

Brandon Self, Ward I
Garry Wilson, Ward II
John Jones, Ward III
Charlie Brashers, Ward IV



Eric Franklin, Ward I
Gerry Pool, Ward II
Matt Russell Ward III
Jim Deichman Ward IV

Jeff Ussery, Mayor

**City Council
Regular Session Agenda
Republic City Hall
213 North Main Street
March 17, 2020 6:30 p.m.**

- I. Call Meeting to Order
- II. Opening Prayer
- III. Pledge of Allegiance to the United States Flag
- IV. Proclamation-National Surveyors Week
- V. Citizen Participation
- VI. Consent Agenda
 1. Approve the City Council Minutes of March 3, 2020. ([Exhibit A](#))
 2. As per RSMo. 109.230(4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office. ([Exhibit B](#))
 3. Vendor List ([Exhibit C](#))
 4. Utility Billing Adjustments ([Exhibit D](#))
- VII. Board, Commission, and Committee Schedule.
 1. City Council Meeting April 7, 2020
 2. City Council Meeting April 21, 2020
 3. Board of Adjustment April 2, 2020
 4. Planning and Zoning April 13, 2020
- VIII. Old Business and Tabled Items
 1. 20-09 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," Regarding Reimbursement for Alcohol and Drug-Related Traffic Offenses. ([Exhibit E](#))
 2. 20-10 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 100, "General Provisions," Article III, "Penalty," Regarding Court Costs. ([Exhibit F](#))

**Individuals addressing the Council are asked to step to the microphone and clearly state their name and address before speaking. In accordance with ADA guidelines, if you need special accommodations to attend any city meeting, please notify the City Clerk's Office at 732-3140 at least three days prior to the scheduled meeting.
All meetings are tape recorded for public viewing.**

3. 20-11 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," Regarding Court Costs. ([Exhibit G](#))
4. 20-12 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 105, "Elections," Article I, "In General," and Article II, "Wards," Regarding Elections. ([Exhibit H](#))
5. 20-13 An Ordinance of the City Council of the City of Republic, Missouri, Approving the Annexation of Approximately 6.4 Acres Located at 830 West O'Neal and Adjacent Right-of-Way (Parcel ID 881730200002). ([Exhibit I](#))

IX. New Business (First Reading of Ordinances)

1. 20-14 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the Execution of a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission for Sidewalk and Aesthetic Improvements Related to US 60 and MO 174 Intersection Improvements. ([Exhibit J](#))

X. Other Business (Resolutions)

1. 20-R-06 A Resolution of the City Council of the City of Republic, Missouri, Authorizing Payment for the City's Workers' Compensation Insurance for 2020-2021 ([Exhibit K](#))

XI. Finance Report

XII. Reports from Staff

1. Report from City Administrator.

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

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

XIV. Adjournment



**City of Republic
City Council Meeting
Republic City Hall
213 North Main Street
Minutes of Regular Session
March 3, 2020**

The regular session meeting of the City Council of the City of Republic, Greene County, Missouri, was called to order by Mayor Jeff Ussery at 6:30 p.m. at Republic City Hall, 213 North Main Street, Republic, Missouri. Council Members in attendance were: Eric Franklin, Gerry Pool, Jim Deichman, Garry Wilson, and John Jones. Council Members Brandon Self, Matt Russell, and Charlie Brashers were not present. Others in attendance were: Assistant City Administrator Lisa Addington, City Attorney Scott Ison, Police Chief Brian Sells, Fire Chief Duane Compton, Public Information Officer Mike Landis, Principal Planner Karen Haynes, and City Clerk Laura Burbridge.

OPENING PRAYER: Opening prayer was led by Council Member Franklin.

SALUTE TO THE UNITED STATES FLAG: The Pledge of Allegiance was led by Mayor Jeff Ussery.

Mayor Ussery announced a correction to Exhibit J. The correct Bill 20-11 was handed out by the City Clerk prior to the meeting starting. Mayor Ussery also announced that we will be moving the Public Hearing and Bill 20-13 to the beginning of New Business.

CITIZEN PARTICIPATION: Mayor Ussery opened Citizen Participation at 6:32 p.m. No one came forward so Mayor Ussery closed Citizen Participation at 6:32 p.m.

CONSENT AGENDA: Motion was made by Council Member Wilson and seconded by Council Member Jones to approve the Consent Agenda. The vote to approve the Consent Agenda was 5 Aye -Franklin, Pool, Deichman, Wilson, and Jones. 0 Nay. Motion carried.

1. Approve the City Council Minutes of February 4, 2020.
2. Approve the City Council Workshop Retreat Minutes of February 12, 2020.
3. Approve the City Council Minutes of February 18, 2020.
As per RSMo. 109.230(4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

BOARD, COMMISSION AND COMMITTEE SCHEDULE:

- | | |
|-------------------------|----------------|
| 1. City Council Meeting | March 17, 2020 |
| 2. City Council Meeting | April 7, 2020 |
| 3. Board of Adjustment | March 5, 2020 |
| 4. Planning and Zoning | March 9, 2020 |

OLD BUSINESS AND TABLED ITEMS:

20-05 An Ordinance of the City Council of the City of Republic, Missouri, Approving the Annexation of Approximately 20.5 Acres Located at 7500 Block of West Farm Road 174 and Adjacent Right-Of-Way (Parcel ID 881716401001).

Mayor Ussery asked for a motion and second to untable this item. Council Member Pool motioned to untable Bill 20-05. Council Member Deichman seconded. The vote was 5 Aye-Franklin, Pool, Deichman, Jones, and Wilson. 0 Nay. Motion Carried. Motion was made by Council Member Deichman and seconded by Council Member Pool to have the second reading of Bill 20-05 by title only. Karen Haynes was available to answer any questions regarding this bill. Council Member Wilson motioned for the passage of Bill 20-05. Council Member Franklin seconded. A roll call vote was taken. The vote was 5 Aye-Pool, Franklin, Jones, Wilson, and Deichman. 0 Nay. Motion Carried.

20-07 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title 7, "Utilities," Chapter 705, "Administration," Article 1, "Utility Billing and Administration," Regarding Utilities Outside of the City Limits.

Motion was made by Council Member Wilson and seconded by Council Member Pool to have the second reading of Bill 20-07 by title only. The vote was 5 Aye -Deichman, Pool, Franklin, Wilson, and Jones. 0 Nay. Motion carried. Scott Ison was available to answer questions from Council. Council Member Pool motioned for the passage of Bill 20-07. Council Member Jones seconded. A roll call vote was taken. The vote was 5 Aye-Wilson, Franklin, Pool, Jones, and Deichman. 0 Nay. Motion Carried.

20-08 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title 3, "Traffic Code," Chapter 305, "Traffic Administration," Regarding Prohibited Parking.

Motion was made by Council Member Deichman and seconded by Council Member Pool to have the second reading of Bill 20-08 by title only. The vote was 5 Aye -Deichman, Pool, Franklin, Wilson, and Jones. 0 Nay. Motion carried. Scott Ison was available to answer questions from Council. Council Member Wilson motioned for the passage of Bill 20-08. Council Member Deichman seconded. A roll call vote was taken. The vote was 5 Aye-Franklin, Jones, Deichman, Pool, and Wilson. 0 Nay. Motion Carried.

NEW BUSINESS (FIRST READING OF ORDINANCES):

A Public Hearing of the City Council of the City of Republic, Missouri, Regarding Approving the Annexation of Approximately 6.4 Acres Located at 830 West O'Neal and Adjacent Right-of-Way (Parcel ID 881730200002).

Karen Haynes provided an overview of the proposed annexation. Mayor Ussery opened the Public Hearing at 6:36 p.m. Mayor Ussery asked for anyone against this item to speak. There were none. Mayor Ussery asked for anyone wishing to speak in favor of

this item to speak. There were none. Mayor Ussery closed the Public Hearing at 6:39 p.m.

20-13 An Ordinance of the City Council of the City of Republic, Missouri, Approving the Annexation of Approximately 6.4 Acres Located at 830 West O'Neal and Adjacent Right-of-Way (Parcel ID 881730200002).

Council Member Jones motioned for the first reading of Bill 20-13 by title only. Council Member Franklin seconded. The vote was 5 Aye-Deichman, Pool, Franklin, Wilson, and Jones. 0 Nay. Motion Carried. Karen Haynes was available to answer any questions from Council. Mayor Ussery reminded Council that this was a first read and to get with Ms. Haynes with any questions prior to the next meeting.

20-09 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," Regarding Reimbursement for Alcohol and Drug-Related Traffic Offenses.

Council Member Pool motioned for the first reading of Bill 20-09 by title only. Council Member Franklin seconded. The vote was 5 Aye-Deichman, Pool, Franklin, Wilson, and Jones. 0 Nay. Motion Carried. Scott Ison provided an overview of this Bill and answered questions of Council. Mayor Ussery reminded Council that this was a first read and to get with Mr. Ison with any questions prior to the next meeting.

20-10 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 100, "General Provisions," Article III, "Penalty," Regarding Court Costs.

Council Member Wilson motioned for the first reading of Bill 20-10 by title only. Council member Franklin seconded. The vote was 5 Aye- Jones, Wilson, Franklin, Pool, and Deichman. 0 Nay. Motion Carried. Scott Ison provided an overview of the amendment and answered questions of Council. Mayor Ussery reminded Council that this was a first read and to get with Mr. Ison before the next meeting with any questions.

20-11 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," Regarding Court Costs.

Council Member Pool motioned for the first reading of Bill 20-11 by title only. Council member Jones seconded. The vote was 5 Aye-Jones, Wilson, Franklin, Pool, and Deichman. 0 Nay. Motion Carried. Scott Ison provided an overview of the amendment and answered questions of Council. Mayor Ussery reminded Council that this was a first read and to get with Mr. Ison before the next meeting with any questions.

20-12 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 105, "Elections," Article I, "In General," and Article II, "Wards," Regarding Elections.

Council Member Wilson motioned for the first reading of Bill 20-12 by title only. Council member Deichman seconded. The vote was 5 Aye-Jones, Wilson, Franklin, Pool, and Deichman. 0 Nay. Motion Carried. Scott Ison provided an overview of the amendment and answered questions of Council. Mayor Ussery reminded Council that this was a first

read and to get with Mr. Ison before the next meeting with any questions.

