

**NOTICE OF OPEN MEETING & VOTE TO  
CLOSE PART OF THE MEETING**

**A G E N D A**

**COUNCIL MEETING**

**City of Moberly**

**City Council Room – Moberly City Hall**

**101 West Reed Street**

**February 03, 2020**

**6:00 PM**

**AMENDED**

**Posted:**

**Pledge of Allegiance**

**Roll Call**

**Approval of Agenda**

**Recognition of Visitors**

**Communications, Requests, Informational Items & Consent Calendar**

**1.** A request from Lori Turk to hold her annual Run for Life 5k on May 10, 2020.

**Public Hearing and Receipt of Bids**

**Ordinances & Resolutions**

**2.** An Ordinance Approving And Authorizing The Mayor To Execute A First Amendment To The Tourism And Downtown Implementation Services Agreement.

**3.** An Ordinance Repealing And Replacing Article IV, Chapter 10 Of The Moberly City Code Concerning Flood Plain Management

**4.** A Resolution Of The City Of Moberly, Missouri, Accepting A Work-In-Water Grant From The City Of Wichita, Kansas.

**5.** A Resolution Authorizing The City Manager Of The City Of Moberly, Missouri To Execute A Release And Hold Harmless Agreement With The Moberly Area Community College For Use Of The City Firearms Range

**6.** A Resolution appropriating money out of the Treasury of the City of Moberly, Missouri.

**Official Reports**

**Anything Else to Come Before the Council**

**7.** **Consideration of a Motion to adjourn to a Work Session**

**Adjournment**

**The public is invited to attend the Council meeting. Representatives of the news media may obtain copies of this notice by contacting the City Clerk. If a special accommodation is needed as addressed by the Americans with Disabilities Act, please contact the City Clerk twenty-four (24) hours in advance of the meeting.**

# City of Moberly City Council Agenda Summary

Agenda Number: \_\_\_\_\_ #1.  
 Department: Police Department  
 Date: February 3, 2020

**Agenda Item:** A request from Lori Turk to hold her annual Run for Life 5k on May 10, 2020.

**Summary:** If approved the annual Run for Her life 5k fundraiser for Breast Cancer will be held on 5-10-2020, start time is 9:00 am. The event should conclude between 10:30 am and 11:00 am. This is the 12<sup>th</sup> year for this event and has been well attended every year. The 5k will being 1515 Union Ave, travel West on Union Ave to Mullen Lane, turn south to Taylor Street, West on Taylor to Bertley Street, turn south on Bertley to Roberts Street, turn West on Roberts to East Coates Street, West on East Coates and then turn North through the parking lot at 300 N. Morley, turn East on Farror to Porter, North on Porter, cross Union Ave and continue North on Porter to Franklin Ave. Turn East on Franklin Ave to St Charles St, South on St. Charles to Union Ave, East on Union Ave to MRMC 1515 Union Ave. Contact person is Lori Turk,660-651-2719. Approximately 500 persons are expected to participate, and she has approximately 15 volunteers to assist at road intersections. Police Department requested to assist with traffic control as needed to lead the 5k.

**Recommended**

**Action:** Approve this request

**Fund Name:** N/A

**Account Number:** N/A

**Available Budget \$:** N/A

ATTACHMENTS:		Roll Call	Aye	Nay
<input type="checkbox"/> Memo	<input type="checkbox"/> Council Minutes	<b>Mayor</b>		
<input type="checkbox"/> Staff Report	<input type="checkbox"/> Proposed Ordinance	M__ S__ <b>Jeffrey</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Correspondence	<input type="checkbox"/> Proposed Resolution	<b>Council Member</b>		
<input type="checkbox"/> Bid Tabulation	<input type="checkbox"/> Attorney's Report	M__ S__ <b>Brubaker</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> P/C Recommendation	<input type="checkbox"/> Petition	M__ S__ <b>Kimmons</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> P/C Minutes	<input type="checkbox"/> Contract	M__ S__ <b>Davis</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Application	<input type="checkbox"/> Budget Amendment	M__ S__ <b>Kyser</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Citizen	<input type="checkbox"/> Legal Notice			
<input type="checkbox"/> Consultant Report	<input type="checkbox"/> Other _____		Passed	Failed

City of Moberly!

Police Department  
Russell W. Tarr  
Chief of Police  
223rd Session FBI Academy

300 N Clark Street  
Moberly, MO 65270  
Phone: 660-263-0346  
Fax: 660-263-8540

### Walk/Run Application Permit

Application Date: 1-13-2020  
(Note: Application Date must be received by staff sixty (60) days prior to the event)

Requested Date of event: 5-10-2020 Run For Her Life -  
Purpose of event: Fundraiser for breast cancer 12<sup>th</sup> year.

Name of event director: LORI TARR

Contact phone, & Address of director: 660 651 2719 1161 Oxbow Lane

Approximate number of participants: 500

Route requested, Begin & End Time: Begin at 9:00 am at Moberly Diagnostics  
Event concludes between 10:30am - 11:00 am at Moberly Diagnostics  
Please see attached for route details  
Thanks!

(Please include a map diagram showing start to finish)

Will the route/streets be marked? Yes:  No:

Will the organization furnish personnel to assist with the event?  
Yes:  No:  If yes, how many? To assist @ crossings ~ 15

Signature of applicant: [Signature]

Approved:  Declined:

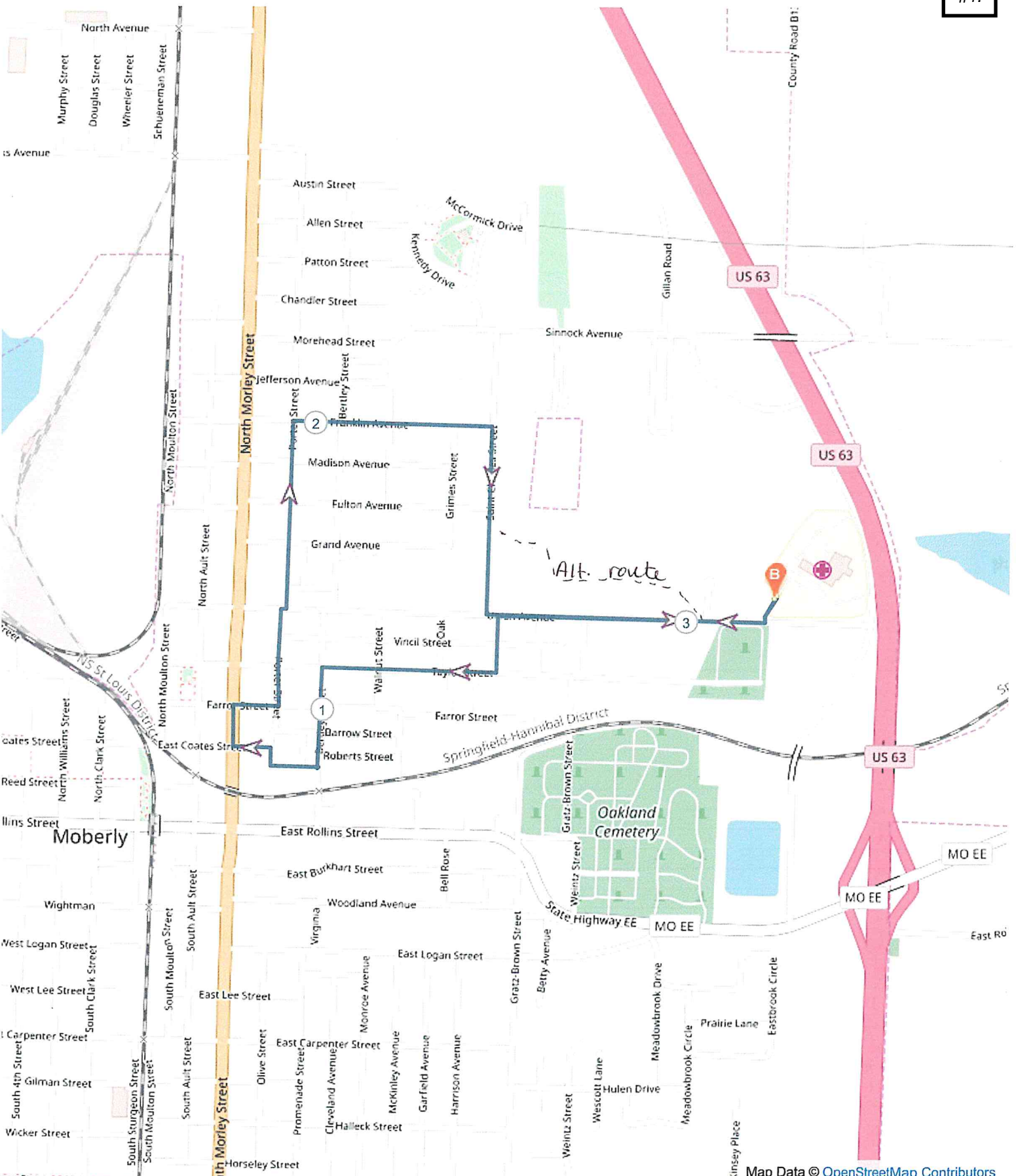
Authorizing Official: [Signature] Date: 1-15-2020

