

recorded in Book 288 pages 35 and 36 of the St. Louis County Records; thence along the Southeastern line of said tract, Northeastwardly, 30.12 feet along a curve to the right, having a radius of 20.00 feet and a chord bearing North 02 degrees 54 minutes 15 seconds East to a point of tangency; thence North 46 degrees 03 minutes 07 seconds East, 75.57 feet to a point of curvature; thence Northeastwardly, 77.40 feet along a curve to the right, having a radius of 138.00 feet and a chord bearing North 62 degrees 07 minutes 14 seconds East to a point of tangency; thence North 78 degrees 11 minutes 20 seconds East, 217.77 feet to a point of curvature being the Northwestern corner of the tract of land dedicated to the City of Manchester for the widening of School Street, as aforementioned; thence along the Eastern line of said tract, Southeastwardly, 44.70 feet along a curve to the right, having a radius of 25.00 feet and a chord bearing South 50 degrees 35 minutes 20 seconds East to a point of tangency; thence South 00 degrees 38 minutes 00 seconds West, 332.19 feet to a point of curvature; thence Southwestwardly, 40.64 feet along a curve to the right, having a radius of 25.00 feet and a chord bearing South 47 degrees 12 minutes 30 seconds West to the point of beginning. (Locator #22R320448)

PARCEL 3: A tract of land being part of that parcel conveyed to Caplaco Six, Inc., by Deed recorded in Book 6968 page 45 of the St. Louis County Records, situated within Section 36, Township 45 North, Range 4 East, in the City of Manchester, St. Louis County, Missouri, being more particularly described as follows:

Beginning a point on the Eastern line of a tract of land conveyed to St. Louis County (for the relocation of Baxter Road, variable width) by the instrument recorded in Deed Book 7370 page 2484 of the St. Louis County Records, at the Westernmost corner of a tract of land dedicated to the City of Manchester by Plat recorded in Book 288 pages 35 and 36 of the St. Louis County Records; thence along said Eastern line, Northwestwardly, 251.16 feet along a curve to the left, having a radius of 759.20 feet and a chord bearing North 57 degrees 10 minutes 24 seconds West to a point of tangency; thence North 66 degrees 39 minutes 03 seconds West, 65.86 feet to a point; thence North 22 degrees 06 minutes 17 seconds West, 21.38 feet to a point on the Southern line of a tract of land conveyed to the City of Manchester (for the dedication of Andersohn Drive, fifty feet wide) by Deed recorded in Book 6968 page 48 of the St. Louis County Records; thence along said Southern line, North 22 degrees 26 minutes 30 seconds East, 66.31 feet to a point; thence South 67 degrees 33 minutes 30 seconds East, 68.83 feet to a point of curvature; thence Southeastwardly, 221.49 feet along a curve to the right, having a radius of 841.70 feet and a chord bearing South 60 degrees 01 minute 11 seconds East to a point of reverse curvature; thence Southeastwardly, 70.29 feet along a curve to the left, having a radius of 285.00 feet and a chord bearing South 59 degrees 32 minutes 48 seconds East to a point of reverse curvature at the Northern most corner of the tract of land dedicated to the City of Manchester by Plat recorded in Book 288 pages 35 and 36, as aforementioned; thence along the Northwestern line of said tract, Southeastwardly, 39.33 feet along a curve to the right, having a radius of 20.00 feet and a chord bearing South 10 degrees 16 minutes 48 seconds East to a point of tangency; thence South 46 degrees 03 minutes 07 seconds West, 40.07 feet to a point; thence South 75 degrees 39 minutes 47 seconds West, 40.41 feet to the point of beginning. (Locator #22R320457)

- and -

City Land

A tract of land being a composite of that tract of land dedicated to the City of Manchester by plat recorded in Plat Book 288, Pages 35 and 36 and those tracts of land conveyed to the City of

Manchester by deed recorded in Deed Book 19361, Page 1228 of the St. Louis County Records, situated within Section 36, Township 45 North, Range 4 East, in the City of Manchester, St. Louis County, Missouri, being more particularly described as follows:

Beginning at a point on the Eastern line of a tract of land conveyed to St. Louis County (for the relocation of Baxter Road, variable width) by instrument recorded in Deed Book 7370, Page 2484 of the St. Louis County Records, at the Westernmost corner of a tract of land dedicated to the City of Manchester by plat recorded in Plat Book 288, Pages 35 and 36 of the St. Louis County Records; thence Northeasterly, along the Western line of the aforementioned property dedicated to the City of Manchester, North 75 degrees 39 minutes 47 seconds East, 40.41 feet to a point; thence North 46 degrees 03 minutes 07 seconds East, 40.07 feet to a point of curvature on the Western line thereof; thence Northwesterly, along a curve to the left having a radius of 20.00 feet, an arc distance of 39.33 feet (North 10 degrees 16 minutes 48 seconds West, 33.29 feet on its chord) to the Northwestern corner of said property dedicated to the City of Manchester, being a point of cusp; thence Southeasterly, along the Northeastern line of said property dedicated to the City of Manchester, along a curve to the left having a radius of 285.00 feet, an arc distance of 175.09 feet (South 84 degrees 12 minutes 42 seconds East, 172.35 feet on its chord) to the Northeastern corner thereof, being a point of cusp; thence Southwesterly, along the Eastern line of said property conveyed to the City of Manchester, South 78 degrees 11 minutes 20 seconds West, 42.60 feet to a point of curvature; thence Southwesterly, along a curve to the left having a radius of 138.00 feet, an arc distance of 54.67 feet (South 66 degrees 50 minutes 20 seconds West, 54.32 feet on its chord) to the most Northern corner of the most Northern tract of land conveyed to the City of Manchester by deed recorded in Deed Book 19361, Page 1228 of the St. Louis County Records; thence Southeasterly, along the Eastern line of said most Northern tract of land, South 14 degrees 48 minutes 37 seconds East, 12.63 feet to a point; thence Southwesterly, along the Southern line thereof, South 75 degrees 11 minutes 23 seconds West, 26.49 feet to the most Western corner thereof, being a point on the Eastern line of property dedicated to the City of Manchester, as aforementioned; thence Southwesterly, along the Eastern line thereof, South 46 degrees 03 minutes 07 seconds West, 48.98 feet to the most Northern corner of the most Southern tract of land conveyed to the City of Manchester by the aforementioned deed recorded in Deed Book 19361, Page 1228 of the St. Louis County Records, thence Southwesterly, along the Eastern line thereof, South 00 degrees 11 minutes 23 seconds West, 27.62 feet to an angle point therein; thence Southwesterly, continuing along the Eastern line thereof, South 49 degrees 07 minutes 53 seconds West, 20.68 feet to the most Southern corner of said property conveyed to the City of Manchester, being a point on the Eastern line of relocated Baxter Road, as aforementioned; thence Northwesterly, along a curve to the left having a radius of 759.20 feet, an arc distance of 98.75 feet (North 43 degrees 58 minutes 11 seconds West, 98.68 feet on its chord) to the point of beginning. The District also includes all streets, roads, bridges and right-of-ways currently owned by the City of Manchester, Missouri located in the boundaries of the District.

(Space above reserved for Recorder's use)

Title of Document: DEVELOPMENT AGREEMENT

Date of Document: April 4, 2016

Grantor's Name and Mailing Address: City of Manchester, Missouri
14318 Manchester Road
Manchester, Missouri 63011

Grantees' Names and Mailing Addresses: Lafayette Center Community Improvement District
c/o Caplaco Six, Inc.
11850 Studt Avenue, P.O. Box 419121
St. Louis, Missouri 63141

Caplaco Six, Inc.
11850 Studt Avenue, P.O. Box 419121
St. Louis, Missouri 63141

Legal Description: See Exhibit D

After Recording, Return Document To: Shannon W. Creighton
Gilmore & Bell, P.C.
211 North Broadway, Suite 2350
St. Louis, Missouri 63102

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-2253

ORDINANCE NO. 16-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, MISSOURI, BY ADDING A NEW SECTION 215.155 RELATING TO OUTDOOR COMMERCIAL COOKING.

WHEREAS, City staff has, after careful consideration, recommended an amendment of the City’s Code of Ordinances regarding outdoor commercial cooking; and

WHEREAS, the Board of Aldermen, based on such recommendation, desires to amend the Code of Ordinances by adding a new Section 215.155 to include outdoor commercial cooking within the City, under certain circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI, AS FOLLOWS:

Section One: The Code of Ordinances of the City of Manchester is hereby amended by adding a new Section 215.155 which shall, hereafter, read as follows:

SECTION 215.155: OUTDOOR COMMERCIAL COOKING

A. *Definitions.* For purposes of this section, the following definitions shall apply:

Olfactometer. A scentometer or other device used to detect and measure ambient odor dilution of odors.

Outdoor cooking. Any means of cooking or curing food outside the principal building on a lot through the use of heat or smoke, including, but not limited to, cooking by barbeque grill and meat smokers.

Particulate matter. Particles or subdivisions of solid or liquid matter suspended in a gas or liquid.

Scrubber. A device used to remove particulate matter from smoke emissions.

B. *Purpose.* These standards and procedures are enacted pursuant to the City’s police powers under Section 79.370 RSMo., “to regulate or prevent the carrying on of any business which may be dangerous or detrimental to the public health” and “pass ordinances for the prevention of nuisances and their abatement” in order to enhance the public health, safety and welfare, and prevent the entrance of excessive odorous fumes and particulate matters into the atmosphere and environment of the City of Manchester, and thereby avoid the creation of nuisances and/or presence of disturbing odors which can unreasonably disturb the peaceful enjoyment of property.

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-2253

ORDINANCE NO. 16-

- C. *Applicability.* The provisions of this section shall be applicable to all outdoor cooking activities in the C-1 and C-2 Commercial Districts of the City by persons and entities engaged in the sale of food or prepared food for sale.

- D. *Exemption.* Outdoor cooking activities conducted by civic, religious and charitable institutions which engage in such activities fewer than two (2) times per calendar year are exempt from the permitting requirements of this section. The Board of Aldermen may also waive the requirements of this section for other infrequent and sporadic outdoor cooking activities associated with charitable or community purposes if the Board believes the frequency, duration, hours of operation, location, surrounding land uses and topography, and other relevant factors make imposition of the permitting requirements hereinafter provided unnecessary.

- E. *Permit required for outdoor commercial cooking activities.* No person or entity that is in the business of selling and/or preparing food shall engage in any outdoor cooking activities without first obtaining an annual permit issued by the City, in accordance with the following standards:
 - 1. The application for the permit or renewal shall be made in writing in form and with such information as is required by the City and an application fee of one hundred dollars (\$100.00).

 - 2. All applications for an initial permit or a renewal application involving a material change in the nature, duration or frequency of the proposed activity or the equipment or location to be utilized shall be accompanied by an odor dissipation study performed by an environmental engineer or other person qualified to complete such a study. An odor dissipation study must consider the following:
 - a. The density and proximity of residential districts to the proposed site of the outdoor cooking activities;

 - b. Prevailing wind patterns, atmospheric conditions and natural barriers such as trees and structures that will affect where and how far odors travel;

 - c. The proximity to existing permitted outdoor cooking activities and the potential effect of cumulative odors;

 - d. The character and strength of the odor;

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BILL NO. 16-2253

ORDINANCE NO. 16-

- e. The character and density of any particulate matter that would be produced;
 - f. The frequency and duration of intended outdoor cooking activities;
 - g. The results of any odor measurements taken utilizing an olfactometer or any other device commonly used to detect the strength of odors; and
 - h. The effect of any proposed mitigating device or practice, such as the use of scrubbers.
3. In considering an application for an initial permit or a renewal application involving a material change in the nature, duration or frequency of the proposed activity or the equipment or location to be utilized, the City shall consider the findings of the odor dissipation study and the written report of the Fire Marshal on the question of whether the proposed activity and equipment complies in all respects with best practices in fire prevention and control. In addition, and for renewal applications, the City shall also consider any other factors pertinent to the permit application such as the proximity of other land uses, topography of the area, the potential effect of siting and operation of the proposed facility on traffic, parking and public safety, demands on public services, the availability and proximity of cleaning and drainage facilities, and any other circumstances which the City may find relevant in light of the nature, duration and frequency of the proposed activity and existing uses and structures in the vicinity. The City may also condition the issuance of a permit on compliance with any requirements or recommendations of the Fire Marshal, and/or require the installation of mediation devices such as smoke scrubbers, if the City determines such conditions or devices will assist in ameliorating foreseeable adverse consequences of the proposed outdoor cooking activity. For renewal applications the City shall also consider the manner in which the permitted facility has been operated in the past, whether the permittee has consistently complied with all applicable standards and conditions and operated the permitted facility in a clean and healthful manner, and whether the permitted activity has intruded upon the peaceable enjoyment of nearby properties or caused unreasonable particulate or odor pollution.

F. *Safety standards.*

- 1. Outdoor cooking devices shall be constructed from non-combustible materials and shall be securely affixed to the ground at all times in order

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-2253

ORDINANCE NO. 16-

to protect against high winds and inclement weather conditions. Outdoor cooking devices shall be insulated by means of exterior “jacketing” with heat-shielding material.

2. Outdoor cooking devices shall be “skirted” around the bottom in order to mitigate against collection of debris, and the areas surrounding outdoor cooking devices shall be kept in a sufficient state of cleanliness at all times and so as not to attract vermin or insects and so as to avoid litter. Provision shall be made for the capture, collection and removal of ash, drippings, bits of food, and other detritus associated with cooking process in such a manner that the same shall not fall upon the ground.
3. Outdoor cooking devices shall be enclosed by fencing using concrete-filled bollards as fence posts for protection from vehicular traffic and for restriction of pedestrian access. In the event that an outdoor cooking device is subjected to graffiti or otherwise vandalized, immediate steps shall be taken to remove the same and remedy the situation. No signs or banners of any kind (other than a discrete manufacturer’s name plate and technical data) may be affixed on or to the cooking device or surrounding equipment unless approved as part of the sign regulations applicable to the property where situated or otherwise in compliance with the City’s sign regulations.
4. Outdoor cooking devices must be fueled via dedicated underground natural gas lines; no propane tanks or other removable tanks shall be permitted for fueling outdoor cooking devices.
5. Outdoor cooking devices shall not be installed and/or maintained in any one or more marked parking places on the property where situated if to do so will reduce the number of parking spots provided on the property to a number below that required by the City’s Municipal Code.
6. An outdoor cooking device must be located at least three hundred (300) linear feet distant from any residential zoning district lying adjacent to the property where situated.
7. An outdoor cooking device must be located (i) at least fifty (50) linear feet distant from the closest exterior portion of any wall (including any window or door opening on or within the wall) of any building(s) within the property where situated or (ii) if there is a sidewalk alongside and serving any building(s) within the property where situated, then at least fifty (50) linear feet from the outside edge (the edge closest to the street or

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-2253

ORDINANCE NO. 16-

parking lot) of any such sidewalk alongside and serving any building(s) within the property where situated; provided that, upon request of the person or entity making application for a permit under this section, an outdoor cooking device may be located less than fifty (50) linear feet distant from the closest exterior portion of the wall of the building(s) or the closest sidewalk alongside and serving such building(s), subject to the outdoor cooking device being located to the rear of the building(s) and subject to the approval of the City and the Fire Marshal with jurisdiction over the property where the building(s) is (are) located.

8. In addition to the foregoing safety standards, construction and placement of outdoor cooking devices shall comply with all applicable fire and building codes.

- G. *Revocation of permit.* If, in the opinion of the City, an outdoor cooking device is operated in a manner that is detrimental to the area by allowing unreasonable, excessive, prolonged, or disturbing odor or smoke so as to unreasonably disturb any person or property, the City may revoke or amend the permit to operate the outdoor cooking device and abate the nuisance created thereby in accord with the procedures of this section. Any person or entity aggrieved by any determination of the City pursuant to this section may appeal the decision to the City Administrator by filing with the City Administrator a written request therefor stating wherein and why the decision is in error and specifying the facts in support of the appellant's position within five (5) days of the decision. Judicial review of the City Administrator's decision may be had by filing a petition therefor pursuant to Chapter 536, RSMo., in the Circuit Court for St. Louis County, Missouri, within ten (10) days of the manager's decision.

- H. *Penalty for violations.* Any person or entity found to have violated the provisions of this section shall be subject to the general penalty and remedy provisions set forth in sections 215.170 and 215.180 of the City's Municipal Code.

- I. Wherever the word "City" is used herein, such shall mean the City Administrator or his/her designee.

Section Two: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-2253

ORDINANCE NO. 16-

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

INTRODUCED BY ALDERMAN HAMILL

BILL NO. 16-2254

ORDINANCE NO. 16-

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO RELEASE ALL FUNDS GUARANTEEING CERTAIN IMPROVEMENTS TO THE PROPERTY NOW KNOWN AS TUSCAN VALLEY CREEK SUBDIVISION AND ACCEPTING THE DEDICATION OF CERTAIN RIGHT-OF-WAY WITHIN TUSCAN VALLEY CREEK SUBDIVISION, ALL AS MORE SPECIFICALLY SHOWN ON EXHIBIT "A" ATTACHED HERETO.

WHEREAS, the Board of Aldermen, on November 7, 2011, by Ordinance No. 11-2014, approved an Escrow Agreement on behalf of the City with CJM Investment, LLC to secure certain improvements for the property known as Tuscan Valley Creek Subdivision; and,

WHEREAS, CJM Investment, LLC has submitted the City certified-as-built drawings and the appropriate Metropolitan Sewer District and St. Louis County Highway Department construction certifications; and,

WHEREAS, CJM Investment, LLC has now completed all phases of the development known as Tuscan Valley Creek Subdivision; and,

WHEREAS, CJM Investment, LLC has requested that the City of Manchester release the balance of the escrow and accept Tuscan Valley Court into the City's street system; and,

WHEREAS, the Board of Aldermen of the City of Manchester, after due investigation and consideration, has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the acceptance of the dedication of certain right-of-way being commonly referred to as Tuscan Valley Court.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI, AS FOLLOWS:

Section One: The City Administrator is hereby authorized to release the balance of the escrow in the amount of One Hundred Fifty-Four Thousand Five Hundred Twenty-Eight Dollars (\$154,528.00), which amount guaranteed certain improvements on the property known as Tuscan Valley Creek Subdivision.

Section Two: The dedication of all that part of the right-of-way described in, and shown in hatch on, Exhibit "A" attached hereto and incorporated herein by reference thereto is hereby accepted by the City of Manchester for public use and maintenance.

Section Three: The City Administrator of the City of Manchester is hereby directed to provide for the recording of a certified copy of this Ordinance (or, if appropriate, to execute on behalf of the City of Manchester the Right-Of-Way Dedication Plat attached hereto as Exhibit "A") so that the public records will reflect the City of Manchester's acceptance of the dedication of the right-of-way described herein. All costs of recording shall be borne by CJM Investment, LLC.

INTRODUCED BY ALDERMAN HAMILL

BILL NO. 16-2254

ORDINANCE NO. 16-

Section Four: The release of escrow and acceptance of dedication provided for in this Ordinance is **expressly contingent** upon CJM Investment, LLC depositing with the City the amount of One Thousand Five Hundred Dollars (\$1,500.00) to be held by the City for a period of one (1) year to insure the survival of all plantings installed by CJM Investment, LLC in Tuscan Valley Creek Subdivision. The City Administrator shall release such funds deposited under this Section Four following such one-year period should all plantings survive. If all or any part of such plantings do not survive such one-year period, the City Administrator shall require CJM Investment, LLC to replace such plantings that don't survive and, in the event of CJM Investment, LLC's failure to so replace, the City Administrator shall be authorized to expend all or a portion of the amounts held by the City pursuant to this Section.

Section Five: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By: _____
Mayor

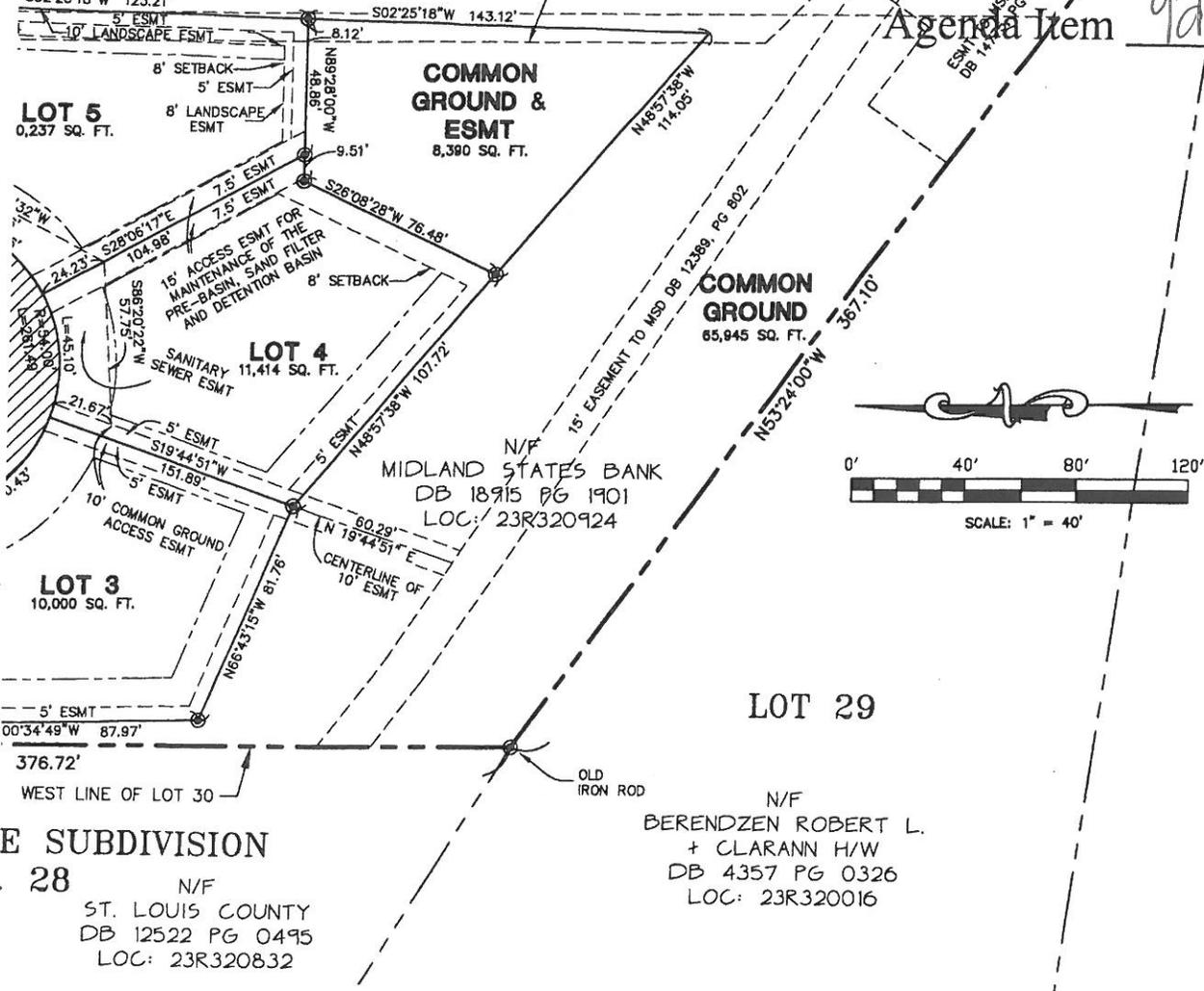
ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

