineering, right-of-way acquisition and construction. The Commission will also let and administer the project.

(9) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, the Entity shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act.

(10) PERMITS: The Entity shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(11) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal, and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(12) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the Entity of any required goals for participation by DBEs to be included in the Entity's proposal for the work to be performed. The Entity shall submit for Commission approval a DBE goal or plan. The Entity shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(13) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the Entity, and the Entity may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the Entity" is to be substituted. The Entity agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(14) UTILITY RELOCATION:

(A) The Entity shall cooperate with the Commission to secure the temporary or permanent removal, relocation, or adjustment of public utilities or private lines, poles, wires, conduits, and pipes located on the right-of-way of existing public ways as necessary for construction of the improvement and the cost shall be borne by such public utilities or the owners of the facilities except where the Entity is by existing franchise or agreement obligated to pay all or a portion of such cost, in which case the Entity will pay its obligated portion of the cost.

(B) The Entity shall secure the removal, relocation, or adjustment of any public or private utilities located upon private easements and shall pay any costs incurred therein.

(C) In cases of public utilities owned by the Entity which must be moved, adjusted, or altered to accommodate construction of this improvement, and such entity-owned utilities, poles, wires, conduits, and pipes are located within the present Entity's city limits and located on an existing Entity city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the Entity shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the Entity in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's District Engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. The Cost Share eligibility of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(D) Should it be necessary to alter, relocate or adjust any Entity-owned utility facilities outside the present Entity's city limits on public right-of-way or on state highway right-of-way within or outside the Entity's city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the Entity at its sole cost and shall not count toward the Entity's share of the

transportation project costs per the terms of this Agreement.

(E) The Entity agrees that any installation, removal, relocation, maintenance, or repair of public or private utilities involving work within highway right-of-way included in this project shall be done only in accordance with the general rules and regulations of the Commission and after a permit for the particular work has been obtained from the Commission's District Engineer or his authorized representative. Similarly, the Entity will allow no work on the highway right-of-way involving excavation or alteration in any manner of the highway as constructed, including but not limited to driveway connections, except in accordance with the rules and regulations of the Commission and only after a permit for the specific work has been obtained from the Commission's District Engineer or his authorized representative. The Entity shall take whatever actions that are necessary to assure compliance with this Subsection.

(15) FINANCIAL RESPONSIBILITIES: With regard to work under this Agreement, the Entity agrees as follows:

(A) The total project costs, currently estimated at ten million, forty-eight thousand, four hundred twenty-seven dollars (\$10,048,427), includes preliminary engineering, preliminary engineering review, right of way acquisition and incidentals, right of way review, construction, utilities, construction engineering and construction engineering review. The details of the estimated cost breakdown are listed below and in "Exhibit B", which is attached hereto and made part hereof.

(B) The Entity shall be responsible for thirty-eight and one-half percent (38.5%) of the total project cost. The current estimate of the Entity's responsibilities is three million, eight hundred seventy-three thousand, four hundred twenty-seven dollars (\$3,873,427). Of this amount, the Entity may seek reimbursement for up to a maximum of two million, two hundred ninety-six thousand dollars (\$2,296,000) in federal Surface Transportation Block Grant - Urban (STBG-Urban) program funds distributed by the Ozarks Transportation Organization.

(C) In addition, The Entity shall provide thirty-nine and two tenths percent (39.2%) of the actual cost incurred by providing the services of preliminary engineering, right-of-way incidentals, right-of-way land acquisition, utility relocations, and inspection. The total cost of the above-referenced services is currently estimated to be one million, two hundred thirty-seven thousand, three hundred fifty-seven dollars (\$1,237,357). The Entity may seek reimbursement for up to eighty percent (80%) of the Entity's share of utility relocation costs with STBG-Urban program funds, currently estimated to be four hundred ninety-one thousand, eight hundred twelve dollars (\$491,812).

(D) The remainder of the Entity's financial responsibilities under this Agreement shall be contributed to the project's construction contract. In partial fulfillment of the Entity's financial responsibilities, the Entity agrees the Commission may program any remaining STBG-Urban program funds not used for utility relocations, referenced above, and currently estimated to be one million, eight hundred four thousand, one

hundred eighty-eight dollars (\$1,804,188), and up to the maximum combined programming and reimbursement of STBG-Urban program funds in the amount of two million, two hundred ninety-six thousand dollars (\$2,296,000) as referenced above in paragraph (15)(B). The Entity shall pay for construction costs in cash in an amount currently estimated to be five hundred, thirty-two thousand, five hundred twenty-seven dollars (\$532,527). In addition, the Entity shall pay for construction cost, by remitting a check in the amount of five hundred, thirty-two thousand, five hundred twenty-seven dollars (\$532,527) no later than five (5) days prior to the Commission's advertisement of the project for bids. The check shall be made payable to the *Missouri Highways and Transportation Commission – Local Fund*. If the Entity fails to make any of the required deposits, the Commission is under no obligation to continue with the project.

(E) The Commission will pay for a maximum of sixty-one- and one-half percent (61.5%) of the total project cost, not to exceed six million, one hundred seventy-five thousand dollars (\$6,175,000). Of this amount, the Commission will provide six million dollars (\$6,000,000) from the Commission's Cost Share Program for Economic Development, with two million (\$2,000,000) available in each State Fiscal Year 2022, 2023, and 2024, and preliminary engineering review, right of way review and construction engineering review services by Commission personnel estimated to total one hundred seventy-five thousand dollars (\$175,000).

(F) The Entity shall be responsible for the balance of the project in excess of ten million, forty-eight thousand, four hundred twenty-seven dollars (\$10,048,427). The Commission and the Entity will share cost savings according to their pro rata share.

(G) If, at the time of the letting, the lowest responsive bid is higher than the estimated construction and inspection cost amount, the Entity, upon written notification from the Commission shall remit a check in the amount of its share of the difference between the estimated amount and the lowest responsive bid no later than one (1) day prior to the date of the Commission meeting wherein the subject bid will be considered for award or a later date set by the Commission in its sole discretion. In the event the Commission, in its sole discretion, extends the day the Entity payment is due, it shall notify the entity of the new due date in writing, which shall be binding immediately upon the Entity's receipt of the written notice. The check must be made payable to the *Director of Revenue – Credit Local Fund*. The Commission, in its sole discretion, reserves the right to take action at the said Commission meeting and either reject all bids if the Entity fails to make the payment by the due date, or award the contract to the lowest responsive bidder contingent upon receipt of the additional funds from the Entity by the extended due date. If the Commission makes a contingent award of the contract and the Entity fails to make the required deposit(s) by the extended due date, the contingency of the contract award by the Commission shall be deemed unsatisfied, the award of the contract shall be deemed null and void and the Commission shall be under no obligation to continue with the project.

(16) COMMISSION REIMBURSEMENT OF ENTITY EXPENSES: The Commission will reimburse the Entity for sixty and eight tenths percent (60.8%) of its costs incurred for preliminary engineering, right-of-way incidentals, right-of-way land acquisition, utility relocations, and inspection. The Entity may request progress payments be made for the herein improvements as work progresses but not more than monthly. Progress payments must be at least every 90 days. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The Entity shall repay any progress payments which involve ineligible costs. The Commission will seek federal reimbursement for these costs, and the Entity shall follow all requirements for the use of federal funds in the Commission's *Local Public Agency Manual*.

(17) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the Entity has not paid the vendor prior to receiving reimbursement, the Entity must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(18) COMMINGLING OF FUNDS: The Entity agrees that all funds deposited by the Entity, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the *Local Fund* and credited to the project. If the amount deposited plus any applicable credited interest with the Commission shall be less than the actual obligation of the Entity for this project, the Entity, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the project, any excess funds or interest credited to the Entity shall be refunded to the Entity based on its pro rata share of the investment.

(19) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission.

(20) ENTITY RIGHT-OF-WAY USE: The Entity grants the right to use the right-of-way of public roads, streets, alleys and any other property owned by the Entity as necessary for construction and maintenance of said public improvement.

(21) CLOSE AND VACATE: The Entity shall temporarily close and vacate all streets or roads, or parts thereof, which may be necessary to permit the construction of the project in accordance with the detailed plans.

(22) LIGHTING

(A) The installation, operation, and maintenance by the Commission of any lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect at the time of any such installation and only to the extent the Commission then deems warranted. No street lighting system shall be installed or maintained by or for the Entity on the improvement without approval of the Commission.

(B) The Commission will, at its cost and expense, install, operate, and maintain basic highway intersection or interchange lighting at warranted locations on the improvement. The construction, installation, and maintenance of any other or further lighting system on the public improvement covered by this Agreement shall be only in accordance with the Commission's policy on highway lighting in effect, and to the extent deemed warranted by the Commission, at the time of any such installation. No lighting system shall be installed or maintained by the Entity on the improvement without approval of the Commission.