OTHER BUSINESS (RESOLUTIONS): None

REPORTS FROM STAFF:

1. Report from Assistant City Administrator Lisa Addington.
 - a. Assistant City Administrator Lisa Addington announced the Annual Report is completed, provided to Council, and at the post office ready to be mailed to every citizen's home.
 - b. Assistant City Administrator Lisa Addington directed Council to a handout of an Exhibit of a parcel of land that is a possible site for the Gateway sign. It is a 3 acre parcel and we are working with City Utilities for placement of the sign. Ms. Addington hopes to present it to Council soon for approval.
 - c. Assistant City Administrator Lisa Addington spoke about the messaging that went out on Friday regarding the discontinuance of the city wide cleanup. Ms. Addington notified Council that a letter will be sent to every home this week with this information as well.
 - d. Assistant City Administrator Lisa Addington spoke about a future ballot initiative we are looking forward to bringing to Council for the second meeting in April.
2. Report from Mayor.
 - a. Mayor Ussery spoke about questions from citizens about why we spent money for signs on City Hall. Mayor Ussery reminded everyone that the money spent would have only paved 5-6 feet of road and was part of a Greene County Grant for a special project such as this.
 - b. Mayor Ussery spoke about the citywide cleanup and the feedback we have received. Mayor Ussery reminded everyone that if we see someone in need, hopefully everyone will pitch in to help them. The cost and amount of trash should have decreased each year but instead increased. We spent \$50,000, which was more than the previous year and people were bringing items from other locations and friends' houses. Mayor Ussery reminded everyone that they had to return to some streets already picked up as more items were being put out for pickup. When balancing a budget, police and fire fighters are a priority. The best option is to suspend that service. Mayor Ussery reminded everyone to be neighborly and help if someone needs it to clean their property.

ADJOURNMENT:

Mayor Ussery Adjourned the meeting at 6:55 p.m.

ATTEST:

Laura Burbridge, City Clerk

Jeff Ussery, Mayor



IN THE 31st JUDICIAL CIRCUIT COURT, Greene County, MISSOURI

Division:

Circuit/No. _____ Associate/No. _____ Probate/No. _____

Municipal _____ City of Republic, MO

Contact Person: Penny Mayes Phone Number (417) 732-3880

Signature of Contact Person: Penny Mayes

FILED
MAR 06 2020
 REPUBLIC MUNICIPAL COURT

(Date File Stamp)

Court Operating Rule 8 authorizes the chief justice, presiding judge, or chair of the Fine Collections Center with the approval of the court en banc or committee, to issue orders of destruction for those records that have met the required retention period.

- The records listed below were offered to State Archives and local historical organizations and were
- refused or no response was received after 45 days. All requirements under Court Operating Rule 8 have been satisfied.
- The records listed below are not required to be offered to State Archives and local historical organizations.

Therefore, it is ordered that _____ (Appointing Authority) destroy the records described below.

Order of Destruction

Book or Case Number Series	Book Title or Case Type	Dates of Cases/Books
<u>2011</u>	<u>Regular Cases</u>	<u>2011</u>

Open Records to be destroyed by the following method: Shredding

03-06-2020
Date

Michelle Kudonita
Chief Justice, Presiding Judge, or Chair of the FCC Signature



Division

Circuit/No _____ Associate/No _____ Probate/No _____

Municipal _____ City of Republic, MO

Contact Person: Penny Mayes

Phone Number (417) 732-3880

Signature of Contact Person: Penny Mayes

FILED
MAR 06 2020
 REPUBLIC MUNICIPAL COURT

Court Operating Rule 8 authorizes the chief justice, presiding judge, or chair of the Fine Collections Center with the approval of the court en banc or committee, to issue orders of destruction for those records that have met the required retention period. The confidential records listed below were not offered to State Archives or local historical organizations. All requirements under Court Operating Rule 8 have been satisfied.

(Date File Stamp)

Therefore, it is ordered that _____ (Appointing Authority) destroy the records described below

Order of Destruction of Confidential Records

Book or Case Number Series	Book Title or Case Type	Dates of Cases/Books
2011	Probation / Confidential	2011

Confidential Records: The court orders that case records identified above which are closed by chapter 610, RSMo; mental health records under section 630.140, RSMo; records pertaining to sexually violent predators, required to be sealed under section 632.513, RSMo; juvenile division records under section 211.321, RSMo and rule 122.02 and 122.03 adoption records under section 453.120, RSMo; all papers and records, other than the interlocutory or final judgment, in paternity cases under section 210.846, RSMo; records of any grand jury proceedings under chapter 540, RSMo; no true bills; psychiatric evaluations under section 552.020.13, RSMo; pre-sentence investigations and probation and parole reports under rule 29.07; drug court division records under section 478.005, RSMo; motions, court orders, and test results for sexually transmitted diseases that are required to be sealed under section 533.135, RSMo; jury questionnaires maintained by the court in criminal cases under rule 27.09; information that identifies a person as an applicant or recipient of IV-D services under section 454.440 or section 208.120, RSMo; search warrants until the warrant is returned or expires; filing information sheets; and any other record sealed or closed by statute, rule or order of a court or board or local historical organization, shall not be offered to the Missouri State Archives or local archival association, shall be destroyed by burning shredding

03-06-2020

Michael K. Williams

Date

Chief Justice, Presiding Judge, or Chair of the FCC Signature

RECORD RETENTION FORM

MISSOURI RETENTION MANUAL CODE	NAME/DATE OF RECORDS TO BE DISPOSED	DATE(S) OF DOCUMENTS	RETENTION TIME NEEDED FOR RECORD
1611 Meter Reading Summary Reports	Water meter readings	1967-1996	5 years
Court Operating Rule 8	Regular Municipal Court Cases; Probation and Dismissed Cases	2011	3 years other ordinances cases and parking tickets, 12 years for serious ordinance offenses
GS 065 Participant Registration	Participant Registration for Parks and Recreation Events	2016	3 years



Vendor Audit Report

For the City of Republic

Date Range: 02/13/2020 - 02/29/2020

Vendor No. & Name	Added	Added User
06792 - PCnet LLC	02/13/2020	Rachel Reich-Graef
06795 - J Hammond Trucking	02/13/2020	Rachel Reich-Graef
06807 - Bills Extreme Adventure LLC	02/18/2020	Rachel Reich-Graef
06808 - Command Communications	02/18/2020	Rachel Reich-Graef
06809 - Municipal Code Corp.	02/18/2020	Rachel Reich-Graef
06810 - Taylor Made Truck & Trailer Repair	02/18/2020	Rachel Reich-Graef
06811 - NJ Criminal Interdiction LLC	02/19/2020	Rachel Reich-Graef
06815 - Julmark Group, Inc.	02/20/2020	Rachel Reich-Graef
06816 - Tractor BBQ & Grill	02/20/2020	Rachel Reich-Graef
06817 - El Charco Mexican Restaurant	02/20/2020	Rachel Reich-Graef
06818 - Julie's Chewies Gourmet Cookies	02/20/2020	Rachel Reich-Graef
06819 - OnlineComponents.com	02/20/2020	Rachel Reich-Graef
06820 - HVAC Part Supplier	02/20/2020	Rachel Reich-Graef
06821 - Kramer America	02/21/2020	Rachel Reich-Graef
06822 - Husky Liners, Inc.	02/21/2020	Rachel Reich-Graef
06823 - Guest Services, Inc.	02/24/2020	Rachel Reich-Graef
06824 - FexEx	02/24/2020	Rachel Reich-Graef
06825 - Eric Schroeder	02/24/2020	Rachel Reich-Graef
06826 - Cardio Partners, Inc.	02/25/2020	Rachel Reich-Graef
06827 - Axom Acquisition Co, LLC	02/27/2020	Rachel Reich-Graef
06829 - Covert Media Consulting	02/28/2020	Rachel Reich-Graef

Date	Customer	Overread/Leak	Leak In	Water Gallons Adjusted	Amount Adjusted	Sewer Gallons Adjusted	Amount Adjusted
1/3/2020	Roger Patterson	Leak	Outside Faucet	1985	7.07	3970	37.6
1/3/2020	Shawn & Melissa Cox	Leak	Toilet	11615	41.35	11615	109.99
1/3/2020	Heather & Dustin Baldwin	Leak	City Side	4190	14.92	4190	55.08
1/3/2020	Jason & Carrie Davis	Leak	Shower & Toilet	4250	15.13	4250	40.25
1/6/2020	Linda Dunbar	Leak	Toilet	5200	18.51	5200	49.24
1/9/2020	David Dewitt	Leak	Service line to hot water tank	0	0.00	1390	13.16
1/10/2020	David Denton	Leak	Toilet & shower valve	27350	97.37	27350	259
1/13/2020	Sheila Harvey	Leak	Toilet	1030	3.67	1030	9.75
1/14/2020	Katelynne Haun	Leak	Toilet	14125	50.29	14125	185.68
1/17/2020	Debbie Breshears	Meter Change Credit		9355	33.30	0	0
1/21/2020	Ted & Annie Houts	Leak	Outside hose bib/house shutoff valve	6400	22.78	12800	121.22
1/24/2020	Dixie & Brian Sierk	Leak	Service line under house	5,861	20.86	11,722	\$110.99
1/27/2020	Matthew & Natalie Miller	Leak	Toilet	1,255	4.47	1,255	\$11.88
1/27/2020	William & Patricia Lane	Leak	Tub faucet	2,400	8.54	2,400	\$22.73
1/27/2020	Lenore Hornung	Leak	Toilet chain	3,085	11.00	3,085	\$29.26
1/29/2020	Jennifer & Joseph Santana	Leak	Service line under house	4,476	15.95	8,952	\$84.76
1/29/2020	Lisa Brenneman	Leak	Hose left on in backyard	9,725	34.62	-	\$0.00
1/29/2020	Cheryl & Tyrel Lock	Leak	Toilets	14,925	53.15	14,925	\$141.39
1/29/2020	Wal-Mart	Overread		141,700	504.45	141,700	\$1,341.89
1/30/2020	Larry & Marilynn Vandiver	Meter Change Credit	Bad ERT	4,585	16.34	9,170	\$86.84
1/30/2020	Jason & Carrie Davis	Leak	Toilet over 2 cycles	4,735	16.87	4,735	\$44.89
1/30/2020	Erik & Amber Pedersen	Leak	Toilet	2,900	10.32	2,900	\$27.46
1/31/2020	Michael Jenkins	Leak	Outside Faucet	1,248	4.45	2,495	\$23.68
1/31/2020	Larry & Paula Shurman	Leak	Toilets	3,450	12.28	3,450	\$32.67
1/31/2020	Sean White	Double Billed		4,830	17.20	4,830	\$45.74
2/7/2020	Matthew Vanoozier	Leak	Toilet	8,750	31.15	8,750	\$82.86
2/10/2020	Shelly & Charlotte Taylor	Leak	Faucet cracked	955	3.40	1,910	\$18.09
2/19/2020	Jim Brooks	Leak	Toilet Flapper	5,585	19.90	5,585	\$52.94
2/19/2020	Anderson Frye	Leak	Service Line	5,410	19.26	10,820	\$102.47
2/19/2020	Amanda Grant	Leak	Service Line	3,675	13.08	7,350	\$69.60
2/19/2020	Jennifer Lane	Bad ERT		2,310	8.22	2,310	\$21.88
2/20/2020	Kayla Groves	Leak	Toilet	9,983	35.53	9,983	\$94.51
2/20/2020	Matthew & Jennifer Marxmiller	Leak	Toilet	8,332	29.66	8,332	\$78.90
2/21/2020	Christina Cokely	Leak	Toilet	8,050	28.66	8,050	\$76.23
2/21/2020	Christina Cokely	Leak	Toilet	8,950	31.86	8,950	\$84.76
2/21/2020	Chandler Childs	Leak	Toilet	4,600	16.38	4,600	\$43.56
2/26/2020	Deanna Thompson	Leak	Service Line	9,077	32.31	18,153	\$171.91
2/26/2020	Ted & Annie Houts	Leak	Service Line	2,610	9.29	5,220	\$49.43
3/4/2020	Matthew Keck	Bad ERT		4,816	17.14	4,816	\$45.61