Agenda Item *9d*



Suburban L
2007 Bellevue Avenue
(314) 645-7055

**TUSCAN VALLEY CREEK
RECORD PLAT**
CITY OF MANCHESTER
SAINT LOUIS COUNTY, MISSOURI

PROJECT:

PREPARED FOR:

CJM INVESTMENTS, LLC
5854 CRYSTAL TREE CORNER
ST. LOUIS, MO 63128
W (314) 842-4985

DATE: 03/21/2011
JOB NUMBER: 11016
FILE NAME: RP.dwg
FIELDWORK BY: DLR
DRAWN BY: DLR
CHECKED BY:

SHEET
1 of 1

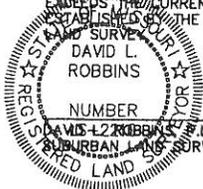
DESCRIPTION OF TRACT SURVEYED:

A TRACT OF LAND BEING PART OF LOT 30 OF HAUHART HOME PLACE, A SUBDIVISION RECORDED IN PLAT BOOK 19 PAGE 28 OF THE ST. LOUIS COUNTY RECORDS, BEING IN SECTION 1, TOWNSHIP 44 NORTH, RANGE 4 EAST, CITY OF MANCHESTER, SAINT LOUIS COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHEAST CORNER OF SAID LOT 30, AT THE FORMER INTERSECTION OF THE SOUTHERLY LINE OF SULPHUR SPRINGS ROAD AND THE EAST LINE OF SAID HAUHART HOME PLACE; THENCE SOUTHERLY ALONG EAST LINE OF SAID LOT 30, SOUTH 00 DEGREES 32 MINUTES 00 SECONDS WEST A DISTANCE OF 67.66 FEET TO AN IRON ROD (SET) AT THE TRUE POINT OF BEGINNING OF THE HEREON DESCRIBED TRACT; THENCE LEAVING SAID EAST LINE OF LOT 30 AND ALONG THE WESTERLY LINE OF THE LAND OF THE TRUSTEES OF TOWN AND COUNTRY SOUTH PLAT FOUR, AS RECORDED IN DEED BOOK 17786, PAGE 3715, SAINT LOUIS COUNTY RECORDS, SOUTH 00 DEGREES 44 MINUTES 46 SECONDS EAST A DISTANCE OF 833.79 FEET TO AN IRON ROD (SET) ON THE SOUTHERLY LINE OF SAID LOT 30; THENCE NORTHWESTERLY ALONG THE SOUTHERN LINE OF SAID LOT 30, NORTH 53 DEGREES 24 MINUTES 00 SECONDS WEST A DISTANCE OF 367.10 FEET TO AN IRON ROD (SET) AT THE SOUTHWEST CORNER OF SAID LOT 30; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 30, NORTH 00 DEGREES 32 MINUTES 00 SECONDS EAST A DISTANCE OF 376.72 FEET TO AN IRON ROD (SET) ON THE SOUTHEASTERLY LINE OF RELOCATED SULPHUR SPRINGS ROAD BEING 60 FEET WIDE; THENCE NORTHEASTERLY ALONG SAID SULPHUR SPRINGS ROAD ON A CURVE TO THE LEFT, HAVING A RADIUS POINT WHICH BEARS NORTH 25 DEGREES 12 MINUTES 44 SECONDS WEST 603.69 FEET, AN INCLUDED ANGLE OF 33 DEGREES 37 MINUTES 20 SECONDS, AND AN ARC LENGTH OF 354.26 FEET TO A POINT OF TANGENCY; THENCE SOUTH 63 DEGREES 23 MINUTES 46 SECONDS EAST A DISTANCE OF 11.26 FEET TO THE POINT OF BEGINNING, CONTAINING 179,190 SQUARE FEET OR 4.114 ACRES MORE OR LESS. SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY TO MISSOURI LAND DEVELOPMENT I, LLC, THAT AT THEIR REQUEST, SUBURBAN LAND SURVEY, INC. HAS PREPARED A BOUNDARY SURVEY AND SUBDIVISION PLAT DATED MARCH 21, 2011, OF A TRACT OF LAND BEING PART OF LOT 30 OF HAUHART HOME PLACE SUBDIVISION, A SUBDIVISION RECORDED IN PLAT BOOK 19, PAGE 28, SAINT LOUIS COUNTY RECORDS, AND BEING IN SECTION 1, TOWNSHIP 44 NORTH, RANGE 4 EAST, CITY OF MANCHESTER, SAINT LOUIS COUNTY, MISSOURI; THAT THIS PLAT IS BASED UPON A BOUNDARY SURVEY COMPLETED ON THE GROUND; THAT THE RESULTS OF SAID SURVEY ARE SHOWN HEREON; AND THAT THE SAID SURVEY MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR URBAN CLASS BOUNDARY SURVEYS, AS ESTABLISHED BY THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, DIVISION OF GEOLOGY AND



03/28/2011
DATE

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-

ORDINANCE NO. 16-

AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO AMERICAN TOWER CORPORATION TO EXTEND THE EXISTING CHAIN LINK FENCE AND CONSTRUCT A NEW SHELTER FOR COMMUNICATION EQUIPMENT AT 948 CARMAN ROAD, AS PROVIDED FOR IN SECTION 405, ARTICLE IX OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER

WHEREAS, American Tower Corporation has heretofore made application for a Special Use Permit to extend the existing chain link fence and construct a new shelter for communication equipment at 948 Carman Road; and,

WHEREAS, the Planning and Zoning Commission reviewed said application on February 22, 2016; and,

WHEREAS, the Planning and Zoning Commission did, after due consideration, recommend to the Board of Aldermen of the City of Manchester the granting of said Special Use Permit for 948 Carman Road; and,

WHEREAS, the Board of Aldermen did, on the 21st day of March, 2016, after publication of notice as required by the laws of the State of Missouri and the Ordinances of the City of Manchester, hold a public hearing all in accordance with the provisions of Section 405.550 (D) of the Code of Ordinances of the City of Manchester, and after conducting said public hearing did take the proposed Special Use Permit under advisement; and,

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended Special Use Permit, does find that the proposed use would not substantially increase traffic hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, would not overtax public utilities, and the Board of Aldermen does further find that the proposed use is in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI AS FOLLOWS:

Section One: A Special Use Permit is hereby granted to American Tower Corporation (sometimes referred to herein as the "Holder") to extend the existing chain fence and construct a new shelter for communication equipment at 948 Carman Road as provided in Section 405.450 (A) (7) (e) of the Code of Ordinances of the City of Manchester.

Section Two: The Holder, by accepting and acting under this Special Use Permit, acquiesces and accepts same subject to the reservations, conditions and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Special Use Permit may be revoked and terminated, and does further agree that it, its successors and assigns, shall be held to have acquired no special rights, privileges, or immunities by virtue of proceeding to expend money, time or effort in the construction, improvement or maintenance of land herein described and for which this Special Use Permit is granted.

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-

ORDINANCE NO. 16-

Section Three: This Special Use Permit shall be non-assignable without the expressed consent of the City of Manchester and is contingent upon the compliance with the Code of Ordinances of the City of Manchester, the Zoning Ordinance of the City, all applicable building codes, fire codes and other governmental regulations.

Section Four: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law, but is expressly subject to the continuous and ongoing satisfaction of the following specific condition:

1. Holder shall afford the City of Manchester full access to the Site at all reasonable times to insure complete compliance with this Ordinance and all other applicable Ordinances of the City of Manchester.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

INTRODUCED BY ALDERMAN CLEMENT

BILL NO. 16-

ORDINANCE NO. 16-

I, _____ of American Tower Corporation, do hereby accept the foregoing Special Use Permit from the City of Manchester upon the terms and conditions above stated, and acknowledge the intention and obligation of American Tower Corporation to fully comply with the terms and conditions of the aforementioned Special Use Permit.

Dated this _____ day of _____, 2016.

AMERICAN TOWER CORPORATION

By: _____
(Name and Title)

CITY OF MANCHESTER
PLANNING AND ZONING COMMISSION
MEETING MINUTES
FEBRUARY 22, 2016

<u>COMMISSIONERS</u>	<u>CITY OFFICIALS AND STAFF</u>
<p>Jason Truesdell, Chairman (2018) James Labit, Secretary (2016) Joni Korte (2016) Nelson Nolte (2017) Jack Fluchel (2019) Mark Smith (2018) Dave Willson, Mayor</p>	<p>Mike Clement, Alderman, Ex-Officio member Erika Kennett, Director of Planning & Zoning Kimberly Fels, Recording Secretary</p>

<u>CASES</u>	<u>REPRESENTATIVES OF CASES</u>
<p>A. CASE #16-TXT-001 – A text amendment is proposed to Section 405.610 of the City of Manchester’s Zoning Code to modify the Fence Types and Height in Residential Zoning Districts.</p> <p>B. CASE #16-SUP-001 – A request for a Special Use Permit has been made by IHC Construction, LLC on behalf of Metro State Transportation to extend the existing chain link fence and construct new shelter for communication equipment at 948 Carman Road. The property is zoned R-2A Single Family Residential</p> <p>C. CASE #16-SP-002 – A request for Site Plan Approval has been made by Scott Paul of Vanderbilt Homes, Inc. for a new single family dwelling to be constructed at 708 Connie Lane. The property is zoned R-1 Single Family Residential.</p>	<ul style="list-style-type: none"> • Director Erika Kennett 14318 Manchester Road Manchester, MO 63011 636-227-1385 • Tye Keppler IHC Construction 1500 executive Drive Elgin, IL 60123 847-841-7804 • Scott Paul Vanderbilt Homes 2617 Wynncrest Ridge St. Louis, MO 314-713-8716

1. CALL TO ORDER

Chairman Truesdell called the Planning and Zoning meeting of February 22, 2016 to order at 7:01 p.m.

2. ROLL CALL

Chairman Truesdell asked the Recording Secretary to take roll.

Commissioner/Secretary James Labit	Present	Chairman Jason Truesdell	Present
Commissioner Jack Fluchel	Excused	Commissioner Mark Smith	Present
Commissioner Joni Korte	Present	Alderman Mike Clement	Present
Commissioner Nelson Nolte	Present	Erika Kennett, Director	Excused
Mayor David Willson	Excused	Kimberly Fels, Recording Secy	Present

3. APPROVAL OF MINUTES

Commissioner Labit made the motion to approve the minutes of January 25, 2016. Motion seconded by Commissioner Smith; motion approved by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
5	0	0	2

4. APPROVAL OF AGENDA

Chairman Truesdell asked if there were any changes to the agenda. Commissioner Labit made the motion to approve the agenda as presented. Commissioner Korte seconded; motion approved by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
5	0	0	2

5. OLD BUSINESS

A. CASE #16-TXT-001 – A text amendment was proposed to Section 405.610 of the City of Manchester’s Zoning Code to modify the Fence Types and Height in Residential Zoning Districts.

With Director Kennett unable to represent this case due to an excused absence, the Commission decided to table the case until a time was available for Director Kennett to attend.

Chairman Truesdell made the recommendation to table CASE #16-TXT-001 to gather further information from City Staff. Commissioner Nolte made the motion to table the text amendment on CASE #16-TXT-001. Chairman Truesdell seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
5	0	0	2

6. NEW BUSINESS

A. CASE #16-SUP-001 – A request for a Special Use Permit was made by IHC Construction, LLC on behalf of Metro State Transportation to extend the existing chain link fence and construct new shelter for communication equipment at 948 Carman Road. The property is zoned R-2A Single Family Residential

Speaking for the case is Mr. Tye Keppler of IHC Construction. Mr. Keppler is the Project Manager for IHC Construction and this is a project for communications upgrade. The reason for this Special Use Permit request is that an extension for the chain link fence is needed so that further communication equipment can be installed. The communication towers currently on the property were built before the City of Manchester annexed the property from St. Louis County. If the Special Use permit were not granted for the extension of the chain link fence, Mr. Keppler said that there would be unnecessary costs incurred to the builder, a delay in improvement production and change orders, and result in a fence that looks completely different from those already existing.

Chairman Truesdell confirmed with Mr. Keppler that all three existing towers on the property are cellular towers. Mr. Keppler also reminded the Commission that there is a water tower in close proximity of these communication towers and a maximum of only 3 residences within the immediate area. Chairman Truesdell also confirmed with Mr. Keppler that the reason for the fence extension is so

that Bi-State Metro can house new equipment in a shelter that will match the layout and size of other shelters within the St. Louis area.

Staff reported along with the facts discussed already, that the chain link fence is an extension of that which already exists on the property. Staff had no objections to this project.

Commissioner Korte abstained from any questions, comments and voice vote due to an association with Bi-State Metro.

Chairman Truesdell made the motion for approval of the Special Use Permit request of CASE #16-SUP-001. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
4	0	0	3

B. CASE #16-SP-002 – A request for Site Plan Approval was made by Scott Paul of Vanderbilt Homes, Inc. for a new single family dwelling to be constructed at 708 Connie Lane. The property is zoned R-1 Single Family Residential.

Speaking for the case was Mr. Scott Paul of Vanderbilt Homes. Mr. Paul was seeking Site Plan approval for the construction of a new single family residence. The new house will be a 3400 square foot, two-story home.

Chairman Truesdell asked if there was an existing home on the site at this time. Mr. Paul confirmed that there is an existing home at this time with an in ground pool, but the demolition of said home is already scheduled. Staff confirmed a demolition permit has been granted for Mr. Paul to tear down the existing house at 708 Connie Lane. Also, staff had no objections for the Site Plan approval, confirming that the proposed new home is concurrent with the trend of new builds on Connie Lane.

Alderman Clement asked if anything needed to be addressed for drainage. Mr. Paul said that the good thing about this lot and those around is that they are very large lots which absorb a good amount of drainage. Mr. Paul has no concerns regarding drainage for this site. Alderman Clement asked if there would be any re-grading for that location. Mr. Paul said they are required to keep the same drainage areas throughout the location. Alderman Clement confirmed with Mr. Paul that there would be a few trees removed from the property. Mr. Paul said the tree removal is mostly so that cranes and equipment can access the area.

Commissioner Labit asked for clarification regarding the discrepancy of the address printed on the plans verses the address of the Site Plan application. Mr. Paul confirmed that the house proposed for Site Plan approval at 708 Connie is the same house that has been built on Joyce Ann, which made allowance for the discrepancy of the plans address and the application address. The only difference with the houses at different addresses is the color scheme. Mr. Paul also confirmed for Commissioner Labit that the houses built by Vanderbilt homes, including this house at 708 Connie Lane, are stick built homes and not any sort of a manufactured home.

Chairman Truesdell asked about the timeline for this new build at 708 Connie Lane. Mr. Paul said it will take anywhere from 2 – 4 weeks to get everything ready to go after tonight’s meeting. It was also confirmed that the Site Plan does not trigger any mandated storm water quality measures.

Commissioner Labit made the motion for approval of the Site Plan review on CASE #16-SP-002. Commissioner Korte seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

**CITY OF MANCHESTER
PLANNING AND ZONING DEPARTMENT
STAFF REPORT**

Project Information

February 12, 2016

Case: #16-SUP-001

Applicant: IHC Construction, LLC on behalf of Metro State Transportation

Activity: Special Use Permit to extend the existing chain link fence and construct new shelter for communication equipment.

Zoning District: R-2A Single Family Residential District

Address: 948 Carman Road

Background

The petitioner is looking to alter an existing fence that surrounds a telecommunications tower and add an equipment shelter at 948 Carman Road. This property was located in St. Louis County when the tower was constructed and was grandfathered in due to annexation by the City of Manchester. This would be the first Special Use Permit for this property.

Attached is a copy of the application, the development plans, pictures of the existing property, a map showing the subject property and its zoning classification.

Staff Comments

Based on the information provided, the fence is an extension of the existing chain link fence. This existing chain link fence has been grandfathered but alterations to it must be approved via special use permit. Section 405.450 7a notes equipment shelters and fence regulations.

Staff recommends a favorable recommendation of this Special Use Permit application.

Department of Public Works, Div. of Code Enforcement
St. Louis County Gov Ctr., 41 S. Central Ave, 6th Floor, Clayton, MO 63105

Ph: 314 615 5184

St. Louis County Permit Application # _____

REQUIREMENTS:

1. Completed Application Form.
2. Five (5) copies of construction drawings & site plan/ survey plat showing improvements to scale. (4 of the copies will be stamped and approved for St. Louis County, 1 copy will be kept by the Municipality.)
3. Payment of the appropriate zoning approval fee. (Fee schedule on back side of this page)

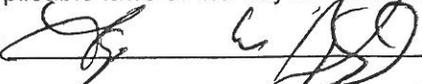
THIS IS NOT A PERMIT. Plans must be submitted to St. Louis County for issuance of the building permit and related inspections. Plans must also be submitted for review to the applicable Fire Protection District. Please contact the appropriate fire district for additional information. Contact Dig-Rite at 800 344 7483 prior to any digging. If a dumpster is needed at the project site, a separate permit is required with City of Manchester.

PLEASE PRINT

MUNICIPALITY	CITY OF MANCHESTER		
Project Address	948 Carman Rd		
Owner Name	American Tower Corporation		
Owner Address	3500 Regency Parkway Suite 100 Cary NC		
Phone	919-468-0112	EMAIL / FAX	919-466-5414
Description of Work	add antennas to existing tower, move fence, new shelter and grounds		
Tenant Name	B. Steve Metro		

Applicant/Contractor Name	Tye Keppler		
Company Name	IHC Construction		
Company Address	1500 Executive Dr Elgin IL 60123		
Phone	847-772-5843	EMAIL / FAX	TKeppler@IHCconstruction.com
Permit To Be Picked Up By	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Applicant/Contractor		

I hereby certify that the information contained in this application and accompanying plans is correct, and that I will conform to all applicable laws of the City of Manchester and St. Louis County.

Owner/Applicant  Date 1/4/2016

PLANNING AND ZONING USE ONLY

ZONING APPROVAL

City of Manchester Permit # _____

Municipal Zoning Classification R2A

FLOOD PLAIN APPROVAL- Is this project located in a Flood Plain? Yes No

Approved By _____ Date _____
Director, Planning and Zoning and Economic Development

Zoning Approval Fees Fee paid on _____ Amount: \$ _____

Tye Keppler
1500 Executive Ave
Elgin, IL 60123
January 29, 2016

16-SUP-
001

City Of Manchester Zoning Board

To Whom it may concern:

This letter is to request a special use permit for existing communications tower at 948 Carman Rd. We are requesting special use because existing fence will need to be extended to accommodate new shelter for Communications equipment for Metro State Transportation. The new fence will match existing fence, and remain within all specified requirements in current regulations. This method would be the most cost effective measure, and the least amount of disruption to existing facilities.

Sincerely,



Tye Keppler
Project Manager IHC Construction

Corporate Office: 1500 Executive Drive, Elgin, IL 60123 • Phone: 847-742-1516 • Fax: 847-742-6610
Underground Contractors' Office/Warehouse: 840 Church Road, Elgin, IL 60123 • Fax: 847-289-3650
Repair and Fabrication Shop/Yard: 1797 N. LaFox Street, South Elgin, IL 60177



City of Manchester
14318 Manchester Road
Manchester, Missouri 63011

(636) 227-1385

PUBLIC HEARING NOTICE

The City of Manchester Board of Aldermen shall hold a public hearing on Monday, March 21, 2016 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

- A. CASE #16-SUP-001 – A request for a Special Use Permit has been made by IHC Construction, LLC on behalf of Metro State Transportation to extend the existing chain link fence and construct new shelter for communication equipment at 948 Carman Road. The property is zoned R-2A Single Family Residential.

INTRODUCED BY ALDERMAN STEVENS

BILL NO. 16-

ORDINANCE NO. 16-

AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO BOTR, LLC, DOING BUSINESS AS BACK ON THE RACK, TO OPERATE A USED APPAREL AND ACCESSORY STORE, SUBJECT TO CERTAIN CONDITIONS, AT 801 SECOND STREET, AS PROVIDED FOR IN SECTION 405.285(C) (2) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER

WHEREAS, BOTR, LLC, doing business as Back On The Rack, has heretofore made application for a Special Use Permit to sell used apparel and accessories, subject to certain conditions, at 801 Second Street; and,

WHEREAS, the Planning and Zoning Commission reviewed said application on March 14, 2016; and,

WHEREAS, the Planning and Zoning Commission did, after due consideration at their meeting, recommend to the Board of Aldermen of the City of Manchester the granting of said Special Use Permit for 801 Second Street; and,

WHEREAS, the Board of Aldermen did, on the 4th day of April 2016, after publication of notice as required by the laws of the State of Missouri and the Ordinances of the City of Manchester, hold a public hearing all in accordance with the provisions of Section 405.550 (D) of the Code of Ordinances of the City of Manchester and, after conducting said public hearing, did take the proposed Special Use Permit under advisement; and,

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended Special Use Permit, does find that the proposed use would not substantially increase traffic hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, would not overtax public utilities, and the Board of Aldermen does further find that the proposed use is in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI AS FOLLOWS:

Section One: A Special Use Permit is hereby granted to BOTR, LLC, doing business as Back On The Rack, (sometimes referred to herein as the "Holder"), to use the property at 801 Second Street to sell used apparel and accessories, subject to certain conditions, as provided in Section 405.285(C) (2) of the Code of Ordinances of the City of Manchester.

Section Two: The Holder, by accepting and acting under this Special Use Permit, acquiesces and accepts same subject to the reservations, conditions and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Special Use Permit may be revoked and terminated, and does further agree that it, its successors and assigns, shall be held to have acquired no special rights, privileges, or immunities by virtue of proceeding to expend money, time or effort in the construction, improvement or maintenance of land herein described and for which this Special Use Permit is granted.

INTRODUCED BY ALDERMAN STEVENS

BILL NO. 16-

ORDINANCE NO. 16-

Section Three: The Special Use Permit granted hereunder shall be deemed to have been abandoned one (1) year after the date of the adoption of this Ordinance unless the Holder of such Special Use Permit has received from the City of Manchester a business license or its equivalent within such year; except that, for reasonable cause, the Board of Aldermen for the City of Manchester may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days for each such extension within which period such Holder shall receive a business license or its equivalent.

Section Four: This Special Use Permit shall be non-assignable without the express consent of the City of Manchester and is contingent upon the compliance with the Code of Ordinances of the City of Manchester, the Zoning Ordinance of the City, all applicable building codes, fire codes and other governmental regulations

Section Five: Holder shall afford the City of Manchester full access to the Site at all reasonable times to insure complete compliance with this Ordinance and all other applicable Ordinances of the City of Manchester.

Section Six This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

INTRODUCED BY ALDERMAN STEVENS

BILL NO. 16-

ORDINANCE NO. 16-

I, Ketrill Blanton, on behalf of BOTR, LLC, doing business as Back On The Rack, do hereby accept the foregoing Special Use Permit from the City of Manchester upon the terms and conditions above stated, and acknowledge the intention and obligation of BOTR, LLC to fully comply with the terms and conditions of the aforementioned Special Use Permit.