(23) TRAFFIC CONTROL DEVICES: The installation, operation and maintenance of all traffic signals, pavement markings, signs, and devices on the improvement, including those between the highway and intersecting streets shall be under the exclusive jurisdiction and at the cost of the Commission. The Entity shall not install, operate, or maintain any traffic signals, signs or other traffic control devices on the highway or on streets and highways at any point where they intersect this highway without approval of the Commission.

(24) DRAINAGE: The Commission will construct drainage facilities along the improvement and may use any existing storm and surface water drainage facilities now in existence in the area. The Entity shall be responsible for receiving and disposing of storm and surface water discharged from those drainage facilities which the Commission constructs within the limits of highway right-of-way to the extent of the Entity 's authority and control of the storm sewer facilities or natural drainage involved.

(25) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(26) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the Entity.

(27) NO INTEREST: By contributing to the cost of this project or improvement, the Entity gains no interest in the constructed roadway or improvements whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the

roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the Entity shall not be entitled to a refund of the funds contributed by the Entity pursuant to this Agreement.

(28) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

(29) SECTION HEADINGS: All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.

(30) ADDITIONAL FUNDING: In the event the Commission obtains additional federal, state, local, private or other funds to construct the improvement being constructed pursuant to this Agreement that are not obligated at the time of execution of this Agreement, the Commission, in its sole discretion, may consider any request by the Entity for an off-set for the deposited funds, a reduction in obligation, or a return of, a refund of, or a release of any funds deposited by the Entity with the Commission pursuant to this Agreement. In the event the Commission agrees to grant the Entity's request for a refund, the Commission, in its sole discretion, shall determine the amount and the timing of the refund. Any and all changes in the parties' financial responsibilities resulting from the Commission's determination of the Entity's request for a refund pursuant to this provision must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Entity and the Commission.

(31) NO ADVERSE INFERENCE: This Agreement shall not be construed more strongly against one party or the other. The parties to this Agreement had equal access to, input with respect to, and influence over the provisions of this Agreement. Accordingly, no rule of construction which requires that any allegedly ambiguous provision be interpreted more strongly against one party than the other shall be used in interpreting this Agreement.

(32) ENTIRE AGREEMENT: This Agreement represents the entire understanding between the parties regarding this subject and supersedes all prior written or oral communications between the parties regarding this subject.

(33) VOLUNTARY NATURE OF AGREEMENT: Each party to this Agreement warrants and certifies that it enters into this transaction and executes this Agreement freely and voluntarily and without being in a state of duress or under threats or coercion.

(34) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or immediately after delivery in person, or by facsimile or electronic mail addressed as follows:

Commission to: Missouri Department of Transportation  
 Attn: Steve Campbell, District Engineer  
 3025 E. Kearney Street  
 Springfield, MO 65803  
 Email: steven.campbell@modot.mo.gov

Entity to: City of Republic  
 Attn: Andrew Nelson, BUILDS Administrator  
 204 North Main Avenue  
 Republic, MO 65738  
 Email: ANelson@republicmo.com

or to such other place as the parties may designate in accordance with this Agreement.

(35) AUDIT OF RECORDS: The Entity must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at all reasonable times at no charge to the Commission and/or its designees or representatives during the period of this Agreement and any extension thereof, and for three (3) years from the date of final payment made under this Agreement.

(36) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the Entity shall defend, indemnify and hold harmless the Commission, including its members and department employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Entity's wrongful or negligent performance of its obligations under this Agreement.

(B) The Entity will require any contractor procured by the Entity to work under this Agreement:

(1) To obtain a no cost permit from the Commission's District Engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's District Engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and the Missouri Department of Transportation and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$500,000 per claimant and \$3,000,000 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be



construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(37) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The Entity shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(38) ACCESS TO RECORDS: The Entity and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the Entity receives reimbursement of their final invoice from the Commission.

(39) CONFLICT OF INTEREST: The Entity shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(40) MANDATORY DISCLOSURES: The Entity shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving

*Remainder of Page Intentionally Left Blank; Signatures and Execution Appear on Following Page*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the on \_\_\_\_\_(DATE).

Executed by the Commission on \_\_\_\_\_(DATE).

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF REPUBLIC

\_\_\_\_\_  
Title \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_  
Title \_\_\_\_\_

Approved as to Form:

Approved as to Form:

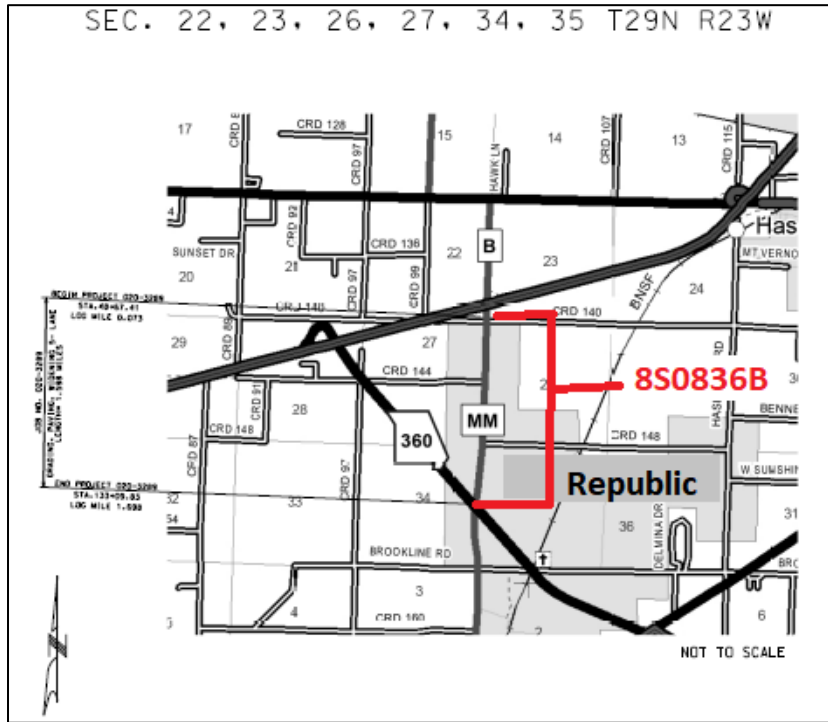
\_\_\_\_\_  
Commission Counsel

\_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance No \_\_\_\_\_

**Note: If the Entity is a county with a commission form of government, additional lines need to be inserted to allow all three commissioners to sign the agreement.**

# EXHIBIT "A" PROJECT LOCATION



**EXHIBIT "B"**  
**PROJECT ESTIMATE AND FUNDING**

"Exhibit B"

**Project Name:** North Route MM Improvements  
**MoDOT Job Number:** 8S0836B  
**Description:** Roadway improvements on Route MM (Brookline Ave.) from I-44 to Route 360 (James River Freeway) in Republic.

**Definition of "Total Project" for Cost Apportionment Includes:**

Preliminary Engineering	ROW Incidentals	Utilities
ROW	Construction and Non-Contractuals	Construction Engineering
MoDOT Oversight		

**Project Estimate**

	Current Estimate and Inflation	Cost Apportionment Eligible
Preliminary Engineering	\$ 685,692	\$ 685,692
Right-of-way	\$ 1,136,278	\$ 1,136,278
Right-of-way Incidentals	\$ 260,000	\$ 260,000
Utilities	\$ 614,765	\$ 614,765
Construction w/ Contingency	\$ 6,719,384	\$ 6,719,384
MoDOT Oversight	\$ 175,000	\$ 175,000
Construction Engineering	\$ 457,308	\$ 457,308
<b>Total</b>	<b>\$ 10,048,427</b>	<b>\$ 10,048,427</b>

**Project Responsibilities**

Preliminary Engineering	City
ROW Acquisition	City
Letting	MoDOT
Inspection	City

**Financial Responsibilities**

City of Republic - Local	\$ 1,577,427	Total Local Share
City of Republic - STBG-Urban	\$ 2,296,000	\$ 3,873,427
	\$ -	38.5%
MoDOT SW in-kind	\$ 175,000	Total MoDOT Share
MoDOT Cost Share/Eco Dev	\$ 6,000,000	\$ 6,175,000
	\$ -	61.5%

**How are overruns and underruns handled?**

Entity, City of Republic to pay all costs over \$10,048,427. Underruns will be shared per pro rata share: City 38.5% and MoDOT 61.5%

**EXHIBIT "C"**  
**FHWA FORM 1273**

**REQUIRED CONTRACT PROVISIONS  
FEDERAL-AID CONSTRUCTION CONTRACTS**

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

**ATTACHMENTS**

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

**I. GENERAL**

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

**II. NONDISCRIMINATION**

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

**1. Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

**2. EEO Officer:** The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

**3. Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

**4. Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

**5. Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

**6. Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

**7. Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

**8. Reasonable Accommodation for Applicants / Employees with Disabilities:** The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

**9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

**10. Assurance Required by 49 CFR 26.13(b):**

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

**11. Records and Reports:** The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor



will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

### III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

### IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

#### 1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

## 2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

## 3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

#### 4. Apprentices and trainees

##### a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

##### b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

**5. Compliance with Copeland Act requirements.** The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

**6. Subcontracts.** The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

**7. Contract termination: debarment.** A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

**8. Compliance with Davis-Bacon and Related Act requirements.** All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

**9. Disputes concerning labor standards.** Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

**10. Certification of eligibility.**

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

**V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT**

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

**1. Overtime requirements.** No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

**2. Violation; liability for unpaid wages; liquidated damages.** In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

**3. Withholding for unpaid wages and liquidated damages.** The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

**4. Subcontracts.** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

## VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

(1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;

(2) the prime contractor remains responsible for the quality of the work of the leased employees;

(3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and

(4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

## VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

## VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

#### **IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

#### **X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

##### **1. Instructions for Certification – First Tier Participants:**

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

\* \* \* \* \*

## **2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:**

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### **2. Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

\* \* \* \* \*

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\* \* \* \* \*

**XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING**

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.



**ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

**AGENDA ITEM ANALYSIS**

Project/Issue Name: 22-R-15 A Resolution of the City Council Authorizing Payment to Missouri Rural Services Workers’ Compensation Insurance Trust for Coverage for 2022-2023.

Submitted By: Lisa Addington, Chief of Staff

Date: 3/4/2022

**Issue Statement**

The City’s worker’s compensation insurance policy expires March 31, 2022. The renewal is for the period April 1, 2022 through March 31, 2023.

**Discussion and/or Analysis**

The renewal estimated premium from the Missouri Rural Services Workers’ Compensation Insurance Trust for 2022/2023 is \$262,289. This represents an increase in actual premium of \$45,623 from the 2021/2022 estimated premium. The increase is due to an increase in payroll as well as an increase in the experience modification from 1.04 to 1.18 based on the past three years of claims data. We were aware of this increase and proactively budgeted for it and this renewal does come in under budget prior to the audit premium.

**Recommended Action**

Comparison of calculated premiums between the two renewal periods is as follows:

	2021/2022	2022/2023	
Manual Premium(t)	\$261,798	\$264,406	(based on payroll and classification rates)
Modified Premium (2)	\$272,270	\$311,999	(manual premium @ experience mod factor)
Deviated Premium	\$204,202	\$249,599	(max discount of 25%)
Additional Charges	\$10,220	\$12,690	(2nd injury fund/ Mo premium tax/ fixed expense)
Pro Rate Premium	\$216,666	\$262,289	

A workers' compensation audit is performed annually to review the city's payroll records and claims experience. The annual premium is paid in two parts: the current estimate, as provided, is \$262,289 for 2022/2023 and the remainder to be based on and invoiced after



an actual audit is performed for the 2022/2023 fiscal year. For reference, last year's audit resulted in a credit of \$3,390.

We typically obtain quotes every three years. We did receive two other quotes that were substantially more.

- MeM (Missouri Employers Mutual) = \$302,045
- MPR (Midwest Public Risk) = \$407,480

**Recommended Action**

Acceptance of the workers' compensation coverage from the Missouri Rural Services Workers' Compensation Insurance Trust for 2022/2023 in the amount of \$262,289 is recommended.

RESOLUTION NO. 22-R-15

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING PAYMENT TO MISSOURI RURAL SERVICES  
WORKERS' COMPENSATION INSURANCE TRUST FOR COVERAGE FOR 2022-2023**

**WHEREAS**, the City of Republic, Missouri, (herein called the "City" and "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's workers' compensation insurance policy expires on March 31, 2022; and

**WHEREAS**, this renewal policy will be for the period April 1, 2022, through March 31, 2023; and

**WHEREAS**, after obtaining quotations from multiple potential providers, the City determined that Missouri Rural Services Workers' Compensation Insurance Trust was the most qualified provider with the most competitive pricing for the City's workers' compensation insurance plan for 2022/2023; and

**WHEREAS**, the Council has the authority to authorize the renewal of the workers' compensation coverage; and

**WHEREAS**, the Council finds it is in the best interest of the City to renew the City's workers' compensation insurance policy through Missouri Rural Services Workers' Compensation Insurance Trust.

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

- Section 1. The City Administrator, or his designee, on behalf of the City, is authorized to execute those documents necessary to effect the renewal of the City's workers' compensation coverage with the Missouri Rural Services Workers' Compensation Insurance Trust for 2022-2023 in the amount not to exceed \$262,289.00, plus necessary adjustments.
- Section 2. The City Administrator, or his designee, on behalf of the City, is authorized to take the necessary steps to implement this Resolution.
- Section 3. This Resolution shall become effective on and after the date of passage and approval as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this 15th day of March, 2022.

---

Matt Russell, Mayor

RESOLUTION NO. 22-R-15

RESOLUTION NO. 22-R-15

**Attest:**

---

Laura Burbridge, City Clerk

**Approved as to Form:**

*Megan E. McCullough*  
\_\_\_\_\_  
Megan McCullough, City Attorney

**Final Passage and Vote:**

# MO Rural Services Work Comp Ins Trust

P.O. Box 104268

Jefferson City, MO 65110-4268

Phone: (800) 726-9304

Item 12.

<b>INVOICE #170869</b>		Amount Paid
Account Number	REPUBCY-01	Invoice Date
		2/14/2022

City of Republic  
Attn: Director of Finance  
213 North Main  
Republic, MO 65738

Remit To:  
MO Rural Services Work Comp Ins Trust  
P.O. Box 104268  
Jefferson City, MO 65110-4268

Invoice #: 170869

Date Paid:

Check #:

Amount Paid:

WORKERS' COMP

Policy #: 7290701 MEMBER ID 683

Effective: 4/1/2022 to 4/1/2023

Company: MO Rural Services Workers' Comp Ins Trust

Producer: Missouri Rural Services Corp.

Item #	Trans Eff Date	Due Date	Trans	Description	Amount
590639	4/1/2022	3/20/2022	WCRN	Renewal - Workers' Comp	\$249,599.00
590640	4/1/2022	3/20/2022	EXPC	Expense Constant	\$200.00
590641	4/1/2022	3/20/2022	2NDF	2nd Injury Fund	\$9,992.00
590642	4/1/2022	3/20/2022	STAX	MO Admn/Prem Tax	\$2,498.00

RENEWAL PREMIUM DUE BY MARCH 20th TO PREVENT CANCELLATION OF COVERAGE

**Total Invoice Balance: \$262,289.00**



## Missouri Rural Services Workers' Compensation Insurance Trust

1913 Southridge Drive, P.O. Box 104268 Jefferson City, MO 65110-4268 Telephone (573) 635-9300  
FAX (573) 635-7645

### Premium Worksheet (Estimated) 2022-2023

<b>Entity ID</b> 683	Debbie Parks	<b>Agency</b>
Republic, City of	(417) 732-3130	Missouri Rural Services Corp.
213 North Main		(800) 726-9304
Republic MO 65738-	<b>Policy Number</b> 7290701	
<b>County</b> Greene	<b>Risk ID</b> 240231956	<b>Effective Date</b> 04/01/2022
<b>FEIN</b> 44-6000250	<b>Area</b> 08	<b>Expiration Date</b> 04/01/2023
	<b>Status</b> Y	<b>Quote Date</b> 02/03/2022
	<b>Type</b> CY	<b>Last Updated</b> 02/03/2022

Code	Description	Rate	FT	PT	Vol	All	Payroll	Premium
5506	Street or Road Construction: Paving or Repaving	8.60	10	4	0	14	395,078	33,977
7520	Waterworks Operation & Drivers	4.80	14	2	0	16	405,027	19,441
7580	Sewage Disposal Plant Operation & Drivers	4.35	9	0	0	9	271,165	11,796
7710	Firefighters & Drivers	8.08	26	0	0	26	953,239	77,022
7711	Firefighters & Drivers-Volunteer	8.29	0	0	0	0	0	0
7720	Police Officers & Drivers	5.04	24	7	0	31	992,908	50,043
8601	Architectural or Engineering Firm	0.44	1	0	0	1	35,957	158
8742	Salespersons/Social Case Workers	0.48	3	0	0	3	102,274	491
8810	Clerical Office Employees NOC	0.22	25	17	28	70	1,134,404	2,496
8820	Attorney-All Employes & Clerical	0.20	1	2	0	3	130,166	260
8831	Hospital-Veterinary & Drivers	1.98	2	1	0	3	60,791	1,204
9015	Building or Property Management	5.25	5	2	0	7	97,379	5,112
9063	YMCA-All Employees & Clerical	1.36	7	42	0	49	300,062	4,081
9102	Park NOC-All Employees & Drivers	4.71	21	110	0	131	716,702	33,757
9410	Municipal, Township, County or State Employee NOC	5.21	7	7	0	14	471,546	24,568
	<b>Totals:</b>		155	194	28	377	6,066,698	264,406
							<b>Manual Premium</b>	264,406
	<b>Experience Modification</b>	1.18					<b>Modified Premium</b>	311,999
	<b>Deviation Factor</b>	-0.200					<b>Deviation Amount</b>	-62,400
							<b>Deviated Premium</b>	249,599
							<b>Expense Constant</b>	200
	<b>2nd Injury Fund Surcharge Rate</b>	0.04					<b>2nd Injury Fund Surcharge</b>	9,992
	<b>Premium Tax Rate</b>	0.01					<b>Premium Tax</b>	2,498
							<b>Total Premium</b>	262,289
	<b>Pro Rate Factor</b>	1.000					<b>Pro Rate Premium</b>	262,289
							<b>Final Premium Subject to Audit</b>	

Printed: Monday, February 07, 2022



## WORKERS COMPENSATION EXPERIENCE RATING

Item 12.