Emergency services assistance to monitor traffic may be provided for a period of time up to one (1) hour after the race begins.

❖ No permanent paint may be used on roads or trails. Only spray chalk or temporary paint with a life of not more than 30 days may be used.

# Unnamed Route *Mother's Day 5K*

#1.



## ROUTE DIRECTIONS

4

No	Miles	Turn	Directions
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Map Data © OpenStreetMap Contributors



No	Miles	Turn	Directions	#1.
1	0.000		Start on	
2	0.037	→	Turn right onto Union Avenue	
3	0.446	←	Turn left onto Mullen Lane	
4	0.621	→	Turn right onto Taylor Street	
5	0.928	←	Turn left onto Bertley Street	
6	1.107	←	Turn left onto Roberts Street	
7	1.192	←	Turn left onto East Coates Street	
8	1.258	→	<del>Turn right onto North Morley Street, US-63 Business</del> <i>Sam's Parking Lot</i>	
9	1.291	→	Turn right onto Farror Street	
10	1.445	→	Turn right onto Porter Street	
11	1.569		Turn right onto Union Avenue	
12	1.619	←	Turn left onto Porter Street	
13	1.889	→	Turn right onto Franklin Avenue	
14	2.313	→	Turn right onto Saint Charles Street	
15	2.315	←	Turn left onto Union Avenue	
16	2.822	↖	Turn left	
17	3.152			

# City of Moberly City Council Agenda Summary

Agenda Number: #2.  
 Department: City Manager  
 Date: February 3, 2020

**Agenda Item:** An Ordinance Approving And Authorizing The Mayor To Execute A First Amendment To The Tourism And Downtown Implementation Services Agreement.

**Summary:** The City of Moberly entered into an agreement with the Moberly Chamber of Commerce to provide tourism services through the Tourism Commission. This agreement also allowed for a tourism consultant (Destination Services) to provide implementation services to the chamber based on the tourism plan developed two years ago. With the potential development of the Merchants Hotel, we are requesting to continue the attached agreement. This agreement between, the Downtown CID, Chamber, City and Destination Services, will continue the efforts of the consultant with regards to the Merchants Hotel Project, and tourism implementation services. This agreement amends the existing agreement and reduces the amount for tourism implementation services, and continues the same relationship of the Merchants Hotel Project

**Recommended**

**Action:** Approve this ordinance.

**Fund Name:** N/A

**Account Number:** N/A

**Available Budget \$:** N/A

ATTACHMENTS:		Roll Call	Aye	Nay
<input type="checkbox"/> Memo	<input type="checkbox"/> Council Minutes	<b>Mayor</b>		
<input type="checkbox"/> Staff Report	<input checked="" type="checkbox"/> Proposed Ordinance	M__ S__ <b>Jeffrey</b>	___	___
<input type="checkbox"/> Correspondence	<input type="checkbox"/> Proposed Resolution			
<input type="checkbox"/> Bid Tabulation	<input type="checkbox"/> Attorney's Report	<b>Council Member</b>		
<input type="checkbox"/> P/C Recommendation	<input type="checkbox"/> Petition	M__ S__ <b>Brubaker</b>	___	___
<input type="checkbox"/> P/C Minutes	<input type="checkbox"/> Contract	M__ S__ <b>Kimmons</b>	___	___
<input type="checkbox"/> Application	<input type="checkbox"/> Budget Amendment	M__ S__ <b>Davis</b>	___	___
<input type="checkbox"/> Citizen	<input type="checkbox"/> Legal Notice	M__ S__ <b>Kyser</b>	___	___
<input type="checkbox"/> Consultant Report	<input checked="" type="checkbox"/> Other _____		Passed	Failed

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE TOURISM AND DOWNTOWN IMPLEMENTATION SERVICES AGREEMENT.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOBERLY, MISSOURI, TO-WIT:**

**SECTION ONE:** On December 3, 2018, this council approved and entered into a Tourism and Downtown Implementation Services Agreement (the “Agreement”) with the Downtown Moberly Community Improvement District, Moberly Chamber of Commerce and Destination Services, LLC (the “Parties”).

**SECTION TWO:** The Parties now wish to amend the Agreement to reflect certain reductions in amounts paid for certain services.

**SECTION THREE:** Staff has negotiated an Amendment to the Agreement, a copy of which is attached hereto.

**SECTION FOUR:** The City Council hereby approves the Amended Agreement and hereby authorizes the Mayor to execute the attached Amended Agreement on behalf of the City of Moberly, Missouri

**SECTION SIX:** This Ordinance shall be in full force and effect from and after its passage and adoption by the Council of the City of Moberly, Missouri, and its signature by the officer presiding at the meeting at which it was passed and adopted.

**PASSED AND ADOPTED** by the Council of the City of Moberly, Missouri, this 3rd day  
of February, 2020.

**ATTEST:**

\_\_\_\_\_  
**Presiding Officer at Meeting**

\_\_\_\_\_  
**City Clerk**

**FIRST AMENDMENT TO TOURISM AND DOWNTOWN IMPLEMENTATION SERVICES AGREEMENT**

**THIS FIRST AMENDMENT TO TOURISM AND DOWNTOWN IMPLEMENTATION SERVICES AGREEMENT** (this “**Amendment**”), is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and among the DOWNTOWN MOBERLY COMMUNITY IMPROVEMENT DISTRICT, a community improvement district and political subdivision of the State of Missouri having a principal office at 101 West Main Street, Moberly, Missouri 65270 (the “**District**”); the CITY OF MOBERLY, a city of the third classification and Missouri municipal corporation having a principal office at 101 West Main Street, Moberly, Missouri 65270 (the “**City**”); the MOBERLY CHAMBER OF COMMERCE, INC., a Missouri not for profit corporation in good standing having a principal office at 211 West Reed Street, Moberly, Missouri 65270 (the “**Chamber**”); and DESTINATION SERVICES, LLC, a Missouri limited liability company having a principal office at 322 South Main Street, St. Charles, Missouri 63301 (the “**Company**”).