Dated this _____ day of _____, 2016.

BOTR, LLC,

By: _____
Ketrill Blanton, Manager

PLANNING AND ZONING MINUTES

1. CALL TO ORDER

Chairman Truesdell called the Planning and Zoning meeting of March 14, 2016 to order at 7:02 p.m.

2. ROLL CALL

Chairman Truesdell asked the Recording Secretary to take roll.

Commissioner/Secretary James Labit	Present	Chairman Jason Truesdell	Present
Commissioner Jack Fluchel	Present	Commissioner Mark Smith	Present
Commissioner Joni Korte	Present	Alderman Mike Clement	Present
Commissioner Nelson Nolte	Present	Erika Kennett, Director	Present
Mayor David Willson	Excused	Kimberly Fels, Recording Secy	Present

3. APPROVAL OF MINUTES

Chairman Truesdell asked if there were any changes to the minutes from the February 22, 2016 meeting. Director Kennett recommended that former Commissioner Tom Brown's name be replaced for Commissioner Nelson Nolte's name. Commissioner Labit made the motion to approve the minutes of February 22, 2016 as amended. Motion seconded by Commissioner Fluchel; motion approved by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

4. APPROVAL OF AGENDA

Chairman Truesdell made the motion to modify the agenda by moving the new business prior to the old business. Commissioner Fluchel seconded; motion approved by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

Commissioner Labit made the motion to approve the agenda as amended. Commissioner Fluchel seconded; motion approved by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

5. NEW BUSINESS

A. CASE #16-SUP-002 – A request for a Special Use Permit has been made by Ketrill Blanton of Back on the Rack Consignment Boutique to allow the use of resale clothing at 801 Second Street. The property is zoned PBD – Planned Business Development District.

Speaking for the case was Ms. Ketrill Blanton who is owner of Back on the Rack Consignment Boutique. At the present time, Ms. Blanton has been granted occupancy and a business license to run an antique furniture shop at 801 Second Street. She is seeking a Special Use Permit to also sell clothing on consignment at her location.

Director Kennett confirmed that a Special Use Permit is required for Ms. Blanton to include a line of clothing resale in her business already located within the PBD. The use would not expand on the

parking requirements already maintained by Ms. Blanton for her antique shop, but the Special Use Permit would allow her to include another line of retail in her shop.

Commissioner Korte asked if Ms. Blanton felt she had sufficient parking to meet the needs of her additional retail line. Ms. Blanton agreed that she was confident in the amount of parking provided, and that it was very similar to her parking used in a former business location. Commissioner Korte asked how many employees Ms. Blanton had at Back on the Rack. Ms. Blanton confirmed there were three employees, not including herself. And that there was never more than herself and one additional employee at the shop at any given time.

Commissioner Labit asked how the Second Street location was working, so far, for Ms. Blanton's antique shop. Ms. Blanton confirmed that it was a little tricky for some patrons to find her location, but that she hoped that recognition would improve once she got a permanent sign on her building.

Commissioner Fluchel made the motion for a favorable recommendation of the Special Use Permit request of CASE #16-SUP-002. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

- B. CASE #16-SP-003** – A request for Site Plan Approval has been made by Noel Fehr for a new single family dwelling to be constructed at 1150 Carman Rd. The property is zoned R-2A Single Family Residential.

Speaking for the case was property owner Mr. Noel Fehr. Mr. Fehr was seeking Site Plan approval for the construction of a new single family residence. There was an existing structure on the property when Mr. Fehr originally purchased the property; since then, the structure has been demolished and completely removed.

Director Kennett confirmed that Mr. Fehr's submittal was complete with the Site Plan. The lot coverage of impervious surfaces shows within the 20% range, and therefore, does not trigger any mandated storm water quality measures by the City. Staff had no objections to the Site Plan approval.

Commissioner Fluchel asked if the circular driveway has been approved. Mr. Fehr relayed that the actual permit has expired for the construction of a permanent circular driveway, but the preliminary conversations with the County lead him to expect the drive to be approved again.

Alderman Clement noted that there has been a decent amount of dirt already brought in for the location; he asked what that was going to be used for. Mr. Fehr said that they were trying to build the front elevation up so that there would not be such a drastic drop from Carman Road. They were wanting to make a gradual decline to the rear of the property. Alderman Clement asked what the timeline for the house to be built was. Mr. Fehr replied that he would hope to start in May and have everything completed by winter.

Commissioner Labit asked for clarification regarding the exterior of the house. Mr. Fehr confirmed the main panels would be a cement fiber panel, with some stone veneer and cedar accents.

Commissioner Korte asked about the drainage for the property, especially in relating to the impervious surface on the lot. Mr. Fehr confirmed that there would be standard drain spouts around the house and would run toward the west side of the property towards an MSD storm-water channel.

Agenda Item 10b

**CITY OF MANCHESTER
PLANNING AND ZONING DEPARTMENT
STAFF REPORT**

Project Information

March 2, 2016

Case: #16-SUP-002

Applicant: Ketrill Blanton, Back on the Rack Consignment Boutique

Activity: Special Use Permit to allow the use of resale clothing.

Zoning District: PBD – Planned Business Development District

Address: 801 Second Street

Background

The petitioner is applying to sell women’s clothing and accessories on consignment at her existing business which presently is licensed as an antique furniture store on 801 Second Street. This use would be the first Special Use Permit for this property.

Attached is a copy of the application, a map showing the subject property and its zoning classification.

Staff Comments

Based on the information provided, this is a change of retail use for the store, but allowed as a special use in 405.285 C as “Used Apparel Stores”.

Staff recommends a favorable recommendation of this Special Use Permit application.



APPLICATION FOR SPECIAL USE PERMIT

City of Manchester, 14318 Manchester Rd., Manchester, MO 63011

Ph: 636 227 1385, Ext. 107; Fax: 636 821 8099

Every application submitted to the Planning and Zoning Commission for review and approval must contain the following:

- A non-refundable fee of \$300.
- Twenty (20) copies of:
 - A plot survey/sketch/site plan, to scale and showing lot/property in question.
 - A letter of intent describing the proposed use of the Special Use Permit. Description can include (but is not limited to) the nature of the business, hours of operation, number of employees, etc.
 - Information on the number of parking spaces assigned to the space.
 - Any other pertinent information for the Commission to review with your application.
- Completed application with name of applicant (or their representative) that will appear before the Commission and Board.

An incomplete application may result in your case being postponed to another future Commission meeting.

PLEASE PRINT

PROPERTY OWNER	Jennifer Coeffel		
ADDRESS	7919 Lyle Lane Dittmer, MO 63023		
PHONE	314-570-6747	FAX	

CONTRACTOR/ APPLICANT NAME	Ketrill Blanton		
COMPANY NAME	Back on the Rack Consignment Boutique		
ADDRESS	801 Second Street Manchester MO 63021		
PHONE/EXTENSION	314-378-7096	FAX	N/A
PERMIT TO BE PICKED UP BY	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Applicant/Contractor		

ADDRESS OF SPECIAL USE	801 Second Street Manchester MO 63021
LEGAL DESCRIPTION OF PROPERTY	1920's Colonial Retail Commercial
LEGAL DESCRIPTION OF PROPERTY (continued)	Space
PROPOSED SPECIAL USE	Re-Sale of Women's high end designer clothing & Accessories
EXISTING ZONING	Retail / commercial

I hereby certify that the information contained in this application and accompanying drawings and/or plats are correct, and that I will conform to all applicable laws of the City of Manchester.

Owner/Contractor *[Signature]* Date 1/26/16

PLANNING AND ZONING USE ONLY

City of Manchester Permit # _____

Received by _____
Director, Planning and Zoning and Economic Development

Fee Paid On: 2-4-16

02/01/2016

Back On The Rack Consignment Boutique – Application for Special Use Permit

To Whom It May Concern:

Attached is my application for a Special Use Permit for my business. Back On The Rack Consignment Boutique, is a women's clothing and accessory consignment shop. We sell gently used high-end women's designer clothing and accessories (including handbags, jewelry and shoes). We sell a variety of women's seasonal inventory in price ranges up to \$5,000.00 per item.

Our store has 3-5 employees at any given time (not including myself). We only have one employee working per shift, though may have two working on Saturdays during our busy season. Our hours of operation are:

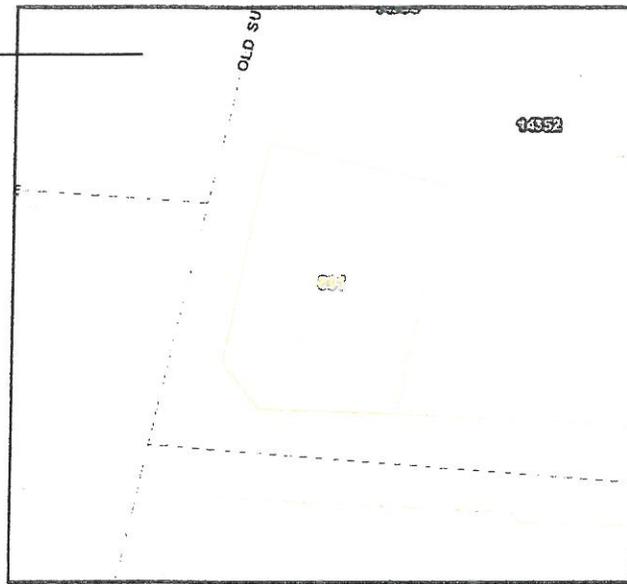
M-F 10am to 6pm
Saturday – 10am to 5pm
Sunday – Closed

We are also closed on all major holidays. We currently have 10 parking spaces.

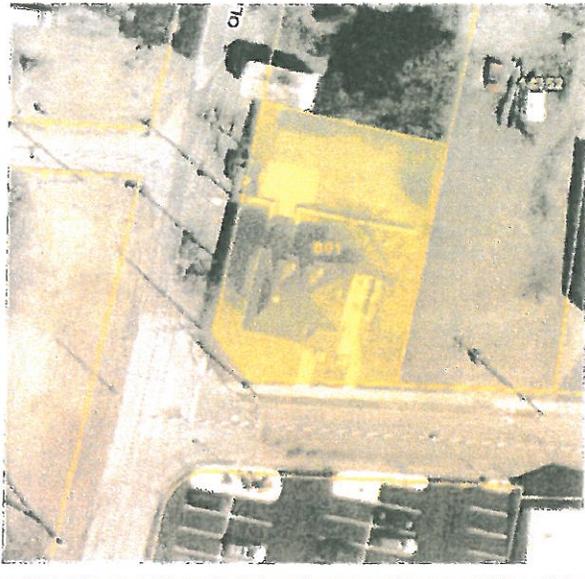
I believe my high-end consignment boutique would be e benefit to the City Of Manchester, and look forward to your approval of my application.

Thank You,

Ketrill Blanton
Owner
Back On The Rack Consignment Boutique



AERIAL PHOTOGRAPH

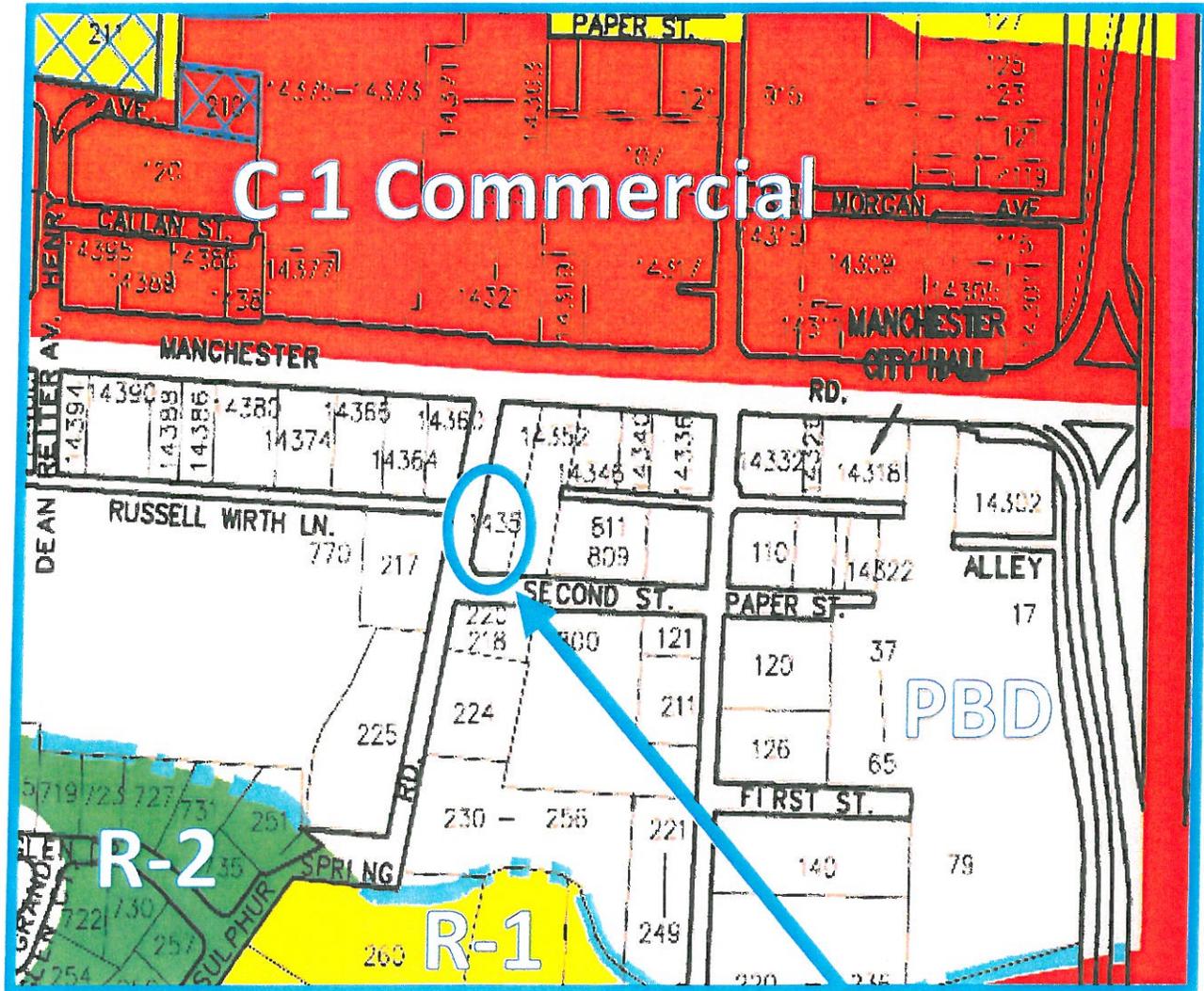


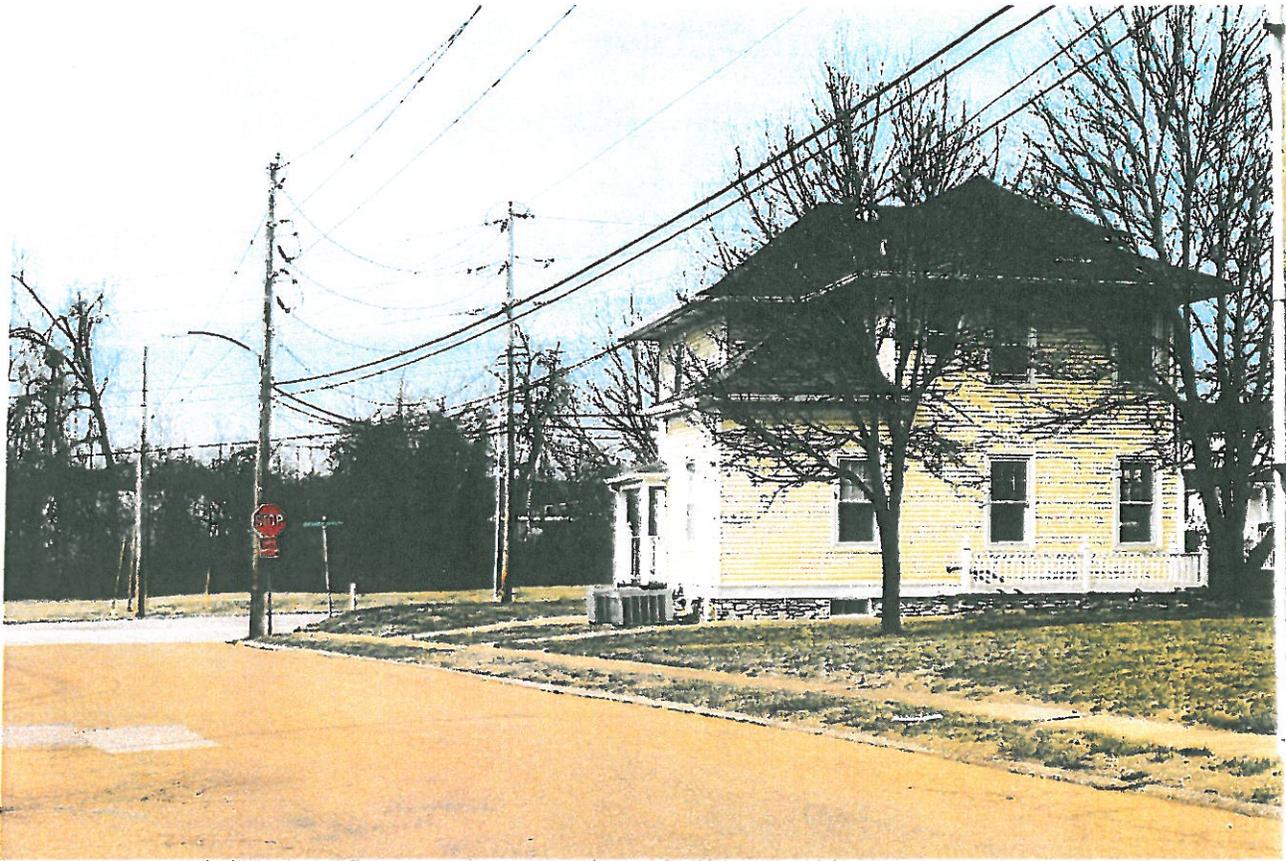
CASE #16-SUP-002

A request for a Special Use Permit has been made by Ketrill Blanton of Back on the Rack Consignment Boutique to allow the use of resale clothing at

801 Second Street.

The property is zoned PBD – Planned Business Development District.





Looking down Second Street to the intersection with Old Sulphur Spring Rd with 801 Second Street in view.



Looking down Old Sulphur Spring Road toward Manchester Road with 801 Second Street in view.

March 31st, 2016

Board Of Alderman
City Of Manchester

Re: Back On The Rack Consignment Boutique

To Whom It May Concern:

I am sending this letter to request that the application for a special use permit for Back On The Rack Consignment Boutique be reviewed twice at the alderman meeting on April 4th, 2016.

Back On The Rack Consignment Boutique moved into Manchester on February 1st, 2016. At the time we moved our store, we had been in the St. Louis market selling women's clothing and accessories for over 20 years. When we moved our store to Manchester, we expanded our inventory to include antique furniture and décor. We received our business license to sell antique furniture and décor, and opened our doors as planned.

Selling antique furniture and décor is a completely new line of inventory for us. It is not what our current customer base is used to coming to our store to shop for. Our selection of available furniture pieces has been limited while we build up our new line. Our known customer base has been calling to shop and consign women's clothing and accessories, but we have been unable to help them with their requests. We have sent many of our customers to our competitors, for both shopping and consignment. We have missed a full season of clothing consignment and sales, and have been closed for that section of our business for almost 10 weeks.

This has placed extreme hardship on our store financially, and we have lost a significant amount of sales. We have lost or turned away many of our long-time customers. Employees have been laid off for the last 10 weeks, and may choose not to return. We have not been marketing our new location to our current customers or to potential new customers. We have not ordered a sign for our building until our license was fully approved. Once approved for our special use permit, it will take at least a week to set up our store to sell clothing consignment and up to a month to collect and price the new inventory.

Due to the above, I would like to request that you review our application twice at the April 4th meeting. Every day that we are not collecting and selling consignment we are losing part of our customer base. We are entering a new season in retail sales in April. I am afraid if we wait another two weeks to fully open our doors, we will be so far into the next season it will affect our sales and inventory through the first half of the year.

Thank you for your time and consideration in reviewing our application.

Sincerely,

Ketrill Blanton
Owner
Back On The Rack Consignment Boutique

INTRODUCED BY ALDERMAN HAMILL

BILL NO. 16-

ORDINANCE NO. 16-

AN ORDINANCE AMENDING SECTION 405.610(A) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER RELATING TO THE CONSTRUCTION OF FENCES ON CORNER LOTS IN THE RESIDENTIAL ZONING DISTRICTS OF THE CITY OF MANCHESTER.

WHEREAS, City staff has heretofore brought before the City's Planning and Zoning Commission certain issues relating to construction of fences on corner lots in the Residential Zoning Districts of the City of Manchester, and

WHEREAS, the Planning and Zoning Commission did, after due consideration, recommend to the Board of Aldermen of the City of Manchester certain amendments to the City's zoning regulations, and

WHEREAS, the Board of Aldermen did, on the 4th day of April 2016, after publication of notice as required by the laws of the State of Missouri and the Ordinances of the City of Manchester, hold a public hearing all in accordance with the provisions of Section 405.770 of the Code of Ordinances of the City of Manchester, and, after conducting said public hearing, did take the proposed amendments under advisement, and

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended changes to the current zoning regulations, does find that the proposed changes would be in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI, AS FOLLOWS:

Section One: Section 405.610(A) of the Code of Ordinances of the City of Manchester is hereby amended so that it shall, hereafter, read as follows:

Section 405.610. Fence Types and Height in Residential Zoning Districts.

- A. Fences shall not exceed six (6) feet in height except as may be approved by the Planning and Zoning Commission or pursuant to a special use permit granted by the Board of Aldermen under the terms of Article X, Special Uses. Fences or a landscaped screen on corner lots shall not be built to obstruct driver vision from passing automobiles. Fences cannot be constructed in front of a building; however, on side and rear yards the fence may be constructed on the property lines. On a corner lot, a fence may not extend beyond the building line on either side of the yards adjacent to the

INTRODUCED BY ALDERMAN HAMILL

BILL NO. 16-

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two (2) streets and may not encroach upon the sight distance triangle as defined in Section 405.060 of this Code.

Section Two: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

(CASE #16-SUP-003) be approved by the Board of Alderman. Commissioner Fluchel seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

6. **OLD BUSINESS**

- A. **CASE #16-TXT-001** – A text amendment was proposed to Section 405.610 of the City of Manchester’s Zoning Code to modify the Fence Types and Height in Residential Zoning Districts.

Director Kennett represented the case. Ms. Kennett reiterated that, prior to her arrival, a necessary definition was given to “Sight Distance Triangle” in the City of Manchester’s Code. This text amendment will allow for continuity throughout the Code by including the definition of “Sight Distance Triangle” in the portion of the code pertaining to Fence Types and Height in Residential Zoning Districts.