Risk Name: REPUBLIC CITY OF

Risk ID: 240231956

Rating Effective Date: 04/01/2022

Production Date: 10/20/2021

State: MISSOURI

State	Wt	Exp Excess Losses	Expected Losses	Exp Prim Losses	Act Exc Losses	Ballast	Act Inc Losses	Act Prim Losses
MO	.17	200,525	292,785	92,260	279,409	65,025	469,067	189,658
(A) Wt	(B)	(C) Exp Excess Losses (D - E)	(D) Expected Losses	(E) Exp Prim Losses	(F) Act Exc Losses (H - I)	(G) Ballast	(H) Act Inc Losses	(I) Act Prim Losses
.17		200,525	292,785	92,260	279,409	65,025	423,545	144,136

	Primary Losses	Stabilizing Value	Ratable Excess	Totals	
Actual	(I) 144,136	$C * (1 - A) + G$ 231,461	$(A) * (F)$ 47,500	(J) 423,097	
Expected	(E) 92,260	$C * (1 - A) + G$ 231,461	$(A) * (C)$ 34,089	(K) 357,810	
	ARAP	FLARAP	SARAP	MAARAP	Exp Mod
Factors	1.09				(J) / (K) 1.18

RATING REFLECTS A DECREASE OF 70% MEDICAL ONLY PRIMARY AND EXCESS LOSS DOLLARS WHERE ERA IS APPLIED.

**Carrier:** 35114-000    **Policy:** WC72907010021    **Eff-Date:** 04-01-2021    **Exp-Date:** 03-31-2022

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# WORKERS COMPENSATION EXPERIENCE RATING

Item 12.

Risk Name: REPUBLIC CITY OF

Risk ID: 240231956

Rating Effective Date: 04/01/2022

Production Date: 10/20/2021

State: MISSOURI

24-MISSOURI Firm ID: Firm Name: REPUBLIC CITY OF

Carrier: 35114 Policy No. WC72907010018 Eff Date: 04/01/2018 Exp Date: 03/31/2019

Code	ELR	D-Ratio	Payroll	Expected Losses	Exp Prim Losses	Claim Data	IJ	OF	Act Inc Losses	Act Prim Losses
5506	2.73	.27	354,425	9,676	2,613	F795910	05	F	1,357	1,357
7520	1.90	.35	463,598	8,808	3,083	NO. 4	06	*	1,444	1,444
7580	1.59	.31	318,164	5,059	1,568	F635468	06	F	3,003	3,003
7710	2.79	.27	935,346	26,096	7,046	F710446	06	F	3,034	3,034
7720	1.82	.31	1,019,688	18,558	5,753	F832010	06	F	10,538	10,538
8601	.15	.27	89,801	135	36	F757071	09	F	4,937	4,937
8742	.17	.31	156,816	267	83	F895811	09	F	28,636	18,500
8810	.09	.39	1,014,764	913	356	F639034	09	F	84,934	18,500
8820	.07	.31	118,928	83	26					
8831	.86	.44	50,735	436	192					
9015	2.06	.35	28,563	588	206					
9063	.58	.41	117,108	679	278					
9102	1.78	.35	1,032,553	18,379	6,433					
9410	2.10	.39	353,276	7,419	2,893					
<b>Policy Total:</b>			<b>6,053,765</b>	<b>Subject Premium:</b>	<b>222,692</b>	<b>Total Act Inc Losses:</b>			<b>137,883</b>	

24-MISSOURI Firm ID: Firm Name: REPUBLIC CITY OF

Carrier: 35114 Policy No. WC72907010019 Eff Date: 04/01/2019 Exp Date: 03/31/2020

Code	ELR	D-Ratio	Payroll	Expected Losses	Exp Prim Losses	Claim Data	IJ	OF	Act Inc Losses	Act Prim Losses
5506	2.73	.27	351,306	9,591	2,590	J122277	06	F	2,202	2,202
7520	1.90	.35	431,776	8,204	2,871	NO. 5	06	*	2,967	2,967
7580	1.59	.31	379,647	6,036	1,871	J197208	06	F	3,806	3,806
7710	2.79	.27	943,373	26,320	7,106	J165344	06	F	5,019	5,019
7720	1.82	.31	997,056	18,146	5,625	J011165	06	F	6,719	6,719
8601	.15	.27	57,199	86	23	J009276	09	F	1,229	1,229
8742	.17	.31	191,798	326	101	J079600	09	O	11,500	11,500
8810	.09	.39	1,082,982	975	380	J160975	09	O	40,689	18,500
8820	.07	.31	132,236	93	29					
8831	.86	.44	57,379	493	217					
9102	1.78	.35	1,252,490	22,294	7,803					
9410	2.10	.39	352,224	7,397	2,885					
<b>Policy Total:</b>			<b>6,229,466</b>	<b>Subject Premium:</b>	<b>237,498</b>	<b>Total Act Inc Losses:</b>			<b>74,131</b>	

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\* Total by Policy Year of all cases \$2000 or less. D Disease Loss X Ex-Medical Coverage U USL&HW  
 C Catastrophic Loss E Employers Liability Loss # Limited Loss



# WORKERS COMPENSATION EXPERIENCE RATING

Item 12.

Risk Name: REPUBLIC CITY OF

Risk ID: 240231956

Rating Effective Date: 04/01/2022

Production Date: 10/20/2021

State: MISSOURI

24-MISSOURI

Firm ID: Firm Name: REPUBLIC CITY OF

Carrier: 35114 Policy No. WC72907010020 Eff Date: 04/01/2020 Exp Date: 03/31/2021

Code	ELR	D-Ratio	Payroll	Expected Losses	Exp Prim Losses	Claim Data	IJ	OF	Act Inc Losses	Act Prim Losses
5506	2.73	.27	395,078	10,786	2,912	J514863	05	O	13,102	13,102
7520	1.90	.35	405,027	7,696	2,694	J353998	06	F	3,285	3,285
7580	1.59	.31	271,165	4,312	1,337	NO. 7	06	*	6,516	6,516
7710	2.79	.27	953,239	26,595	7,181	J447712	06	O	16,500	16,500
7720	1.82	.31	992,908	18,071	5,602	J286737	09	F	22,147	18,500
8601	.15	.27	35,957	54	15	J466053	09	O	195,503	18,500
8742	.17	.31	102,274	174	54					
8810	.09	.39	1,134,404	1,021	398					
8820	.07	.31	130,166	91	28					
8831	.86	.44	60,791	523	230					
9015	2.06	.35	97,379	2,006	702					
9063	.58	.41	300,062	1,740	713					
9102	1.78	.35	716,702	12,757	4,465					
9410	2.10	.39	471,546	9,902	3,862					
<b>Policy Total:</b>			<b>6,066,698</b>	<b>Subject Premium:</b>	<b>229,653</b>	<b>Total Act Inc Losses:</b>			<b>257,053</b>	

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\* Total by Policy Year of all cases \$2000 or less. D Disease Loss X Ex-Medical Coverage U USL&HW  
 C Catastrophic Loss E Employers Liability Loss # Limited Loss

## AGENDA ITEM ANALYSIS

Project/Issue Name: 22-R-16 A Resolution Of The City Council Authorizing The BUILDS Department To Apply For The Raise Grant Through The Ozarks Transportation Organization To Be Used Toward The Highway MM Realignment.

Submitted By: Garrett Brickner, Engineering Manager

Date: March 15, 2022

### Issue Statement

The BUILDS Department would like to apply for the RAISE Grant through the Ozarks Transportation Organization for a requested amount of \$25,000,000 in funds to be used toward the Highway MM realignment project.