Exhibit E

AGENDA ITEM ANALYSIS

Project/Issue Name: 20-09 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," Regarding Reimbursement for Alcohol and Drug-Related Traffic Offenses.

Submitted By: Scott Ison, Prosecuting Attorney

Date: March 17, 2020

Issue Statement

Consideration of an Ordinance amending Section 130.260 to allow for reimbursements for all cases involving alcohol or drug-related traffic offenses, not just the first offense.

Discussion and/or Analysis

Section 488.5334 RSMo., allows a court to assess the reasonable cost of making the arrest, including the cost of any chemical test, to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody upon a plea of guilty or a finding of guilt for alcohol or drug-related traffic offenses.

This proposed Ordinance would allow for these costs to be assessed upon a plea of guilty or a finding of guilt for all alcohol or drug-related traffic offenses, not just the first offense. This proposed Ordinance also clarifies a few other terms, including changing the City Treasurer to the Finance Director.

Recommended Action

Staff recommends approval

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE I, "GOVERNMENT CODE," CHAPTER 130, "MUNICIPAL COURT,"
ARTICLE II, "COURT COSTS AND FEES," REGARDING REIMBURSEMENT FOR
ALCOHOL AND DRUG-RELATED TRAFFIC OFFENSES**

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

WHEREAS, Section 488.5334 RSMo. authorizes the City to assess reasonable costs of making an arrest for alcohol or drug-related traffic offenses; and

WHEREAS, the Council deems it necessary to amend Section 130.260 related to reimbursements for alcohol or drug-related traffic offenses.

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

Section 1. Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," is hereby amended by amending Section 130.260, "Reimbursement of Cost For Alcohol and Drug-Related Offenses," to read as follows:

Section 130.260 Reimbursement of Cost For Alcohol and Drug-Related Offenses.

- A. Upon a plea or a finding of guilty for a ~~first (1st) offense~~ of violating the provisions of an Ordinance of the City of Republic, involving alcohol or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the ~~convicted~~ person to reimburse the Police Department for the costs associated with such arrest and assess.
- B. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
- C. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
- D. Upon receipt of such additional costs authorized by this ~~Sub~~section, the **Finance Director** ~~City Treasurer~~ shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund." Monies with such fund shall be appropriated by the City Council to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol and drug-related traffic laws within the City.

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

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

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Jeff Ussery, Mayor

Attest:

Laura Burbridge, City Clerk



Digitally signed by Scott Ison
Date: 2020.02.27 09:45:15 -06'00'

Approved as to Form: _____, Scott Ison, City Attorney

Final Passage and Vote: _____



Exhibit F

AGENDA ITEM ANALYSIS

Project/Issue Name: 20-10 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 100, "General Provisions," Article III, "Penalty," Regarding Court Costs.

Submitted By: Scott Ison, Prosecuting Attorney

Date: March 17, 2020

Issue Statement

Consideration of an Ordinance amending Section 100.220 to define Court Costs for Minor Traffic Violations.

Discussion and/or Analysis

In 2015 and 2016, the Missouri Legislature set limits on the amount of fines and court costs that can be assessed for a Minor Traffic Violation. The definition of Court Costs for a Minor Traffic Violation is defined in Section 479.350, RSMo. This proposed Ordinance incorporates the definition of Court Costs for a Minor Traffic Violation as found in Section 479.350, RSMo.

Recommended Action

Staff recommends approval

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE I, "GOVERNMENT CODE," CHAPTER 100, "GENERAL
PROVISIONS," ARTICLE III, "PENALTY," REGARDING COURT COSTS**

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

WHEREAS, fine amounts, court costs, and definitions for "minor traffic violations" and "municipal ordinance violations" are set by State Statute under Sections 479.350 to 479.372, RSMo.; and

WHEREAS, this Ordinance incorporates the definition of court costs found in Section 479.350(3), RSMo.; and

WHEREAS, the Council deems it necessary to amend the definition of court costs for "minor traffic violations" and "municipal ordinance violations" as found in Section 479.350(3), RSMo.

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

Section 1. Title I, "Government Code," Chapter 100, "General Provisions," Article III, "Penalty," is hereby amended by amending Section 100.220, "Fine; Imprisonment," to read as follows:

Section 100.220 General Penalty.

A. Fine; Imprisonment.

1. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the City or County Jail not exceeding one hundred eighty (180) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State that clearly preempts the City penalty, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City Prison or workhouse instead of the County Jail.

2. **Sections 479.350 to 479.372, RSMo; Fine and Court Cost.**

a. Should a minor traffic violation, as defined in Section 479.350, RSMo., result in a fine and **court** cost being assessed, the amount of fine and **court** cost shall not exceed that allowed by Section 479.353, RSMo. of two hundred twenty-five dollars (\$225.00) for minor traffic violations.

b. Should a municipal ordinance violation, as defined in Section 479.350, RSMo., result in a fine and **court** cost being assessed, the amount of fine and **court** cost shall not exceed that allowed by Section 479.353, RSMo. for municipal ordinance violations committed within a twelve-month period beginning with the first violation: Two hundred dollars (\$200.00) for the first municipal ordinance violation, two hundred seventy-five dollars (\$275.00) for the second municipal ordinance violation, three hundred fifty dollars (\$350.00) for the third municipal ordinance violation, and four hundred fifty dollars (\$450.00) for the fourth and any subsequent municipal ordinance violations.

c. If other ordinance violations limits become included in Sections 479.350 and 479.353 RSMo., then the limits on those offenses shall apply.

d. Should the provisions of Section 479.350, RSMo. and/or 479.353, RSMo. be declared invalid by a court of competent jurisdiction, then the penalty provisions of Subsection (A)1 above shall apply instead of the provisions of this Subsection (A)2.

e. **Court costs, under this Subsection, shall include costs, fees, or surcharges which are retained by a county, city, town, or village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or surcharges disbursed to the state or other entities by a county, city, town, or village and any certified costs, not including fines added to the annual real estate tax bill or a special tax bill under Section 67.398, 67.402, or 67.451 RSMo.**

3. For a violation of a City ordinance, State law, Federal law or any rule or regulation an administrative action may be instituted to abate the violation pursuant to the procedures set forth in this Code without regard to whether or not a summons for a violation has been issued.

B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

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

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

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Jeff Ussery, Mayor

Attest:

Laura Burbridge, City Clerk



Digitally signed by Scott Ison
Date: 2020.02.27 09:59:11
-06'00'

Approved as to Form: _____, Scott Ison, City Attorney

Final Passage and Vote: _____



Exhibit G

AGENDA ITEM ANALYSIS

Project/Issue Name: 20-11 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," Regarding Court Costs.

Submitted By: Jared Keeling, Assistant City Administrator
Ryan Ricketts, Republic Municipal Court Judge

Date: March 17, 2020

Issue Statement

To adopt a required ordinance as part of the Show-Me Courts implementation process incorporating a \$7.00 surcharge for the State Court Administration Fund.

Discussion and/or Analysis

City Council recently approved Ordinance 20-06 authorizing an intergovernmental with the Office of the State Courts Administrator for the implementation of the Show-Me Courts court automation software.

Pursuant to the agreement and as part of the implementation process, the City is required to adopt an Ordinance implementing a \$7.00 surcharge for the State Court Administration Fund to be collected, administered, and distributed pursuant to RSMo Section, 476.055, Section 488.012, and Section 488.027 to fund the Show-Me Courts software and administration thereof.

This surcharge shall be in addition to any and all other fines or surcharges currently imposed by the Republic Municipal Court system.

Recommended Action

Staff recommends approval of 20-11.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY
AMENDING TITLE I, "GOVERNMENT CODE," CHAPTER 130, "MUNICIPAL COURT,"
ARTICLE II, "COURT COSTS AND FEES," REGARDING COURT COSTS**

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

WHEREAS, in Ordinance 20-06, the Council approved an intergovernmental agreement with the Office of State Courts Administrator for the implementation of the Show-Me-Courts Court Automation Software ("Agreement"); and

WHEREAS, pursuant to the Agreement, the City is required to adopt an Ordinance implementing a \$7.00 surcharge for the State Court Automation Fund to be collected, administered, and distributed pursuant to Section 476.055, Section 488.012, Section 488.027 RSMo.; and

WHEREAS, the Council deems it necessary to amend Section 130.250 as it relates to court costs to incorporate the surcharge pursuant to the Agreement and other amendments.