**RECITALS**

**A.** The District was formed as a political subdivision of the State of Missouri pursuant to the Community Improvement District Act, sections 67.1401 through 67.1571 of the Revised Statutes of Missouri, as amended (the “**CID Act**”) to undertake, facilitate and promote certain actions, projects and programs designed to revitalize the downtown area of the City (collectively, the “**Revitalization Project**”), all as further set forth in the petition requesting the creation of the District and in furtherance of the Revitalization Project as set forth therein.

**B.** The parties have entered into a certain Tourism and Downtown Implementation Services Agreement dated as of December 3, 2018 (the “**Original Agreement**”) and now wish to amend a portion of the Original Agreement to reflect certain reductions in the amounts to be paid for certain Tourism Implementation Services, all in accordance with and subject to the terms and conditions of this Amendment.

**AGREEMENT**

**NOW, THEREFORE,** in consideration of the above premises and mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District, the City, the Chamber, and the Company each hereby agrees as follows:

**1. Portions Amended.** Section 4.2 of the Original Agreement is hereby deleted in its entirety and the following Section 4.2 is hereby substituted therefor:

“**4.2.** For satisfactory provision of the Tourism Implementation Services as set forth in paragraph 1.2 of this Agreement, the Chamber shall compensate the Company in the lump sum amount of Four Hundred Dollars and no cents (\$400.00) for each month in which the Tourism Implementation Services are provided which amounts shall include all costs of labor and materials necessary to provide the



Tourism Implementation Services including all support and any sub-contract costs. The Company shall invoice the Chamber on a monthly basis specifying services provided during such period. Invoices for the Tourism Implementation Services shall be addressed to the Chamber for payment and the Chamber shall make each payment in a lump sum within sixty (60) days of receipt of a complete invoice.”

2. The Original Agreement as modified and amended by this Amendment is hereby ratified and confirmed and, except for the modifications and amendments contained in this Amendment, all other terms of the Original Agreement shall remain unchanged and in full force and effect; *provided that* in the event of any conflict between the terms of this Amendment and those of the Original Agreement, the terms of this Amendment shall govern and the Original Agreement shall be deemed modified to the extent of the conflict.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

DOWNTOWN MOBERLY COMMUNITY IMPROVEMENT DISTRICT (the “**District**”)

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Assistant Secretary

MOBERLY CHAMBER OF COMMERCE, INC. (the “**Chamber**”)

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

ATTEST:

\_\_\_\_\_

CITY OF MOBERLY, MISSOURI (the “City”)

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

DESTINATION SERVICES, LLC (the “Company”)

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

ATTEST:

\_\_\_\_\_

# City of Moberly City Council Agenda Summary

Agenda Number: \_\_\_\_\_ #3.  
 Department: Comm. Dev.  
 Date: February 3, 2020

**Agenda Item:** An Ordinance Repealing And Replacing Article IV, Chapter 10 Of The Moberly City Code Concerning Flood Plain Management

**Summary:** This ordinance update pertains to the adoption of the new floodplain maps that are developed by FEMA/SEMA. Previous map was from 1977 and covered much larger segments of the community. The new maps are much more precise and accurate and provide a true and reasonable account for the floodplains. We have been pushing FEMA/SEMA to get these updated for years.

**Recommended**

**Action:** Approve this ordinance.

**Fund Name:** N/A

**Account Number:** N/A

**Available Budget \$:** N/A

ATTACHMENTS:		Roll Call	Aye	Nay
<input type="checkbox"/> Memo	<input type="checkbox"/> Council Minutes	<b>Mayor</b>		
<input checked="" type="checkbox"/> Staff Report	<input type="checkbox"/> Proposed Ordinance	M___ S___ <b>Jeffrey</b>	___	___
<input type="checkbox"/> Correspondence	<input type="checkbox"/> Proposed Resolution			
<input type="checkbox"/> Bid Tabulation	<input type="checkbox"/> Attorney's Report	<b>Council Member</b>		
<input type="checkbox"/> P/C Recommendation	<input type="checkbox"/> Petition	M___ S___ <b>Brubaker</b>	___	___
<input type="checkbox"/> P/C Minutes	<input type="checkbox"/> Contract	M___ S___ <b>Kimmons</b>	___	___
<input type="checkbox"/> Application	<input type="checkbox"/> Budget Amendment	M___ S___ <b>Davis</b>	___	___
<input type="checkbox"/> Citizen	<input type="checkbox"/> Legal Notice	M___ S___ <b>Kyser</b>	___	___
<input type="checkbox"/> Consultant Report	<input type="checkbox"/> Other _____		Passed	Failed

BILL NO: \_\_\_\_\_

ORDINANCE NO: \_\_\_\_\_

**AN ORDINANCE REPEALING AND REPLACING ARTICLE IV, CHAPTER 10 OF THE MOBERLY CITY CODE CONCERNING FLOOD PLAIN MANAGEMENT.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOBERLY, MISSOURI AS FOLLOWS, TO-WIT:**

**SECTION ONE:** Article IV of Chapter 10 of the Moberly City Code is hereby repealed.

**SECTION TWO:** A new Article IV of Chapter 10 to the Moberly City Code is hereby adopted in the following form:

**Sec. 10-129. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES.**

(1) STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMo 77.260 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the City Council of the City of Moberly, Missouri ordains as follows:

(2) FINDINGS OF FACT

(A) *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of the City of Moberly, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

(B) *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

(C) *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this

ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Randolph County dated May 1, 2020, as amended, and any future revisions thereto. #3.

2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

## (2) STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

- (A) restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- (B) require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- (C) protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

## **Sec. 10-130. GENERAL PROVISIONS.**

### (1) LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of the City of Moberly identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) panels for Randolph County, Missouri on map panels 29175C0162C, 29175C0164C, 29175C0165C, 29175C0166C, 29175C0170C, 29175C0175C, and 29175C0275C, dated May 1, 2020, as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

### (2) FLOODPLAIN ADMINISTRATOR



The Community Development Director or his designee is hereby designated as the Floodplain Administrator under this ordinance. #3.

(3) COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(4) ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(5) INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

(6) WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of Moberly, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(7) SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

**Sec. 10-131. ADMINISTRATION.**

(1) FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development in these areas.

(2) DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Community Development Director or his designee is hereby appointed to administer and implement the provisions of this ordinance.

### (3) DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Community Development Director or his designee shall include, but not be limited to:

- (A) review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
- (B) review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- (C) review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- (D) issue floodplain development permits for all approved applications;
- (E) notify adjacent communities and the Missouri State Emergency Management Agency (MOSEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (F) assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
- (G) verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- (H) verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
- (I) when floodproofing techniques are utilized for a particular non-residential structure, the Community Development Director or his designee shall require certification from a registered professional engineer or architect.

### (4) APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (A) describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (B) identify and describe the work to be covered by the floodplain development permit;
- (C) indicate the use or occupancy for which the proposed work is intended;

- (D) indicate the assessed value of the structure and the fair market value of the improvement;
- (E) specify whether development is located in designated flood fringe or floodway;
- (F) identify the existing base flood elevation and the elevation of the proposed development;
- (G) give such other information as reasonably may be required by the Community Development Director or his designee;
- (H) be accompanied by plans and specifications for proposed construction; and
- (I) be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

**Sec. 10-132. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

**(1) GENERAL STANDARDS**

- (A) No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
- (B) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- (C) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (D) All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
  - 1. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - 2. construction with materials resistant to flood damage;
  - 3. utilization of methods and practices that minimize flood damages;
  - 4. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - 5. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

6. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
- a. all such proposals are consistent with the need to minimize flood damage;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. adequate drainage is provided so as to reduce exposure to flood hazards; and
  - d. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

(E) *Storage, material, and equipment*

1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

(F) *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

(G) *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

1. If such structure, use, or utility service is discontinued for 24 consecutive months, any future use of the building shall conform to this ordinance.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

(2) SPECIFIC STANDARDS

- (A) In all areas identified as numbered and unnumbered A zones and AE zones, where **base flood elevation** data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

1. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation.

2. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(9).

3. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
- b. the bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) MANUFACTURED HOMES

(A) All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(B) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:

- 1. outside of manufactured home park or subdivision;
- 2. in a new manufactured home park or subdivision;
- 3. in an expansion to and existing manufactured home park or subdivision; or



4. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (C) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:
1. the lowest floor of the manufactured home is at two (2) feet above the base flood level; or
  2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### (4) FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

- (A) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- (B) The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
- (C) If Article 4, Section D(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
- (D) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

#### (5) RECREATIONAL VEHICLES

- (A) Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:
1. be on the site for fewer than 180 consecutive days,
  2. be fully licensed and ready for highway use\*; **or**
  3. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions. #3.

## **Sec. 10-133. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES.**

### **(1) ESTABLISHMENT OF APPEAL BOARD**

The Board of Adjustment as established by the City of Moberly shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

### **(2) RESPONSIBILITY OF APPEAL BOARD**

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Community Development Director or his designee, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article 5, Section A.

The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Community Development Director or his designee in the enforcement or administration of this ordinance.

### **(3) FURTHER APPEALS**

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Randolph County Circuit Court as provided in RSMo 89.110.

### **(4) FLOODPLAIN MANAGEMENT VARIANCE CRITERIA**

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

- a. the danger to life and property due to flood damage;
- b. the danger that materials may be swept onto other lands to the injury of others;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations, not subject to flood damage, for the proposed use;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

- j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters applicable, expected at the site; and, #3.
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

(5) CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (A) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- (B) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (D) Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (E) A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

(6). CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

- (A) Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- (B) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring,

etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance. #3.

- (C) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (D) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
- (E) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.
- (F) The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section D(2) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (G) Equipment, machinery, or other contents must be protected from any flood damage.
- (H) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- (I) A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- (J) Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

#### **Sec. 10-134. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$200.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Moberly or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **Sec. 10-136. AMENDMENTS.**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster

Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing #3. in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Moberly at least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

## **Sec. 10-137. DEFINITIONS.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

**"100-year Flood"** *see "base flood."*

**"Accessory Structure"** means the same as *"appurtenant structure."*

**"Actuarial Rates"** *see "risk premium rates."*

**"Administrator"** means the Federal Insurance Administrator.

**"Agency"** means the Federal Emergency Management Agency (FEMA).

**"Agricultural Commodities"** means agricultural products and livestock.

**"Agricultural Structure"** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

**"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**"Appurtenant Structure"** means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.

**"Building"** *see "structure."*



**"Chief Executive Officer" or "Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community. #3.

**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards.

**"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Floodway Encroachment Lines"** means the lines marking the limits of floodways on Federal, State and local floodplain maps.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b)

certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

**"(NFIP)"** means the National Flood Insurance Program (NFIP).

**"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or other entity, including Federal, State, and local governments and agencies.

**"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**"Repetitive Loss"** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

**"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** *see "area of special flood hazard."*

**"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

**"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction,

alteration or repair, but does not include building materials or supplies intended for use in construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
- c.) Any improvement to a building.

**Substantial Improvement** means any combination of reconstruction, alteration, or improvement to a building, taking place during a 10 year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

- a.) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Substantially improved existing manufactured home parks or subdivisions** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**"Violation"** means the failure of a structure or other development to be fully compliant with #3. community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

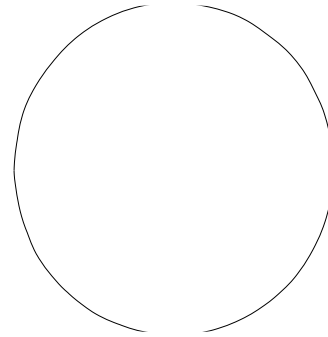
**SECTION 3:** This Ordinance shall take effect and be in force from and after its passage and adoption by the Council of the City of Moberly, and its signature by the officer presiding at the meeting at which it was passed and adopted.

#3.

PASSED, ADOPTED AND APPROVED by the Governing Body of the City of Moberly, Missouri

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Place seal here.



\_\_\_\_\_

Chief Executive Officer/Chief Elected Official (Signature)

\_\_\_\_\_

Name

Title

Chief Executive Officer/Chief Elected Official (Typed/printed)

ATTEST:

\_\_\_\_\_

Signature of Recording Clerk

\_\_\_\_\_

Name

Title

Recording Clerk (Typed/printed)

# City of Moberly City Council Agenda Summary

Agenda Number: \_\_\_\_\_ #4.  
 Department: Public Utilities  
 Date: February 3, 2020

**Agenda Item:** A Resolution Of The City Of Moberly, Missouri, Accepting A Work-In-Water Grant From The City Of Wichita, Kansas.

**Summary:** Work in Water Mini-Grants Provide catalyst funding to water utilities to host water education and career exploration events for local high school students. The program is primarily intended to support requests ranging from \$500-\$2500. We have been awarded \$3,800.00. Ed Lewis from Moberly High School is willing to coordinate the classroom time and tour of facilities for his science students for this event.

**Recommended**

**Action:** Approve this Resolution

**Fund Name:** N/A

**Account Number:** N/A

**Available Budget \$:** N/A

ATTACHMENTS:		Roll Call	Aye	Nay
<input type="checkbox"/> Memo	<input type="checkbox"/> Council Minutes	<b>Mayor</b>		
<input type="checkbox"/> Staff Report	<input type="checkbox"/> Proposed Ordinance	M___ S___ <b>Jeffrey</b>	___	___
<input type="checkbox"/> Correspondence	<input type="checkbox"/> Proposed Resolution	<b>Council Member</b>		
<input type="checkbox"/> Bid Tabulation	<input type="checkbox"/> Attorney's Report	M___ S___ <b>Brubaker</b>	___	___
<input type="checkbox"/> P/C Recommendation	<input type="checkbox"/> Petition	M___ S___ <b>Kimmons</b>	___	___
<input type="checkbox"/> P/C Minutes	<input type="checkbox"/> Contract	M___ S___ <b>Davis</b>	___	___
<input type="checkbox"/> Application	<input type="checkbox"/> Budget Amendment	M___ S___ <b>Kyser</b>	___	___
<input type="checkbox"/> Citizen	<input type="checkbox"/> Legal Notice			
<input type="checkbox"/> Consultant Report	<input checked="" type="checkbox"/> Other Grant Award		Passed	Failed



**BILL NO:** \_\_\_\_\_

**RESOLUTION NO:** \_\_\_\_\_

**A RESOLUTION OF THE CITY OF MOBERLY, MISSOURI, ACCEPTING A WORK-IN-WATER GRANT FROM THE CITY OF WICHITA, KANSAS.**

**WHEREAS**, city staff submitted a grant application to the City of Wichita, Kansas to fund water education and career exploration for Moberly High School students; and

**WHEREAS**, the City of Wichita, Kansas has notified city staff that they have been awarded a \$3,800.00 grant from their Work-In-Water program; and

**WHEREAS**, Moberly city staff will work with Moberly High School students to provide in-class activities, tours of the Moberly drinking water and wastewater treatment facilities and a summer intern position.

