

CONTRACT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF COLE CAMP, MISSOURI
AND
PGAV PLANNERS, LLC

THIS AGREEMENT is entered into on the date and by execution shown hereafter, by and between the City of Cole Camp, Missouri (hereinafter referred to as the “Client”) and PGAV Planners, LLC, (hereinafter referred to as “PGAV” or “Consultant”).

WITNESSETH:

Whereas, the Client is interested in acquiring urban planning services to assist in the development of a Comprehensive Plan; and

Whereas, PGAV has experience in producing Comprehensive Plans;

Now, Therefore, the parties hereto do mutually agree as follows:

I. SCOPE OF WORK

PGAV will provide the services as outlined in the Scope of Work incorporated herein and attached hereto as **Exhibit A: Comprehensive Plan Scope of Services** and **Exhibit B: Zoning Ordinance Scope of Services**.

II. INFORMATION TO BE PROVIDED OR TASKS TO BE UNDERTAKEN BY THE CLIENT

The Client will provide to PGAV available data or perform certain activities as follows:

- A. Certain GIS data and coordination with your GIS staff for the purposes of map production;
- B. Copies of previous plans;
- C. Contact information and introductions to stakeholders and those who may be members of the Steering Committee; and
- D. Designation of a person to act as PGAV’s primary interface with the Client and designation of any entity which is to be PGAV’s ongoing interface or “sounding board” for the duration of the project.

III. TIMING OF PERFORMANCE

The work on all tasks as provided for herein will begin upon execution of this agreement (which shall constitute “notice to proceed” unless otherwise provided in written or electronic form by the Client) and will be conducted based on a mutually agreed upon schedule and as generally discussed in **Exhibit A** and **Exhibit B**. Pursuant to conversations with the Client, we anticipate that the completion of the work will take approximately four-to-six months from the date of contract approval.

IV. COMPENSATION AND METHOD OF PAYMENT

The fee for the Scope of Work as outlined in **Exhibit A** and **Exhibit B** to this Agreement will be as stated below. All fees as stated are exclusive of reimbursable expenses which are defined below.

The work tasks associated with **Exhibit A: Comprehensive Plan Scope of Services** will be conducted for a lump-sum fee amount of **\$50,000**, inclusive of reimbursable expenses. Invoices will be submitted on a monthly basis in accordance with the percentage of work completed.

The work tasks associated with **Exhibit B: Zoning Ordinance Scope of Services** will be conducted for a lump-sum fee amount of **\$30,000**, inclusive of reimbursable expenses. Invoices will be submitted on a monthly basis in accordance with the percentage of work completed.

Reimbursable expenses will consist of reasonable expenses (if necessary and approved by the Client in advance), local mileage, long distance telephone charges, express delivery charges, photographic expenses, the cost of printing or other reproduction of documents, fees or charges for documents owned by others, and other “out-of-pocket” expenses required to provide the services described. Reimbursable expenses will be covered by the lump-sum fee and managed by PGAV.

V. TERMINATION OF AGREEMENT

If for any reason the Client determines that the work should be terminated, the Client will inform PGAV in writing that it wishes to terminate this agreement. The date of said termination shall occur upon receipt of the written notice of termination by PGAV via the U.S. Postal Service or facsimile (followed by receipt of an original signature copy). The Client will pay PGAV an amount representing the work performed to the date of termination, plus any expenses which have been incurred by PGAV to that date. PGAV shall turn over any work performed on the project prior to termination to the Client.

VI. PROJECT STAFFING, MANAGEMENT & SUBCONSULTANTS

- A. PGAV hereby agrees to provide the qualified professional, technical, and clerical staff available within the firm to conduct the work in accordance with the tasks as outlined in **Exhibit A** and **Exhibit B** of this Agreement.
- B. If, in the opinion of PGAV and the Client, a particular task requires specialized expertise not available within the staff of PGAV, the accomplishment of such task may be achieved through subcontract with firms or individuals subject to prior approval by the Client. Fees associated with such subcontracting shall be covered by the project lump-sum fee and managed by PGAV.