Commissioner Nolte suggested to keep the existing language of Section 405.610.A and to also include the Staff recommended language regarding sight distance triangle at the tail-end of the paragraph. Thus reading at the last sentence of 405.610.A, “On a corner lot, the structure may not extend beyond the building line on either side of the yards adjacent to the two (2) streets AND a fence may not encroach upon the sight distance triangle as defined in Section 405.060 of this Code.” With including both types of language regarding fences on corner lots, then there is extra protection to keep an open sight for motorists and residents alike. Chairman Truesdell, Fluchel and Labit confirmed that they saw the benefit of keeping both types of language in this section of the Code.

Commissioner Nolte made the motion to recommend the text amendment for CASE #16-TXT-001 read for the last sentence of Section 405.610. A as, “On a corner lot, the structure may not extend beyond the building line on either side of the yards adjacent to the two (2) streets AND a fence may not encroach upon the sight distance triangle as defined in Section 405.060 of this Code.” Chairman Truesdell seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

7. **PLANNING AND ZONING DIRECTOR’S REPORT**

With Director Kennett being excused from the night’s meeting, her report was postponed until the next meeting of the Planning & Zoning Commission.

8. **EX-OFFICIO’S REPORT**

Alderman Clement referenced the excitement of new businesses building in Manchester; Joey B’s is set to open very soon, and Culver’s is making way to build, as well as Academy Sports is working on demolition and renovation of their property. The Board of Alderman meetings have carried on as general business, mostly approving expenditures.

9. **COMMENTS FROM THE PLANNING AND ZONING COMMISSION**

Chairman Truesdell reminded the Commission of the upcoming Planning & Zoning Dinner on Wednesday, March 23, 2016 at 6:30pm.

10. **ADJOURNMENT**

**CITY OF MANCHESTER
PLANNING AND ZONING DEPARTMENT
PROJECT REPORT**

Project Information

February 16, 2016

File Number: 16-TXT-001
Applicant: City of Manchester, Department of Planning & Zoning
Activity: Modifications to the City's Fence Types and Height in Residential Zoning Districts
Zoning District: All Residential Districts

Background

The City's 2015 ordinance defined a site distance triangle as *"The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the point of intersection of the projected property lines. The sight distance triangle also applies to driveways, points of ingress/egress, or any other area where a conflict (whether vehicular or non-vehicular) exists."*
[Ord. No. 15-2109 §1, 6-1-2015]

Department staff has discovered that areas of the code require updating for code uniformity. Included with this report is the existing code showing the proposed modifications that will accommodate this uniformity.

Staff Comments

Included are the sections of the Zoning Code where modifications are proposed as well as legal opinion provided by City Attorney. Any new language is highlighted and any language that is being removed has been struck through.

16-TXT-001 Fence Types and Heights in Residential Zoning Districts

Proposed revisions to Section 405.610. Fence Types and Heights in Residential Zoning Districts of the City's Zoning Code:

- A. Fences shall not exceed six (6) feet in height except as may be approved by the Planning and Zoning Commission or pursuant to a special use permit granted by the Board of Aldermen under the terms of Article X, Special Uses. Fences or a landscaped screen on corner lots shall not be built to obstruct driver vision from passing automobiles. Fences cannot be constructed in front of a building; however, on side and rear yards the fence may be constructed on the property lines. On a corner lot, a fence may not extend beyond the building line on either side of the yards adjacent to the two (2) streets and may not encroach upon the sight distance triangle as defined in Section 405.060 of this Code.
- B. Any fence must be constructed in a workmanship-like manner so that the horizontal and vertical support posts are inside of the fence area or hidden from both the neighbor's and general public's view.
- C. All exposed steel except the galvanized metal fences shall have a colored finish coat applied to them and be preserved against rust and corrosion.
- D. Customary fencing around tennis courts and other recreational amenities shall be exempt from height restrictions but shall comply in all other respects with the terms of this Article.
- E. Fences for pools shall meet the requirements of this Article as well as all other applicable regulations of the City of Manchester.

LAW OFFICES
GUNN AND GUNN
A PROFESSIONAL CORPORATION

DONALD J. GUNN, JR.
PATRICK R. GUNN
SHARON R. WICE
PATRICK J. BOYLE*

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February 10, 2016

Chairman Jason M. Truesdell
and Members of the Planning and Zoning Commission

Re: SIGHT LINE TRIANGLE/BUILDING LINES

Chairman Truesdell and Members of the Commission:

The Director of Planning has asked that I provide you my legal opinion on certain matters raised at a recent meeting of the Commission relating to the sight line triangle and to building lines. Please allow this letter to serve as a response to that request.

As you may know, on June 1, 2015, the Board of Aldermen enacted an Ordinance creating a sight line triangle ("SLT") definition under Section 405.060 of the City's Code of Ordinances ("Code"). In that Ordinance, the Board applied that SLT definition to all "plant material, signs and/or structures that exceed three feet in height" in the SLT. The obvious intention of this Ordinance was to avoid sight line dangers for the motoring public. It should also be remembered that the SLT requirements supersede all yard requirements and established building lines for corner lots and apply only to corner lots.

When considering certain matters regarding Sulphur Spring Court, Ms. Kennett determined that it may be arguable that fences are not subject to these SLT requirements because of the language of Section 405.060 of the Code. It is because of this concern that Ms. Kennett and myself prepared the attached Ordinance for consideration by the Commission.

You will note that the attached Ordinance also provides that fences may be constructed on property lines. This has long been the practice of City staff. The intent of the Ordinance is, hopefully, clear -- to make fences within an SLT subject to a three-foot height limitation. Because of the current language of Section 405.610 of the Code, Ms. Kennett and I felt this clarification was appropriate. We hope that you will concur with our feelings in that regard.

Chairman Jason M. Truesdell
February 10, 2016
Page Two

Concerning questions apparently raised by the Commission concerning building lines, the Code of Ordinances, in Chapter 405, establishes "yard requirements" and does not reference building lines. Under the City's subdivision regulations (Chapter 415 of the Code), however, there are references to building lines that may appear on subdivision plats proposed to the City. As you know from your experience, it is not uncommon for a developer to establish building lines which differ from those yard requirements established by the City's zoning regulations. These building lines are part of the developer's vision for the subdivision.

If City staff were approached by a developer for, say, a subdivision within the City's R-1 Single-Family Residential District (which has a front yard requirement of 30 feet) with a plat that shows a building line of 20 feet, the City would reject the plat since the building line on the plat would allow a single-family residence closer to the street than is permitted by the City's zoning regulations. On the other hand, if that plat showed a building line of 35 feet, the City would accept the plat since the front yard requirements of "not less than 30 feet" would have been satisfied. In essence, the largest front yard (when comparing the building line shown on a plat and the yard requirements established by the Code) would be controlling.

I hope this letter serves as some clarification for both the City's desire to amend the zoning regulations to include fences within the requirements for SLTs and on the question of building lines versus yard requirements.

Finally, in light of your inquiry concerning building lines, Erika and I will be meeting to consider whether the Code may require a few text amendments to clear up any confusion that may exist on that subject.

Thank you.

Yours very truly,


PATRICK R. GUNN

PRG:SAS

enclosure

cc: Ms. Erika Kennett
Mr. Andy Hixson

INTRODUCED BY ALDERMAN OTTENAD

BILL NO. 16-

ORDINANCE NO. 16-

AN ORDINANCE AMENDING SECTION 405.285.C OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER BY ADDING THERETO A NEW SUB-SECTION (18) PERMITTING FINANCIAL INSTITUTIONS IN THE PLANNED BUSINESS DISTRICT OF THE CITY OF MANCHESTER WITH A SPECIAL USE PERMIT.

WHEREAS, City staff has heretofore brought before the City's Planning and Zoning Commission certain issues relating to the current specially permitted uses in the Planned Business District; and

WHEREAS, the Planning and Zoning Commission did, after due consideration, recommend to the Board of Aldermen of the City of Manchester the suggested amendment to the City's zoning regulations; and

WHEREAS, the Board of Aldermen did, on the 4th day of April, 2016, after publication of notice as required by the laws of the State of Missouri and the Ordinances of the City of Manchester, hold a public hearing all in accordance with the provisions of Section 405.770 of the Code of Ordinances of the City of Manchester, and, after conducting said public hearing, did take the proposed amendment under advisement, and

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended changes to the current zoning regulations, does find that the proposed changes would be in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI, AS FOLLOWS:

Section One: Section 405.285.C of the Code of Ordinances of the City of Manchester is hereby amended by adding thereto a new sub-section (18) permitting financial institutions in the Planned Business District of the City of Manchester with a special use permit which shall, hereafter, read as follows:

"405.285.C(18) Financial Institutions."

Section Two: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

INTRODUCED BY ALDERMAN OTTENAD

BILL NO. 16-

ORDINANCE NO. 16-

PASSED AND APPROVED THIS _____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

Chairman Truesdell was pleased that the plans seemed to continue the stream of revitalization of the area. Commissioner Nolte made the motion for approval of the Site Plan review on CASE #16-SP-003. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

C. CASE #16-TXT-002 – A text amendment is proposed to Section 405.285.C.18 of the City of Manchester’s Zoning Code to allow for a Special Use of Financial Institutions.

Director Kennett represented this case. Ms. Kennett said that in the course of referencing the City Code, a use that has been allowed in the majority of Commercial districts is financial institutions; however, it has been brought to Staff’s attention that the use of ‘financial institutions’ is not expressed at all in the PBD. It seems that this may have been an oversight, being that financial institutions fall within the spirit of the PBD. By including ‘financial institutions’ as a Special Use, all applicants representing a financial institution (drive-thru or not) would have to come before both the Commission and the Board of Alderman.

Chairman Truesdell confirmed that the only amendment to the Code would be to add ‘financial institutions’ as a use allowed within the PBD under Special Use Permitting conditions. Director Kennett confirmed a financial institution would have to apply for a special use regardless of whether there would be a drive-thru proposed or not. Chairman Truesdell asked if this amendment was approved or recommended by the City Attorney. Ms. Kennett confirmed that the City Attorney drafted the modification ordinance found at the end of the text amendment documents.

Commissioner Labit wanted to give some background on the original drafting of the PBD special use section. As he was on the original small committee working with the PBD, he believes there was just an oversight of the committee in including financial institutions, and that he believes it to be a good addition to the section.

Commissioner Labit made the motion for a favorable recommendation of the text amendment of CASE #16-TXT-002. Commissioner Fluchel seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

D. CASE #16-SUP-003 – A request for Special Use Permit has been made by Gary Follman of Follman Real Estate to allow a Financial Institution with a Drive Thru to be located at 14422 Manchester Road. The property is zoned PBD – Planned Business Development District.

Speaking for the case was Mr. Gary Follman of Follman Real Estate. Mr. Follman was in representation of Neighbors Credit Union, one of the larger Credit Unions in the Metropolitan area. Neighbors CU has the property at 14422 Manchester Road currently under contract. At present, there is a large wood-framed structure that has been expanded multiple times on the premises. The plan is to demolish the current building, revitalize the lot, and erect a branch facility for the credit union.

Chairman Tuesdell asked what would happen to the current tenants of the property. Mr. Follman said that they would be asked to relocate in a timely manner.

Director Kennett gave the Staff Report. She said that Mr. Follman has put together a wonderful site packet. Coupled with the Site Plan, this continues a significant change to the cosmetic makeup of the western end of Manchester Road. Ms. Kennett continued to say that the ingress/egress of the property would remain the same.

CITY OF MANCHESTER
PLANNING AND ZONING DEPARTMENT
PROJECT REPORT

Project Information

March 10, 2016

File Number: 16-TXT-002
Applicant: City of Manchester, Department of Planning & Zoning
Activity: Modifications to the City's Special Uses in Planned Business Zoning Districts (405.285)
Zoning District: PBD District

Background

Department staff has discovered that areas of the code overlooked the year of Financial Institutions within the Planned Business Development District. Staff recommends that the code be adjusted to allow for a Special Use of Financial Institutions. Included with this report is the existing code showing the proposed modifications that will accommodate this change.

With this change to the code, any Financial Institution -- whether it has a Drive-Thru facility or not -- would be required to have a Special Use Permit.

Chapter 405. Zoning Regulations

Article V. District Regulations

Section 405.285. "PBD" Planned Business Development District.

[Ord. No. 13-2053 §1, 6-17-2013]

A.

Intent.

1.

The purpose of the following provisions is to recognize the historical heritage of the City of Manchester; to promote the Planned Business Development District as both a residential and business community; and to allow for the adaptation of the Planned Business Development District into a walkable town center as present and future development and redevelopment is achieved.

2.

The "PBD" District allows for a wide range and diversity of land uses to encourage a denser pattern of development particularly where retail, office or residential uses mix within multistoried buildings. Strong, pedestrian connections within the District facilitates human connection and interaction, and minimizes traffic congestion. The "PBD" is supported by open spaces, plazas, fountains, public art, public parking, lighting, directional signage, other streetscape improvements and, where possible, mass transit service.

3.

The intent of the Planned Business Development District is to allow a mix of uses that complement the historic design of buildings by their size, nature, and appeal to the public. Site consolidation for redevelopment may occur with special consideration for parking, access management, traffic considerations, drainage, land and streetscaping, and design features in concert with the vision articulated in the City's Comprehensive Plan.

B.

Permitted Uses. The following uses have been determined to be consistent with the purpose and intent expressed for the District. The intent of the Planned Business Development District is to allow a mix of uses that complement the historic design of buildings by their size (less than eight thousand (8,000) square feet, unless otherwise specified), nature, and appeal to the public. These uses are allowed, provided they receive all the necessary approvals and permits from the City of Manchester:

1.

Accessory uses.

2.

Antique stores.

3.

Arts and crafts instruction.

4.

Art gallery.

5.

Bakery (less than three thousand (3,000) square feet).

Agenda Item 10d

6.
Beauty salons and barber shops (no massage services).
7.
Camera and photo supplies without drive-through.
8.
Civic, community organization facilities without liquor sales or consumption on the premises.
9.
Curtain and drapery stores (window treatments).
10.
Dentists and dental services.
11.
Floral shops.
12.
General office.
13.
Hardware stores.
14.
Hobby supply and toy stores.
15.
Ice cream stores.
16.
Medical offices.
17.
Music and musical instruments.
18.
Optical stores.
19.
Paint and wallpaper stores.
20.
Pet and pet supply stores without kennels.
21.
Physical therapists.
22.
Picture and framing stores.
23.
Professional offices (e.g., engineer, architect, accountant, attorney).
24.
Radio, appliance, and television repair.

25.

Real estate offices.

26.

Restaurants (e.g., drive-in, fast food) without drive-through (less than five thousand (5,000) square feet).

27.

Restaurants (e.g., standard) without liquor sales or consumption on the premises (less than five thousand (5,000) square feet).

28.

Shoe repair.

29.

Specialty food stores.

30.

Sporting good stores.

31.

Stationery and office supply stores.

C.

Special Uses. The following uses have been determined to be consistent with the purpose and intent of the District, provided a special use permit has been obtained (see procedures, guides and standards set forth in Article X of this Chapter), and the special use is less than eight thousand (8,000) square feet unless otherwise specified:

1.

Accessory uses.

2.

Apparel and accessories (clothing stores).

3.

Bookstores.

4.

Civic, community organization facilities with liquor sales or consumption on the premises.

5.

Gift, novelty and souvenir shops.

6.

Government services (County, State, Federal).

7.

Grocery stores.

8.

Hotel and motel.

9.

Photography studio.

10.

Agenda Item 10d

Residential (second floor, multifamily in mixed uses).

11.

Restaurants (e.g. drive-in, fast food) with drive-through.

12.

Restaurants (e.g. standard) with liquor sales or consumption on the premises.

13.

Sports teams and clubs, including karate and martial arts.

14.

Theaters (e.g. live, playhouse).

15.

Used apparel stores.

16.

Video stores.

17.

Wine shop/boutique.

18.

Financial Institutions

D.

Uses Specifically Prohibited.

1.

Outside storage is specifically prohibited; however, display of merchandise when used in conjunction with seasonal promotion and sales are permitted, but not to exceed six (6) weeks, with prior approval from the Board of Aldermen.

2.

Junk yards and derelict storage.

3.

Kennels.

4.

Pawnshops.

5.

Teen centers.

6.

Convenience stores.

7.

Mini-storage/self-storage facilities.

INTRODUCED BY ALDERMAN OTTENAD

BILL NO. 16-

ORDINANCE NO. 16-

AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO NEIGHBORS CREDIT UNION TO OPERATE A BANKING INSTITUTION, WITH DRIVE-THROUGH FACILITY, AT THE 14422 MANCHESTER ROAD AS PROVIDED FOR IN 405.285 (C) (18) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, COMMONLY KNOWN AS "THE ZONING ORDINANCE OF THE CITY OF MANCHESTER."

WHEREAS, Neighbors Credit Union has heretofore made application for a Special Use Permit requesting approval for a banking institution, with drive-thru facility; and,

WHEREAS, the Planning and Zoning Commission reviewed said application on March 14, 2016; and,

WHEREAS, the Planning and Zoning Commission did, after due consideration, recommend to the Board of Aldermen of the City of Manchester the granting of said Special Use Permit, subject to certain conditions; and,

WHEREAS, the Board of Aldermen did, on the 4th day of April, 2016, after publication of notice as required by the laws of the State of Missouri and the Ordinances of the City of Manchester, hold a public hearing all in accordance with the provisions of Article 6, Section 5.3 of Appendix "B" of the Code of Ordinances of the City of Manchester, commonly known as "The Zoning Ordinance of the City of Manchester", and after conducting said public hearing did take the proposed Special Use Permit under advisement; and,

WHEREAS, the Board of Aldermen of the City of Manchester, having fully considered the recommended Special Use Permit, does find that the proposed use would not substantially increase traffic hazards, would not adversely affect the character of the neighborhood, would not adversely affect the general welfare of the community, would not overtax public utilities, and the Board of Aldermen does further find that the proposed use is in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI AS FOLLOWS:

Section One: A Special Use Permit is hereby granted to Neighbors Credit Union, (sometimes referred to herein as the "Holder"), to operate a banking institution, with drive-through facility, at 14422 Manchester Road (sometimes referred to herein as the "Site"), as provided in 405.285 (C) (18) of the Code of Ordinances of the City of Manchester, commonly known as "The Zoning Ordinance of the City of Manchester."

Section Two: The Special Use Permit granted hereunder shall be in accordance with the site plan, a copy of which is attached hereto as Exhibit "A".

Section Three: The Holder, by accepting and acting under this Special Use Permit, acquiesces and accepts same subject to the reservations, conditions and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Special Use Permit may be revoked and terminated, and does further agree that it, its successors and assigns, shall be held to have acquired no special rights, privileges, or

INTRODUCED BY ALDERMAN OTTENAD

BILL NO. 16-

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immunities by virtue of proceeding to expend money, time or effort in the construction, improvement or maintenance of land herein described and for which this Special Use Permit is granted.

Section Four: This Special Use Permit shall be non-assignable without the express consent of the City of Manchester and is contingent upon the compliance with the Code of Ordinances of the City of Manchester, the Zoning Ordinance of the City, all applicable building codes, fire codes and other governmental regulations.

Section Five: Holder shall afford the City of Manchester full access to the Site at all reasonable times to insure complete compliance with this Ordinance and all other applicable Ordinances of the City of Manchester.

Section Six: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 20 16.

CITY OF MANCHESTER, MISSOURI

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

INTRODUCED BY ALDERMAN OTTENAD

BILL NO. 16-

ORDINANCE NO. 16-

I, _____, on behalf of Neighbors Credit Union do hereby accept the foregoing Special Use Permit from the City of Manchester upon the terms and conditions above stated, and acknowledge the intention and obligation of Neighbors Credit Union to fully comply with the terms and conditions of the aforementioned Special Use Permit.

Dated this _____ day of _____, 2016.

NEIGHBORS CREDIT UNION

By: _____

Title: _____

Chairman Truesdell was pleased that the plans seemed to continue the stream of revitalization of the area. Commissioner Nolte made the motion for approval of the Site Plan review on CASE #16-SP-003. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

C. CASE #16-TXT-002 – A text amendment is proposed to Section 405.285.C.18 of the City of Manchester’s Zoning Code to allow for a Special Use of Financial Institutions.

Director Kennett represented this case. Ms. Kennett said that in the course of referencing the City Code, a use that has been allowed in the majority of Commercial districts is financial institutions; however, it has been brought to Staff’s attention that the use of ‘financial institutions’ is not expressed at all in the PBD. It seems that this may have been an oversight, being that financial institutions fall within the spirit of the PBD. By including ‘financial institutions’ as a Special Use, all applicants representing a financial institution (drive-thru or not) would have to come before both the Commission and the Board of Alderman.

Chairman Truesdell confirmed that the only amendment to the Code would be to add ‘financial institutions’ as a use allowed within the PBD under Special Use Permitting conditions. Director Kennett confirmed a financial institution would have to apply for a special use regardless of whether there would be a drive-thru proposed or not. Chairman Truesdell asked if this amendment was approved or recommended by the City Attorney. Ms. Kennett confirmed that the City Attorney drafted the modification ordinance found at the end of the text amendment documents.

Commissioner Labit wanted to give some background on the original drafting of the PBD special use section. As he was on the original small committee working with the PBD, he believes there was just an oversight of the committee in including financial institutions, and that he believes it to be a good addition to the section.

Commissioner Labit made the motion for a favorable recommendation of the text amendment of CASE #16-TXT-002. Commissioner Fluchel seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

D. CASE #16-SUP-003 – A request for Special Use Permit has been made by Gary Follman of Follman Real Estate to allow a Financial Institution with a Drive Thru to be located at 14422 Manchester Road. The property is zoned PBD – Planned Business Development District.

Speaking for the case was Mr. Gary Follman of Follman Real Estate. Mr. Follman was in representation of Neighbors Credit Union, one of the larger Credit Unions in the Metropolitan area. Neighbors CU has the property at 14422 Manchester Road currently under contract. At present, there is a large wood-framed structure that has been expanded multiple times on the premises. The plan is to demolish the current building, revitalize the lot, and erect a branch facility for the credit union.

Chairman Truesdell asked what would happen to the current tenants of the property. Mr. Follman said that they would be asked to relocate in a timely manner.

Director Kennett gave the Staff Report. She said that Mr. Follman has put together a wonderful site packet. Coupled with the Site Plan, this continues a significant change to the cosmetic makeup of the western end of Manchester Road. Ms. Kennett continued to say that the ingress/egress of the property would remain the same.

Commissioner Labit directed a question to Staff as to whether this project fit in line with the plan, being that this was located in the Planned Business Development District. Director Kennett and Alderman Clement both agreed that this fit within the spirit and revitalization of the area. There is not a specific developer taking hold of this district. Alderman Clement confirmed that the establishment of the PBD was to provide a direction for developments such as being proposed by Neighbors Credit Union.

Commissioner Nolte asked about the front setback of the proposed new location, noting that it seemed placed back further from Manchester Road than the present building. Mr. Follman confirmed that the existing building is close to Manchester Road, but that the Credit Union would be located back from the road with a landscape buffer on Manchester Road and Louis Avenue. Commissioner Nolte also asked about the timeline for the project. Mr. Follman answered (assuming the approvals) Neighbors would want to give the sole tenant a 30-day notice under the terms of the lease, but then move ahead right away with raising the building and start construction.