**NOW, THEREFORE, BE IT RESOLVED** this 3<sup>rd</sup> day of February, 2020, by the City of Moberly, Missouri, that it desires to participate in the Work-In-Water grant program and that city staff is hereby authorized to execute such grant documents as may be required and to accept \$3,800.00 in grant funds.

\_\_\_\_\_  
**Presiding Officer**

**DATE:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
**City Clerk**



## Work in Water Mini-Grant Application

*Missouri Deadline to Submit: June 28, 2019*

Work in Water Mini-Grants provide catalyst funding to water utilities to host water education and career exploration events for local high school students. These funds are limited to participants of the Work in Water (WiW) Training and can only be used to fund transportation or internships. Internships are not required, and there is no penalty for only doing the class and field trip portion of the WiW program.

Work in Water Mini-Grant funds are limited. Efforts will be made to provide assistance to as many utilities as possible. The program is primarily intended to support requests ranging from \$500 to \$2,500.

---

**Utility Name:** City of Moberly Public Utilities

**Contact Name:** Mary West - Calcagno, Director of Public Utilities

**Address:** 101 W Reed Street, Moberly, MO 65270

**Phone:** 660-269-8705, ext: 2073

**Email:** mwc@cityofmoberly.com

**Target School:** Moberly High School

**School Contact:** Ed Lewis, Science Teacher, Moberly High School

**Describe your utility's plan to engage your local school:**

The Chamber of Commerce is set to host an Employer Showcase on Wednesday, October 30, 2019. We intend to use this as a "kick-off" event for a Work in Water Day at the school. A presentation was made to Mr. Lewis' AP Science Class on September 13 to invite them to develop research projects centered around treatment of drinking water, algae and nutrient issues, and water re-use.

At the booth during the Employer Showcase, students from 8<sup>th</sup> to 12<sup>th</sup> grade will be introduced to employers in the community in a trade-show style event. Examples of benefits to the community, work areas, and education will be highlighted. The Moberly Public Utilities Department will participate and highlight careers in our Field Services Department as well as Water and Wastewater Treatment, IT, and



Customer Service. We have drone video of our drinking water lake and the water plant for a video display as well. Parents and the Community are invited to the event in the evening for a job fair.

After the event, we are planning a work in water day with the class-room activities in the morning and tours of facilities in the afternoon. If there is sufficient interest, we will hire an intern for 8 weeks during the summer break.

Staff from the Water Plant and Wastewater Plant will assist the Director of Public Utilities in the morning classroom hands-on demonstrations and presentation of key concepts and skills. Tours of the Water Plant and the Wastewater Plant will be conducted in the afternoon.

Mr. Lewis has indicated that his Earth Science and Chemistry classes would be a good fit for the morning demonstrations. He is checking on the logistics for transportation.

**Proposed Work in Water Experience Date:**

We are planning to hold to event soon after the Employer Showcase event held on October 30, 2019. We hope to schedule the event between November 1 to January 30, 2019.

**Proposed Location:** The classroom portion will be held at Moberly High School, the tours will be at the Drinking Water Plant and the Wastewater Treatment Plant.

**Describe your plan for your utility's Work in Water event:**

*The staff to be included in teaching the class will include Mary West-Calcagno, Utility Director, Matt Everts, Chief Operator, Drinking Water, Ben Riles Chief Operator, Wastewater Treatment, and Rachel Hultz, Water Quality Coordinator. The plans for transportation are being worked out with the school. No firm information has been received at this time.*

*The City of Moberly owns and maintains a surface water drinking water reservoir, a drinking water treatment facility that utilizes two upflow solids contact units followed by sedimentation and filtration. This discussion will include information on stormwater and how runoff affects the lake and the nutrients affect drinking water treatment. An overview of our ultrasonic algae controllers will be provided. The tour of the plant will include a view of these units since they will be removed from the lake for the winter.*

*The wastewater treatment facility is a sequential batch reactor with aerobic digesters and ultraviolet disinfection. We also have a biosolids land application farm next to the wastewater treatment facility. The SCADA equipment that we utilize for this operation will be available for viewing also. A discussion of how stormwater affects our wastewater treatment facility will be included, since Moberly is a combined sewer community.*





Describe the support for the Work in Water outreach effort from utility or city management: The Director of Public Utilities is heading up this initiative, and the City Manager and the Public Relations Manager are both supportive by efforts to engage the community and public schools.

How does Work in Water fit the needs and long-term goals of your utility and/or community? Moberly has many challenges to face including a shortage of employees who want to make water their career choice and Moberly their long-term home. In addition, the challenge of educating the public on what goes on “behind the scenes” of the utility are always present; environmental protection, human health protection, economic development, improvement of the condition of decades-old infrastructure, and more. Our goal is to excite the next generation about water and to allow the future to be even richer than the present.

Complete this section if **you plan on hiring a summer intern** as part of your Work in Water experience. If you do not plan to hire an intern, skip this section and continue to the **Proposed Budget Table**.

### Work in Water Internship Questions

Do you plan to host a summer intern?  Yes  No

Who will supervise the intern? Wastewater Treatment Facility Chief Operator, Drinking Water Plant Chief Operator

Describe your utility’s plan to provide a well-rounded internship with experiences in multiple water job duties and roles:

The Intern will work 3 weeks in drinking water and 3 weeks in wastewater, 1 week in stormwater, and 1 week in the office. This will allow for a full spectrum view of the operations of the utility. Plant work will include equipment checks, learning to collect and run lab samples, reporting requirements, regulatory compliance, and equipment maintenance and repair, if required. The intern will also learn about metering operations, since during 2020 we will be working on a full-system meter change out. The week in stormwater will include an overview of monitoring of stormwater outfalls, household hazardous waste collection, land disturbance inspection activities, and maintenance of stormwater facilities including rain gardens. The week in the office will include learning about the billing functions, IT, customer service, and coordination of engineering consultants and capital improvement project. A brief overview of public information campaigns and communicating with the public will also be included.



Do you have support from human resources for the internship process? If not yet, what is your process to secure their support? Yes

### end of optional internship questions ###

**Proposed Budget Table**

Complete the proposed budget below. Include ALL funds associated with the project, not just the funds being requested through the Work in Water Mini-Grant program.

**Proposed Budget**

Item	Amount	Source of Funds (Grant, utility, donation, etc.)
Transportation	Up to \$250	Grant
Internship (8 weeks, 32 hours/wk, fringe)	\$2500	Grant
Internship (partial)	\$750	Utility
Supplies for Chamber event	\$150	Utility
Lunch for students on tour day	\$150	Utility
Supplies for demonstrations	\$150	Utility
<b>TOTAL</b>	\$3950	
<b>TOTAL for Mini-Grant</b>	\$2500.00	

**IMPORTANT INFORMATION FOR WORK IN WATER MINI-GRANT RECIPIENTS:**

Utilities who receive Work in Water Mini-Grant funds are required to:



1. **Complete a W9 Tax Form.**
2. **Complete logs of the time utility staff spend working on the project.**  
These logs help Wichita State University Environmental Finance Center meet matching funds obligations for the EPA Environmental Education Grant. **Log forms will be provided when funds are dispersed.** *(Don't worry - logs are pretty simple and only take a few minutes to complete.)*
3. **Complete Work in Water evaluations and coordinate completion of the evaluations with participating students and school staff** that you engage through your local project. Evaluations will be provided. Analysis of evaluations will be completed by Wichita State University Environmental Finance Center.