VII. OWNERSHIP OF DOCUMENTS

PGAV agrees that any and all digital mapping, reports or technical memorandums prepared, and conclusions reached hereunder, are for the information of the Client and that neither PGAV nor any member of the PGAV staff will disclose any of the same with any person whatsoever, other than the Client or their authorized representatives, except when called upon to testify in relation to such report or conclusion under oath in a judicial forum, or as may be otherwise required by law. If such exception is triggered, PGAV shall notify the Client. Except to the extent that documents, reports or other information are prepared under the provisions of this agreement and submitted to municipalities or other public entities wherein they become subject to Federal or State “sunshine law” provisions, the Client will have sole ownership of all reports, maps, electronically stored data, etc. prepared under this contract, including rights of copying and distribution.

IN WITNESS WHEREOF, the Parties hereto have caused this Contract to be executed this _____ day of _____, 2023.

ATTEST:

THE CITY OF COLE CAMP, MISSOURI

ATTEST:

PGAV PLANNERS, LLC


Andy Struckhoff
President

EXHIBIT A

COMPREHENSIVE PLAN SCOPE OF SERVICES

The scope of this project is to produce a Comprehensive Plan to direct the future growth and development of Cole Camp, Missouri. The Plan will provide goals and implementation actions and strategies.

A. PUBLIC ENGAGEMENT PROCESS

An essential part in establishing the comprehensive plan for the City is identifying and engaging the stakeholder groups that need to be addressed specifically (in addition to the general public) and then creating the will and enthusiasm to gain genuine and useful input at key stages of the comprehensive planning process. In discussions with City staff, PGAV will identify individual stakeholders and stakeholder groups for inclusion in this process.

We see the Comprehensive Plan process as an opportunity to engage these entities, the business community, and the residents in the process of creating a plan that is truly reflective of Cole Camp's needs. This opportunity provides an ability to create ownership among the stakeholder groups and residents of the City to generate support, not only for the plan, but also for City leadership.

1. Engagement Strategies

PGAV, in conjunction with City staff, will create a public engagement strategy describing the core principles, objectives, and key results for engagement. PGAV will also work with City leadership to identify members of a Steering Committee. The Steering Committee will be our sounding board and will provide direction to PGAV throughout the process.

B. PROJECT KICK-OFF & REVIEW OF BACKGROUND DOCUMENTS AND DATA

1. Project Kick-Off Meeting

PGAV will meet with the Steering Committee to introduce the project team, review the scope of work for the project, project deliverables, and anticipated project timeline and meeting schedule.

2. Inventory of Existing Data

PGAV will compile an inventory of the existing data about the City (i.e. GIS mapping data, related information regarding land use, property conditions, property valuation, etc.). PGAV will then

identify any gaps in data that may be needed or desired. PGAV will then consult with City staff to determine what information is available and how it may be acquired. If data is needed, PGAV will conduct site specific, or city-wide surveys of property(s) with missing data to be used as part of the comprehensive planning process.

C. UPDATE OF EXISTING LAND USES

PGAV will conduct field reconnaissance to confirm land uses. This review can be accomplished within a day in the field.

PGAV will create an updated map of existing land uses that will act as an initial product of this effort. It is intended that this task will involve conducting an in-field verification of the data in areas of the City that are considered out of date or missing information. PGAV staff, in conjunction with City staff, will determine the categorization of land uses to be used in conducting this task; however, we suggest that a level of defined uses for commercial, industrial, and residential should include the following:

- single-family residential;
- two-family residential;
- multi-family residential;
- retail commercial;
- office commercial;
- service commercial;
- mixed-commercial (typically strip commercial developments that include a combination of the above);
- industrial (divided into light and heavy commercial to distinguish between those industrial use);
- public and semi-public facilities (such as transportation support, utilities, schools); and
- parks and recreation (either private or public).

In addition to GIS data and map production, PGAV will include a written analysis of existing land use patterns and trends that can be incorporated into the Comprehensive Plan document. Initially this document would be delivered to the City staff for review and discussion with PGAV project staff.