Commissioner Korte asked how many other locations there were, presently, of Neighbors Credit Union. Mr. Follman replied that there were half a dozen, with the headquarters being located on South Lindbergh. Commissioner Korte referenced the set hours of the proposed Neighbors Credit Union being 9 a.m. – 7 p.m. Mr. Follman confirmed that they are including a new teller process where there will be a few "ITM's" (Interactive Teller Machine) which are a little different from the traditional "ATM's." The ITM will be a machine that will connect to a live teller at a remote location throughout the whole transaction.

Chairman Truesdell made the motion for a favorable recommendation of the Special Use Permit request of CASE #16-SUP-003 conditional to the approval of the text amendment (CASE #16-TXT-002) allowing for financial institutions as a special use within the PBD. Commissioner Fluchel seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

Ayes	Nays	Abstentions	Excused
6	0	0	1

- E. ~~CASE #16-SP-004~~ – A request for Site Plan Approval has been made by Gary Follman of Follman Real Estate for a Financial Institution with a Drive Thru to be constructed at 14422 Manchester Road. The property is zoned PBD – Planned Business Development District.

~~Speaking for the case was Mr. Gary Follman of Follman Real Estate. Mr. Follman was in representation of Neighbors Credit Union. They have already done the Civil Engineering on the location and look to keep the elevations pretty close to what they are currently. There also is adequate drainage in place.~~

~~Director Kennett reported that the Site does not trigger any mandated storm water measures, but that the Credit Union will continue to work through the County and MSD to make this project come to fruition. The parking requirements are met with over 20 parking spaces available. Staff has no objections for the Site Plan approval.~~

~~Commissioner Labit asked for clarification regarding the building and parking lot elevation in conjunction with the base flood elevation. Mr. Follman referenced that their established civil engineer, as well as the City's engineer have both looked at the plans and have given floodplain approval. Commissioner Labit wanted to make Mr. Follman aware that if the flood stage were met, then 60% of the parking lot would potentially underwater.~~

~~Commissioner Korte confirmed with Mr. Follman that the flow of traffic into the 'ATM/ITM' lanes will run north to south. Mr. Follman referenced that there will be a counter-clockwise flow of traffic.~~

~~Chairman Truesdell made the motion for approval of the Site Plan review on CASE #16-SP-004 with the condition that the foregoing Text Amendment (CASE #16-TXT-002) and Special Use permit~~

**CITY OF MANCHESTER
PLANNING AND ZONING DEPARTMENT
STAFF REPORT**

Project Information

March 10, 2016

Case: #16-SUP-003

Applicant: Gary Follman, Follman Real Estate Services, LLC

Activity: Special Use Permit for a Financial Institution with Drive-Through Facilities

Zoning District: PBD – Planned Business District

Address: 14422 Manchester Road

Background

Follman Real Estate Services, LLC is submitting a Special Use Permit for a Financial Institution for a new building including drive-through facilities. The property is zoned PBD Planned Business District. A Site Plan this a Financial Institution with Drive Through Facilities follows this application.

The lot is 22,467.78 square feet or 0.516 acres. The building footprint is approximately 2,000 square feet of an office building. The front of the building will have a combination of stone, brick and vinyl siding while the sides and rear will have vinyl siding. It is estimated, that the proposed new structure and all other impervious surfaces will cover 11.6% of the lot.

No new ingress/egress areas are being constructed, however, the parking area allows for drive through facilities.

Attached is a copy of the application, development plans, pictures of the existing property, a map showing the subject project and its zoning classification.

Staff Comments

The staff supports the Neighbor’s Credit Union coming to Manchester. This is the continuation of a demolition and rebuild trend sweeping this corridor. This use is consistent with the spirit of the PBD and our Manchester Road Corridor.

Staff recommends approval of this Special Use Permit application.



APPLICATION FOR SPECIAL USE PERMIT

City of Manchester, 14318 Manchester Rd., Manchester, MO 63011 Ph: 636 227 1385, Ext. 107; Fax: 636 821 8099

Every application submitted to the Planning and Zoning Commission for review and approval must contain the following:

- A non-refundable fee of \$300.
- Twenty (20) copies of:
 - A plot survey/sketch/site plan, to scale and showing lot/property in question.
 - A letter of intent describing the proposed use of the Special Use Permit. Description can include (but is not limited to) the nature of the business, hours of operation, number of employees, etc.
 - Information on the number of parking spaces assigned to the space.
 - Any other pertinent information for the Commission to review with your application.
- Completed application with name of applicant (or their representative) that will appear before the Commission and Board.

An incomplete application may result in your case being postponed to another future Commission meeting.

PLEASE PRINT

PROPERTY OWNER	NEIGHBORS CREDIT UNION (OWNER UNDER CONTRACT)		
ADDRESS	6300 S. LINDBERGH BLVD., ST. LOUIS, MO 63123		
PHONE	314-892-5400	EXT. 12056	FAX 314-892-9876

CONTRACTOR/ APPLICANT NAME	GARY A. FOLLMAN		
COMPANY NAME	FOLLMAN REAL ESTATE SERVICES, L.L.C.		
ADDRESS	9990 OLD OLIVE ST. RD. STE 103, ST. LOUIS, MO 63141		
PHONE/EXTENSION	314-997-5302	FAX	314-997-5305
PERMIT TO BE PICKED UP BY	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Applicant/Contractor		

ADDRESS OF SPECIAL USE	14422 MANCHESTER ROAD
LEGAL DESCRIPTION OF PROPERTY	Lots 1, 2 and 3 in Block 6 of Federick Barthold's Western Addition to Manchester, as per plat thereof recorded in Plat Book 4 page 12 of the City of Louis City (former County) Recorder's Office
PROPOSED SPECIAL USE	FINANCIAL INSTITUTION WITH DRIVE-THROUGH FACILITIES
EXISTING ZONING	PBD-PLANNED BUSINESS DEVELOPMENT DISTRICT

I hereby certify that the information contained in this application and accompanying drawings and/or plats are correct, and that I will conform to all applicable laws of the City of Manchester.

Owner/Contractor [Signature] Date 2/15/16

PLANNING AND ZONING USE ONLY

Received by _____ City of Manchester Permit # _____
 Director, Planning and Zoning and Economic Development Fee Paid On: 3.10.16



CREDIT UNION

Here you belong.

February 15, 2016

Planning and Zoning Commission
City of Manchester
14318 Manchester Road
Manchester, MO 63011

Re: Letter of Intent

Members of the Planning and Zoning Commission:

Neighbors Credit Union was created in 1928 and has grown to be one of the largest and strongest credit unions in Missouri. We are a not-for-profit, full service financial institution, offering the same products found at most any financial institution, including: savings, investments, checking, vehicle loans, mortgage loans, home equity loans, credit cards, student loans and services for small businesses. Since we are not-for-profit, we can offer better rates and fewer and lesser fees to our members. We also strive to help our community lead better financial lives through financial education and counseling.

The proposed branch at 14422 Manchester Road will offer the same products and services as all of our other locations. It will regularly be staffed by five employees. Regular business hours for the branch are proposed as follows:

- Monday 9 a.m. to 5 p.m.
- Tuesday 9 a.m. to 5 p.m.
- Wednesday 10 a.m. to 5 p.m.
- Thursday 9 a.m. to 5 p.m.
- Friday 9 a.m. to 6 p.m.
- Saturday 9 a.m. to 1 p.m.

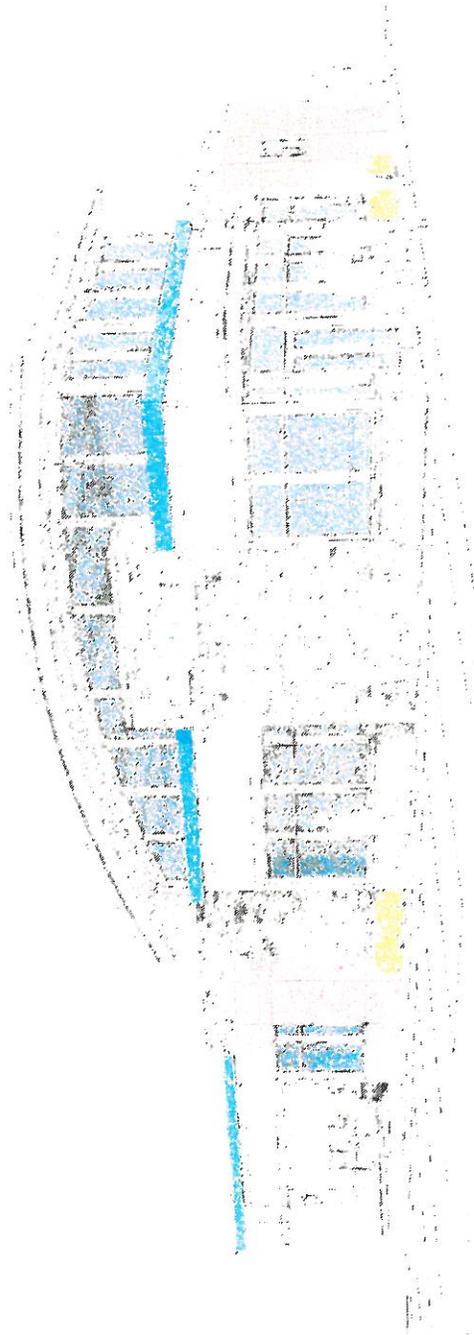
We also plan to install ITMs (Interactive Teller Machines) on premises, which allow for full-service financial transactions to be completed remotely through the machines. This equipment will allow us to offer services from 9 a.m. to 7 p.m. Monday through Saturday. Additionally, we intend to have an ATM on premises, which would be operational 24 hours, 7 days a week.

We are very excited about the opportunities at this location and look forward to becoming an active member in the Manchester community. Thank you for your consideration.

Cordially,

John Servos
President/CEO

This concept rendering may not exactly match the architect's final plan, finish materials may be substituted and the colors shown are not true.



CONCEPTUAL RENDERING
SCALE: NTS

3

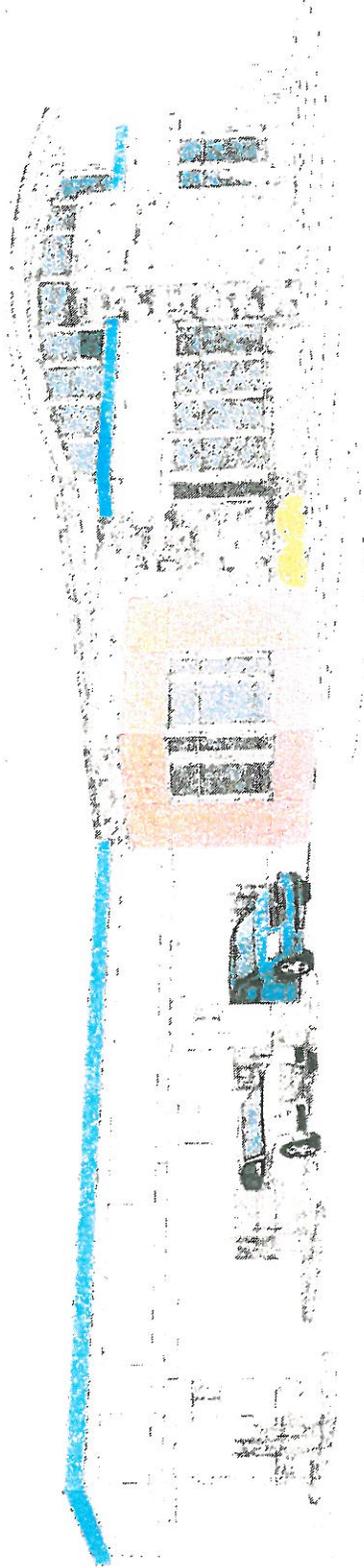
FEB 2016

NEIGHBORS CREDIT UNION
SAINT LOUIS, MO

SAINT LOUIS DESIGN ALLIANCE
1045 PINE BLVD
314.471.1111

ST. LOUIS OFFICE
1045 PINE BLVD
314.471.1111

This concept rendering may not exactly match the architect's final plan, finish materials may be substituted and the colors shown are not true.



○ CONCEPTUAL RENDERING
SCALE: NTS

NEIGHBORS CREDIT UNION
SAINT LOUIS, MO

SAINT LOUIS DESIGN ALLIANCE
1001 MARKET AV
ST. LOUIS, MO 63101
TEL: 314.433.1000
WWW.SLDALIA.COM

DESIGN ALLIANCE

10e

CASE #16-SUP-003

A request for Special Use Permit has been made by Gary Follman of Follman Real Estate to allow a Financial Institution with a Drive Thru to be located at

14422 Manchester Road

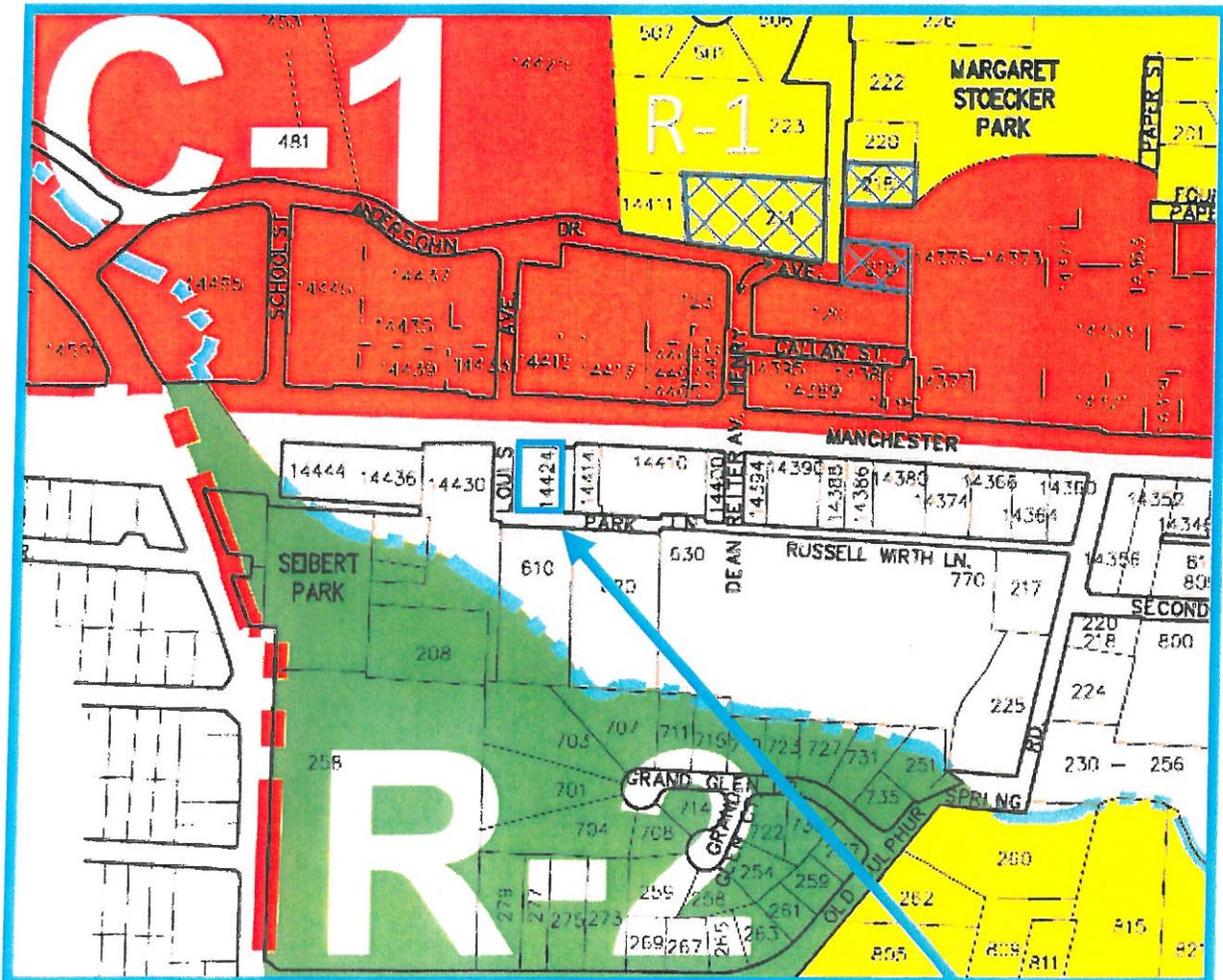
The property is zoned PBD – Planned Business Development District.

CASE #16-SP-004

A request for Site Plan Approval has been made by Gary Follman of Follman Real Estate for a Financial Institution with a Drive-Thru to be constructed at

14422 Manchester Road

The property is zoned PBD – Planned Business Development District.





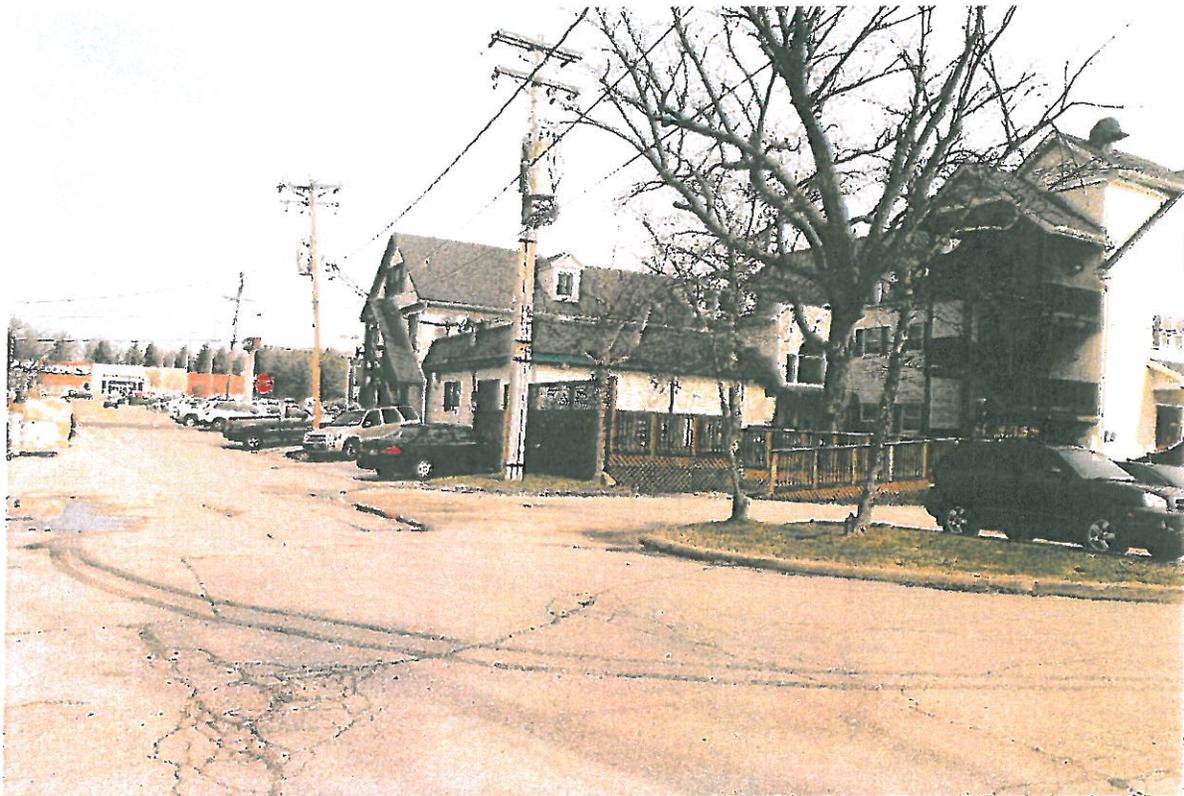
Eastward view of 14422 Manchester Road with intersection of Manchester Rd & Louis St in the foreground.



Westward view of 14422 Manchester Road with Manchester Road.



At the Corner of Louis St. & Park Ln. with the rear of 14422 Manchester Road Property in view.



Looking down Louis St. toward Manchester Road with the side of 14422 Manchester Rd. property in view.

INTRODUCED BY ALDERMAN BAUMANN

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH HORNER & SHIFRIN, INC. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIVE THOUSAND EIGHT HUNDRED TWENTY-ONE DOLLARS AND NINETY-ONE CENTS (\$205,821.91) TO PROVIDE THE CITY WITH PLANNING, DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE SPRING MEADOWS DRIVE BRIDGE REPLACEMENT PROJECT IN THE CITY OF MANCHESTER.

WHEREAS, in response to the City's request, Horner & Shifrin, Inc. submitted a proposal to provide planning, design and construction inspection services for the Spring Meadows Drive Bridge Replacement Project; and,

WHEREAS, the City Administrator, Director of Public Works and Public Works Superintendent have reviewed the submitted proposal and believe that the proposal submitted by Horner & Shifrin, Inc. is a responsible proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF MANCHESTER, STATE OF MISSOURI, AS FOLLOWS:

Section One: The City Administrator is hereby authorized to enter into a contract on behalf of the City with Horner & Shifrin, Inc. in an amount not to exceed Two Hundred Five Thousand Eight Hundred Twenty-One Dollars and Ninety-One Cents (\$205,821.91) to provide the City with planning, design and construction inspection services for the Spring Meadows Drive Bridge Replacement Project. The terms and conditions of such contract shall be as set forth in the contract documents upon which said proposal was made.

Section Two: A copy of the proposal from Horner & Shifrin, Inc. is attached to this Resolution and is incorporated herein by reference thereto and marked Exhibit "A".

Section Three: The City Administrator is hereby authorized to do any and all things necessary in order to carry out the terms and conditions of the contract referred to therein.

Section Four: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2016.

CITY OF MANCHESTER, MISSOURI

By _____
Mayor

INTRODUCED BY ALDERMAN BAUMANN

RESOLUTION NO. 16-

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



MEMORANDUM

TO: Mayor David L. Willson
Board of Aldermen Members

FROM: Bob Ruck, Director of Public Works 

SUBJECT: Surveying, Engineering, and Design Services Contract –
Spring Meadows Drive Bridge Replacement Project

DATE: March 25, 2016

The 2016 City budget has allocated funding in the amount of \$140,000.00 for planning and design services for the Spring Meadows Drive Bridge Replacement Project. This project has been approved to receive 80% federal funding through the St. Louis Metropolitan Area Transportation Improvement Program and per the STP-Urban Agreement Award Number STP-5500(683). Administration of the federal funding and approvals for the various phases throughout the project are performed by the Missouri Department of Transportation (MoDOT).

One phase of the project is the process by which the City acquires the services of a consulting engineering firm to perform planning and design services as well as construction inspection services. This process is dictated by and detailed in MoDOT's Local Public Agency (LPA) Manual. Consultant firms are solicited through advertisement and firms which express an interest in providing the requested services submit documentation to the LPA (Manchester). Following the deadline for submissions, the LPA's staff reviews and rates the interested firms based on certain established criteria. From those ratings, the LPA chooses a consultant firm and negotiates a contract. The LPA then submits documents regarding their reviews/ratings process as well as the negotiated contract to MoDOT for their review and approval.