### Discussion and/or Analysis

The City of Republic, in partnership with Ozarks Transportation Organization and the Missouri Department of Transportation, aims to realign Highway MM to enhance safety, provide for alternative modes of transportation, and add capacity to a rural route that is rapidly becoming a regional economic hub. This realignment will connect Highway MM to US Highway 60, close three at-grade railway crossings, add a new overpass over the railway, and expand a two-lane primary arterial into a five-lane expressway.

This project has two planned phases. This RAISE Grant application will be applied toward Segments A, B, and D below:

- **Segment A** runs from US 360 (James River Freeway) to Farm Road 160. This segment is to widen MM from three-lanes to five-lanes. It also adds ADA sidewalk accommodations. The roadway is currently posted at 55 mph and has been approved to be reduce to 45-mph. There is currently a diamond interchange with US 360 James River Freeway. Existing access is provided on both sides of the corridor to the corridor businesses.
- **Segment B** runs from I-44 to US 360 (James River Freeway). This project adds lane capacity (two-lanes to five-lanes) and adds ADA sidewalk accommodations.
- **Segment D** realigns route MM from the current US 60/MM Intersection. It constructs a five-lane cross-section between US 60 and Farm Road 160. Constructs a new signalized intersection at US 60 and Route MM. It also permanently closes and removes three at-grade railroad crossings. A new overpass over the BNSF railroad with bicycle and pedestrian access. A 10-foot trail is proposed along the new alignment to give community connectivity and multimodal travel options. It includes a two-lane roundabout intersection at Farm Road 160 in accommodate the anticipated growth.

### Recommended Action

Staff recommends approval.

RESOLUTION NO. 22-R-16

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE BUILDS DEPARTMENT TO APPLY FOR THE RAISE GRANT THROUGH THE OZARKS TRANSPORTATION ORGANIZATION TO BE USED TOWARD THE HIGHWAY MM REALIGNMENT**

**WHEREAS**, the City of Republic, Missouri, (herein called the “City” and “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’s BUILDS Department desires to apply for the RAISE Grant through the Ozarks Transportation Organization for a requested amount of \$25,000,000, to be used toward the Highway MM realignment project; and

**WHEREAS**, if awarded, the potential grant funds of \$25,000,000 will be utilized toward the Highway MM expansion and realignment, which is expected to benefit citizens and guests of the City by enhancing safety, providing for alternative modes of transportation, and adding capacity to a rural route that is rapidly becoming a regional economic hub; and

**WHEREAS**, the City Council finds that participating in grant opportunities such as the RAISE Grant will result in beneficial savings to the City and increase safety and security for the City’s citizens and guests.

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

- Section 1. The City of Republic’s BUILDS Department is authorized to apply for the RAISE Grant through the Ozarks Transportation Organization for a requested amount of \$25,000,000, to be used toward the Highway MM realignment project; and
- Section 2. This Resolution shall become effective on and after the date of passage and approval.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matt Russell, Mayor

**Attest:**

\_\_\_\_\_  
Laura Burbridge, City Clerk

**Approved as to Form:**

RESOLUTION NO. 22-R-16

*Megan E. McCullough*

Megan McCullough, City Attorney

**Final Passage and Vote:**

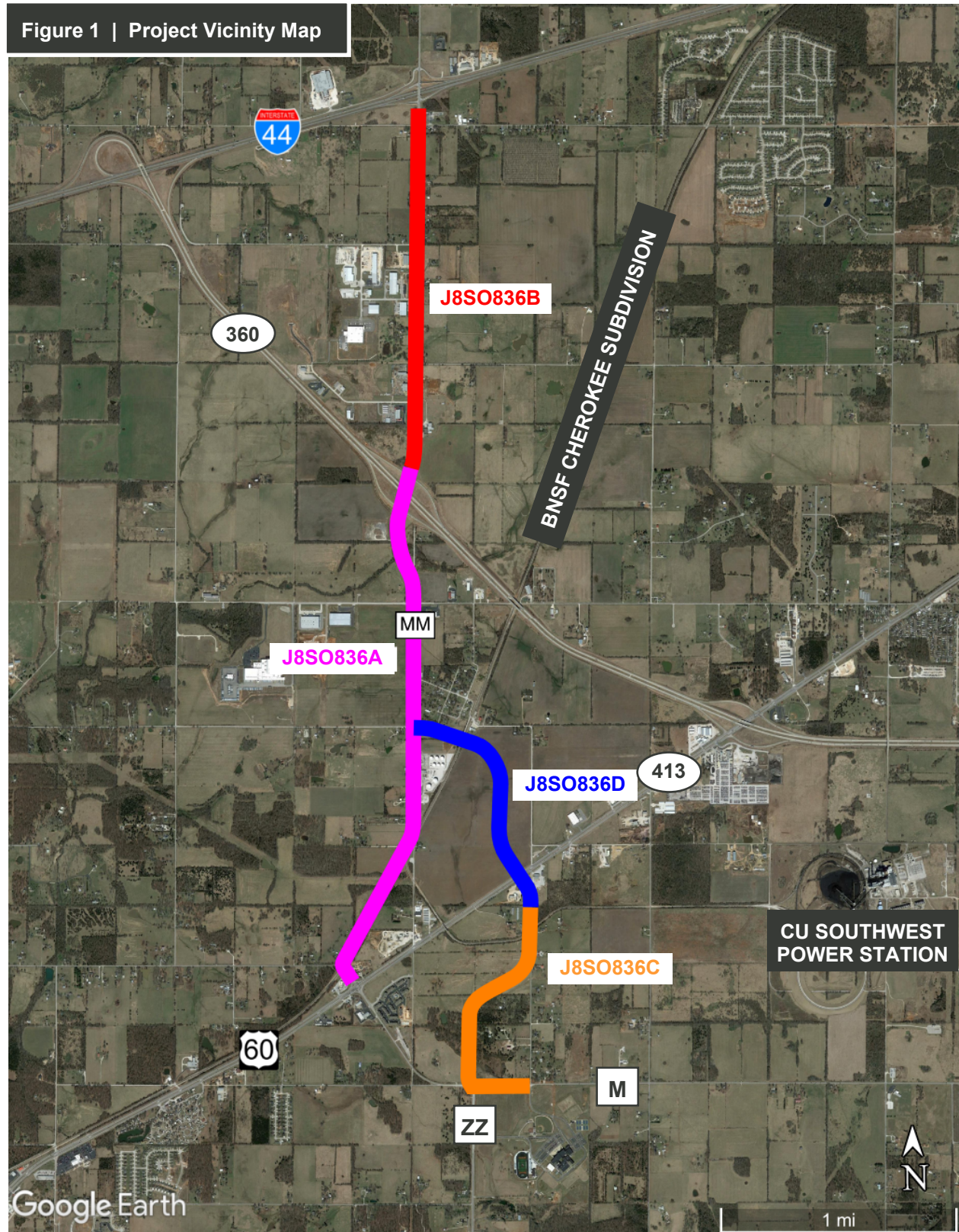


Figure 1. Project Vicinity Map

# Republic Regional Priority Trails

Miles ( 1 inch = 1/4 mile )

Trails Funding	Floodplain Flood Risk	City Limits
RAISE Grant	High	REPUBLIC
Funded	Medium	SPRINGFIELD
Not Funded	Low	BATTLEFIELD
Existing Trail		