By signing below you are indicating that if you receive the mini-grant you will be able to complete the above requirements:

Name (Please Print) Mary E. Calcagno

Signature Mary E. Calcagno Date 7/22/19

Please email your completed application to Tonya Bronleewe at [tonya.bronleewe@wichita.edu](mailto:tonya.bronleewe@wichita.edu) by 11:59 p.m. on Friday, June 28, 2019.

# City of Moberly City Council Agenda Summary

Agenda Number: \_\_\_\_\_ #5.  
 Department: Police Department  
 Date: February 3, 2020

**Agenda Item:** A Resolution Authorizing The City Manager Of The City Of Moberly, Missouri To Execute A Release And Hold Harmless Agreement With The Moberly Area Community College For Use Of The City Firearms Range

**Summary:** Moberly Area Community College Law Enforcement Training Center (MACC LETC) requires a firearms range for the training of LETC Cadets. The Moberly Police Department operates a firearms range for training of law enforcement officers. Since the opening of MACC LETC, the Moberly Police Department and MACC LETC have had a mutually beneficial working relationship and have allowed MACC LETC to utilize the firearms range for the purpose of firearms training for LETC cadets and both parties wish to continue this relationship through the renewal of hold harmless agreement.

**Recommended**

**Action:** Approve this resolution

**Fund Name:** N/A

**Account Number:** N/A

**Available Budget \$:** N/A

ATTACHMENTS:		Roll Call	Aye	Nay
<input type="checkbox"/> Memo	<input type="checkbox"/> Council Minutes	<b>Mayor</b>		
<input type="checkbox"/> Staff Report	<input type="checkbox"/> Proposed Ordinance	M__ S__ <b>Jeffrey</b>	___	___
<input checked="" type="checkbox"/> Correspondence	<input checked="" type="checkbox"/> Proposed Resolution	<b>Council Member</b>		
<input type="checkbox"/> Bid Tabulation	<input type="checkbox"/> Attorney's Report	M__ S__ <b>Brubaker</b>	___	___
<input type="checkbox"/> P/C Recommendation	<input type="checkbox"/> Petition	M__ S__ <b>Kimmons</b>	___	___
<input type="checkbox"/> P/C Minutes	<input type="checkbox"/> Contract	M__ S__ <b>Davis</b>	___	___
<input type="checkbox"/> Application	<input type="checkbox"/> Budget Amendment	M__ S__ <b>Kyser</b>	___	___
<input type="checkbox"/> Citizen	<input type="checkbox"/> Legal Notice			
<input type="checkbox"/> Consultant Report	<input type="checkbox"/> Other _____		Passed	Failed

**BILL NO:** \_\_\_\_\_

**RESOLUTION NO:** \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF MOBERLY, MISSOURI TO EXECUTE A RELEASE AND HOLD HARMLESS AGREEMENT WITH THE MOBERLY AREA COMMUNITY COLLEGE FOR USE OF THE CITY FIREARMS RANGE.**

**WHEREAS**, the City of Moberly, Missouri owns and operates a Firearms Range for use by commissioned law enforcement officers, and

**WHEREAS**, the Moberly Area Community College (MACC) operates the Law Enforcement Training Center (LETC) which offers a curriculum in law enforcement training that includes training in the use of firearms, and

**WHEREAS**, MACC is desirous of utilizing Moberly’s Firearms Range for training of future law enforcement officers; and

**WHEREAS**, the City and MACC have heretofore entered into a Release and Hold Harmless Agreement, a copy of which is attached, which must be renewed.

**NOW, THEREFORE**, the Moberly City Council agrees to make its Firearms Range available to MACC for use by its students participating in the LETC pursuant to the terms of the Release and Hold Harmless Agreement and, further, the Moberly City Manager is hereby authorized to execute said Agreement on behalf of the City of Moberly.

**RESOLVED** this 3rd day of February, 2020, by the Council of the City of Moberly, Missouri.

\_\_\_\_\_  
Presiding Officer at Meeting

**ATTEST:**

\_\_\_\_\_  
City Clerk



**RELEASE AND HOLD HARMLESS AGREEMENT  
CITY OF MOBERLY, MISSOURI FIREARMS RANGE**

**THIS RELEASE AND HOLD HARMLESS AGREEMENT** made and entered into as of \_\_\_\_\_, 2020 (the “Agreement”), by and among the **CITY OF MOBERLY, MISSOURI**, a third class city of the State of Missouri (the “City”), and **MOBERLY AREA COMMUNITY COLLEGE** (the “User”), for the **LAW ENFORCEMENT TRAINING CENTER** (the “LETC”) use of the **CITY OF MOBERLY FIREARMS RANGE** (the “City Firearms Range”).

**RECITALS**

**WHEREAS**, MACC operates the LETC which offers curriculum in law enforcement training. A part of that training is in the use of firearms.

**WHEREAS**, the City owns and operates a City Firearms Range for training of law enforcement officers.

**WHEREAS**, the City agrees to make its City Firearms Range available to MACC for use by its students who are participating in the LETC under the following terms and conditions.

**NOW, THEREFORE**, the City and MACC agree as follows:

1. MACC does hereby waive any cause of action or claims it may have against the City, its agents, servants, or employees, as a result of the use of the City Firearms Range including any claims arising from ingress or egress from the City Firearms Range.
2. City allows the MACC use of the City Firearms Range at its own risk and MACC hereby assume all risks associated with the use thereof.

3. MACC holds City harmless from all damages, injuries and all claims arising from the use of the City Firearms Range by MACC, its students, trainees, instructors and employees, and agrees to defend any action brought against City, its agents, servants, or employees resulting from MACC and its students, trainees, instructors and employees use of the City Firearms Range.
4. MACC shall bear all expenses of any litigation as well as any damages that might arise as a result of any action brought against City or MACC arising out of MACC's use of the City Firearms Range.
5. MACC agrees to use City Firearms Range in strict compliance with the Moberly Police Department's Rules and Procedures for the City Firearms Range and adhere to strict firearms safety.
6. MACC acknowledges receipt of the Moberly Police Department's Rules and Procedures for the City Firearms Range.
7. Prior to the commencement of the term of this Agreement, MACC shall procure and maintain at its own expense, for the duration of this Agreement, insurance against claims for injury or death to persons or damages to property that may arise from or in connection with the use of the City Firearms Range. The general liability insurance required above shall provide limits of no less than \$1,000,000.00 per occurrence or \$2,000,000.00 combined and shall contain the following endorsements:
  - a. City of Moberly, Missouri, its City Council, its officers, officials and employees are to be covered as additional insureds with respect to liability arising out of the use of the City Firearms Range.
  - b. For any claims related to this Agreement, MACC insurance coverage shall be primary as respects City of Moberly, Missouri its officers, officials and

employees. Any insurance maintained by the City of Moberly, Missouri shall be excess of MACC insurance and shall not contribute to it.

- 8. MACC agrees that use of City Firearms Range is for students, trainees, instructors and employees of the LETC only.
- 9. MACC agrees to provide City with a signed RELEASE AND WAIVER OF LIABILITY form for each and every student, trainee, instructor and employee signed by that student, trainee, instructor and employee who is to use the City Firearms Range, further acknowledging that City is released from all claims, cause of actions, or damages arising from the individual student, trainee, instructor or employee's use of City Firearms Range.
- 10. MACC acknowledges that the City does not man or staff its City Firearms Range and that City will not provide staff or a Range Officer to man and/or oversee compliance with the Moberly Police Department's Rules and Procedures or compliance with the rules of firearm safety at the City Firearms Range.
- 11. The original term of the Agreement is for one (1) year beginning on the execution date hereof. Upon the expiration of the original term or any renewal term the agreement shall automatically renew for a one (1) year term unless at least sixty (60) days prior to the renewal date either party gives the other party written notice of its intent not to renew.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized representatives.