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

Section 1. Title I, "Government Code," Chapter 130, "Municipal Court," Article II, "Court Costs and Fees," is hereby amended by amending Section 130.250, "Court Costs," to read as follows:

Section 130.250 Court Costs.

- A. In addition to any fine or other punishment imposed by the Court, costs, fees, charges, and surcharges shall be assessed as follows:
1. Twelve dollars (\$12.00) as per the provisions of Section 479.260 **and Section 488.012**, RSMo.
 2. A surcharge of two dollars (\$2.00) for violations of all municipal ordinances, such surcharge to be collected, administered, and used as a law enforcement training fee in accordance with the provisions of Section ~~590.140~~**488.5336**, RSMo.
 3. A surcharge of one dollar (\$1.00) for violations of all municipal ordinances, such surcharge to be collected and disbursed as provided in Section 590.178 **and Section 488.5336**, RSMo., for the Peace Officer Standards and Training Commission Fund.
 4. A surcharge of seven dollars fifty cents (\$7.50) for the Crime Victims' Compensation Fund to be collected, administered, and distributed in accordance with the provisions of Section 595.045 **and 488.5339**, RSMo.
 5. Service charges, witness fees, and/or jail costs incurred as a result of the apprehension, confinement and/or prosecution of any defendant.

6. A surcharge of two dollars (\$2.00) for violations of all municipal ordinances, such surcharge to be collected and disbursed as provided in Section 488.5026, RSMo., for installation and maintenance of a biometric verification system and expenses related to custody and housing and other expenses for prisoners.
 7. Supreme Court Operating Rule 21.01 (a) (21) establishes a four-dollar fee for payments made by other than cash or negotiable instrument and further authorizes a Court, by local Court rule, to opt-out of charging a four-dollar fee for payments made by other than cash or negotiable instrument. The Presiding Judge of the Republic Municipal Court is authorized to issue a local court rule to opt-out of charging a four-dollar fee for payments made by other than cash or negotiable instrument. Unless an order is entered opting out of the fee, the fee shall be collected as other court costs.
 8. In addition to all court fees and costs prescribed by law, a surcharge of ten dollars (\$10.00) as authorized by Section 488.2206 **and Section 488.2275**, RSMo. shall be assessed as a cost in each court proceeding filed in Municipal Court.
 9. **A surcharge of seven dollars (\$7.00) for the State Court Automation Fund to be collected and distributed monthly to the Missouri Department of Revenue for the credit of the Missouri Statewide Automation Fund, as provided in Section 476.055, Section 488.012, RSMo. and Section 488.027, RSMo.**
- B. All other costs, fees, charges, and surcharges shall be collected by the Municipal Court Clerk in accordance with Chapter 488, RSMo.
- C. Costs, fees, charges, and surcharges shall only be assessed against, and collected from, defendants who have pled guilty or been found guilty, or who have agreed to pay the same in exchange for dismissal of a charge.

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

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

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

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


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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Jeff Ussery, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2020.02.12 15:36:02
-06'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____



Exhibit H

AGENDA ITEM ANALYSIS

Project/Issue Name: 20-12 An Ordinance of the City Council of the City of Republic, Missouri, Amending the Municipal Code of the City of Republic, Missouri, by Amending Title I, "Government Code," Chapter 105, "Elections," Article I, "In General," and Article II, "Wards," Regarding Elections.

Submitted By: Scott Ison, City Attorney

Date: March 17, 2020

Issue Statement

Consideration of an Ordinance amending Section 105.020 and Section 105.070 to reflect the changes in the City's Charter.

Discussion and/or Analysis

On April 2, 2019, the voters of the City voted to amend the Charter of the City. One of the amendments was to change the term of the Mayor and Council Members to four-year terms. This proposed Ordinance removes the provisions that contradict the amended Charter and allows for future Charter amendments without the need to amend these Sections again.

Recommended Action

Staff recommends approval

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY AMENDING TITLE I, "GOVERNMENT CODE," CHAPTER 105, "ELECTIONS," ARTICLE I, "IN GENERAL," AND ARTICLE II, "WARDS," REGARDING ELECTIONS

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

WHEREAS, on April 2, 2019, the voters of the City voted to amend the Charter of the City; and

WHEREAS, one of the amendments to the Charter was changing the term of the Mayor and Council; and

WHEREAS, the Charter, as amended, already sets the times and dates for the Municipal elections; and

WHEREAS, the Council deems it necessary to amend Chapter 105 to reflect the Charter as voted on and adopted by the Citizens.

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

Section 1. Title I, "Government Code," Chapter 105, "Elections," Article I, "In General," is hereby amended by amending Section 105.020, "Date of Municipal Elections," to read as follows:

Section 105.020 Date of Municipal Election.

- A. A municipal election for the qualified voters of this City shall be held **in accordance with the Charter of the City of Republic as adopted by the voters** ~~on the first (1st) Tuesday after the first (1st) Monday in April of each year.~~
- B. ~~On the first (1st) Tuesday after the first (1st) Monday in April of even numbered years, a municipal election of the qualified voters of the City of Republic shall be held for the purpose of electing a Mayor, and one (1) Councilmember from each ward who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.~~
- C. ~~On the first (1st) Tuesday after the first (1st) Monday in April of odd numbered years, a municipal election of the qualified voters of the City of Republic shall be held for the purpose of electing one (1) Councilmember from each ward who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.~~

Section 2. Title I, "Government Code," Chapter 105, "Elections," Article II, "Wards," is hereby amended by amending Section 105.070, "Ward Boundaries," to read as follows:

Section 105.070 Ward

- A. The City of Republic is currently divided into four (4) separate wards as required by Article VIII, Section 8.4 of the Charter adopted by the voters of the City of Republic ~~on April 3, 2007~~. The four (4) separate wards are designated as Ward I, Ward II, Ward III, and Ward IV.
- B. The Boundaries for Ward I, Ward II, Ward III, and Ward IV are depicted on "Exhibit A", "Certified Copy of Official City of Republic Ward Map, Dated October 24, 2011". The approved map will be on file in the City offices and incorporated herein by reference. The City of Republic Ward Boundary Map will remain in effect until changed by ordinance, by City Council, following the release of data of the next United States decennial census.
- C. The inhabitants of each ward shall include those residents residing within the enclosed geographical boundaries as depicted on the "Certified Copy of Official City of Republic Ward Map, Dated October 24, 2011". For boundary lines determined by City streets, the centerline of the street will be the boundary line. Residents living on a City street used as a boundary line between wards will be placed in their corresponding ward as determined by even and odd addresses. Residents whose property abut or are divided by a section line or property line used as a boundary between wards will be placed in the corresponding ward as determined by the official street address of the main residence of the property.

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

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

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Jeff Ussery, Mayor

Attest:

Laura Burbridge, City Clerk



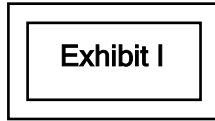
Digitally signed by Scott Ison

Date: 2020.02.27 10:25:49

-06'00'

Approved as to Form: _____, Scott Ison, City Attorney

Final Passage and Vote: _____



AGENDA ITEM ANALYSIS

Project/Issue Name: 20-13 An Ordinance of the City Council of the City of Republic, Missouri, Approving the Annexation of Approximately 6.4 Acres Located at 830 West O’Neal and Adjacent Right-of-Way (Parcel ID 881730200002).
Submitted By: Karen Haynes, Community Development Department
Date: March 17, 2020

Issue Statement

The City of Republic’s Community Development Department received a Voluntary Annexation Application from Todd Wright for the Annexation of approximately (6.4) acres of land located at 830 West O’Neal (Exhibit).

Discussion and/or Analysis

The property owner, Todd Wright has submitted a Voluntary Annexation Request for the subject parcel for a future residential development.

The request includes annexation of the Right-of-Way (West O’Neal Road) adjacent to the property subject to Annexation.

City water and sanitary sewer service is available at the property, including water at the existing home, water and sewer at the termination of West Audrey Street, and water and sewer at the termination of South Lipscomb Drive; subsequent review of water, sanitary sewer, and stormwater will be considered at the time of application for Rezoning and/or development. The subject parcel is compact and contiguous with the city limits of the City of Republic, as the subject parcel is surrounded by properties located in the City in all directions.

The Future Land Use designation of the subject parcel is Low-Density Residential. The Low-Density Residential Future Land Use designation includes Single-Family Residential Development at 1-6 units per acre and neighborhood compatible institutional uses. Low-Density Residential Land Uses include the following Zoning Districts: High-Density Single Family Residential (R1-H), Medium-Density Single Family Residential (R1-M), and Low-Density Single Family Residential (R1-L).

The Annexation, if approved by City Council, will effectively zone the subject parcel as AG (Agricultural) in accordance with City Code Section 435.010.B, which requires all annexed properties to be classified in the zoning district corresponding to Greene County’s zoning designation.

Recommended Action

Staff believes the Annexation of the subject property is consistent with the City's Future Land Use Map and Comprehensive Plan as an area of future residential growth for the City of Republic and enjoys immediate access to City of Republic municipal services.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
APPROVING THE ANNEXATION OF APPROXIMATELY 6.4 ACRES LOCATED AT 830
WEST O'NEAL AND ADJACENT RIGHT-OF-WAY (PARCEL ID 881730200002).**

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

WHEREAS, a voluntary petition for the annexation of approximately 6.4 acres located at 830 West O'Neal and adjacent right-of-way (Parcel ID 881730200002) has been filed with the Community Development Department; and

WHEREAS, the realty described in such petition is adjacent and contiguous to the present corporate limits of the City of Republic, Missouri; and

WHEREAS, the City Council of the City of Republic held a Public Hearing on the said petition on March 3, 2020, such hearing being held not less than fourteen days nor more than sixty days after the receipt of the petition requesting annexation; and

WHEREAS, at said Public Hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, notice of said Public Hearing was published on the 19th day of February 2020, in the *Greene County Commonwealth*, a newspaper of general circulation authorized to publish legal notices, such Public Hearing being held not less than seven days after the date of publication of such notice; and

WHEREAS, no written objections to the proposed annexation were filed with the City Council within fourteen days after the date of said Public Hearing; and

WHEREAS, the City Council has found that the proposed annexation is reasonable and necessary for the proper development of the City of Republic and the City has the ability to furnish normal municipal services to the area within a reasonable time.