ZZ

FF

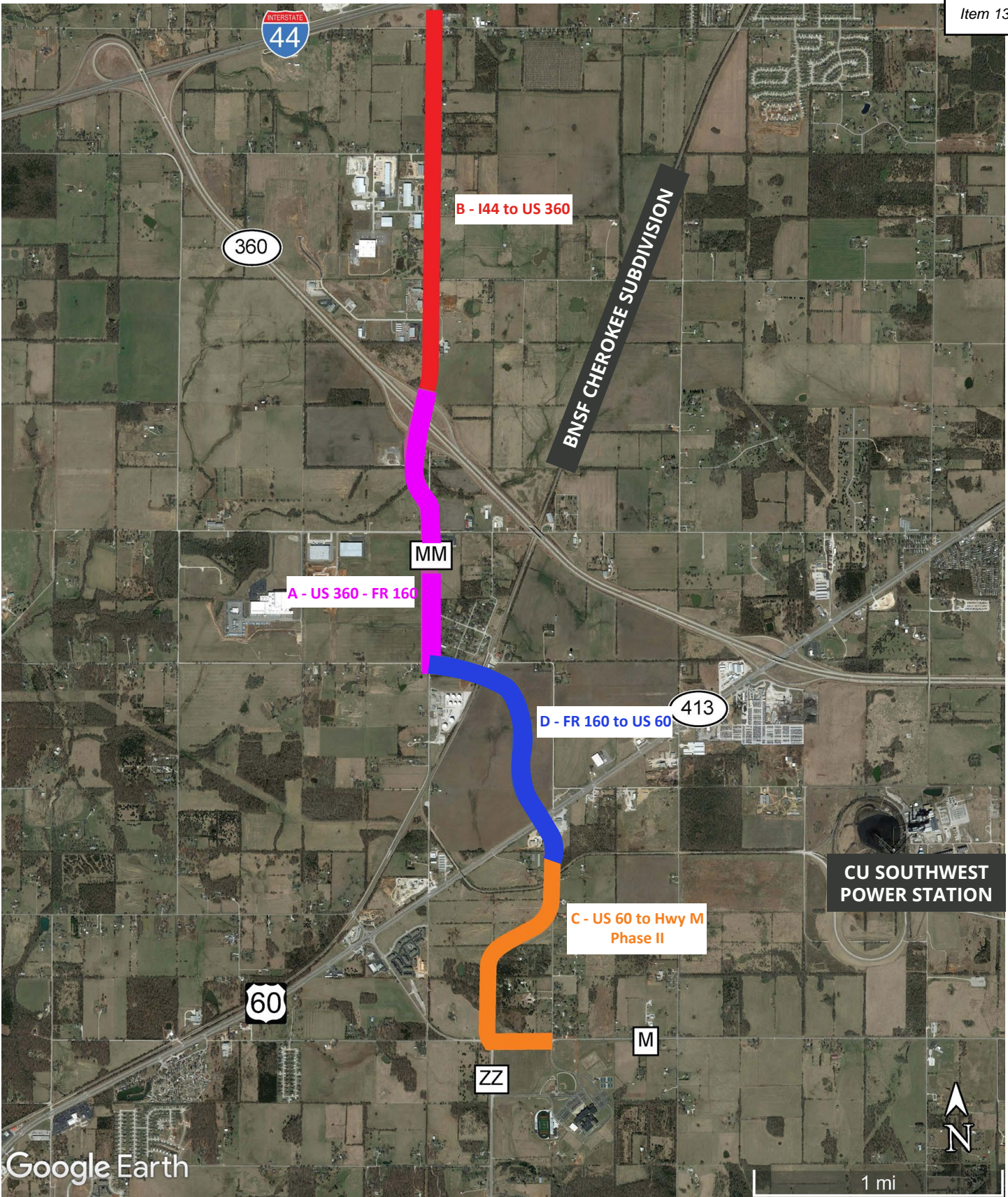
Connection to Existing Greenways

CONSTRUCTION FY-23-24

CONSTRUCTION FY-23-24

Wilson's Creek

Spatial Reference  
 PCS: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet  
 GCS: GCS North American 1983  
 Projection: Transverse Mercator  
 Scale: 1:118840 (1 inch = 1.74 mile)  
 Sources: Republic BUILDS, Republic Parks & Recreation,  
 City of Springfield, Greene County MO FEMA, Ozarks  
 Transportation Organization  
 Author: City of Republic, MO  
 February 2022



# PROJECT VICINITY MAP





# HIGHWAY MM: CORRIDOR OF OPPORTUNITY

## PROJECT NARRATIVE

**Grant Amount Requested:** \$25,000,000

**Project Type:** Capital Project – Highway New Alignment & Railroad Crossing Closure

**Applicant Name:** Lead Agency – City of Republic, additional agencies: Ozarks Transportation Organization and Missouri Department of Transportation (MoDOT).



## PROJECT DESCRIPTION

The Highway MM Corridor of Opportunity project aims to enhance **safety**, provide for **alternative modes of transportation**, and add **capacity** to a rural route that is rapidly becoming a regional economic hub. Missouri Highway MM connects Interstate 44 with US 360 and US 60. Highway MM is a developing corridor with companies that provide above average wages with manufacturing, construction, and warehouse employers.

The proposed project will provide for **safe community connectivity** by **closing three at-grade railroad crossings**, building a new road alignment with an **overpass over the BNSF railroad**, providing a **trail for bicycles and pedestrians**, and turning a two-lane planned arterial into a **five-lane facility**. The improvement will deliver the ability to manage the truck and commuter traffic along the corridor that connects Interstate 44 to multiple other major highways including US Highway 60 and US 360.

**Project Description At A Glance**

- Widening of Route MM to 5-lanes from 2-lanes.
- Widening of bridge over US 360 to accommodate 5-lanes and pedestrian facilities.
- Two-lane roundabout on Route MM at Farm Road 160.
- Remove US 60 intersection and relocate away from railroad crossing.
- Build overpass over BNSF Railroad.
- Close 3 BNSF Railroad at-grade crossings.
- Pedestrian trail between Farm Road 160 and Route 60.
- ADA Sidewalks along corridor.



The project location between I-44 and US 60, as well as the access it provides to existing and future traffic generators, make it subject to **elevated levels of future freight congestion**. Construction has accelerated along the corridor with new residential properties and commercial facilities such as Cox Health Center (medical center), Amazon STL3 Fulfillment Center (major warehouse employer), and Convoy of Hope World Headquarters (humanitarian aid distribution center). Additional commercial, retail and housing developments are currently planned along the corridor.

The City of Republic is one of the fastest growing regions in the state of Missouri and projects population growth up by approximately 15,000 to 18,000 people by the year 2040 (City of Republic). State Highway MM serves as a primary route to the Springfield-Branson National Airport as well as the Wilson’s Creek National Battlefield. It is a major north/south connection for the region connecting Christian County and the west side of the City of Springfield to I-44. The Republic area serves several of the regional outlying communities as both a commercial and employment center. See Retail Service Area Map [\(insert link\)](#). Because of its unique logistical advantages, the project corridor has experienced rapid and sustained economic development that continues to generate traffic, especially freight traffic along the corridor.



Development Project Figures				
Year	Single-family Homes	Multifamily Dwellings	Commercial GFA (SF)	Industrial GFA (SF)
2019	163	-	128,977	108,425
2020	164	-	19,097	1,652,384
2021	277	110	23,306	490,000
2022	1,307	681	141,100	208,000
2023	471	3,219	342,328	400,000

The project has two planned phases. Phase I consists of Highway MM from I-44 through the US 60 Intersection. Phase II is for Highway MM to Highway M from the US 60 Intersection through Highway M. This RAISE application is only for Phase I of the Highway MM Corridor project.

A continuous five-lane corridor of opportunity and multimodal safe connectivity **cannot** be completed without **RAISE Grant Discretionary funding**.

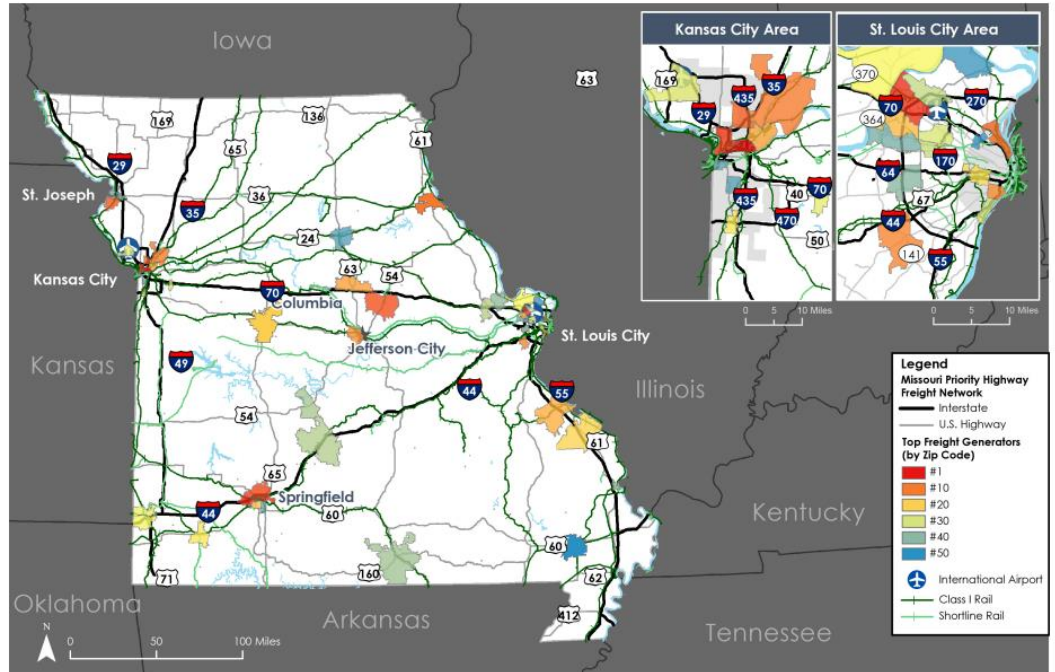
TRANSPORTATION CHALLENGES



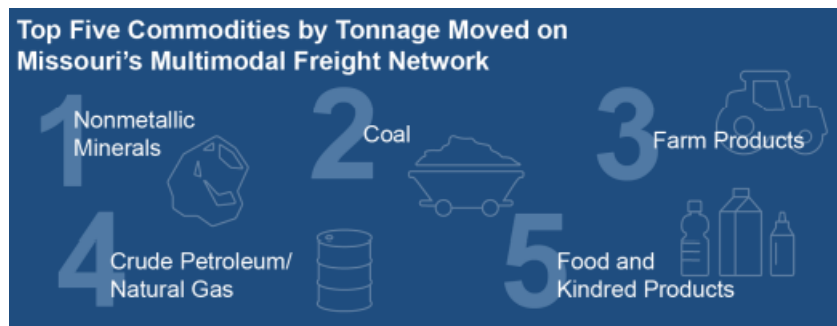
Highway MM connects two major corridors. I-44 has been identified as a critical freight corridor in the State of Missouri. See 2022 MISSOURI State Freight and Rail Plan here.