City Administrator Andy Hixson, Public Works Superintendent Mark Belpulsi, and I completed the outlined process and chose Horner & Shifrin, Inc. to provide the requested services. Horner & Shifrin, Inc. has previously provided their services to the City for the replacement of the Hanna Road bridge, the replacement of the Lafayette Center SE bridge deck and superstructure, and to perform an analysis of the City's eleven bridges. After making the choice, City Administrator Hixson and I met with Horner & Shifrin staff and negotiated the required work and associated fees per the guidance of the LPA manual. The review/ratings documents and the contract (copies attached) were submitted to MoDOT and on Thursday, March 24, 2016, MoDOT notified the City it was approved to contract with Horner & Shifrin, Inc.

As mentioned earlier, the contract with Horner & Shifrin, Inc. is for planning and design services as well as construction inspection services. The bridge replacement project is funded in phases over three years: 2016 – planning and design, 2017 – right-of-way acquisition (if needed), and 2018 – construction. Thus, the planning and design services in the Horner & Shifrin, Inc. contract will be provided in 2016. The construction inspection services will be provided in 2018.

City Administrator Hixson and I recommend that the City of Manchester contract with Horner & Shifrin, Inc. for planning, design, and construction inspection services for the Spring Meadows Drive Bridge Replacement Project in a total amount not to exceed \$205,821.91 of which \$139,803.77 is to be spent for planning and design services and \$66,018.14 is to be spent for construction inspection services. A resolution concerning this contract has been prepared and placed on the Board of Aldermen meeting agenda for Monday, April 4, 2016, for your consideration and requested approval.

It should be noted that if this contract with Horner & Shifrin, Inc. is approved, their firm will not be able to act as City Engineer in providing the City's oversight of their contracted work. As Director of Public Works, I will be handling that duty. I will be working with MoDOT and Horner & Shifrin, Inc. personnel during all phases of the project as covered by the STP-Urban Agreement.

attachment

cc: Andy Hixson, City Administrator
Dave Tuberty, Director of Finance
Ruth, Baker, City Clerk

**City of Manchester
Consultant Selection Rating
Summary**

County: St. Louis
 Route: Spring Meadows Drive
 Project: Bridge Replacement STP-5500(683)
 Date: 1/18/16

Consultant	Scorers	Bob Ruck Scores	Andy Hixson Scores	Mark Belpulsi Scores	Average Scores
Horner & Shifrin		95	95	95	95
Juneau		90	85	85	86.67
CDG		90	85	80	85
ERIC Moen		80	85	80	81.67
ABNA		85	80	70	78.33
Hurst-Rosche		75	80	80	78.33
BFA		75	70	70	73.33
Cochran		70	70	65	68.33
MoDjesti & Masters		65	70	70	68.33
Terra		65	75	65	68.33

Raters: Bob Ruck, Andy Hixson, Mark Belpulsi

SPONSOR: City of Manchester
LOCATION: Spring Meadows Drive Bridge over Grand Glaize Creek
PROJECT: STP-5500(683)

THIS CONTRACT is between the City of Manchester, Missouri, hereinafter referred to as the "Local Agency", and Horner & Shifrin, Inc., 401 S. 18th Street, Suite 400, St. Louis, MO 63103 hereinafter referred to as the "Engineer".

INASMUCH as funds have been made available by the Federal Highway Administration through its STP Program, coordinated through the Missouri Department of Transportation, the Local Agency intends to replace the existing Spring Meadows Drive bridge over Grand Glaize Creek with a new bridge and requires professional engineering services. The Engineer will provide the Local Agency with professional services hereinafter detailed for the planning, design and construction inspection of the desired improvements and the Local Agency will pay the Engineer as provided in this contract. It is mutually agreed as follows:

ARTICLE I – SCOPE OF SERVICES

See Attachment A.

ARTICLE II - DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS:

- A. DBE Goal: The following DBE goal has been established for this Agreement. The dollar value of services and related equipment, supplies, and materials used in furtherance thereof which is credited toward this goal will be based on the amount actually paid to DBE firms. The goal for the percentage of services to be awarded to DBE firms is 8% of the total Agreement dollar value.

- B. DBE Participation Obtained by Engineer: The Engineer has obtained DBE participation, and agrees to use DBE firms to complete, 8.27% of the total services to be performed under this Agreement, by dollar value. The DBE firms which the Engineer shall use, and the type and dollar value of the services each DBE will perform, is as follows:

<u>DBE FIRM NAME, STREET AND COMPLETE MAILING ADDRESS</u>	<u>TYPE OF DBE SERVICE</u>	<u>TOTAL \$ VALUE OF THE DBE SUBCONTRACT</u>	<u>CONTRACT \$ AMOUNT TO APPLY TO DBE GOAL</u>	<u>PERCENTAGE OF SUBCONTRACT DOLLAR VALUE APPLICABLE TO TOTAL GOAL</u>
Millennia Professional Services 7413 Manchester Rd. St. Louis, MO 63143	Surveying, Geotechnical Engineering,	\$16,978.26	\$12,983.66	76.47%

City Design Group Inc. 1204 Washington St. Louis, MO 63103	Material Testing	\$1,847.00	\$1,847.00	100%
Quigg Engineering, Inc. 2351 S. Dirksen Pkwy Springfield, IL 62703	Construction Inspection	\$2,200.00	\$2,200.00	100%

ARTICLE III-ADDITIONAL SERVICES

The Local Agency reserves the right to request additional work, and changed or unforeseen conditions may require changes and work beyond the scope of this contract. In this event, a supplement to this agreement shall be executed and submitted for the approval of MoDOT prior to performing the additional or changed work or incurring any additional cost thereof. Any change in compensation will be covered in the supplement.

ARTICLE IV - RESPONSIBILITIES OF LOCAL AGENCY

The Local Agency will cooperate fully with the Engineer in the development of the project, including the following:

- A. make available all information pertaining to the project which may be in the possession of the Local Agency;
- B. provide the Engineer with the Local Agency's requirements for the project;
- C. make provisions for the Engineer to enter upon property at the project site for the performance of his duties;
- D. examine all studies and layouts developed by the Engineer, obtain reviews by MoDOT, and render decisions thereon in a prompt manner so as not to delay the Engineer;
- E. designate a Local Agency's employee to act as Local Agency's Person in Responsible Charge under this contract, such person shall have authority to transmit instructions, interpret the Local Agency's policies and render decisions with respect to matters covered by this agreement (see EPG 136.3);
- F. perform appraisals and appraisal review, negotiate with property owners and otherwise provide all services in connection with acquiring all right-of-way needed to construct this project.

ARTICLE V - PERIOD OF SERVICE

The Engineer will commence work within two weeks after receiving notice to proceed from the Local Agency. The general phases of work will be completed in accordance with the following schedule:

- A. PS&E Approval by MODOT shall be completed on August 31, 2018.
- B. Construction Phase shall be completed 60 days after construction final completion schedule.

The Local Agency will grant time extensions for delays due to unforeseeable causes beyond the control of and without fault or negligence of the Engineer. Requests for extensions of time shall be made in writing by the Engineer, before that phase of work is scheduled to be completed, stating fully the events giving rise to the request and justification for the time extension requested.

ARTICLE VI – STANDARDS

The Engineer shall be responsible for working with the Local Agency in determining the appropriate design parameters and construction specifications for the project using good engineering judgment based on the specific site conditions, Local Agency needs, and guidance provided in the most current version of EPG 136 LPA Policy. If the project is on the state highway system or is a bridge project, then the latest version of MoDOT’s Engineering Policy Guide (EPG) and Missouri Standard Specifications for Highway Construction shall be used (see EPG 136.7). The project plans must also be in compliance with the latest ADA (Americans with Disabilities Act) Regulations.

ARTICLE VII - COMPENSATION

For services provided under this contract, the Local Agency will compensate the Engineer as follows:

- A. For design services, including work through the construction contract award stage, the Local Agency will pay the Engineer the actual costs incurred plus a predetermined fixed fee of \$15,106.28, with a ceiling established for said design services in the amount of \$139,803.77, which amount shall not be exceeded.
- B. For construction inspection services, the Local Agency will pay the Engineer the actual costs incurred plus a predetermined fixed fee of \$7,567.28, with a ceiling established for said inspection services in the amount of \$66,018.14, which amount shall not be exceeded.
- C. The compensation outlined above has been derived from estimates of cost which are detailed in Attachment A. Any major changes in work, extra work, exceeding of the contract ceiling, or change in the predetermined fixed fee will require a supplement to this contract, as covered in Article III - ADDITIONAL SERVICES.
- D. Actual costs in Sections A and B above are defined as:
 - 1. Actual payroll salaries paid to employees for time that they are productively engaged in work covered by this contract, plus

2. An amount estimated at 61.56% of actual salaries in Item 1 above for payroll additives, including payroll taxes, holiday and vacation pay, sick leave pay, insurance benefits, retirement and incentive pay, plus
 3. An amount estimated at 94.31% of actual salaries in Item 1 above for general administrative overhead, based on the Engineer's system for allocating indirect costs in accordance with sound accounting principles and business practice, plus
 4. Other costs directly attributable to the project but not included in the above overhead, such as vehicle mileage, meals and lodging, printing, surveying expendables, and computer time, plus
 5. Project costs incurred by others on a subcontract basis, said costs to be passed through the Engineer on the basis of reasonable and actual cost as invoiced by the subcontractors.
- E. The rates shown for additives and overhead in Sections VII. D.2 and VII. D.3 above are approximate and will be used for interim billing purposes. Final payment will be based on the actual rates experienced during the period of performance, as indicated by the Engineer's accounting records, and as determined by final audit of the Engineer's records by MoDOT.
- F. The payment of costs under this contract will be limited to costs which are allowable under 23 CFR 172 and 48 CFR 31.
- G. **METHOD OF PAYMENT** - Partial payments for work satisfactorily completed will be made to the Engineer upon receipt of itemized invoices by the Local Agency. Invoices will be submitted no more frequently than once every two weeks and must be submitted monthly for invoices greater than \$10,000. A pro-rated portion of the fixed fee will be paid with each invoice. Upon receipt of the invoice and progress report, the Local Agency will, as soon as practical, but not later than 45 days from receipt, pay the Engineer for the services rendered, including the proportion of the fixed fee earned as reflected by the estimate of the portion of the services completed as shown by the progress report, less partial payments previously made. A late payment charge of one and one half percent (1.5%) per month shall be assessed for those invoiced amount not paid, through no fault of the Engineer, within 45 days after the Local Agency's receipt of the Engineer's invoice. The Local Agency will not be liable for the late payment charge on any invoice which requests payment for costs which exceed the proportion of the maximum amount payable earned as reflected by the estimate of the portion of the services completed, as shown by the progress report. The payment, other than the fixed fee, will be subject to final audit of actual expenses during the period of the Agreement.
- H. **PROPERTY ACCOUNTABILITY** - If it becomes necessary to acquire any specialized equipment for the performance of this contract, appropriate credit will be given for any residual value of said equipment after completion of usage of the equipment.

ARTICLE VIII - COVENANT AGAINST CONTINGENT FEES

The Engineer warrants that he has not employed or retained any company or person, other than a bona fide employee working for the Engineer, to solicit or secure this agreement, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the Local Agency shall have the right to annul this agreement without liability, or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee, plus reasonable attorney's fees.

ARTICLE IX - SUBLETTING, ASSIGNMENT OR TRANSFER

No portion of the work covered by this contract, except as provided herein, shall be sublet or transferred without the written consent of the Local Agency. The subletting of the work shall in no way relieve the Engineer of his primary responsibility for the quality and performance of the work. It is the intention of the Engineer to engage subcontractors for the purposes of: surveying, geotechnical engineering, hazardous materials surveying, materials testing, and construction inspection.

Sub-Consultant Name	Address	Services
Millennia Professional Services	7413 Manchester Road St. Louis, MO 63143	Surveying, Geotechnical Engineering
Shannon & Wilson, Inc.	2043 Westport Center Dr. St. Louis, MO 63146	Hazardous Materials Survey
City Design Group, Inc.	1204 Washington Ave. Suite 405 St. Louis, MO 63103	Materials Testing
Quigg Engineering, Inc.	2351 S. Dirksen Parkway Springfield, IL 62703	Construction Inspection

ARTICLE X - PROFESSIONAL ENDORSEMENT

All plans, specifications and other documents shall be endorsed by the Engineer and shall reflect the name and seal of the Professional Engineer endorsing the work. By signing and sealing the PS&E submittals the Engineer of Record will be representing to MoDOT that the design is meeting the intent of the federal aid programs.

ARTICLE XI - RETENTION OF RECORDS

The Engineer shall maintain all records, survey notes, design documents, cost and accounting records, construction records and other records pertaining to this contract and to the project covered by this contract, for a period of not less than three years following final payment by FHWA. Said records

shall be made available for inspection by authorized representatives of the Local Agency, MoDOT or the federal government during regular working hours at the Engineer's place of business.

ARTICLE XII - OWNERSHIP OF DOCUMENTS

Plans, tracings, maps and specifications prepared under this contract shall be delivered to and become the property of the Local Agency upon termination or completion of work. Basic survey notes, design computations and other data prepared under this contract shall be made available to the Local Agency upon request. All such information produced under this contract shall be available for use by the Local Agency without restriction or limitation on its use. If the Local Agency incorporates any portion of the work into a project other than that for which it was performed, the Local Agency shall save the Engineer harmless from any claims and liabilities resulting from such use.

ARTICLE XIII – SUSPENSION OR TERMINATION OF AGREEMENT

- A. The Local Agency may, without being in breach hereof, suspend or terminate the Engineer's services under this Agreement, or any part of them, for cause or for the convenience of the Local Agency, upon giving to the Engineer at least fifteen (15) days' prior written notice of the effective date thereof. The Engineer shall not accelerate performance of services during the fifteen (15) day period without the express written request of the Local Agency.
- B. Should the Agreement be suspended or terminated for the convenience of the Local Agency, the Local Agency will pay to the Engineer its costs as set forth in Attachment B including actual hours expended prior to such suspension or termination and direct costs as defined in this Agreement for services performed by the Engineer, a proportional amount of the fixed fee based upon an estimated percentage of Agreement completion, plus reasonable costs incurred by the Engineer in suspending or terminating the services. The payment will make no other allowances for damages or anticipated fees or profits. In the event of a suspension of the services, the Engineer's compensation and schedule for performance of services hereunder shall be equitably adjusted upon resumption of performance of the services.
- C. The Engineer shall remain liable to the Local Agency for any claims or damages occasioned by any failure, default, or negligent errors and/or omission in carrying out the provisions of this Agreement during its life, including those giving rise to a termination for non-performance or breach by Engineer. This liability shall survive and shall not be waived, or estopped by final payment under this Agreement.
- D. The Engineer shall not be liable for any errors or omissions contained in deliverables which are incomplete as a result of a suspension or termination where the Engineer is deprived of the opportunity to complete the Engineer's services.
- E. Upon the occurrence of any of the following events, the Engineer may suspend performance hereunder by giving the Local Agency 30 days advance written notice and may continue such suspension until the condition is satisfactorily remedied by the Local Agency. In the event the condition is not remedied within 120 days of the Engineer's original notice, the Engineer may

terminate this agreement.

1. Receipt of written notice from the Local Agency that funds are no longer available to continue performance.
2. The Local Agency's persistent failure to make payment to the Engineer in a timely manner.
3. Any material contract breach by the Local Agency.

ARTICLE XIV - DECISIONS UNDER THIS CONTRACT

The Local Agency will determine the acceptability of work performed under this contract, and will decide all questions which may arise concerning the project. The Local Agency's decision shall be final and conclusive.

ARTICLE XV - SUCCESSORS AND ASSIGNS

The Local Agency and the Engineer agree that this contract and all contracts entered into under the provisions of this contract shall be binding upon the parties hereto and their successors and assigns.

ARTICLE XVI - COMPLIANCE WITH LAWS

The Engineer shall comply with all federal, state, and local laws, ordinances, and regulations applicable to the work, including Title VII of the Civil Rights Act of 1964 and non-discrimination clauses incorporated herein, and shall procure all licenses and permits necessary for the fulfillment of obligations under this contract.

ARTICLE XVII - RESPONSIBILITY FOR CLAIMS AND LIABILITY

The Engineer agrees to save harmless the Local Agency, MoDOT and FHWA from all claims and liability due to his negligent acts or the negligent acts of his employees, agents or subcontractors.

ARTICLE XVIII - NONDISCRIMINATION

The Engineer, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the ground of race, color or national origin in the selection and retention of subcontractors. The Engineer will comply with Title VII of the Civil Rights Act of 1964, as amended. More specifically, the Engineer will comply with the regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation, as contained in 49 CFR 21 through Appendix H and 23 CFR 710.405 which are herein incorporated by reference and made a part of this contract. In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by

the Engineer's obligations under this contract and the regulations relative to non-discrimination on the ground of color, race or national origin.

ARTICLE XIX – LOBBY CERTIFICATION

CERTIFICATION ON LOBBYING: Since federal funds are being used for this agreement, the Engineer's signature on this agreement constitutes the execution of all certifications on lobbying which are required by 49 C.F.R. Part 20 including Appendix A and B to Part 20. Engineer agrees to abide by all certification or disclosure requirements in 49 C.F.R. Part 20 which are incorporated herein by reference.

ARTICLE XX – INSURANCE

- A. The Engineer shall maintain commercial general liability, automobile liability, and worker's compensation and employer's liability insurance in full force and effect to protect the Engineer from claims under Worker's Compensation Acts, claims for damages for personal injury or death, and for damages to property arising from the negligent acts, errors, or omissions of the Engineer and its employees, agents, and Subconsultants in the performance of the services covered by this Agreement, including, without limitation, risks insured against in commercial general liability policies.
- B. The Engineer shall also maintain professional liability insurance to protect the Engineer against the negligent acts, errors, or omissions of the Engineer and those for whom it is legally responsible, arising out of the performance of professional services under this Agreement.
- C. The Engineer's insurance coverage shall be for not less than the following limits of liability:
 - 1. Commercial General Liability: \$500,000 per person up to \$2,000,000 per occurrence;
 - 2. Automobile Liability: \$500,000 per person up to \$2,000,000 per occurrence;
 - 3. Worker's Compensation in accordance with the statutory limits; and Employer's Liability: \$1,000,000; and
 - 4. Professional ("Errors and Omissions") Liability: \$1,000,000, each claim and in the annual aggregate.
- D. The Engineer shall, upon request at any time, provide the Local Agency with certificates of insurance evidencing the Engineer's commercial general or professional liability ("Errors and Omissions") policies and evidencing that they and all other required insurance are in effect as to the services under this Agreement.
- E. Any insurance policy required as specified in (ARTICLE XX) shall be written by a company which is incorporated in the United States of America or is based in the United States of America. Each insurance policy must be issued by a company authorized to issue such

insurance in the State of Missouri.

ARTICLE XXI - ATTACHMENTS

The following exhibits are attached hereto and are hereby made part of this contract:

Attachment A – Scope of Service & Estimate of Cost

Attachment B – Breakdown of Overhead Rates

Attachment C - Certification Regarding Debarment, Suspension, and Other
Responsibility Matters - Primary Covered Transactions.

Attachment D - Certification Regarding Debarment, Suspension, and Ineligibility and
Voluntary Exclusion - Lower Tier Covered Transactions.

Attachment E – DBE Contract Provisions

Attachment F – Fig. 136.4.15 Conflict of Interest Disclosure Form

Executed by the Engineer this 29th day of JANUARY, 2016.

Executed by the County/City this ___ day of _____, 20__.

FOR: CITY OF MANCHESTER, MISSOURI

BY: _____

NAME & TITLE: _____

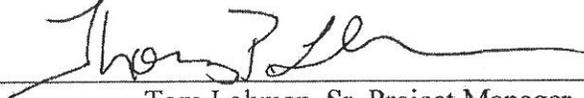
ATTEST: _____

NAME & TITLE: _____

FOR: HORNER & SHIFRIN, INC.

BY: Michael Banashek

Michael Banashek, Vice President

ATTEST: 
Tom Lohman, Sr. Project Manager

I hereby certify under Section 50.660 RSMo there is either: (1) a balance of funds, otherwise unencumbered, to the credit of the appropriation to which the obligation contained herein is chargeable, and a cash balance otherwise unencumbered, in the Treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation contained herein; or (2) bonds or taxes have been authorized by vote of the people and there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury.