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

Section 1: The following described realty is hereby annexed into, and made a part of, the City of Republic, Missouri, and its boundaries are hereby extended to include the same:

Approximately six point four (6.4) acres located at 830 West O'Neal and adjacent right-of-way (Parcel ID 881730200002)

All of the East Six (6) acres of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Thirty (30), Township Twenty-eight (28), Range Twenty-three (23), all in Greene County, Missouri.

Section 2. The City Clerk is hereby directed to cause three certified copies of this Ordinance to be filed with the Greene County Recorder of Deeds.

Section 3. The City Clerk is hereby directed to forward to the director of revenue of the State of Missouri by United States registered mail or certified mail a certified copy of this ordinance.

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

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


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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Jeff Ussery, Mayor

Attest:

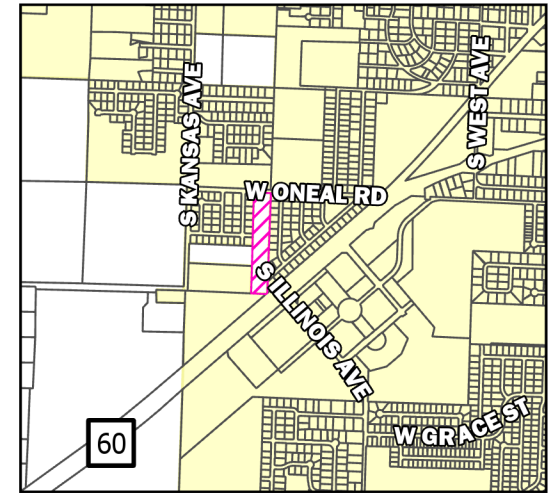
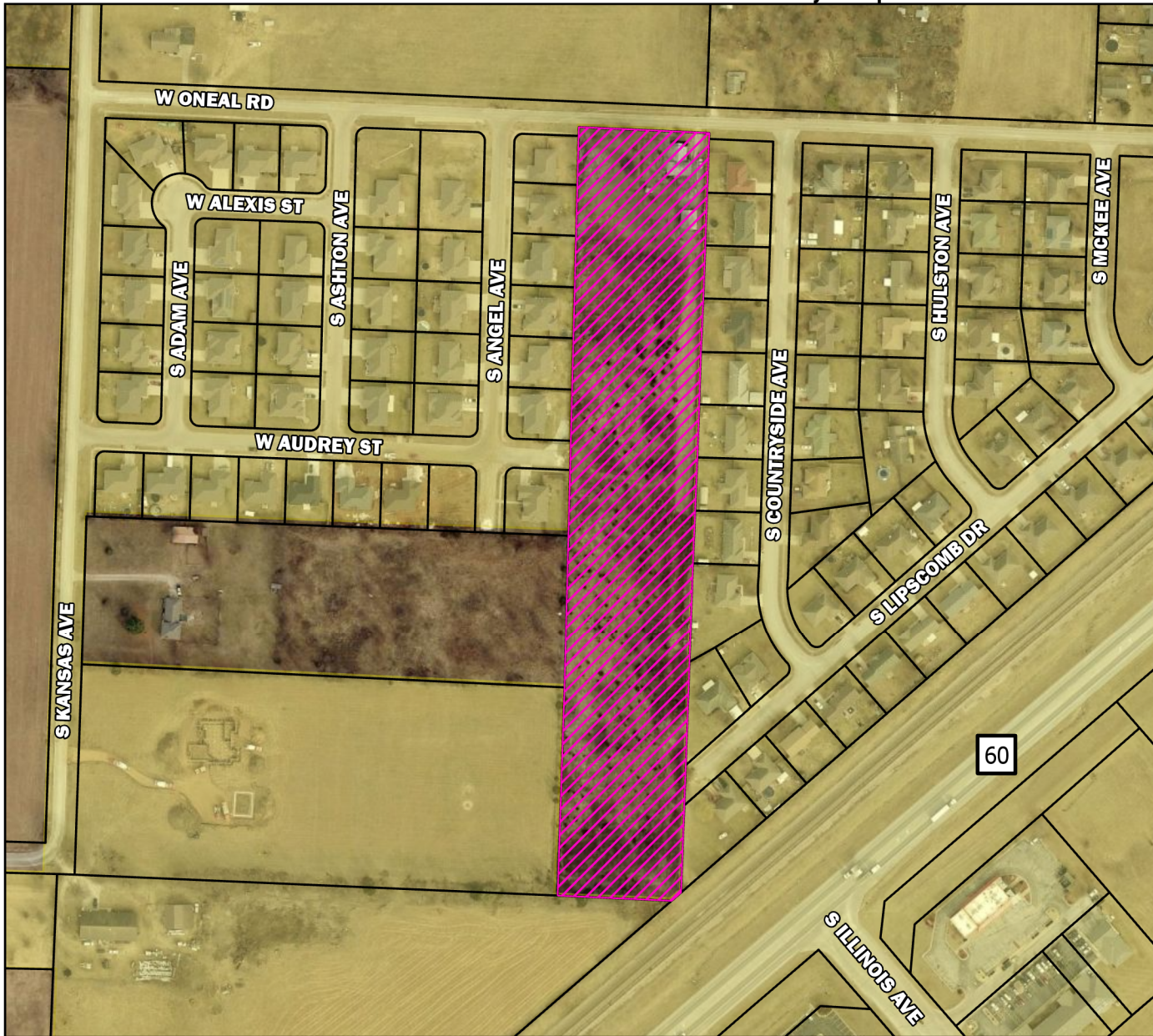
Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2020.02.27 09:50:39 -06'00', Scott Ison, City Attorney




Final Passage and Vote: _____

ANNX 20-001: 830 West O'Neal Road

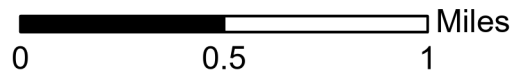
Vicinity Map



Legend

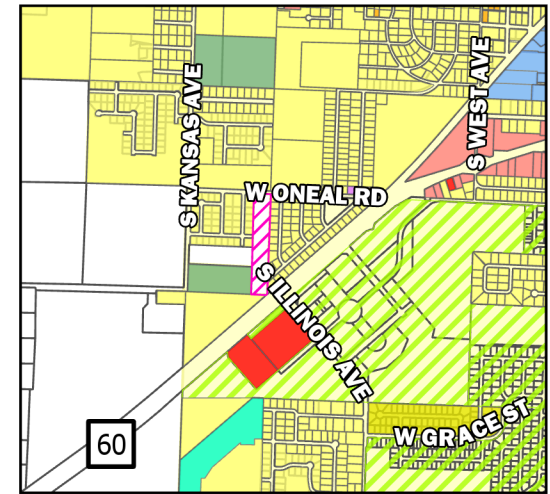
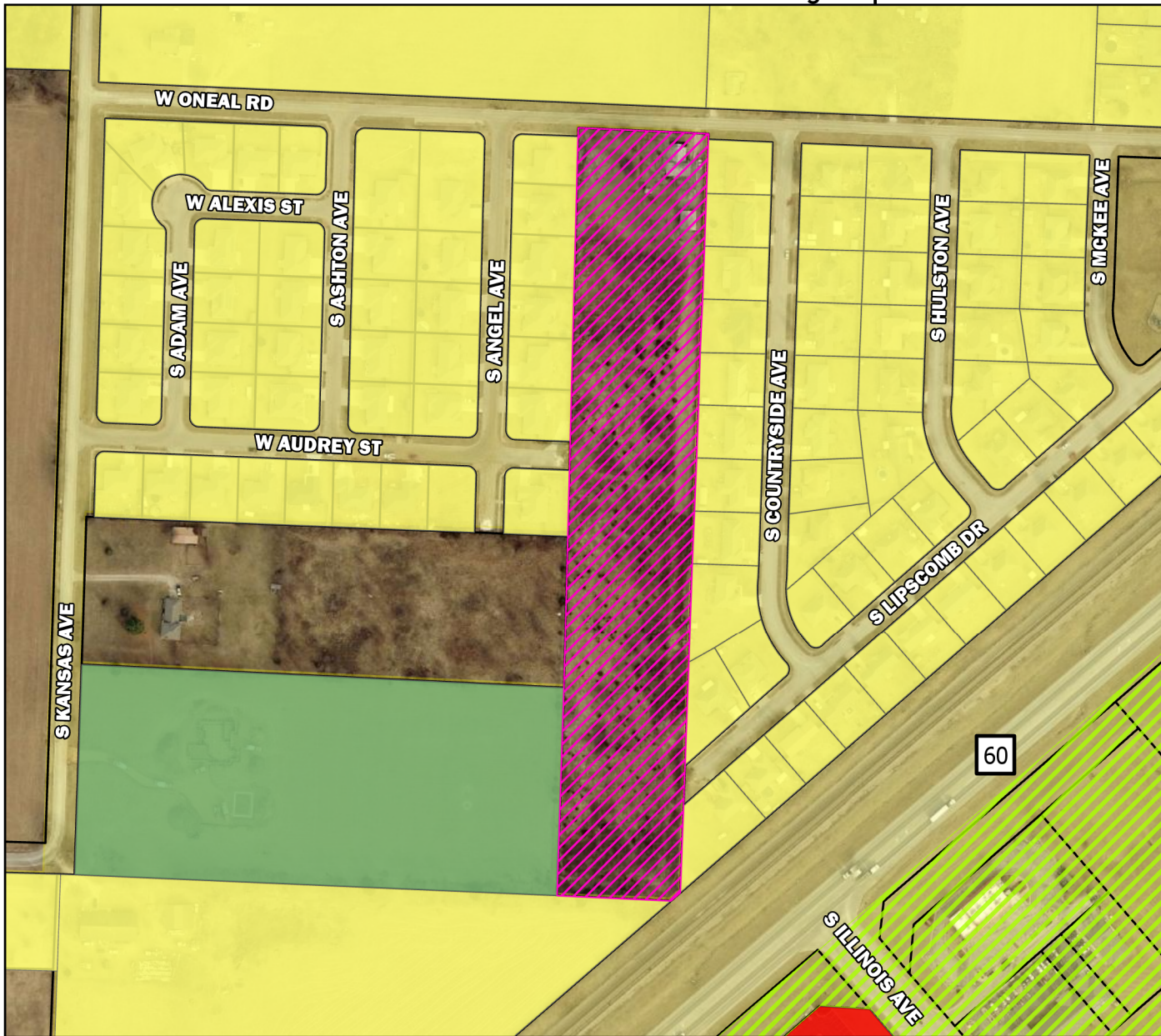
-  Parcels
-  City Limits
-  ANNX 20-001