D. DEMOGRAPHIC and MARKET ANALYSIS

1. Demographic Analysis

PGAV proposes this task to be a “trend analysis” that can provide a picture of where the City is headed and what might happen in the absence of a planned future. It also provides a baseline with which to compare alternative planning and design concepts and future scenarios. This task along

with the land use data collected in Task C will provide the basis for PGAV's effort to formulate scenarios for the City's development in the future. Having completed economic and market analysis assignments for hundreds of cities throughout the U.S., our team is experienced in understanding the dynamics of demographic data that can be used to identify emerging trends, and determine what the local population can support and how it might point to strategies for promoting future growth and development.

This task will include gathering and analyzing the demographic data from the US Census and other data sources. PGAV will gather and review demographic data including, but not necessarily limited to:

- Population trends (overall population as well as other sub-group information such as age, sex, race, veteran, etc.);
- Household and household composition;
- Housing (type, value, age, etc.);
- Educational attainment;
- Employment and commuting patterns; and,
- Income.

2. Market Analysis

Using the U.S. Census and subscription data sources including Esri, and cellphone location data, an analysis of existing conditions and trends within the City of Cole Camp and the larger market area will be conducted. These resources can provide a picture of economic activity that goes beyond the Census data that may be available. PGAV will use the data to inform economic development strategies formulated through the planning process and to recommend targeted business types and uses related to these industries and others.

Following collection and analysis of this data, PGAV will prepare a written analysis with appropriate text, tables and graphics that summarize the information for review by City leadership. This document will serve as a basis for the text of this component of the Comprehensive Plan.

E. LAND USE SCENARIOS

To reflect the findings from the market and demographic analyses, PGAV will use scenario modeling to both quantitatively and qualitatively illustrate the potential impact of development within the City. PGAV will illustrate the impacts of up to three (3) scenarios.

I. DRAFT COMPREHENSIVE PLAN

PGAV proposes to develop a draft Comprehensive Plan document consisting of the following sections:

- Description of the Comprehensive Plan Process
- Community Development History
- Economic and Demographic Factors
- Current Land Use
- Goals and Objectives
- The Strategic Plan
- Future land use
- Infrastructure improvements
- Transportation improvements
- Economic Development Opportunities (general types: industrial, commercial, retail, tourism, and subcategories of general types such as manufacturing, warehousing, downtown retail, highway commercial, hospitality, etc.)

J. IMPLEMENTATION RECOMMENDATIONS

Following preparation of these draft Comprehensive Plan elements, PGAV will prepare a compiled Plan document with appropriate text, tables, and graphics that represents the draft Comprehensive Plan. Implementation recommendations shall provide the steps for implementing goals of the Comprehensive Plan including, but not limited to, a marketing plan for implementing the economic development recommendations. This document can be designed in a variety of formats that enhance readability and will use color graphics and mapping. PGAV will consult with City staff on the various formatting options for creating this document.

K. SECOND SERIES ENGAGEMENT SESSIONS

We propose to conduct a second series of engagement sessions upon delivery of the Draft Comprehensive Plan. We envision these to begin with a short presentation (a sort of “executive summary” of the Comprehensive Plan) followed by discussion with each group.

L. IMPLEMENTATION STRATEGIES

This task identifies the specific actions involved in implementing the recommendations of the Comprehensive Plan, determines a priority, and establishes primary and secondary responsibilities to the City or supporting entities to accomplish the identified action. The implementation strategies shall be rooted in the underlying data and analysis but provide flexibility to allow the City to pursue opportunities as they are presented.

M. FINAL COMPREHENSIVE PLAN AND EXECUTIVE SUMMARY

The draft Comprehensive Plan document will be revised based on the input received from the second series of engagement sessions, review and discussion with City staff, and presentation to the elected officials. An Executive Summary of the Comprehensive Plan will be created in the form of a PowerPoint presentation that can be printed for distribution following plan adoption and will also be used to conduct this meeting. The final version of the Comprehensive Plan, along with the Executive Summary, will be posted to the website and presented at a public hearing to be held by the Planning and Zoning Commission in accord with the provisions of State law.