\_\_\_\_\_  
Brian Crane, City Manager,  
City of Moberly, Missouri

\_\_\_\_\_  
Date

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Dr. Jeff Lashley, President  
Moberly Area Community College

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Date

# City of Moberly City Council Agenda Summary

Agenda Number: \_\_\_\_\_  
Department: City Clerk  
Date: February 3, 2020

**Agenda Item:** A Resolution appropriating money out of the Treasury of the City of Moberly, Missouri.

**Summary:** Appropriation Resolution.

**Recommended**

**Action:** Please approve this Resolution.

**Fund Name:** N/A

**Account Number:** N/A

**Available Budget \$:** N/A

ATTACHMENTS:		Role Call	Aye	Nay
___ Memo	___ Council Minutes	<b>Mayor</b>		
___ Staff Report	___ Proposed Ordinance	M___ S___ <b>Jeffrey</b>	___	___
___ Correspondence	<u>x</u> Proposed Resolution			
___ Bid Tabulation	___ Attorney's Report	<b>Council Member</b>		
___ P/C Recommendation	___ Petition	M___ S___ <b>Brubaker</b>	___	___
___ P/C Minutes	___ Contract	M___ S___ <b>Kimmons</b>	___	___
___ Application	___ Budget Amendment	M___ S___ <b>Davis</b>	___	___
___ Citizen	___ Legal Notice	M___ S___ <b>Kyser</b>	___	___
___ Consultant Report	___ Other _____		Passed	Failed

**A RESOLUTION APPROPRIATING MONEY OUT OF THE TREASURY OF THE CITY OF MOBERLY, MISSOURI IN THE AMOUNT OF \$340,602.57.**

**WHEREAS,** the funds are to be disbursed as follows;

- SECTION 1: There is hereby appropriated out of the **General Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$71,544.93.
- SECTION 2: There is hereby appropriated out of the **Payroll Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$2,300.30.
- SECTION 3: There is hereby appropriated out of the **Solid Waste Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$31.19.
- SECTION 4: There is hereby appropriated out of the **Heritage Hills Golf Course Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$11,033.00.
- SECTION 5: There is hereby appropriated out of the **Parks and Recreation Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$26,007.47.
- SECTION 6: There is hereby appropriated out of the **Airport Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$61,107.55.
- SECTION 7: There is hereby appropriated out of the **Utilities OP & Maintenance Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$60,754.37.
- SECTION 8: There is hereby appropriated out of the **Capital Improvement Trust Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$5,610.31.
- SECTION 9: There is hereby appropriated out of the **2004B SRF Bonds Debt Service Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$37,639.16.
- SECTION 10: There is hereby appropriated out of the **2006A SRF Bonds Debt Service Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$27,007.38.
- SECTION 11: There is hereby appropriated out of the **2004C Bonds Debt Service Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$26,016.96.
- SECTION 12: There is hereby appropriated out of the **Emergency Telephone Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$5,141.86.
- SECTION 13: There is hereby appropriated out of the **Transportation Trust Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$495.00.
- SECTION 14: There is hereby appropriated out of the **Street Improvement Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$5,333.09.
- SECTION 15: There is hereby appropriated out of the **Downtown CID Property Tax Fund** of the Treasury of the City of Moberly, Missouri to pay expenses due February 3, 2020 in the amount of \$580.00.

**NOW, THEREFORE,** the Moberly City Council authorizes these expenditures.

**RESOLVED** this 3rd day of February 2020 by the Council of the City of Moberly, Missouri.

ATTEST:

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
City Clerk

I hereby certify that there is sufficient money standing to the credit of the City of Moberly, Missouri, unappropriated in the several funds covered by this resolution to meet the requirements of this resolution.

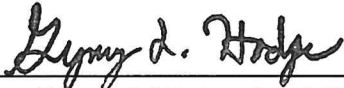
*Lynne D. Hodge*  
\_\_\_\_\_  
City Treasurer, City of Moberly, Missouri

**EXPENSES PAID JANUARY 17, 2020 - FEBRUARY 3, 2019 FOR THE FOLLOWING FUNDS ARE TO BE INCLUDED WITH THE FEBRUARY 3, 2020 APPROPRIATION RESOLUTION TOTAL.**

General Fund	\$	71,544.93
Payroll Fund	\$	2,300.30
Solid Waste Fund	\$	31.19
Heritage Hills Golf Course Fund	\$	11,033.00
Parks and Recreation Fund	\$	26,007.47
Airport Fund	\$	61,107.55
Utilities OP & Maintenance Fund	\$	60,754.37
Capital Improvement Trust Fund	\$	5,610.31
2004B SRF Bonds Debt Service Fund	\$	37,639.16
2006A SRF Bonds Debt Service Fund	\$	27,007.38
2004C Bonds Debt Service Fund	\$	26,016.96
Emergency Telephone Fund	\$	5,141.86
Transportation Trust Fund	\$	495.00
Street Improvement Fund	\$	5,333.09
Downtown CID Property Tax Fund	\$	580.00

**Total** **\$ 340,602.57**

I hereby certify that there is sufficient money standing to the credit of the City of Moberly, Missouri, unappropriated to cover the above funds.

  
\_\_\_\_\_  
City Treasurer, City of Moberly, Missouri

1-30-2020  
Date



#6.

BANK#	BANK NAME	ACCOUNT#	NAME	CHECK AMOUNT	CLEARED	MANUAL	VOID	REASON FOR VOID
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24 DISBURSEMENTS