(Insert Link) I-44 is identified as a Tier 1 high priority corridor per the State of Missouri’s State Freight and Rail Plan. Highway

MM also connects to US 60. US 60 runs the entire length of Missouri connecting Oklahoma to Kentucky. US 60 is a major east-west route connecting Southwestern Arizona to the Atlantic Ocean in Virginia. These vital corridors transport vital products to the whole nation. Missouri is a national crossroads of highway, rail and pipeline networks. With the logistic challenges faced by the nation during the COVID pandemic, a strong freight infrastructure has become even more vital for transporting necessary supplies.



The project boundaries of Highway MM also contain four at-grade railroad crossings. Trains that move to, from, and through Missouri carry 43% of all freight, when compared to other travel modes. This segment is a busy rail corridor and is maintained by BNSF Railroad.



The planned project addresses both existing and future concerns due to growing traffic volumes within the Route MM Corridor. Route MM is already experiencing low levels of service and when current and future development is modeled the route will quickly be unable to handle the growing demand. Sections of the corridor are already performing at a level of service (LOS) D or



F (Greene County Route MM/ZZ Study). Most of the corridor is a two-lane facility. There is one three-lane section on Highway MM that is expected to exceed capacity between 2027-2032.

The intersection of US 60 & Route MM is currently performing at a LOS D during the AM peak hour and a LOS F during the PM peak hour. This existing intersection will be closed and a new intersection will be constructed as part of the road relocation.

Due to the proximity of the rail crossing at Route MM to US 60, traffic frequently backs onto US 60, when a train is occupying the crossing. This causes reliability issues along the US 60 Corridor. Delays of up to 20 minutes are experienced at the MM/US 60 intersection (reference the US 60 Study).

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#### HOW IT WILL ADDRESS THOSE CHALLENGES

**This project will address the following four challenges that will be explained in the Merit Criteria sections:**

- Adding capacity to the roadway to manage the freight transports and commuters.
- Removing three at-grade rail crossings.
- Adding ADA sidewalk and pedestrian trail to allow access to the corridor that previously did not exist.
- Removing at-grade separation of MM crossing 600 feet from US 60 resulting in reduced backups on US 60.
- Reducing truck-passenger car conflicts by adding center turn lanes.

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#### PROJECT HISTORY

In 2014, the City of Republic, Missouri made an innovative decision to annex the City of Brookline in order to facilitate the development of the Brookline Business Park. The City of Republic made historic infrastructure investments in water, and sewer totaling \$20 million over a 20 year period. The Springfield, MO utility, City Utilities also believed in the vision to bring quality jobs to the region and invested [redacted] in electric and natural gas infrastructure. The investment paid off when the development started. In [redacted] McLane became the first to build a new grocery distribution center. This was followed by Watson Metalcraft and [redacted] Holsters relocated to the corridor. Carnahan Evans fence company expanded operations in the area and Ashley Furniture added a warehouse facility. These are only a few of the successful businesses on the corridor. What once was open land with really great connections to essential road freight corridors, rail and the airport has become a booming freight corridor with businesses moving in rapidly.



The MM Corridor of Opportunity project became a high priority in 2020 when the Convoy of Hope World Headquarters and STL3 Amazon Fulfillment Center were built along the corridor. In 2021, Amazon constructed approximately \$4 million in transportation improvements to the Route MM corridor by upgrading to a three-lane roadway from Route 360 (James River Freeway) to Farm Road 160. Two public roadway intersections were improved including, Farm Road 156 which service commercial development and Haile Street which serves residences. Finally, traffic signals were added to the northern interchange ramp of US 360, Farm Road 156, and Haile Street. A two-foot shoulder was added along the east side of Route MM on this segment to add a greater clear zone between the large transmission power poles that encroach the roadway clear zone based on roadway speed and AADT. While Amazon made the improvements needed to facilitate the demands of traffic they caused, the remainder of the corridor is still experiencing congestion. Most of the corridor lacks adequate shoulders, turn lanes, and pedestrian connections. There are frequent conflicts with large trucks and passenger vehicles resulting in injury and death.

MoDOT completed a location and corridor study in February 2022. The study provides for the necessary information to identify the needed improvements and ensure that those improvements are adequate in the future. In addition, MoDOT conducted a study on the MM/I-44 Interchange and US/60 Study to analysis how the project as a whole will affect the system. Environmental work is underway, and an EA is anticipated. MoDOT has already begun the consultation process with other agencies and has identified only a few areas to be addressed. These areas are discussed in the Required Approvals section.

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#### CONNECTIONS TO OTHER PROJECTS

The Ozarks Transportation Organization has located other high priority projects that connect directly to this project. Improvements to the interchange at Highway MM and Interstate 44 is currently included the Statewide Transportation Improvement Program for FY 2025. US 60 is the other main connection to Highway MM. US 60 is slated to become a six-lane highway from the relocated MM intersection to US 360. This project is in the Draft Statewide Transportation Improvement Program for FY 2026 and is slated as a high priority project through the area's MPO priority process. I-44 has been identified as one of the highest freight corridor priorities in the state. The section of I-44 that connects to Highway MM through US 65 has been identified as a high priority safety and capacity project. Sections of I-44 have been programmed in the STIP including the Highway MM Interchange at I-44. An Infrastructure for Rebuilding American (INFRA) Discretionary Grant application is planned for 2022 for I-44. Overall, this project helps complete a regional connectivity piece that will benefit the whole region.



## STATEMENT OF WORK

Project	Budgetary Task	RAISE \$25 Million	Other Federal	Local	Total Cost
<b>Route MM</b>	Bridge	\$9,617,005			\$9,617,005
I-44 to US 60	Grading and Drainage	\$4,521,671	\$9,005,759	\$1,849,777	\$15,377,207
	Base and Surface	\$3,791,249	\$2,169,694	\$1,250,000	\$7,210,943
	Trail/Bike/Pedestrian Improvements	\$1,271,000			\$1,271,000
	Miscellaneous	\$1,895,075	\$2,040,502	\$3,389,919	\$7,325,496
	Estimated Contract Total	\$21,096,000	\$13,215,955	\$6,489,696	\$40,801,651
	Contingency/Inflation	\$848,000	\$571,732	\$457,000	\$1,876,732
	<b>Total Contract</b>	<b>\$21,944,000</b>	<b>\$13,787,687</b>	<b>\$6,946,696</b>	<b>\$42,678,383</b>
	PE	\$1,000,000	\$1,332,143	\$2,058,338	\$4,390,481
	CE	\$500,000	\$1,745,279	\$1,055,029	\$3,300,308
	ROW	\$562,000	\$2,703,390	\$1,530,888	\$4,796,278
	Utilities	\$994,000	\$1,965,765		\$2,959,765
	R/W Incidentals		\$208,000		\$208,000
	<b>Rounded Totals</b>	<b>\$25,000,000</b>	<b>\$21,742,264</b>	<b>\$11,590,951</b>	<b>\$58,333,215</b>

\*Insert Design status chart (waiting for information from MoDOT)

Describes in detail the project to be constructed.

Route MM is a 3.95-mile north/south minor arterial with two 12' wide lanes that connects to US 60 at its south end to I-44 at its north end. This route accommodates approximately 9,015 vehicle miles per day (2019) and was originally built in 1921. A signalized at-grade railroad crossing with BNSF rail and Route MM is located approximately 600' from the intersection of US 60. The existing intersection between route MM and Farm Road 160 is 1.2 miles north of US 60.

### Project Construction Details

The proposed facility has a functional classification of arterial with a design average daily (ADT) traffic of 20,620. The design criteria will be used for the corridor:

- Design ADT 22,720-30,620
- Operational (Posted) Speed – 45 miles per hour
- Number of lanes – 5-lanes
- Roadbed Width – 82'
- Right-of-Way – 130' width, PCA control
- Includes curb and gutter
- Includes storm sewer facilities
- Includes ADA sidewalk facilities
- Includes 10-foot-wide pedestrian trail from US 60 to Farm Road 160.