N. PUBLIC HEARING AND ADOPTION

PGAV will assist the City staff in presenting the Comprehensive Plan at a public hearing to be held in accord with the provisions of RSMo Chapter 89, Section 89.360.

O. FINAL DOCUMENTS/DELIVERABLES

Following the public hearing PGAV will make any revisions or corrections to the Comprehensive Plan document as may result from that task and will provide the City with the deliverables as follows:

- 20 bound copies of the document printed in color;
- 20 copies of the Executive Summary also in color;
- 1 unbound original of the Comprehensive Plan documents;
- A digital version of the document using Microsoft Office software along with a digital version of the Comprehensive Plan in PDF format suitable for posting on the City's website and for download; and
- A digital version of the underlying data analyzed and the maps created.

EXHIBIT B

ZONING ORDINANCE SCOPE OF SERVICES

PHASE I – Information Gathering and Fact Finding

A. Draft Ordinance Construction

Using digital copies of the ordinance provided by the City in Word format, PGAV will develop a draft Zoning Ordinance document specifically, but not necessarily limited to, the following considerations:

1. Using digital copies of each of the ordinances provided by the City in Word or RTF formats, PGAV PLANNERS will annotate the Zoning and Subdivision Ordinance documents specifically, but not necessarily limited to, the following considerations:
 - a. Ordinance text needing clarification;
 - b. Ordinance language that should be edited to deal with issues/problems identified by City staff and/or deemed appropriate by PGAV;
 - c. Additional uses that should be considered for inclusion as "permitted" or "special" in the district regulations;
 - d. Existing "permitted" or "special" uses that should be omitted from the district regulations for reasons of obsolescence or inappropriateness for a particular district;
 - e. Development standards that should be considered for modification;
 - f. Critique of procedural requirements;
 - g. Conflicts in cross references; and
 - h. Other issues relating to the technical or legal aspects of the Ordinances.
2. Note any provisions, or lack thereof, which may cause the existing ordinance not to be in compliance with State, Federal, or recent case law.
3. Highlight words in Ordinance text that should be included in the definitions' article. Also, review existing definitions for ambiguities and identify new vocabulary that is appropriate for contemporary land use and development patterns.
4. Describe other zoning techniques, not currently incorporated in the existing Ordinances, that the City may want to consider adopting in order to advance community development objectives.
5. Provide the City staff with an appropriate example of a land use matrix based on the North American Industrial Classification System (NIACS) for consideration as the basis of permitted and conditional land uses.
6. Review the fundamental differences in the various zoning districts by general land use category (residential and commercial districts). If appropriate, recommend a district classification scheme which involves new districts or modified provisions to existing districts.
7. Review and critique the City's Official Zoning Map.
8. Using a matrix review system that PGAV PLANNERS has developed, a summary of key issues will be provided in addition to the annotated Ordinances and outlined in A.1 above.

B. Background and Briefing Session

PGAV PLANNERS will attend a work session with members of the Planning and Zoning Commission and selected City Staff to review the results of Task A as outlined above. The specific activities to take place at the work session will include, but not necessarily limited to, the following:

1. Review Zoning and Subdivision Ordinance issues and problems previously identified by City staff, members of the Planning & Zoning Commission, and members of the Board of Aldermen.
2. Review current administration and enforcement procedures, both written and unwritten.
3. Identify known conflicts in the regulations, both internal to the Ordinances or between the Ordinances and any other City Codes.
4. Review patterns of special use permit approvals. Identify special uses that typically get approved with the same conditions. (Note: It will be the City's responsibility to research the special use permits on file to determine if any such pattern of conditions exist). Examine the possibility of incorporating certain standards that replicate frequently imposed conditions, thereby allowing administrative review and approval.
5. Discuss dimensional regulations (height and bulk). Review examples of how these requirements affect infill development in the various zoning districts. Identify dimensional standards that may have caused an unnecessarily high number of non-conforming situations. (Note: It will be the City's responsibility to identify frequently occurring dimensional non-conformities). Also, discuss standards or ordinance language that might better ensure that infill development is compatible with surrounding neighborhoods.
6. Review the extent of non-conforming use (and dimensional) situations. (Note: It will be the City's responsibility to identify and describe non-conforming situations). Discuss the existing non-conforming use regulations and determine if more restrictive provisions are desirable and/or legally possible.
7. Discuss the appropriateness of consolidating certain zoning districts.
 - a. Review an alternative approach to "Planned Development Districts" - one which offers flexibility, incentives, and encourages good urban design.
 - b. Discuss other development control issues identified by PGAV or the City, which should be addressed in the update of the Ordinances.
8. Review the official Zoning Map in light of the current Comprehensive Plan and in conjunction with appropriate City staff to determine if changes to district designations may be appropriate and to ensure that any recent zoning changes have been shown on the map. Note: The City will be responsible for providing a digital copy of the Zoning Map (including the required mapping data required to reproduce and modify the Zoning Map).