Parcel Owner: Vincent Todd Wright
Parcel Address: 830 W O'Neal Rd
Area: 6.46 Acres
PIN: 881730200002
Existing Zoning: Agricultural (Greene County)



ANNX 20-001: 830 West O'Neal Road

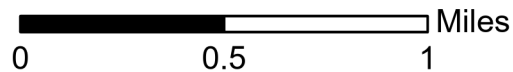
Zoning Map



Legend

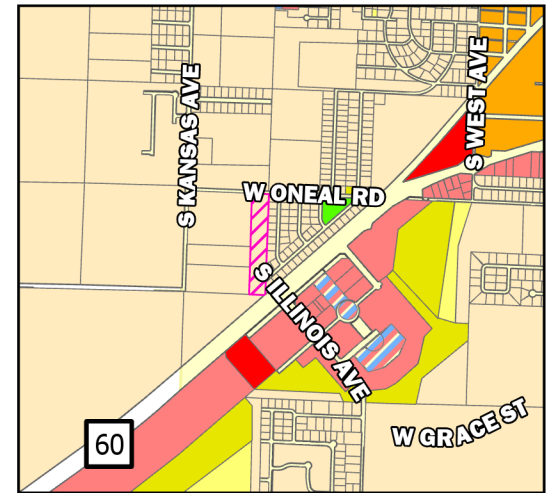
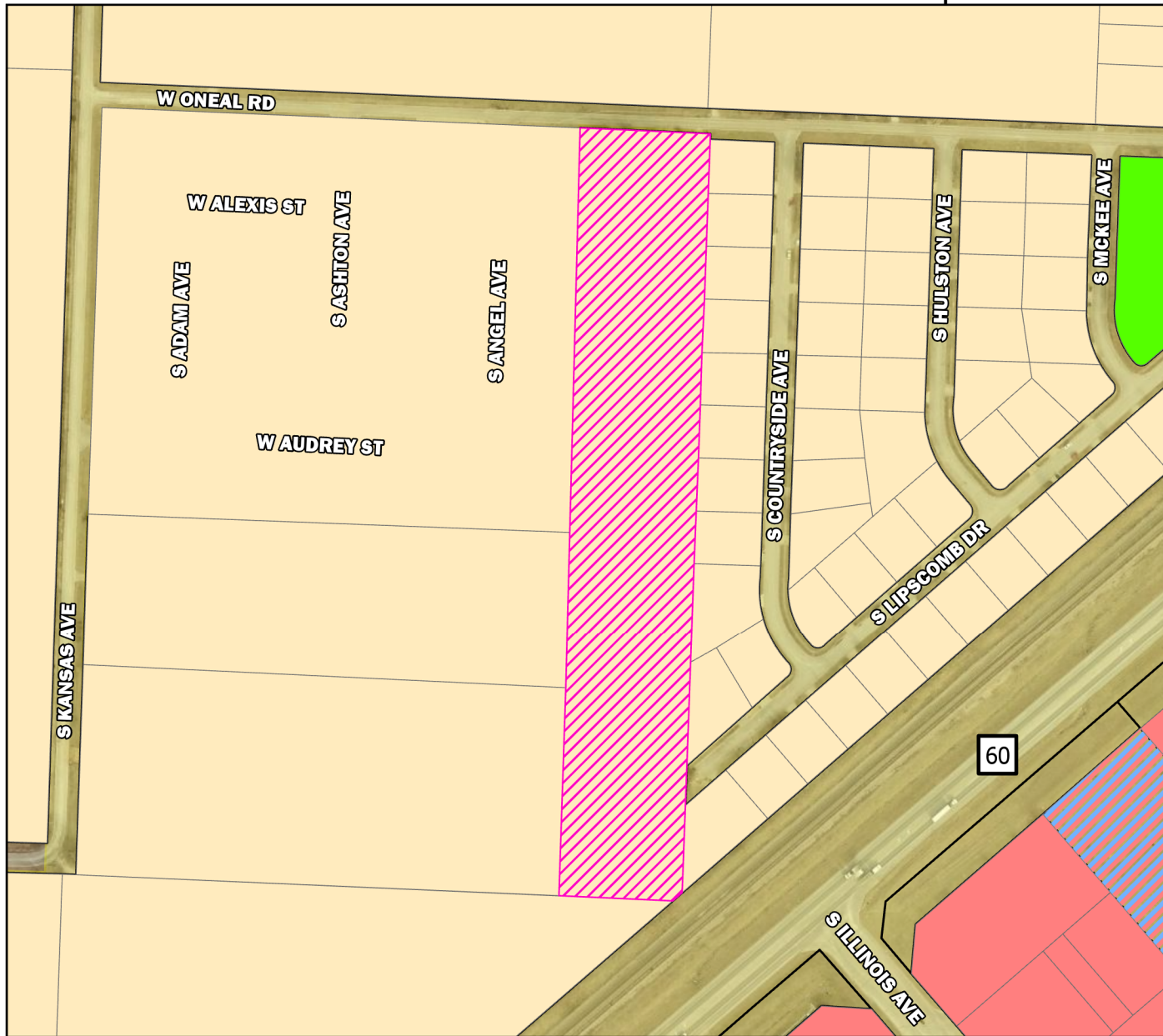
- Parcels
- ANNEX 20-001
- Zoning**
- AG Agricultural
- C-1 Commercial
- C-2 General Commercial
- C-3 General Commercial
- M-1 Light Manufacturing
- M-2 Heavy Manufacturing
- PDD Planned Development
- R1-L Single Family Low Density
- R1-M Single Family Medium Density
- R1-H Single Family High Density
- R1-Z Zero Lot Line Residential
- R-2 Two-family Residential
- R-3 Multi-family Residential

Parcel Owner: Vincent Todd Wright
 Parcel Address: 830 W O'Neal Rd
 Area: 6.46 Acres
 PIN: 881730200002
 Existing Zoning: Agricultural (Greene County)



ANNX 20-001: 830 West O'Neal Road

Future Land Use Map



Legend

- Parcels
- ANNX 20-001
- Future Land Use
 - Low Density Residential
 - High Density Residential
 - Med Density Residential
 - Main Street District
 - C-1
 - C-2
 - M-1
 - M-2
 - Park
 - Planned Business Park
 - Public Land Use
 - School Land Use

Parcel Owner: Vincent Todd Wright
Parcel Address: 830 W O'Neal Rd
Area: 6.46 Acres
PIN: 881730200002
Existing Zoning: Agricultural (Greene County)

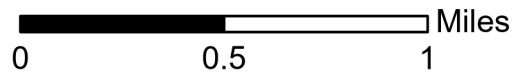




Exhibit J

AGENDA ITEM STAFF ANALYSIS

Project/Issue Name: 20-14 An Ordinance of the City Council of the City of Republic, Missouri, Authorizing the Execution of a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission for Sidewalk and Aesthetic Improvements Related to US 60 and MO 174 Intersection Improvements.

Submitted by: Andrew Nelson, Public Works Director

Date: March 17, 2020

Issue Statement

Cost Share of roadway, drainage, and sidewalk improvements for the Highway 174/60 Intersection Improvements.

Discussion and/or Analysis

In conjunction with the planned improvements, the staff has asked MODOT to consider including sidewalk extension from Hines to the new intersection and along Highway 174 in preparation for a connection to the 174 trial. Staff has also requested that the new signal poles be powder coated black to give a better visual appearance to the area. The total cost share for these improvements is estimated to be \$181,500, of which \$169,000 are sidewalk and curb and gutter, \$12,500 for the upgraded signal and light poles. These funds would be provided by the General Fund and reimbursed to the General Fund from the CIST sales tax and added to Budget Amendment 1 for 2020.

Recommended Action

Staff recommends approval.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AUTHORIZING THE EXECUTION OF A COST APPORTIONMENT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR SIDEWALK AND AESTHETIC IMPROVEMENTS RELATED TO US 60 AND MO 174 INTERSECTION IMPROVEMENTS.

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

WHEREAS, the Missouri Highways and Transportation Commission (herein called "MoDOT") has proposed a Cost Apportionment Agreement (herein called "Agreement") with the City for aesthetic improvements related to US 60 and MO 174 Intersection Improvements in the City (herein called "Project"); and

WHEREAS, this Agreement will obligate the City to contribute \$181,500.00 towards the Project; and

WHEREAS, the Council finds that this Agreement is in the best interest of the City as the Project will add necessary safety and aesthetic improvements to planned improvements to US 60 and MO 174 Intersection.

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

Section 1. That Mayor Jeff Ussery is authorized to execute on behalf of the City a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission not to exceed \$181,500.00, said Agreement to be substantially in the form and content of the document attached hereto and incorporated herein.


Section 2. This Ordinance shall be in full force and effect from and after its date of passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this ____ day of _____ 2020.

Jeff Ussery, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison Date: 2020.03.12 11:50:47 -05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____

CCO Form: DE63
Approved: 12/17 (BDG)
Revised: 12/18 (BDG)
Modified:

Municipal and Cost Apportionment Agreement
Route: US 60/MO 174
County: Greene
Job No.: 8S3159B
eAgreement 2020-01-54951

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
MUNICIPAL AND COST APPORTIONMENT AGREEMENT**

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

WITNESSETH:

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

(1) IMPROVEMENT DESIGNATION: The public improvement designated as Routes US 60 and MO 174, Greene County, Job No. 8S3159B shall consist of realignment of through lanes, addition of turn lanes, construction of sidewalk, and aesthetic improvements.

(2) IMPROVEMENT WITHIN CITY: The improvement within the Entity is located as follows:

The intersection of US 60 and MO 174 in the City of Republic.