CITY ACCOUNTING OFFICER

ATTACHMENT A

Scope of Services and Estimate of Cost

ATTACHMENT A

CITY OF MANCHESTER - SPRING MEADOWS DRIVE BRIDGE OVER GRAND GLAIZE CREEK
Federal Project No. STP-5500(683)

ESTIMATE OF COST

DESIGN PHASE	Task	HOURS								Cost
		Principal \$70.00	Rdwy Manager \$50.64	Roadway Engr \$34.50	Hydraulics Engr \$45.51	Struc. Engr. \$38.91	Struc. Engr. \$31.00	CAD Tech \$24.57	Rdwy Engr \$23.12	
PROJECT MANAGEMENT:										
	PROJECT MANAGEMENT	12								\$ 840.00
	ADMINISTRATION & INVOICING	12								\$ 840.00
PRELIMINARY PLANS:										
ROADWAY:										
	SITE VISIT		4	4						\$ 340.56
	REVIEW SURVEY DATA			1					4	\$ 126.98
	TITLE SHEET								4	\$ 92.48
	TYPICAL SECTIONS								2	\$ 46.24
	ROADWAY LAYOUT AND PROFILE		1	2					8	\$ 304.60
	SIDEWALK LAYOUT AND ADA DESIGN			2					4	\$ 161.48
	PLAN AND PROFILE SHEETS			3					6	\$ 242.22
	DRAINAGE AREAS			1					4	\$ 126.98
	DRAINAGE ANALYSIS & DESIGN		1	2					8	\$ 304.60
	STORM SEWER LAYOUT		0.5	1					4	\$ 152.30
	ENTRANCE DESIGN			1					2	\$ 80.74
	CROSS SECTIONS			0.5					10	\$ 369.20
	ENTRANCE PROFILES			4					2	\$ 63.49
	GRADING PLAN		2	8					12	\$ 654.72
	CONSTRUCTION LIMITS			0.5					1	\$ 40.37
	EASEMENT DELINEATION			1					4	\$ 126.98
	COORDINATION WITH BRIDGE DESIGN		1	2					1	\$ 40.37
	GUARDRAIL			1					2	\$ 80.74
CITY PARKING LOT:										
	RETAINING WALL DESIGN		0.5	2					4	\$ 186.80
	HANDRAIL DESIGN		0.5	2					4	\$ 186.80
	TRENCH DRAIN DESIGN		1	2					4	\$ 212.12
	ADA SIDEWALK & PEDESTRIAN RAMPS		1	4					8	\$ 373.60
	PARKING LOT GRADING		1	4					8	\$ 373.60
	MSD COORDINATION		2	2					8	\$ 424.24
	UTILITY COORDINATION			1					4	\$ 126.98
	QUANTITIES			1					2	\$ 106.06
	PRELIMINARY CONSTRUCTION COST ESTIMATE		0.5	1					2	\$ 80.74
	SUBMITTAL TO CITY & MODOT			1					2	\$ 80.74
	SUBMITTAL TO MSD			1					2	\$ 80.74
NEPA DOCUMENTS:										
	SECTION 106 (SHPO)			1					4	\$ 126.98
	SECTION 404/401			1					4	\$ 126.98
	ENDANGERED SPECIES		1	2					4	\$ 212.12
	QC/QA		4	4					4	\$ 433.04
BRIDGE:										
	INITIAL SITE VISIT				3	3				\$ 253.26
	INVESTIGATE BRIDGE ALTERNATIVES & COSTS					8	16			\$ 807.28
	BRIDGE MEMORANDUM					2	4			\$ 201.82
	PRELIMINARY COST ESTIMATE					2				\$ 77.82
	BRIDGE TS&L DRAWING						8	16		\$ 641.12
	GEO TECH COORDINATION					2	1			\$ 108.82
	ROADWAY COORDINATION					1	2			\$ 100.91
	SUBMITTAL TO CITY AND MODOT						1			\$ 38.91
	QUALITY ASSURANCE	2								\$ 140.00
BRIDGE HYDRAULICS:										
	REQUEST FIS DATA				1					\$ 45.51
	NO-RISE CERTIFICATE				1					\$ 45.51
	FLOODPLAIN DEVELOPMENT PERMIT	1			2					\$ 161.02
	BRIDGE HYDRAULIC ANALYSIS		2	4			20			\$ 2,679.68
	BRIDGE SCOUR ANALYSIS				8		2			\$ 426.08
	BRIDGE HYDRAULICS REPORT	2	1		12					\$ 736.76
	MSD SUBMITTALS/RESPONSE				4					\$ 182.04
RIGHT-OF-WAY PLANS:										
	TITLE SHEET			0.5					1	\$ 40.37
	TYPICAL SECTIONS AND DETAILS			0.5					1	\$ 40.37
	RIGHT-OF-WAY PLAN/PROFILE SHEETS			2					6	\$ 207.72
	COORDINATE POINTS & REFERENCE POINTS SHEET			0.5					2	\$ 63.49
	DETERMINE ROW AND EASEMENT LIMITS & AREAS		0.5	2					4	\$ 186.80
	CROSS SECTIONS			1					3	\$ 103.86
	EASEMENT PLATS AND LEGAL DESCRIPTIONS (4 Parcels)		1	3					12	\$ 431.58
	COORDINATION MEETING WITH CITY		4	4						\$ 340.56
	SUBMITTALS TO CITY AND MODOT		0.5	1					2	\$ 106.06
	QC/QA		3	3					3	\$ 324.78
FINAL PLANS AND SPECIFICATIONS:										
ROADWAY:										
	SITE VISIT		3	3					1	\$ 255.42
	TITLE SHEET								1	\$ 23.12
	TYPICAL SECTIONS AND DETAILS			1					4	\$ 126.98
	SUMMARY OF QUANTITIES "A" SHEET			2					8	\$ 253.96
	SCHEDULE OF QUANTITIES "B" SHEETS			2					10	\$ 350.84
	PLAN AND PROFILE SHEETS		1	2					1	\$ 23.12
	COORDINATE POINTS & REFERENCE POINTS SHEET			2					4	\$ 186.80
	DRAINAGE ANALYSIS & DESIGN		0.5	2					4	\$ 126.98
	STORM SEWER PLAN			1					6	\$ 207.72
	STORM SEWER PROFILES			2					4	\$ 186.80
	SIDEWALK LAYOUT AND ADA DESIGN		0.5	2					2	\$ 80.74
	ENTRANCE DESIGN			1					8	\$ 279.28
	TRAFFIC CONTROL PLANS		0.5	2					3	\$ 103.86
	EROSION CONTROL			1					10	\$ 419.84
	CROSS SECTIONS		1	4					2	\$ 63.49
	ENTRANCE PROFILES			0.5					6	\$ 258.36
	GRADING PLAN		1	2					1	\$ 40.37
	CONSTRUCTION LIMITS			0.5					1	\$ 40.37
	COORDINATION WITH BRIDGE DESIGN		1	2					2	\$ 119.64
	GUARDRAIL			1					2	\$ 80.74

Agenda Item

10f

CITY PARKING LOT:									
RETAINING WALL DESIGN				1				4	\$ 126.98
HANDRAIL DESIGN	0.5			1				4	\$ 152.30
TRENCH DRAIN DESIGN	1			2				4	\$ 212.12
ADA SIDEWALK & PEDESTRIAN RAMPS	0.5			1				8	\$ 244.78
PARKING LOT GRADING	0.5			1				8	\$ 244.78
MSD COORDINATION	2			4				8	\$ 239.28
UTILITY COORDINATION	2			4				8	\$ 424.24
QUANTITIES	0.5			2				8	\$ 279.28
CONSTRUCTION COST ESTIMATE	0.5			3				2	\$ 175.06
SUBMITTAL TO CITY AND MODOT				2				2	\$ 115.24
COORDINATION MEETING WITH CITY	2			2					\$ 170.28
JOB SPECIAL PROVISIONS	2			8					\$ 377.28
SUBMITTAL TO MSD				1				2	\$ 80.74
QC/QA	4			4					\$ 340.56
BRIDGE DESIGN:									
SUPERSTRUCTURE									
SLAB						8	16		\$ 807.28
GIRDER						20	40		\$ 2,018.20
BEARINGS						2	4		\$ 201.82
CAMBER, HAUNCHING, BOS ELEV.						12	24		\$ 1,210.92
DRAINAGE SYSTEM						4	8		\$ 403.64
SUBSTRUCTURE									
END BENTS						32	16		\$ 1,741.12
SEISMIC									
NOT APPLICABLE									\$ -
MISCELLANEOUS									
COORDINATION WITH ROADWAY						2	2		\$ 139.82
BRIDGE RATING						8	8		\$ 559.28
SI&A						4	4		\$ 279.64
JOB SPECIAL PROVISIONS	2					4			\$ 295.64
BOILERPLATE SPECIFICATIONS	3					6			\$ 443.46
FINAL CONSTRUCTION COST ESTIMATE	2					1			\$ 178.91
QUANTITIES						16	16		\$ 1,118.56
SUBMITTAL TO CITY AND MODOT	0.5						2	2	\$ 146.14
BID DOCUMENTS	0.5						2	2	\$ 146.14
QUALITY ASSURANCE	4								\$ 280.00
BRIDGE PLANS:									
NO. SHEETS									
1 GENERAL PLAN AND ELEVATION						3		8	\$ 313.29
1 GENERAL NOTES AND ESTIMATED QUANTITIES						2		6	\$ 225.24
2 BORING LOGS						1		2	\$ 88.05
3 END BENT 1						20		40	\$ 1,761.00
3 END BENT 2						12		24	\$ 1,056.60
1 VERTICAL DRAIN AT END BENTS						1		2	\$ 88.05
1 PRECAST PRESTRESSED GIRDERS							3	8	\$ 289.56
1 PRECAST PRESTRESSED PANELS							3	8	\$ 289.56
1 SLAB PLAN AND TYPICAL SECTION							9	18	\$ 721.26
1 SLAB HAUNCHING, GIRDER CAMBER, AND ELEVATIONS							4	10	\$ 369.70
1 DRAINAGE DETAILS							2	4	\$ 160.28
3 SAFETY BARRIER CURB							6	18	\$ 628.26
2 PEDESTRIAN FENCE DETAILS							4	8	\$ 320.56
1 BRIDGE APPROACH SLAB							2	4	\$ 160.28
2 BILL OF REINFORCING STEEL							2	4	\$ 160.28
1 AS-BUILT FOUNDATION DATA							1	2	\$ 80.14
25 QUALITY ASSURANCE REVIEW	8								\$ 560.00
BIDDING:									
ANSWER RFI'S	2	2	4		4				\$ 534.92
SUBTOTAL HOURS									
	51	61	156.5	71	181	231	186	300	
SUBTOTAL COST									
	\$ 3,570.00	\$ 3,089.04	\$ 5,399.25	\$ 3,231.21	\$ 7,042.71	\$ 7,161.00	\$ 4,570.02	\$ 6,936.00	\$ 40,999.23
Payroll, General and Admin Overhead (Labor x 155.87%)									
									\$ 63,905.50
Fixed Fee [14.4% x (Labor + DL OH + G&A OH)]									
									\$ 15,106.28
Other Direct Costs:									
Travel (225 miles @ \$0.54/mile)									\$ 121.50
Reproduction									\$ 500.00
FIS Data									\$ 393.00
Subcontract Pass-Through Costs:									
Surveying (Millennia Professional Services)									\$ 6,705.03
Geotechnical (Millennia Professional Services)									\$ 10,273.23
Hazardous Materials Survey (Shannon & Wilson)									\$ 1,800.00
SUBTOTAL									
									\$ 19,792.76
TOTAL FOR DESIGN PHASE									
									\$ 199,803.77
Notes:									
ROW Acquisition NOT included.									



Millennia Professional Services

7413 Manchester Road, Maplewood (St. Louis), Missouri 63143 314-531-3981

January 25, 2016

Proposal No. 20160118

Mike Banasheck, PE, SE
Horner & Shifrin, Inc.
401 South 18th Street
Suite 400
St. Louis, Missouri 63103

Subject Proposal for Geotechnical and Surveying Services
Spring Meadows Bridge Replacement
Manchester, Missouri

Introduction Millennia Professional Services (MPS) is pleased to submit this proposal to perform a geotechnical study and provide surveying services for use in the design and construction of the proposed Spring Meadows Bridge replacement in Manchester, Missouri. Our understanding of the project is based on information provided by Horner & Shifrin, Inc. (H&S), along with our experience with similar projects and geologic settings.

Project Description The project site is located north of the intersection of Baxter Road and Spring Meadows Drive in Manchester. The project involves replacing the Spring Meadows Bridge over Grand Glaize Creek with a new structure. The current bridge is similar to a box culvert and has a span of approximately 30 feet.

The new bridge will be a single-span structure with a length of approximately 72 feet. The abutments will be supported by either steel H-piles or drilled shafts, depending upon the depth to bedrock. The road bed will be raised by no more than about two feet. The creek bank will be shaped to slope upward to the bridge abutments at a proposed inclination of 2.0H:1.0V.

Based on our experience with a nearby structure, it is likely that the bedrock surface will be encountered within about 20 feet of the ground surface. At that site, the bedrock was comprised of shale.

Geotechnical Study Purpose The purpose of the geotechnical study will be to obtain information concerning subsurface conditions at the site to form conclusions and make engineering recommendations for the following geotechnical considerations:

- A general geologic reconnaissance of the site to observe for geotechnical conditions that might affect the design, construction, and performance of the structure.
- Recommendations for driven steel H-piles if the bedrock surface is found to be relative deep, or drilled shafts if the bedrock is found to be relatively shallow (to be agreed upon with H&S). Recommendations will include capacity, anticipated bearing depths, and estimated settlement. MoDOT LRFD standards will be used in the development of the recommendations.
- Recommended engineering parameters for entry in the LPILE program for use in assessing lateral deflections and lateral load capacities for deep foundation elements.
- Recommended lateral earth pressures for use in abutment design, based on the general character of the subsurface materials.
- A general assessment of the stability of the proposed 2.0H:1.0V abutment slopes.
- The location and description of any potentially deleterious materials encountered at the boring locations that may interfere with construction progress or structure performance.
- The potential impact of groundwater on the design and construction of the structure.
- The suitability of the on-site materials for use as fill and backfill, including engineering criteria for the placement of those materials.
- Recommended observation, documentation and materials testing programs during construction of the structure.

Exploration MPS proposes an exploration program consisting of two borings, one near each of the planned abutment locations. Based on available information, MPS has assumed that approximately 20 feet of soil will be encountered, followed by 10 feet of rock core at both locations. If the bedrock is comprised of shale that is too soft and weathered for successful rock core sampling, then the boring will be continued using hollow stem augers and split-spoon sampling.

Split-spoon and Shelby tube samples will be recovered at the boring locations, as appropriate. Samples will be attempted at intervals of 2.5 feet in the upper 10 feet, and intervals of 5.0 feet thereafter. Hand penetrometer measurements will be taken on each cohesive sample in the field, and observations for the presence of groundwater will be documented for each boring location.

Laboratory Testing A program of laboratory testing will be performed on the samples collected at the site. Laboratory tests will include visual classification, natural moisture content, dry unit weight, and if appropriate, Atterberg limits and unconfined compressive strength on soil, and uniaxial compression testing on rock core samples. Experience has shown that at least three uniaxial compression tests per hole are needed to prevent unfavorable effects upon the coefficient of variability (MoDOT LRFD).

Surveying Services

MPS proposes to provide the following services in performing the requested professional surveying tasks:

1. Perform a boundary survey for the right-of-way surrounding the Spring Meadows Drive bridge over Grand Glaize Creek Creek, including deed and plat research, locating existing monumentation and set missing corners, field measurement of distances and angles, identify adjoining streets and property owners, show individual lot lines, lot block numbers, locator numbers, subdivision names, street names, etc. This service will meet or exceed the current Missouri Minimum Standards for a Boundary Survey.
2. Perform a topographic survey that includes: ground shots sufficient to create a contour map (TIN) of the property, visible improvements and features including; all concrete joints at curb ramps and entrances within survey limits, size and depth (if possible) of water mains, gas mains, buried tanks or septic tanks, fire hydrants, power and communications systems, sanitary and storm sewers, as well as the location of all trees within the scope limits. We will also provide two full sections of creek up to elevation 525, and establish the creek centerline profile for a minimum of 250 feet upstream and downstream of the bridge. This will also include setting three (3) site benchmark/control points for future reference that are established from Missouri State Plane Coordinate System and reference the NGVD88 vertical datum.
3. Prepare a drawing on 24"x36" paper at a 20-scale using MicroStation/ Geopak in accordance to MoDOT standards (levels, colors, symbols and text types to be provided). We will also provide field note copies, 3D TIN and contours along with preliminary and final submission of this product.
4. Prepare and seal up to four (4) legal descriptions of right-of-way or easements.

Assumptions and Clarifications

In preparing the scope of work or this proposal, MPS has made the following assumptions and clarifications:

1. The MPS drilling subcontractor will contact Missouri One Call for utility clearance at the boring locations. Private utilities, such as underground sprinkler systems or buried electric lines serving roadway or parking lot lights, must be marked by the property owners. MPS will adjust the boring locations as appropriate, but we are not responsible for utilities that are uncharted or mislocated.
2. MPS will mark the borings at locations to be agreed upon with H&S. The locations will not be staked by professional survey, and will therefore be approximate.
3. MPS understands that the City of Manchester will provide appropriate traffic control measures while the drill rig and crew are on site.
4. The borings will be drilled through the existing concrete pavement, and upon completion will be patched with premix concrete. The color and

texture of the concrete patch will not necessarily match that of the existing concrete pavement.

5. MPS will take reasonable precautions to minimize damage to grassy areas adjacent to the boring locations, we have not included budget to restore the site to original condition.
6. MPS crews are not union affiliated. If union crews are required, additional fees would apply.
7. The above-described surveying services do not include an ALTA/ACSM Land Title Survey, title report review, subdivision plat, research of existing easements other than noted in the title or subdivision plats, any site development plans, MoDOT submittals, concept drawings, permit application completion or attendance to City or County meetings.

Fees MPS's work will be performed on a time and expense basis in accordance with the attached Estimate of Cost. Based on our understanding of the project and the requested scope of work, and assuming no unusual subsurface conditions are encountered, the total estimated fee to complete the geotechnical and surveying work is **\$16,978.26.**

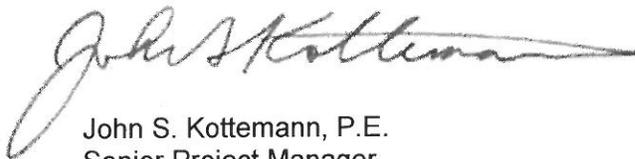
Schedule of Work MPS anticipates that field work could begin within 2 weeks of authorization to proceed, depending on drill rig availability and weather conditions. We anticipate that drilling and sampling will require no more than two days to complete. The geotechnical report of our findings and Items 1-3 of the surveying services will be issued within three weeks after the completion of the field work. Item 4 of the surveying services will be dependent upon the schedule for completion of the structure and civil design for the bridge structure.

Closing We will perform only those services outlined herein. Horner & Shifrin and MPS may subsequently agree in writing to provide additional services under this agreement for additional compensation. If this proposal is acceptable, please sign in the space provided and return one copy to us.

We appreciate this opportunity to be of service to you and would be pleased to discuss any aspect of this report with you at your convenience.

Sincerely,

Millennia Professional Services, Inc.



John S. Kottmann, P.E.
Senior Project Manager

Attachments:
Estimate of Cost
Statement of Terms & Conditions

ESTIMATE OF COST				
DESIGN PHASE	Hours	Rate (Salary Only)	Cost	
<i>Surveying</i>				
Registered Land Surveyor	41.0	\$38.90	\$1,594.90	
Survey Crew Member	40.0	\$18.10	\$724.00	
<i>Preliminary Design</i>				
Senior Project Manager	31.5	\$57.10	\$1,798.65	
Technician	24.0	\$22.40	\$537.60	
TOTAL LABOR	136.5		\$4,655.15	
Payroll Overhead (Est. at 76.24% X TOTAL LABOR)			\$3,549.09	
General and Admin. Overhead (Est. at 66.29% X TOTAL LABOR)			\$3,085.90	
TOTAL LABOR AND OVERHEAD			\$11,290.14	
Fixed Fee (15% X TOTAL LABOR AND OVERHEAD)			\$1,693.52	
TOTAL LABOR, OVERHEAD, AND FIXED FEE			\$12,983.66	
<i>Direct Costs</i>				
Travel, 7 trips @ 70 miles/trip X \$0.54/mile			\$264.60	
<i>Subcontract Pass-Through Costs</i>				
Drilling and Sampling - Bulldog Drilling (Not a DBE)			\$2,278.00	
Laboratory Testing - Geotechnology (Not a DBE)			\$1,452.00	
TOTAL DIRECT COSTS			\$3,994.60	
TOTAL FOR DESIGN PHASE			\$16,978.26	



ALASKA
CALIFORNIA
COLORADO
FLORIDA
MISSOURI
OREGON
WASHINGTON
WISCONSIN

January 20, 2016

Mr. Michael A. Banashek, PE, SE
Horner & Shifrin, Inc.
401 S. 18th St., Ste. 400
St. Louis, MO 63103-2296

**RE: PROPOSAL TO CONDUCT AN ASBESTOS AND LEAD-BASED PAINT
SURVEY OF THE SPRING MEADOWS DRIVE BRIDGE
MANCHESTER, MISSOURI**

Dear Mr. Banashek:

In accordance with your request, we are pleased to provide this proposal to conduct an asbestos and lead-based paint survey of the Spring Meadows Drive Bridge over Grand Glaize Creek in Manchester, MO.

The existing bridge span is to be replaced. Based on the information available to us provided by you, we understand that you wish to determine where asbestos-containing materials (ACM) and lead-based paint (LBP) is present on the bridge structure.

SCOPE OF SERVICES

Our survey will be conducted on the bridge structure. Our Scope of Services will include the following described in more detail below:

- Sample collection and documentation; and
- Laboratory analysis;
- Summary report ;
 - Summary of sampling activities,
 - Location and quantities of ACM and LBP found,
 - Photo-documentation of ACM and LBP.

Horner & Shifrin, Inc.
Mr. Michael A. Banashek
January 20, 2016
Page 2 of 4

SHANNON & WILSON, INC.

A Missouri-certified asbestos and lead inspector will inspect the bridge to identify and sample suspect ACM and LBP.

Suspect ACM will have three to nine separate bulk samples collected from each homogeneous area and analyzed for asbestos via EPA-compliant test method. Material with surface areas greater than 5000 square feet will require seven samples. The laboratory performing the analysis will be a third-party, AIHA-accredited laboratory. Samples will be analyzed sequentially from each homogeneous area in order to determine presence or absence of asbestos. Based on our current understanding of the structure, we anticipate collection of up to 9 samples.

The asbestos survey will be generally completed to the standards of an AHERA building inspection, but our efforts may not locate all potential ACM. This restriction is due to the nature of ACM occurrence, in that these materials often are found in a manner so that they are not readily visible or accessible without demolition/renovation of the structure. We will examine only those materials that are readily accessible. Additional ACM may be found during demolition/renovation of the structure.

Please note that the sampling activities described above are destructive and you should anticipate that some damage will occur. We will make no effort to fill, patch, or repair our sampling locations.

We assume that access to sampling locations on the bridge can be performed from the bridge deck or abutments and that no special equipment will be needed to access sampling locations.

REPORT

An inspection report will be prepared describing the work completed, the bulk samples collected, the rationale behind the sampling locations, condition of any ACM and LBP, and the bulk sampling locations. The report will include a table listing the samples collected, a description of the sampled material, and the laboratory analytical results. Copies of the laboratory accreditation, sampling chain-of-custody forms, inspector certifications, and other supporting documentation will be included along with the inspection report.

SHANNON & WILSON, INC.

Horner & Shifrin, Inc.
Mr. Michael A. Banashek
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SCHEDULE

Our present workload allows for completion of the asbestos field work at this location within 10 working days from receipt of notice-to-proceed. In general, analytical results are available within 5-7 days of submittal of the samples to the laboratory. Our report will be completed within five working days of receipt of the analytical data.

FEES, TERMS & CONDITIONS

Our fee for the ACM and LBP survey at the site, performed on a Lump Sum basis in accordance with the scope of services presented above, and the attached Standard General Terms and Conditions, is One Thousand Eight Hundred Dollars (\$1,800.00). This fee includes all reimbursable expenses and tasks up to and including submission of the report. Additional services, including phone consultations requested by the client, will be billed as per the rates set forth in the attached Standard Rate Schedule.

The terms and conditions under which our services are offered will be in accordance with the attached Standard General Terms and Conditions. Please sign and return one copy of this letter as confirmation of your authorization to proceed.

Please note that the contents of this proposal are confidential. If you have any questions or comments, or wish to revise the scope of our work, please call me. We look forward to working with you on this project and appreciate your confidence.

OUR SERVICE PROMISE TO YOU

Shannon & Wilson is dedicated to helping your project succeed and to making your experience with us a positive one. Our hope is that, if you enjoy working with us on this project, you will use our services on your next project! To that end, we want you to be completely satisfied with our performance, our personnel, and our project documentation. We encourage you to discuss any discrepancies between our service and your expectations with your project manager. If you still do not feel that we are delivering on our promise of quality service, we encourage you to take your concerns straight to our Saint Louis Office Manager, Tom Abkemeier. Tom's direct number is (314) 564-8109. Your project is important to us and we promise to do our best to deliver our services to your full satisfaction.

Horner & Shifrin, Inc.
Mr. Michael A. Banashek
January 20, 2016
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SHANNON & WILSON, INC.

Sincerely,

SHANNON & WILSON, INC.