C. Plan Commission/Board of Aldermen Public Workshop

PGAV will attend a joint meeting of the Plan Commission and the Board of Aldermen which will be structured as a workshop to provide an opportunity for the public to understand the results of the review and critique of the Ordinances by PGAV and any modifications or additions that were made as part of the Background and Briefing Session. At this meeting, PGAV will present the key findings of the Zoning Ordinance review and critique, provide recommendations on what elements of the Ordinance should be amended and provide a brief description of revisions envisioned. Members of the public will then be asked to provide any input they may have on the Ordinances and/or the recommendations. Note: The City will be responsible for noticing and publicizing this Workshop including specific notices or invitations to any particular groups that it may wish to be made aware of this Workshop.

PHASE II – Zoning Ordinance Preparation, Work Sessions and Public Hearing

A. Production of Draft Ordinances

Following the Public Workshop as outlined above, PGAV will initiate the process of creating the necessary documents as follows:

1. **Format:** In preparing the revised Zoning and Subdivision Ordinances, PGAV will update the Ordinances using the current format and codification, unless otherwise specified by the City. Note: As specified above, the City will provide PGAV with digital files containing the existing Zoning and Subdivision Ordinances.
2. **Preliminary Draft:** A preliminary draft of the Zoning Ordinance update will be submitted in individual or groups of articles. One copy of the preliminary draft will be submitted for City staff and Planning and Zoning Commission review and comment. Note: This same draft should also be reviewed by the City Attorney prior to preparation of the Pre-Final Draft and provided for below. As a part of this task, PGAV will meet with the City Attorney to discuss their review and make any corrections or modifications to the Ordinances prior to the creating the Pre-Final Draft document.
3. **Pre-Final Draft:** A pre-final draft will be prepared. PGAV will provide the City digital files of the pre-final draft of the Zoning Ordinance for City review and the Public Hearing.

B. Meetings:

1. **Staff Work Session:** After the preliminary drafts have been submitted, PGAV will meet with the Planning and Zoning Commission and City Staff as appropriate to review the draft documents. Based on review input, the preliminary drafts may be modified as appropriate and resubmitted. City staff will then forward the revised preliminary draft to the Plan Commission and Board of Aldermen. Note: The City will be responsible for scheduling this Work Session, for inviting participants, and for arranging an appropriate meeting space.
2. **Plan Commission/Board of Aldermen Work Session:** PGAV will attend one meeting with the Planning and Zoning Commission and/or Board of Aldermen. The purpose of this meeting will be to highlight the key features of the revised/new regulations and to answer questions concerning the preliminary draft. After this meeting, PGAV will prepare the pre-final draft of the Zoning Ordinance. Note: The

City will be responsible for scheduling this Work Session, for inviting participants, and for arranging an appropriate meeting space.

3. Public Hearing: PGAV will attend one public hearing on the pre-final draft of the Zoning and Subdivision Regulations. Note: The City will be responsible for scheduling this Hearing; for publication of the Hearing purpose, time, date and place; and for arranging an appropriate Hearing location. Upon receipt of comments provided during the Public Hearing, the Zoning and Subdivision Ordinances will be placed in final form.