(3) EXTENT OF AGREEMENT: This Agreement shall apply only to the portion of the improvement lying within the city limits as they exist on the date this Agreement is executed by the Entity.

(4) LOCATION: The general location of the public improvement is shown on an attached sketch marked "Exhibit A" and made a part of this Agreement. The detailed location of the improvement is shown on the plans prepared by the Commission for the above-designated route and project.

(5) PURPOSE: It is the intent of this Agreement to outline the parties' responsibilities with respect to the construction and maintenance of those improvements to the State Highway System located within the City limits described in paragraphs (1) and (2) above and designated as Commission Job No. 8S3159B. The parties' responsibilities with respect to the funding of said improvements are outlined further herein.

(6) PROJECT RESPONSIBILITIES: With regard to project responsibilities

under this Agreement, the parties agree to contribute as follows:

(A) The Commission will be responsible for the preparation of detailed right-of-way and construction plans and project specifications. This includes design, letting of project, and inspection of project. The plans shall be prepared in accordance with and conform to Commission requirements.

(B) The Commission will acquire right-of-way as needed for the project in accordance with Commission requirements.

(C) The Commission will be responsible for letting the work for the herein improvement, which includes advertising the project for bids and awarding the construction contract. The Commission will solicit bids for the herein improvement in accordance with plans developed by the Commission, or as the plans may from time to time be modified in order to carry out the work as contemplated.

(D) The Commission will be responsible for construction of the herein improvements, which includes administration of the construction contract and inspection of the project work. The project shall be constructed in accordance with and conform to Commission requirements.

(7) PAYMENT RESPONSIBILITIES: With regard to payment responsibilities under this Agreement, the parties agree to as follows:

(A) The total project cost is estimated to be two million twenty-seven thousand five hundred dollars (\$2,027,500). The total project cost will include preliminary engineering, utilities, construction, aesthetic improvements, and inspection. The details of the estimated cost breakdown are listed in "Exhibit B", which is attached hereto and made part hereof.

(B) The Entity will be responsible for one hundred percent (100%) of the cost of construction of sidewalk along US 60 and aesthetic improvements. The Entity's total responsibility is currently estimated to be one hundred eighty-one thousand five hundred dollars (\$181,500). The Entity shall remit a check in the amount of one hundred eighty-one thousand five hundred dollars (\$181,500) to cover its responsibilities no later than five (5) days prior to the Commission's advertisement of the project for bids. The check should be made payable to the *Director of Revenue – Credit State Road* Fund. If the Entity fails to make any of the required deposits, the Commission is under no obligation to continue with the project. The Entity will be responsible for the cost of construction of sidewalk along US 60 and aesthetic improvements over the current estimate of one hundred eighty-one thousand five hundred dollars (\$181,500), and will receive any cost underrun savings from the same improvements.

(C) The Commission will be responsible for one hundred percent (100%) of the cost of preliminary engineering, incidentals, utilities, construction, and

inspection, excluding the cost of construction of sidewalks along US 60. The Commission's responsibility is currently estimated to be one million eight hundred forty-six thousand dollars (\$1,846,000). The Commission will be responsible for the cost of preliminary engineering, incidentals, utilities, construction, and inspection, excluding the cost of construction of sidewalks along US 60 and aesthetic improvements, over the current estimate of one million eight hundred forty-six thousand dollars (\$1,846,000), and will receive any cost underrun savings from the same improvements.

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

(8) COMMINGLING OF FUNDS: The Entity agrees that all funds deposited by the Entity, pursuant to this Agreement with the Commission, may be commingled by the Commission with other similar monies deposited from other sources. Any deposit may be invested at the discretion of the Commission in such investments allowed by its Investment Policy. All interest monies shall be payable to the *State Road Fund*. If the amount deposited with the Commission shall be less than the actual obligation of the Entity for this project, the Entity, upon written notification by the Commission, shall tender the necessary monies to the Commission to completely satisfy its obligation. Upon completion of the sidewalks along US 60 and aesthetic improvements, any excess funds related to this portion of the project, excluding interest, shall be refunded to the Entity based on its pro rata share of the investment.

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

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

(11) RIGHT-OF-WAY ACQUISITION: No acquisition of additional right-of-way is anticipated in connection with Job No. 8S3159B or contemplated by this Agreement.

(12) UTILITY RELOCATION:

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

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

(C) It is understood and agreed by the parties to this Agreement that no Entity-owned utility facilities will require relocation or adjustment in connection with this improvement, but that should utility facilities be discovered at any time during development or construction of this improvement, relocation or adjustment of the same will be done and performed under a supplemental agreement covering the subject, and in accordance with Commission policy then in effect on division of costs for adjustment of utility facilities.

(D) In cases of public utilities owned by the Entity which must be moved, adjusted, or altered to accommodate construction of this improvement, and such Entity-owned utilities, poles, wires, conduits, and pipes are located within the present Entity limits and located on an existing city street, not state highway right-of-way, but being taken over by the Commission as a part of its highway right-of-way, the Entity will perform the necessary removal, adjustment, alterations and relocation, and the Commission will reimburse the Entity except as otherwise provided. The Entity shall perform the removal, adjustment, alterations and relocation in accordance with the detail plans, estimates of costs and bills of materials prepared by the Entity in accordance with Federal Aid Policy Guide, Title 23 CFR Subchapter G, Part 645, Subpart A (FAPG 23 CFR 645A), dated December 9, 1991 and any revision of it, and approved by the Commission's district engineer, and shall perform all work and keep the records of the costs in accordance with FAPG 23 CFR 645A and its revisions. Upon the completion of any such work and on receipt by the Commission of the original and four copies of a bill for the actual costs incurred by the Entity in making any such removal, adjustment, alteration and relocation, the Commission shall reimburse the Entity for the actual cost necessitated by construction of this public improvement. The Commission's obligation toward the cost of any such removal, adjustment, alteration and relocation shall extend only to those costs incurred in accordance with FAPG 23 CFR 645A and its revisions.

(E) Should it be necessary to alter, relocate or adjust any Entity-owned utility facilities outside the present city limits on public right-of-way or on state highway right-of-way within or outside the city limits or within the right-of-way of a public way other than a city street or alley, the alteration, relocation, or adjustment shall be made by the Entity at its cost.

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

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

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

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

(16) PERMITS: The Commission shall secure any necessary approvals or permits from the Surface Transportation Board, the Public Service Commission of Missouri, or any other state or federal regulating authority required to permit the

construction and maintenance of the highway.

(17) COMMENCEMENT OF WORK: The Commission shall construct the highway in accordance with final detailed plans approved by the Federal Highway Administration (or as they may be changed from time to time by the Commission with the approval of the FHWA) at such time as federal and state funds are allocated to the public improvement in an amount sufficient to pay for the federal and state government's proportionate share of construction. The obligation of the Commission toward the actual construction of the public improvement shall be dependent upon the completion of plans in time to obligate federal funds for such construction, upon approval of the plans by the FHWA, upon the award by the Commission of the contract for the construction, and upon the approval of the award by the FHWA.

(18) MAINTENANCE:

(A) Except as provided in this Agreement, upon completion of the public improvement, the Commission will maintain all portions of the improvement within the Commission owned right-of-way. Maintenance by the Commission shall not in any case include maintenance or repair of sidewalks whether new or used in place, water supply lines, sanitary or storm sewers (except those storm sewers constructed by the Commission to drain the highway), Entity-owned utilities within the right-of-way or the removal of snow other than the machine or chemical removal from the traveled portion of the highway.

(B) When it is necessary to revise or adjust city streets, the right-of-way acquired for these adjustments and connections will be deeded to the Entity.

(C) The Entity shall inspect and maintain the sidewalks constructed by this project in a condition reasonably safe to the public and, to the extent allowed by law, shall indemnify and hold the Commission harmless from any claims arising from the construction and maintenance of said sidewalks.

(19) ACCEPTED WITHIN HIGHWAY SYSTEM: Effective upon execution of this Agreement, the Commission temporarily accepts the portion of the city street system described in this Agreement as part of the State Highway System for the purposes of this project. However, during the construction period contemplated in this Agreement:

(A) The Commission will assume no police or traffic control functions not obligatory upon Commission immediately prior to the execution of this Agreement, and

(B) The Entity shall perform or cause to be performed normal maintenance on the project site.

(20) ENTITY TO MAINTAIN: Upon completion of construction of this

improvement, the Entity shall accept control and maintenance of the improved Entity street that was temporarily accepted as part of the State Highway System for the purposes of this project pursuant to paragraph (19) above and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the Entity street system at its own cost and expense and at no cost and expense whatsoever to the Commission. All obligations of the Commission with respect to the Entity street system under this Agreement shall cease upon completion of the improvement.

(21) POLICE POWERS: It is the intent of the parties to this Agreement that the Entity shall retain its police powers with respect to the regulation of traffic upon the improvement contemplated. However, the Entity will enact, keep in force, and enforce only such ordinances relating to traffic movement and parking restrictions as may be approved by the Commission and as are not in conflict with any regulations for federal aid. The Commission shall not arbitrarily withhold approval of reasonable traffic regulations, signs, and markings which will permit the movement of traffic in accordance with accepted traffic regulation practices.

(22) RESTRICTION OF PARKING: Since the improvement is being designed and constructed to accommodate a maximum amount of traffic with a minimum amount of right-of-way, the Entity shall take whatever actions that are necessary to prevent parking upon the highway or any part of the area of the highway right-of-way within the limits of the improvement.

(23) OUTDOOR ADVERTISING: No billboards or other advertising signs or devices or vending or sale of merchandise will be permitted within the right-of-way limits of the project and the Entity shall take whatever actions that are necessary to enforce this Section.

(24) WITHHOLDING OF FUNDS: In the event that the Entity fails, neglects, or refuses to enact, keep in force or enforce ordinances specified or enacts ordinances contrary to the provisions in this Agreement, or in any other manner fails, neglects or refuses to perform any of the obligations assumed by it under this Agreement, the Commission may, after serving written request upon the Entity for compliance and the Entity's failure to comply, withhold the expenditure of further funds for maintenance, improvement, construction, or reconstruction of the state highway system in the Entity.

(25) FEDERAL HIGHWAY ADMINISTRATION: This Agreement is entered into subject to approval by the Federal Highway Administration, and is further subject to the availability of federal and state funds for this construction.