* 82457	Thru	82463						
82464	1/24/2020	3085	MO DEPT OF REVENUE	1,073.73				
82465	1/24/2020	5964	SOMMERFIELD DANIELLE A	350.00				
82466	1/27/2020	2643	UNITED WAY	1,408.30				
82467	1/27/2020	2646	VALIC	892.00				
82468	2/03/2020	2790	AMERICAN WATER WORKS ASSOC	214.00				
82469	2/03/2020	1825	APOLLO PORTA POTTIES	300.00				
82470	2/03/2020	3112	ARAMARK UNIFORM SERVICES	595.21				
82471	2/03/2020	790	ARISTA INFORMATION SYSTEMS INC	2,808.90				
82472	2/03/2020	30	ARTDEP+BENTON	291.72				
82473	2/03/2020	17	AT&T 5001	5,141.86				
82474	2/03/2020	3808	ATCO INTERNATIONAL	590.00				
82475	2/03/2020	3625	BARR ENGINEERING COMPANY	4,514.87				
82476	2/03/2020	4729	BARTLETT & WEST	2,052.94				
82477	2/03/2020	2409	BECAFT JEWELERS LLC	215.00				
82478	2/03/2020	273	BSN SPORTS INC	274.60				
82479	2/03/2020	591	CASON BUILDING MAINTENANCE INC	2,063.70				
82480	2/03/2020	2924	CIVICPLUS	2,000.00				
82481	2/03/2020	5889	COMPLETE FAMILY MEDICINE	41.00				
82482	2/03/2020	3063	CONLEY FOREST DO	20.00				
82483	2/03/2020	1110	CONTROLLED AIRE LLC	45.00				
82484	2/03/2020	2645	CORE & MAIN LP	1,302.39				
82485	2/03/2020	118	D & L TRENCHING INC	1,675.00				
82486	2/03/2020	3571	DMZ ENTERPRISE INC	1,419.00				
82487	2/03/2020	695	ENGINEERING SURVEYS & SERVICES	1,534.00				
82488	2/03/2020	3139	EVOQUA WATER TECHNOLOGIES LLC	7,952.75				
82489	2/03/2020	3147	FIREPROGRAMS	2,766.00				
82490	2/03/2020	2839	FUSION TECHNOLOGY LLC	2,062.69				
82491	2/03/2020	5883	GREATLIFE KANSAS CITY LLC	3,433.00				
82492	2/03/2020	1338	HAWKINS INC	1,612.50				
82493	2/03/2020	5966	HIGBEE FIRE PROT DISTRICT	345.00				
82494	2/03/2020	1348	HUNTSVILLE MACHINE	118.05				
82495	2/03/2020	759	HUTCHINSON SALT COMPANY	2,244.91				
82496	2/03/2020	90	J&M DISPLAYS INC	20,000.00				
82497	2/03/2020	4347	JOHN DEERE FINANCIAL	.00			VOID:	
82498	2/03/2020	4347	JOHN DEERE FINANCIAL	.00			VOID:	
82499	2/03/2020	4347	JOHN DEERE FINANCIAL	1,766.55				
82500	2/03/2020	992	KIWANIS OF MOBERLY	1,332.00				
82501	2/03/2020	5830	LANDIS+GYR TECHNOLOGY INC	2,532.61				
82502	2/03/2020	5972	LEGACY FIRE APPARATUS	2,387.50				
82503	2/03/2020	1381	LEON UNIFORM COMPANY	995.95				
82504	2/03/2020	1408	LINK TROY	184.25				
82505	2/03/2020	1246	LOCHNER	59,317.06				
82506	2/03/2020	3180	MACK HILS INC	400.00				
82507	2/03/2020	1136	MFA PROPANE	2,321.64				
82508	2/03/2020	2889	MISSOURI DEPART OF CORRECT	315.00				
82509	2/03/2020	604	MISSOURI MUNICIPAL LEAGUE	675.00				
82510	2/03/2020	834	MISSOURI STATE HIGHWAY PATROL	540.00				
82511	2/03/2020	5968	HIMMEL MICHAEL	100.00				
82512	2/03/2020	5132	MO STATE HWY PATROL ACADEMY	640.00				
82513	2/03/2020	1921	MOBERLY LUMBER INC	.00			VOID:	



**ACCOUNTS PAYABLE CHECK REGISTER**

#6.

BANK#	BANK NAME	ACCOUNT#	NAME	CHECK AMOUNT	CLEARED	MANUAL	VOID	REASON FOR VOID
82514	2/03/2020	1921	MOBERLY LUMBER INC	825.33				
82515	2/03/2020	4906	MUTTER FARMS LLC	1,909.89				
82516	2/03/2020	4204	MWWC	200.00				
82517	2/03/2020	2299	O'REILLY AUTOMOTIVE STORES INC	.00				VOID:
82518	2/03/2020	2299	O'REILLY AUTOMOTIVE STORES INC	789.46				
82519	2/03/2020	2596	PLUMB SUPPLY COMPANY	28.82				
82520	2/03/2020	1343	PRIMARY PURPOSE	100.00				
82521	2/03/2020	2850	ROTARY CLUB OF MOBERLY	185.00				
82522	2/03/2020	2601	SAFETY-KLEEN CORP	98.14				
82523	2/03/2020	617	SCHULTE SUPPLY INC	3,988.81				
82524	2/03/2020	5733	SIMON & STRUEMPH ENGINEERING	7,150.00				
82525	2/03/2020	5967	SITEMED NORTH AMERICA LLC	9,315.00				
82526	2/03/2020	3069	SMITH FERTILIZER & GRAIN INC	2,135.96				
82527	2/03/2020	5970	SMITH HEATHER	65.00				
82528	2/03/2020	3697	SMITH JACLYN	580.00				
82529	2/03/2020	5700	STAPLES	.00				VOID:
82530	2/03/2020	5700	STAPLES	886.79				
82531	2/03/2020	5971	STILL ROSEANNA	100.00				
82532	2/03/2020	2821	HOLCOMB MICHAEL F	187.00				
82533	2/03/2020	642	TOWN & COUNTRY ABSTRACT CO	2,400.00				
82534	2/03/2020	331	U S CELLULAR	373.76				
82535	2/03/2020	1562	UNITED FIRST AID & SAFETY,LLC	61.42				
82536	2/03/2020	2644	USA BLUE BOOK	1,095.53				
82537	2/03/2020	2742	WAL MART COMMUNITY	396.94				
82538	2/03/2020	5878	WIEDEMAN DOZING LLC	2,000.00				
82539	2/03/2020	5969	WINNERS CIRCLE	316.95				
82540	2/03/2020	2772	WIRELESS USA	89.50				
82541	2/03/2020	3948	ROBERT MINSHALL	2,691.87				
82542	2/03/2020	5298	ZAMKUS AND ASSOCIATES LLC	1,000.00				
*20190762								
20190763	2/03/2020	5783	BANKCARD SERVICES	6,839.41				E-PAY
20190764	1/24/2020	6	AMEREN MISSOURI	51,662.81				E-PAY
20190765	1/24/2020	2708	UMB BANK	90,663.50				E-PAY
20190766	1/27/2020	5883	GREATLIFE KANSAS CITY LLC	7,600.00				E-PAY

\* See Check Summary below for detail on gaps and checks from other modules.

BANK TOTALS:	
OUTSTANDING	340,602.57
CLEARED	.00
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BANK 24 TOTAL	340,602.57
**VOIDED**	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
100 GENERAL FUND	71,544.93	71,544.93	.00	.00
105 PAYROLL FUND	2,300.30	2,300.30	.00	.00
110 SOLID WASTE FUND	31.19	31.19	.00	.00
114 HERITAGE HILLS GOLF CRSE	11,033.00	11,033.00	.00	.00
115 PARKS & RECREATION FUND	26,007.47	26,007.47	.00	.00
120 AIRPORT FUND	61,107.55	61,107.55	.00	.00
301 UTILITIES OP & MAINT	49.37	60,754.37	.00	.00

# ACCOUNTS PAYABLE CHECK REGISTER

#6.

BANK#	BANK NAME	CHECK#	DATE	ACCOUNT#	NAME	CHECK AMOUNT	CLEARED	MANUAL	VOID	REASON FOR VOID
		304			CAPITAL IMPROVEMENT TRUST	5,610.31		5,610.31		.00
		377			2004B SRF BONDS DEBT SERV	37,639.16		37,639.16		.00
		378			2006A SRF BONDS DEBT SERV	27,007.38		27,007.38		.00
		379			2004C BONDS DEBT SERVICE	26,016.96		26,016.96		.00
		400			EMERGENCY TELEPHONE FUND	5,141.86		5,141.86		.00
		600			TRANSPORTATION TRUST FUND	495.00		495.00		.00
		601			STREET IMPROVEMENT FUND	5,333.09		5,333.09		.00
		912			DOWNTOWN CID PROP TAX	580.00		580.00		.00

**ACCOUNTS PAYABLE CHECK REGISTER**  
\*\*\* CHECK SUMMARY \*\*\*

#6.

BANK#	BANK NAME	DESCRIPTION
CHECK#		

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24 DISBURSEMENTS

82457 Thru	82463	Utility Billing Checks
82464 Thru	82542	Accounts Payable Checks

20190763 Thru	20190766	Accounts Payable E-Pay
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