**Highway MM Corridor of Opportunity** runs from the Highway MM/I-44 Interchange through the US 60 Intersection. This project adds lane capacity (two-lanes to five-lanes, though the section from US 360 to Farm Road 160 is currently 3-lanes due to Amazon’s safety investment) and adds ADA sidewalk accommodation along the corridor. The roadway is currently posted at 55 mph and has been approved to reduced to 45-mph. There is currently a diamond interchange with James River Freeway. Existing access is provided on both sides of the corridor to the corridor businesses. Although any new access will be restricted to signalized intersections.

Part of the project will realign Highway MM from the current US 60/MM Intersection. It constructs a five-lane cross-section between US 60 and Farm Road 160. Constructs a new signalized intersection at US 60 and Route MM. It also permanently closes and removes three at-grade railroad crossings. A new overpass over the BNSF railroad is included with bicycle and pedestrian access. A 10-foot trail is proposed along the new alignment to give community connectivity and multimodal travel options. It includes a two-lane roundabout



on at Farm Road 160 in accommodate the anticipated growth.



**PROJECT LOCATION**

The City of Republic is in Greene County, MO and has a population of 18,750 per the 2020 decennial census. The proposed projects is located on the rural segment of Highway MM between Interstate 44 and US 60. It is considered a rural route per the 2010 census (per NOFO guidance). The project is located three miles from a major population center of Springfield, MO and connects the City of Willard commuters to the City of Republic community. The City of Republic serves as an urban hub to small urban communities that surround the City of Republic including, the cities of Willard, Clever, Billings, and Aurora. US 60 is a 2,655-mile (in total) east/west route that runs 340.8 miles from the Missouri-Kansas border at Seneca to the Missouri-Illinois border in Mississippi County. The project is in the Missouri Department of Transportations (MoDOT) Southwest District, the Ozarks Transportation Organization (OTO) Metropolitan Planning Organization planning area, and in the city limits of the City of Republic.

Table showing geographic location

Project Segment	Rural/Urban	Latitude	Longitude	Project Length
Section 1	Rural	37° 11' 20"	93° 25' 24"	1.2730 Miles
Section 2	Rural	37° 10' 53.66" N	93° 25' 25.49" W @ northern limit	1.3373 Miles



		@ northern limit (Carnahan St.)		(FR 160 to Carnahan St.)
Section 3	Rural	37° 09' 41.88" N @ northern limit (FR 160)	93° 25' 27.47" W @ northern limit	0.8975 Miles (US 60 to FR 160)

**\*Insert PDF of Project Map**

**Area of Persistent Poverty**

The City of Republic is located in Greene County. Greene County is identified as an Area of Persistent Poverty. See Appendix G – 2020 Low Income Areas.

**Historically Disadvantaged Area**

The project is not in a historically disadvantaged community. Jobs created in this corridor provide opportunities for the disadvantaged communities in census tracks, [redacted]. (attach census track maps for historically disadvantaged communities to census).

**C. Census -designated urbanized area in which the project is located**

The project is located outside the Springfield Missouri Urbanized area and is designated as rural per the 2010 Census.

**Federal Designated Community Development Zones**

ect is not in a federally designated community development zone.



**GRANT FUNDS, SOURCES AND USES OF ALL PROJECT FUNDING**

RAISE Funding is critical to successfully delivery the Highway MM Corridor project. There is currently no identified funding for the segment between US 360 and Farm Road 160. This will result in a bottleneck of freight traffic. The match contributions represent the maximum match that MoDOT is able to contribute. There is local match on a state system that demonstrates the need for this project.

The total estimated cost of the project is \$58,333,215. The USDOT RAISE Grant Administration will contribute an estimated \$25,000,000 or 43% of the overall project cost. Any additional costs beyond that would be provided by the Missouri Department of Transportation, City of Republic, and other federal sources. These are estimates only and cover work that will be required regardless of other design that MoDOT, the City of Republic, and USDOT implement. All funds





in the project will be spent in a rural area. The Project Funding Table below shows the expected contributions towards the project.

Evidence of these pledged contributions are provided in the Appendix. All non-federal funds are immediately available and are not subject to a fixed time period.

Non-Federal	
Greene County	\$ 1.500 Million
City of Republic	\$ 1.527 Million
State of Missouri	\$ 8.564 Million
<b>Total Non-Federal</b>	<b>\$11.591 Million</b>

MoDOT's portion of the funding for the project is \$8,563,951 of state funds, generated from a non-federal funding source. The state funds are derived from Missouri user fees and include fuel taxes, registration and licensing fees, and motor vehicle sales taxes. The City of Republic's portion of the project funding is \$1,527,000 generated from a non-federal funding source from the city's transportation tax revenue (Innovative Financing).

#### Other Federal Funds

Federal	
Surface Transportation Block Grant (STBG)	\$19,886 Million
Federal Safety Funds	\$ .919 Million
Open Container Penalty	\$ .564 Million
Transportation Alternative Program (TAP)	\$ .374 Million
<b>RAISE</b>	<b>\$25.000 Million</b>
<b>Total Federal</b>	<b>\$46,743 Million</b>

The project is utilizing \$564,000 in Open Container Funding, \$374,000 in Transportation Alternatives Program (TAP), and \$919,000 in Safety Funds. Approximately \$19,886,000 of the funds will be Federal Surface Transportation Block Grant Funds.

#### **Dependency of Other Funding Sources.**

Part of the project is programmed in the FY 2024 & FY 2025 Statewide Transportation Improvement Program (STIP) to utilize TAP, Open Container and Advanced Construction (Surface Transportation Block Grant) funds. These funds are part of the States allocated funding and has been prioritized for the project in the STIP as available funding sources for the project. There is no commitment to spend RAISE Grant dollars by a specific date, other than that agreed upon by the USDOT, MoDOT, and the City of Republic pending successful award of the RAISE Grant.





## Highway MM: Corridor of Opportunity

### RAISE Grant Application Fact Sheet



The Ozarks Transportation Organization, in cooperation with the City of Republic and MoDOT, is preparing an application for funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program. The Highway MM Corridor project consists of three sections:

#### Section 1: Project A – Route MM from Route 360/James River Freeway to Farm Road 160

- Widening of Route MM to 5-lanes from 3-lanes.
- Widening of Bridge over Route 360/James River Freeway to accommodate 5-lane.
- Estimated section cost is \$18 million.

#### Section 2: Project B – Route MM from I-44 to US 360/James River Freeway

- Widening of Route MM to 5-lanes from 2-lanes.
- Estimated section construction cost is \$10.3 million.
- Funded through cost share with the City of Republic and the State of Missouri Cost Share Program.
- Construction tentatively scheduled to begin in 2024.

#### Section 3: Project D – Route MM from Farm Road 160 to US 60 (new proposed alignment)

- Possible two-lane roundabout on Route MM (Brookline Avenue) at Farm Road 160.
- Build overpass over BNSF Railroad south of Haile Street.
- Remove US Route 60 intersection at Commercial Avenue/Farm Road 103.
- Build intersection connecting new Route MM with Route 60 just west of Route 60 intersection at Commercial Avenue/Farm Road 103.
- Close BNSF Railroad crossings at Route 60 and Farm Roads 93/172, Route 60 and Farm Road 170, Route MM and Farm Road 168, and East Haile Street/Orr Street.
- Addition of pedestrian trail between Route MM (Brookline Avenue)/Farm Road 160 and Route 60 (unfunded).
- Estimated section construction cost is \$33.8 million.
- Construction tentatively scheduled to begin in 2025.





## Project Tentative Schedule



# Highway MM Proposed Tentative Project Schedule



\*Depending on construction method, Engineering and Construction could overlap. Timing is dependent on a grant award being made in 2022.

Project schedule is dependent on grant award in 2022 and construction method selected after final engineering.



## Project Funding

The proposed budget is approximately **\$58 million** in projected cost. The RAISE Grant application is requesting **\$25 million** in project funds. There is no guarantee of funding. It is a competitive grant based on selection criteria. Members of the community and local government can help the project be more competitive. Items that can be done to help include writing letters of support and reaching out to state and local representatives. The projects included in the grant application are phase I of a larger Highway MM/ZZ Corridor project. Section C is phase II and does not have a funding source. The Project map is attached.



## Application Deadline

The RAISE Discretionary Grant application deadline is April 14, 2022. Parties interested in submitting project support letters should have those returned to the Ozarks Transportation Organization by **Monday, March 28, 2022**. Questions and/or letters can be directed to Debbie Parks at [Dparks@ozarkstransportation.org](mailto:Dparks@ozarkstransportation.org) or 417-865-3047 ext. 106.