(26) INDEMNIFICATION:

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

wrongful or negligent performance of its obligations under this Agreement.

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

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

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

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(27) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment approved and signed by representatives of the Entity and Commission, respectively, each of whom being duly authorized to execute the contract amendment on behalf of the Entity and Commission, respectively.

(28) COMMISSION REPRESENTATIVE: The Commission's Southwest District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(29) ENTITY REPRESENTATIVE: The Entity's Public Works Director is designated as the Entity's representative for the purpose of administering the provisions of this Agreement. The Entity's representative may designate by written notice other persons having the authority to act on behalf of the Entity in furtherance of the performance of this Agreement.

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

- (A) To the Entity:
Andrew Nelson
221 North Main Avenue
Republic, MO 65738
(417) 732-3401
anelson@republicmo.com

- (B) To the Commission:
Steve Campbell
3025 East Kearney Street
Springfield, MO 65803
(417) 895-7605

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

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

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

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

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

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

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

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

(38) COMMISSION RIGHT OF WAY: All improvements made within the state-owned right-of-way shall become the Commission's property, and all future alterations, modifications, or maintenance thereof, will be the responsibility of the Commission, except as otherwise provided by this Agreement or a separate written agreement.

(39) NO INTEREST: By contributing to the cost of this project or improvement, the Entity gains no interest in the constructed roadway or improvements on Commission right of way whatsoever. The Commission shall not be obligated to keep the constructed improvements or roadway in place if the Commission, in its sole discretion, determines removal or modification of the roadway or improvements, is in the best interests of the state highway system. In the event the Commission decides to remove the landscaping, roadway, or improvements, the Entity shall not be entitled to a refund of the funds contributed by the Entity pursuant to this Agreement.

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

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

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

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

(44) CANCELLATION: The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the Entity with written notice of cancellation. Should the Commission exercise its right to

cancel this Agreement for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the Entity.

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

Executed by the Entity this ____ day of _____, 20__.

Executed by the Commission this ____ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF REPUBLIC

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

ATTEST:

Secretary to the Commission

By: _____

Title: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Commission Counsel

By: _____

Title: _____

Ordinance Number _____

Exhibit A

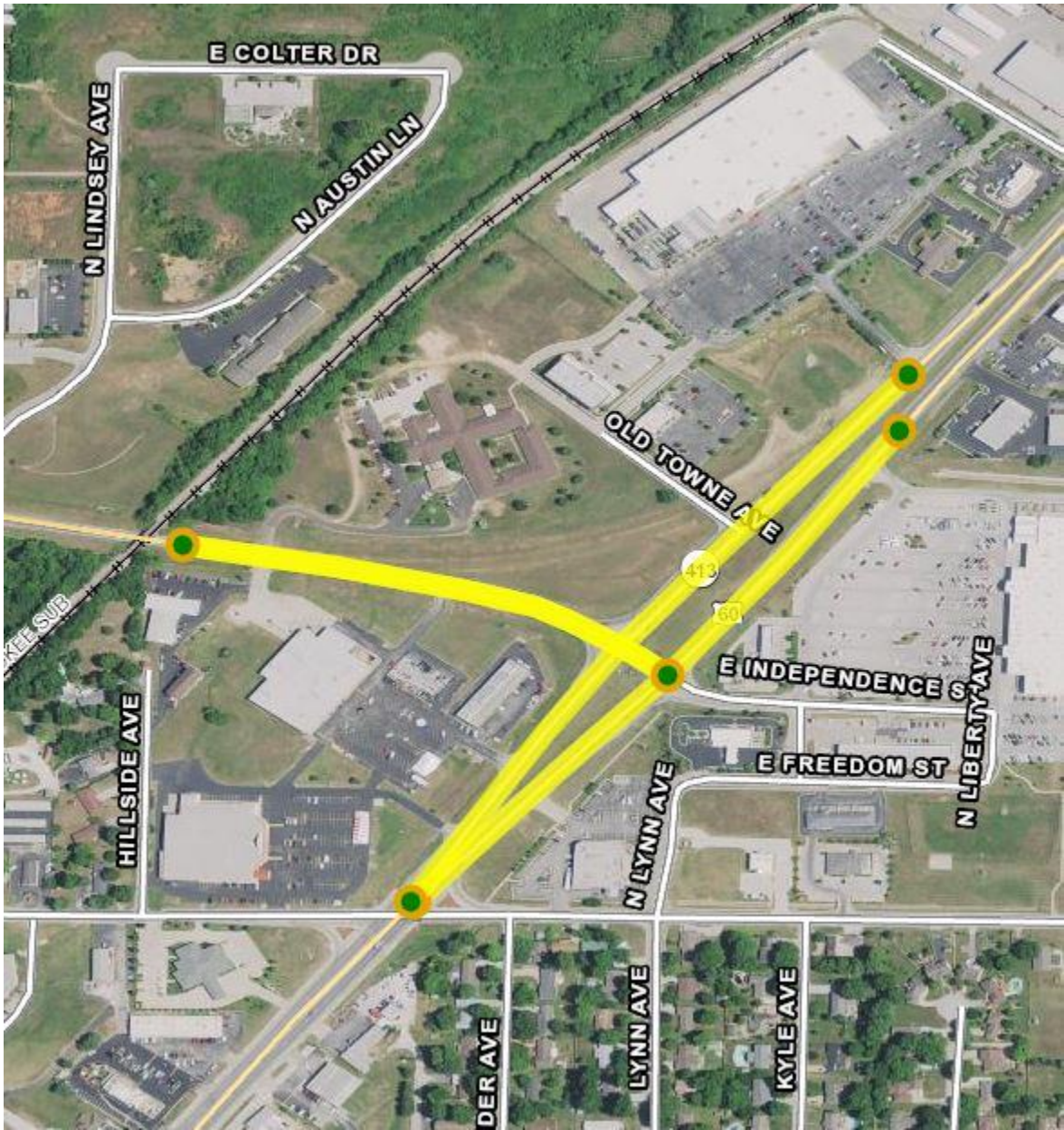


Exhibit B

Project Name: Intersection improvements at Rtes. 60 and 174
MoDOT Job Number: 8S3159B

Description: Realignment of through lanes, add turn lanes, construction of sidewalk, and aesthetic improvements at Rte. 174 in Republic.

Project Estimate

	MoDOT	Local
Preliminary Engineering	\$ 243,000	
Right-of-way	\$ -	\$ -
Right-of-way Incidentals	\$ -	\$ -
Utilities	\$ 10,000	
Construction w/ Contingency	\$ 1,377,000	
US 60 Sidewalk Construction		\$ 169,000
Non-contractuals	\$ -	\$ -
Inspection and Letting	\$ 216,000	
Aesthetic Improvements		\$ 12,500
Total	\$ 1,846,000	\$ 181,500

Project Responsibilities

Preliminary Engineering	MoDOT
ROW Acquisition	MoDOT
Letting	MoDOT
Inspection	MoDOT

Financial Responsibilities

City of Republic	\$ 181,500	
MoDOT	\$ 1,846,000	
Total	\$ 2,027,500	

How are overruns and underruns handled?

MoDOT will be responsible for cost overruns and will receive cost underrun savings for construction and engineering, excluding the construction cost of sidewalks along US 60 and aesthetic improvements. The Entity will be responsible for cost overruns and will receive cost underrun savings for construction costs of sidewalks along US 60 and aesthetic improvements.



Exhibit K

AGENDA ITEM ANALYSIS

Project/Issue Name: 20-R-06 A Resolution of the City Council of the City of Republic, Missouri, Authorizing Payment for the City’s Workers’ Compensation Insurance for 2020-2021

Submitted By: Lisa Addington, Human Resources Director

Presented By: Lisa Addington, Human Resources Director
 Scott Ison, City Attorney
 Susan Woods, Missouri Rural Services

Date: 3/17/2020

Issue Statement

The City’s workers’ compensation insurance policy expires March 31, 2020. The renewal policy is for the period April 1, 2020 through March 31, 2021.

Discussion and/or Analysis

The renewal premium from the Missouri Rural Services Workers' Compensation Insurance Trust for 2020/2021 is \$180,826 This represents an increase in actual premium of \$17,275 from the 2019/2020 estimated premium. The increase is due to an increase in payroll with the addition of staff and an increase in the experience modification from .88 to .91. We proactively accounted for this increase and this renewal comes in under budget prior to the audit.

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

	2019/2020	2020/2021	
Manual Premium(t)	\$204,080	\$234,052	(based on payroll and classification rates)
Modified Premium(2)	\$179,590	\$212,987	
			(manual premium @ experience mod factor)
Deviated Premium	\$152,651	\$170,390	
	(15% credit)	(20% credit)	
Additional Charges	\$10,900	\$10,436	(2nd injury fund/ Mo premium tax/ fixed expense)
Pro Rate Premium	\$163,551	\$180,826	
Dividend Refunds	\$0.00	\$0.00	
INVOICE AMOUNT	\$163,551	\$180,826	

A workers' compensation audit is performed annually to review the city's payroll records and claims experience. The annual premium is paid in two parts: the current estimate, as provided, is \$180,826 for 2020/2021 and the remainder to be based on and invoiced after an actual audit is performed for the 2020/2021 fiscal year.

Recommended Action

Staff recommends approval.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
AUTHORIZING PAYMENT FOR THE CITY'S WORKERS' COMPENSATION
INSURANCE FOR 2020-2021**

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

WHEREAS, the City's workers' compensation insurance policy expires on March 31, 2020; and

WHEREAS, this renewal policy will be for the period April 1, 2020, through March 31, 2021; and

WHEREAS, the renewal will be with Missouri Rural Services Workers' Compensation Insurance Trust; and

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

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

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

Section 1. The City Administrator, or designee, is authorized to execute those documents necessary to accept the renewal of the workers' compensation coverage with the Missouri Rural Services Workers' Compensation Insurance Trust for 2020-2021 in the amount not to exceed \$180,826 plus adjustments.


Section 2. This Resolution shall become effective on and after the date of passage and approval.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this 17th day of March 2020.

Jeff Ussery, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2020.03.12 11:48:45 -05'00', Scott Ison, City Attorney

Final Passage and Vote: _____