Russell W. Schwab
Senior Associate

MAW:RWS/tad

Enc: Standard General Terms and Conditions
Standard Rate Schedule
Important Information About Your Geotechnical/Environmental Proposal



January 25, 2016

Kelly Hayes
 Horner & Shifrin, Inc.
 604 Pierce Boulevard, ste 300
 O'Fallon, IL 62269

Proposal for Spring Meadows Drive Materials Testing

City Design Group, Inc. (CDG) is pleased to provide this proposal for the materials testing services for Spring Meadows Drive. This proposal is being submitted as an estimated costs based on Unit Price Rates.

CDG Information:

CDG is a minority owned firm licensed to practice engineering in the states of Missouri and Illinois. CDG is committed to the concept of providing useful, qualified and practical DBE and Section 3 participation. We will provide trained and qualified personnel to perform the required materials testing and inspection services while contributing to your projects' MBE participation goals and/or requirements. A partial list of the services that CDG's Construction Materials Division can provide is as follows

Special Inspections and Material Testing Services:

City Design Group, Inc. provides the subsurface explorations and studies required to develop cost-effective foundation design parameters for residential, commercial, and industrial projects. Our services include:

- Soil Drilling
- Rock Drilling/Coring
- Pavement/Slab-on-Grade Coring
- Laboratory Testing of Soils
- Pavement Design
- Test Trenches/Pits
- Hand Augers
- Settlement Monitoring
- Site Grading Observations
- Forensic Evaluations

Laboratory Services:

- Compressive Strength Testing of Concrete, Grout, Mortar, and Masonry Units.
- Concrete Beam Modulus of Rupture (Flexural Strength)
- Concrete Mix Designs
- Verification Points for Mix Designs
- Moisture/Density Relationship of Soil
- Unit Weight and Moisture Content of Undisturbed Soil Samples
- Particle Size Analysis
- Lightweight Particle Content
- Aggregate Soundness Testing
- Absorption Testing of Aggregates and Masonry Units
- Laboratory Density of Asphalt
- Unit Weight and Air Void Analysis of Concrete and Masonry Units.
- Concrete Core Sample Length and Compressive Strength
- Mortar and Grout Mix Designs
- Unit Weight and Yield of Concrete
- Atterberg Limit Determinations
- Soil Classification
- Sieve Analysis of Aggregates
- Deleterious Material Content
- Shrinkage Testing of Concrete
- Specific Gravity Determination of Soils and Aggregates
- Extraction/Gradation Testing

Field Services:

- Field Testing for Slump, Air-Content and Temperature of Fresh Concrete During Placement
- Unit Weight and Yield of Fresh Concrete
- Aggregate Sampling and Testing
- Floor Flatness Testing with Floor Profiler
- Inplace Concrete Compressive Strength Analysis
- Inplace Density Testing of Asphalt by the Nuclear Method
- Geotechnical Investigations for Foundation Design Recommendations
- Footing/Foundation Inspection (Confirmation of Bearing Capacity)
- Post Tension Inspection
- Structural Steel Inspection
- Fireproofing Inspection: (Adhesion, Thickness, and Density)
- Concrete Slab Moisture Analysis
- Molding Test Specimens for Laboratory Compressive Strength Testing
- Lightweight Concrete Testing and Field Services
- Soil Sampling & Testing
- Early Age Strength Testing for Form Removal and Post Tensioning
- Inplace Density Testing of Soils by Nuclear, Tube and Sand Cone
- Inplace Density Testing of Base Aggregates
- Control of Engineered Fills and Grading Operations
- Deep Foundation Installation Inspection
- Steel Reinforcement Inspection
- Fabrication Shop Inspection
- Crack Monitoring
- Masonry Testing and Inspection

CDG Qualifications

City Design Group, Inc. (CDG) is in general compliance with ASTM E329.

City Design Group, Inc. Services:

The proposed fees are only an estimate of the services for concrete and soil testing and special inspection services with corresponding unit prices performed during the construction of this project:

Concrete Technician

1 pour at end bent 1	3 hours x \$40	= \$ 120.00
1 pour at end bent 2	3 hours x \$40	= \$ 120.00
Deck pour	6 hours x \$40	= \$ 240.00
2 barrier curb pours	6 hours x \$40	= \$ 240.00
Cylinder Pickup	4 x 2 hours x \$40	= \$ 320.00
Cylinders	42 cylinders x \$9	= \$ 378.00

Soil Technician

Testing on subgrade at each approach	4 hours x \$40	= \$ 160.00
Nuclear Density Gauge	1 day x \$35	= \$ 35.00

Mileage	9 trips x \$26.00/trip	= \$ 234.00
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Total Estimated Cost		= \$1,847.00
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Scope of Work:

CDG will perform the field services on an estimated cost based on Unit Price Rates. Qualified field personnel will be assigned to the project on an "as needed" basis. Laboratory personnel will perform the required testing procedures in strict accordance with the applicable ASTM standards.

All testing and inspection apparatus will be calibrated and maintained. We will provide the requested construction materials testing and inspection services on a unit rate basis in accordance with the attached Schedule of Fees. Any costs over the *Estimated Costs as shown will be charged to the general contractor per the unit prices shown. Services required, but not listed on the schedule, will be quoted upon your request.

Summary and Authorization:

CDG will start the work based upon your authorization, please sign and return one copy of this proposal so your file can be properly established. Alternatively, CDG will perform the services pursuant to a written contract/purchase order issued. We look forward to a favorable review of this proposal. If you have questions or would like to discuss this proposal further, please contact the undersigned at your earliest convenience.

Respectfully Submitted:

Eliza Simington, COO

Accepted By: _____

Title: _____

Company: _____

Acceptance Date: _____



QUIGG ENGINEERING INC

2351 S. Dirksen Parkway ▪ Springfield, IL 62703
Phone: 217-670-0563 ▪ Fax: 217-679-2204
URL: www.quiggengineering.com

Price Proposal for Construction Management Services for the Spring Meadows Drive Bridge Replacement over Grand Glaize Creek

City of Manchester, Missouri

Reference STP-5500 (683)

Qualifications

Quigg Engineering Inc. is a certified DBE in Missouri and is prequalified to perform engineering services with the Missouri Department of Transportation (MoDOT). Quigg is a full service engineering firm with a primary focus in transportation. Quigg has personnel who have performed construction inspection for several different clients including MoDOT. This work includes bridge construction inspection.

Scope

We understand that the Spring Meadows Drive Bridge will be replaced with a new structure. Our scope includes providing one person to perform construction inspection services to verify the contractor is meeting the intent of the contract drawings and specifications.

Schedule

Work will begin in 2017 and scheduled to last eight weeks. We will be at the site once per week for approximately 2-4 hours.

Budget

The budget is based upon supplying one inspector for an average of 3 hours per week plus mileage. Our maximum fee for this work is \$2200.00.

Vice President of Operations

Todd A. Welz, PE

ATTACHMENT B

Breakdown of Overhead Rates



105 West Capitol Avenue
P.O. Box 270
Jefferson City, Missouri 65102

Missouri Department of Transportation
Roberta Broeker, Interim Director

573.751.2551
Fax: 573.751.6555
1.888.ASK MODOT (275.6636)

May 18, 2015

Ms. Linda R. Hopkins
Horner & Shifrin, Inc.
401 S. 18th Street, Suite 400
St. Louis, MO 63103

Dear Ms. Hopkins:

Thank you for submitting your company's annual financial pre-qualification documents. MoDOT's Audits and Investigations Division has completed the review. Horner & Shifrin, Inc. will be added to the Approved Consultant Pre-qualification List. To view this list, go to www.modot.gov scroll down the page to Consultant Services under the More Links – select Consultant Pre-qualification Requirements – select Approved Consultant Pre-qualification List.

When Horner & Shifrin, Inc. enters into a standard contract with MoDOT the overhead rate of 155.87% should be used as a provisional rate until such time as a Federal Acquisition Regulation (FAR) audited overhead rate may become available or a revised financial pre-qualification rate is in effect. Please note this letter is not the result of a MoDOT audit or cognizant review.

All companies must submit the required pre-qualification information annually using the most current forms and formats found on the Consultant Pre-qualification Requirements webpage.

If you have any questions, please call (573) 751-7446.

Respectfully,

Kelly R. Niekamp
Audit Manager
Audits and Investigations

cc: Mary Ann Jacobs-de



Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.

www.modot.org

Horner & Shifrin, Inc.						
Statement of Direct Labor, Fringe Benefits, and General Overhead						
For the Year Ended 12/31/2014						
Account Number & Description	General Ledger Account Balance	Direct Costs	Disallowed Costs		Proposed Company Wide	% of Direct Labor
DIRECT LABOR	3,943,658	3,943,658	9,309	q	3,934,349	
INDIRECT COSTS:						
FRINGE BENEFITS						
6010 Vacation, Holiday, Paid Leave	590,403				590,403	15.01%
6050 Bonus - Employees	134,600				134,600	3.42%
6060 Bonus - Officers & Assoc.	287,300				287,300	7.30%
6110 FICA & Medicare	474,200				474,200	12.05%
6120 MO State Unemployment Ins	18,567				18,567	0.47%
6121 IL State Unemployment Ins	5,940				5,940	0.15%
6130 Federal Unemployment Ins	9,094				9,094	0.23%
6140 Workmen's Comp Ins	9,403				9,403	0.24%
6150 STL Payroll Expense Tax	19,910				19,910	0.51%
6200 ESOP	378,600				378,600	9.62%
6330 Empl. Life & Health Premiums	494,009				494,009	12.56%
TOTAL FRINGE BENEFITS	2,422,024	-	-		2,422,024	61.56%
GENERAL OVERHEAD						
5100 Reimb. Consultants	2,581,890	2,581,890			-	0.00%
5220 Reimb. Reproduction	3,042	3,042			-	0.00%
5240 Reimb. Telephone	486	486			-	0.00%
5250 Reimb. Travel/Meals/Lodging	27,202	27,202			-	0.00%
5330 Reimb. Other	52,159	52,159			-	0.00%
5400 Direct Consultants	33,031	33,031			-	0.00%
5550 Direct Travel/Meals/Lodging	109	109			-	0.00%
5630 Direct Other	90	90			-	0.00%
6010 Salaries (Indirect Only)	1,637,749		26,343	c	1,611,406	40.96%
6013 Supplemental STD	1,983				1,983	0.05%
6030 Overtime	174,871		3,426	q	171,445	4.36%
6064 TWS SRP	64,125				64,125	1.63%
6066 WPC SRP	92,444				92,444	2.35%
6067 AMM SEVERENCE	75,900				75,900	1.93%
6310 Co. Sponsored Activities	27,684		2,924	j,p	24,760	0.63%
6311 H&S Bucks	2,369				2,369	0.06%
6312 Activities Committee	17,059		16,309	j, p	750	0.02%
6400 Reproduction Supplies	690				690	0.02%
6520 Office Supplies	34,177				34,177	0.87%
6530 Engr. & Drafting Supplies	2,834				2,834	0.07%
6540 Surveying - Supplies	9,167				9,167	0.23%
6541 Surveying - Equipment Maintenance	6,265				6,265	0.16%
6550 Marketing	40,793		12,678	b,d,e	28,115	0.71%
6610 General Admin. Travel/Mileage/Parking	64,081		11,150	g	52,931	1.35%
6620 Educational - General	8,030				8,030	0.20%
6621 Training - Administration	999				999	0.03%
6622 Training - Land Surveying	640				640	0.02%
6623 Training - Electrical	159				159	0.00%
6624 Training - Environmental	8,073				8,073	0.21%
6625 Training - Marketing	602				602	0.02%
6627 Training - Structural	3,255				3,255	0.08%
6628 Training - Constr. Admin.	390				390	0.01%
6629 Training - Transportation	5,041				5,041	0.13%
6630 Professional Development Costs	55,295		19,565	j	35,730	0.91%
6650 Consulting Fees	67,994				67,994	1.73%
6750 Outside Reproduction	766				766	0.02%
6760 Large Format - Lease Cost	25,725	4,373			21,352	0.54%
6761 Large Format - Maintenance Cost	2,400	408			1,992	0.05%
6762 Large Format - Supply Cost	5,970	1,015			4,955	0.13%
6770 Copier/Printer - Lease Cost	30,990	5,268			25,722	0.65%
6771 Copier/Printer - Maintenance Cost	15,948	2,711			13,237	0.34%
6772 Copier/Printer - Supply Cost	15,608	2,653			12,955	0.33%
6800 Telephone	32,429				32,429	0.82%
6810 Cell Phones	38,767				38,767	0.99%
6910 Auto Repairs & Maint.	10,335				10,335	0.26%
6920 Building & Equipment	52,498				52,498	1.33%
7000 Legal and Accounting	62,037		40,874	f	21,163	0.54%
7110 Utilities	49,850				49,850	1.27%
7120 Postage & Delivery	7,516				7,516	0.19%
7130 Lunch Room	4,661				4,661	0.12%
7140 Miscellaneous Charges	95,871		28,876	h,k,l,m,n	66,995	1.70%
7150 Professional Card Listing	10,640		10,640	a	-	0.00%
7300 Rent	323,764				323,764	8.23%
7500 Leased Equipment	97,628				97,628	2.48%
7750 Outside Labor	1,161				1,161	0.03%
7210 Professional Organizations	33,068		1,900	n	31,168	0.79%
7220 P.E. Registration	3,122				3,122	0.08%

Horner & Shifrin, Inc.						
Statement of Direct Labor, Fringe Benefits, and General Overhead						
For the Year Ended 12/31/2014						
Account Number & Description	General Ledger Account Balance	Direct Costs	Disallowed Costs		Proposed Company Wide	% of Direct Labor
7230 Technical Publications	326				326	0.01%
7240 Non-Tech. Publications	(56)				(56)	0.00%
7410 Auto Insurance	10,673				10,673	0.27%
7420 Professional Liability	109,199				109,199	2.78%
7430 Other Insurance	18,053				18,053	0.46%
7610 Personal Property	9,305				9,305	0.24%
7620 Real Estate Tax	831				831	0.02%
7630 Income Tax - State - Local	2,164				2,164	0.06%
7640 State & Local Licenses	6,765				6,765	0.17%
7660 Other Taxes	319				319	0.01%
7701 Computer - Repro/misc	133				133	0.00%
7702 Computer - Hardware/repair	127,340	31,835			95,505	2.43%
7703 Computer - Computer software	272,036	127,763			144,273	3.67%
7704 Computer - Comm/Infrastructure	79,504				79,504	2.02%
7705 Computer - Training	10,011				10,011	0.25%
7799 Amortization of Goodwill	946		946	o	-	0.00%
7800 Amort. & Depreciation	107,625	16,365			91,260	2.32%
TOTAL GENERAL OVERHEAD	6,776,610	2,890,401	175,631		3,710,578	94.31%
TOTAL INDIRECT COSTS & OVERHEAD RATE	9,198,633	2,890,401	175,631		6,132,602	155.87%
FAR References and Notes						
a	31.205-1 & 31.205-38(b)(1) Advertising					
b	31.205-1(f)(2) Trade Show Expenses					
c	31.205-1(f)(2) Trade Show Labor					
d	31.205-1(f)(5) Brochures and Other Promotional Material					
e	31.205-1(d)(2) Souvenirs/imprinted Clothing Provided to Public					
f	31.205-3 Collection Costs					
g	31.205-6(m)(2) Personal Use of Company Vehicles					
h	31.205-8 & 31.205-1(e)(3) Contributions or Donations					
i	31.205-13(b) Employee Gifts and Recreation					
j	31.205-14 Social Activities					
k	31.205-15(a) Fines, Penalties, and Mischarging Costs Related to Violation of Laws					
l	31.205-19 Costs to Correct Defects in Materials and Workmanship					
m	31.205-20 Interest Expense					
n	31.205-22 Lobbying and Political Activity Costs.					
o	31.205-49 Goodwill					
p	31.205-51 Alcoholic Beverages					
q	Premium portion of overtime					

ATTACHMENT C

**CERTIFICATION REGARDING DEBARMENT,
SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -
PRIMARY COVERED TRANSACTIONS**

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," "proposal" and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transaction" provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to check the Nonprocurement List at the Excluded Parties List System.
<https://www.epls.gov/epls/search.do?page=A&status=current&agency=69#A>.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters -Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ATTACHMENT D

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION--LOWER TIER COVERED TRANSACTIONS

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List at the Excluded Parties List System.
<https://www.epls.gov/epls/search.do?page=A&status=current&agency=69#A>.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended,

debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Attachment E
Disadvantage Business Enterprise Contract Provisions

1. Policy: It is the policy of the U.S. Department of Transportation and the Local Agency that businesses owned by socially and economically disadvantaged individuals (DBE's) as defined in 49 C.F.R. Part 26 have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. Thus, the requirements of 49 C.F.R. Part 26 and Section 1101(b) of the Transportation Equity Act for the 21st Century (TEA-21) apply to this Agreement.

2. Obligation of the Engineer to DBE's: The Engineer agrees to assure that DBEs have the maximum opportunity to participate in the performance of this Agreement and any subconsultant agreement financed in whole or in part with federal funds. In this regard the Engineer shall take all necessary and reasonable steps to assure that DBEs have the maximum opportunity to compete for and perform services. The Engineer shall not discriminate on the basis of race, color, religion, creed, disability, sex, age, or national origin in the performance of this Agreement or in the award of any subsequent subconsultant agreement.

3. Geographic Area for Solicitation of DBEs: The Engineer shall seek DBEs in the same geographic area in which the solicitation for other subconsultants is made. If the Engineer cannot meet the DBE goal using DBEs from that geographic area, the Engineer shall, as a part of the effort to meet the goal, expand the search to a reasonably wider geographic area.

4. Determination of Participation Toward Meeting the DBE Goal: DBE participation shall be counted toward meeting the goal as follows:

A. Once a firm is determined to be a certified DBE, the total dollar value of the subconsultant agreement awarded to that DBE is counted toward the DBE goal set forth above.

B. The Engineer may count toward the DBE goal a portion of the total dollar value of a subconsultant agreement with a joint venture eligible under the DBE standards, equal to the percentage of the ownership and control of the DBE partner in the joint venture.

C. The Engineer may count toward the DBE goal expenditures to DBEs who perform a commercially useful function in the completion of services required in this Agreement. A DBE is considered to perform a commercially useful function when the DBE is responsible for the execution of a distinct element of the services specified in the Agreement and the carrying out of those responsibilities by actually performing, managing and supervising the services involved and providing the desired product.

D. A Engineer may count toward the DBE goal its expenditures to DBE firms consisting of fees or commissions charged for providing a bona fide service, such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for the performance of this Agreement, provided that the fee or commission is determined by MoDOT's External Civil Rights Division to be reasonable and not excessive as compared with fees customarily allowed for similar services.

E. The Engineer is encouraged to use the services of banks owned and controlled by socially and economically disadvantaged individuals.

5. Replacement of DBE Subconsultants: The Engineer shall make good faith efforts to replace a DBE Subconsultant, who is unable to perform satisfactorily, with another DBE Subconsultant. Replacement firms must be approved by MoDOT's External Civil Rights Division.

6. Verification of DBE Participation: Prior to final payment by the Local Agency, the Engineer shall file a list with the Local Agency showing the DBEs used and the services performed. The list shall show the actual dollar amount paid to each DBE that is applicable to the percentage participation established in this Agreement. Failure on the part of the Engineer to achieve the DBE participation specified in this Agreement may result in sanctions being imposed on the Commission for noncompliance with 49 C.F.R. Part 26 and/or Section 1101(b) of TEA-21. If the total DBE participation is less than the goal amount stated by the MoDOT's External Civil Rights Division, liquidated damages may be assessed to the Engineer.

Therefore, in order to liquidate such damages, the monetary difference between the amount of the DBE goal dollar amount and the amount actually paid to the DBEs for performing a commercially useful function will be deducted from the Engineer's payments as liquidated damages. If this Agreement is awarded with less than the goal amount stated above by MoDOT's External Civil Rights Division, that lesser amount shall become the goal amount and shall be used to determine liquidated damages. No such deduction will be made when, for reasons beyond the control of the Engineer, the DBE goal amount is not met.

7. Documentation of Good Faith Efforts to Meet the DBE Goal: The Agreement goal is established by MoDOT's External Civil Rights Division. The Engineer must document the good faith efforts it made to achieve that DBE goal, if the agreed percentage specified is less than the percentage stated. The Good Faith Efforts documentation shall illustrate reasonable efforts to obtain DBE Participation. Good faith efforts to meet this DBE goal amount may include such items as, but are not limited to, the following:

- A. Attended a meeting scheduled by the Department to inform DBEs of contracting or consulting opportunities.
- B. Advertised in general circulation trade association and socially and economically disadvantaged business directed media concerning DBE subcontracting opportunities.
- C. Provided written notices to a reasonable number of specific DBEs that their interest in a subconsultant agreement is solicited in sufficient time to allow the DBEs to participate effectively.
- D. Followed up on initial solicitations of interest by contacting DBEs to determine with certainty whether the DBEs were interested in subconsulting work for this Agreement.
- E. Selected portions of the services to be performed by DBEs in order to increase the likelihood of meeting the DBE goal (including, where appropriate, breaking down subconsultant agreements into economically feasible units to facilitate DBE participation).
- F. Provided interested DBEs with adequate information about plans, specifications and requirements of this Agreement.
- G. Negotiated in good faith with interested DBEs, and not rejecting DBEs as unqualified without sound reasons, based on a thorough investigation of their capabilities.
- H. Made efforts to assist interested DBEs in obtaining any bonding, lines of credit or insurance required by the Commission or by the Engineer.
- I. Made effective use of the services of available disadvantaged business organizations, minority contractors' groups, disadvantaged business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBE firms.

8. Good Faith Efforts to Obtain DBE Participation: If the Engineer's agreed DBE goal amount as specified is less than the established DBE goal given, then the Engineer certifies that good faith efforts were taken by Engineer in an attempt to obtain the level of DBE participation set by MoDOT's External Civil Rights.

Attachment F – Fig. 136.4.15
Conflict of Interest Disclosure Form for LPA/Consultants
Local Federal-aid Transportation Projects

Firm Name (Consultant): Horner & Shifrin, Inc.

Project Owner (LPA): City of Manchester, Missouri

Project Name: Spring Meadows Drive Bridge over Grand Glaize Creek

Project Number: STP-5500(683)

As the LPA and/or consultant for the above local federal-aid transportation project, I have:

1. Reviewed the conflict of interest information found in Missouri’s Local Public Agency Manual (EPG 136.4)
2. Reviewed the Conflict of Interest laws, including 23 CFR § 1.33, 49 CFR 18.36.

And, to the best of my knowledge, determined that, for myself, any owner, partner or employee, with my firm or any of my sub-consulting firms providing services for this project, including family members and personal interests of the above persons, there are:

No real or potential conflicts of interest
If no conflicts have been identified, complete and sign this form and submit to LPA

Real conflicts of interest or the potential for conflicts of interest
If a real or potential conflict has been identified, describe on an attached sheet the nature of the conflict, and provide a detailed description of Consultant’s proposed mitigation measures (if possible). Complete and sign this form and send it, along with all attachments, to the appropriate MoDOT District Representative, along with the executed engineering services contract.

LPA

Consultant

Printed Name: _____

Printed Name: MICHAEL BANASHEK

Signature: _____

Signature: Michael Banashek

Date: _____

Date: 1/29/16