

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 6, 2020; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance via Zoom Videoconferencing: Rachel Schneider, Monty Jordan, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Marie Allen, and Christine Ruder

Council Members in Physical Attendance: Carrolyn Bolin

Council Members Absent: None.

Department Directors in Attendance via Zoom Videoconferencing: Community Development Director Steve Flowers, Parks Director Floyd Jernigan, Environmental Services Director Brady Wilson, Public Works Director Steve Hargis, Interim Recreation Center Director Marci Fairbanks, and Fire Chief Ron Smith

Department Directors in Physical Attendance: Police Chief Sean Fagan

Other City Officials in Physical Attendance: City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

A member of the Rolla Ministerial Alliance opened the meeting with prayer.

Mayor Louis J. Magdits, IV called the meeting to order at approximately 6:31 p.m. and asked Councilman Matthew Crowell to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Crowell and seconded by Schneider to approve the consent agenda as submitted. A voice vote on the motion showed eleven ayes, zero nays, and zero absent. Motion carried. The consent agenda consisted of the following:

(A) Approval of the Rolla City Council Minutes for the following:

- 1) Special City Council Meeting – March 2, 2020
- 2) City Council Meeting, March 2, 2020
- 3) City Council Closed Session Meeting – March 2, 2020
- 4) City Council Meeting – March 16, 2020
- 5) City Council Closed Session Meeting – March 16, 2020

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) “Child Abuse and Neglect Prevention Month” Proclamation: Mayor Magdits read the proclamation he issued proclaiming April 2020 as “Child Abuse and Neglect Prevention Month.” He then presented the proclamation to Mr. Matthew Evans, Executive Director for CASA (Court Appointed Special Advocates) South Central Missouri.

IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

Mayor Magdits referred the Council to **(A)** the February 2020, Environmental Services Department Monthly Report; **(B)** the February 2020, Parks Financial Analysis; **(C)** the February 2020, Centre Financial Analysis; **(D)** the February 2020, Municipal Court Monthly Report; **(E)** the February and March 2020, Building Codes Monthly Reports; and **(F)** the February 2020, Animal Control Division Monthly Report;

V. OLD BUSINESS

(A) Ordinance Rezoning 101 S. Rucker Avenue from C-1 (Neighborhood Commercial District) to C-2 (General Retail District): City Planner Tom Coots reminded the Council the subject request is rezone the property located at 101 S. Rucker Avenue from C-1 (Neighborhood Commercial District) to C-2 (General Retail District). The applicant recently purchased the building with the intent to remodel it into a restaurant. Mr. Coots noted the C-1 (Neighborhood Commercial District) zoning permits the use of a restaurant. However, alcohol sales are not permitted in C-1 (Neighborhood Commercial District), but are allowed in C-2 (General Retail District), therefore the reason for the rezoning request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4548: AN ORDINANCE TO APPROVE THE RE-ZONING OF 101 S. RUCKER AVENUE FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-2, GENERAL RETAIL DISTRICT. (ZON20-01). A motion was made by Crowell and seconded by Schneider to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Ruder, Schneider, Jordan, Murphey, Bolin, Meusch, Rohter, Eberly, and Allen. Nays; None. Absent; None. Motion carried. The ordinance passed.

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V. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Hangar Ground Lease with Dr. Ron Wilkerson, d/b/a Vichy Enterprises, LLC: City Administrator John Butz informed the Council that the City assumed ownership of the former John Wyss hangar a few years ago when the four-year ground lease expired. He recalled the Council authorized staff to solicit proposals to determine if there was interest in the market to acquire the building from the City and make improvements. Mr. Butz informed the Council that Dr. Ron Wilkerson submitted the sole proposal. The subject agreement would sell the building to Dr. Wilkerson for \$1,000, but requires evidence of \$55,000 in building improvements. In exchange for the improvements, the Lessee receives a 20-year ground lease at \$1,800/year and the option to renew the lease at market rates for up to 15 years.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4549: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A HANGAR GROUND LEASE BETWEEN DR. RONALD WILKERSON D/B/A VICHY ENTERPRISES, LLC, AND THE CITY OF ROLLA, MISSOURI.** A motion was made by Schneider and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Bolin, Schneider, Ruder, Meusch, Jordan, Crowell, Schott, and Rohter. Nays; None. Absent; None. Motion carried.

(C) Ordinance Authorizing the Mayor to Enter into an Agreement with Kelpe Contracting, Inc., for University Drive Pedestrian Bridge, Project #359: City Engineer Darin Pryor recalled the Council recently awarded the University Drive Pedestrian Bridge project to the low bidder, Kelpe Contracting. Since the last meeting, staff received concurrence from MoDOT (Missouri Department of Transportation) for the subject bid award. Mr. Pryor said the subject contract would authorize the Mayor to enter into an agreement with Kelpe Contracting, for the University Drive Pedestrian Bridge project for \$1,785,970.88.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4550: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND KELPE CONTRACTING, INC, FOR**

V. OLD BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Enter into an Agreement with Kelpo Contracting, Inc., for University Drive Pedestrian Bridge, Project #359: UNIVERSITY DRIVE PEDESTRIAN BRIDGE, PROJECT #359. A motion was made by Jordan and seconded by Eberly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schneider, Rohter, Ruder, Bolin, Jordan, Murphey, Schott, Crowell, Meusch, Allen, and Eberly. Nays; None. Absent; None. Motion carried.

VI. NEW BUSINESS

(A) Consideration of Proposals for Existing Building Option for Animal Shelter: City Administrator John Butz recalled the Council recently authorized the public solicitation process for possible existing building sites for an animal shelter. He informed the Council two proposals were received. The Charlotte J. Barrack Trust submitted a proposal for 1100 Highway 72. The second proposal was from the Williams Real Property, LLC for 11530 Twitty Drive. Mr. Butz asked the Council to consider authorizing City staff to conduct preliminary building assessments on both properties, as outlined in the agenda materials, and report to the Council in about 30 days. No Council objections were noted.

(B) Update on Stay at Home Order: Mayor Magdits recalled that last week the Council enacted a “stay-at-home” ordinance. Since staff did not expect action to be taken last week, a proper procedure was not in place to implement what the Council enacted. He said this week staff developed an application process in order to determine what an essential business is versus a non-essential business as it relates to the ordinance. Mayor Magdits said businesses would initially self-determine and submit that to an administrative team for a decision. He noted an appeals process has been set up when differences of opinion occur. Additionally, Mayor Magdits indicated staff has spoken with Police Chief Fagan to determine the level of enforcement that will occur, at least during the initial phases. Mayor Magdits pointed out there are differences between the City ordinance and Governor Parson’s recent declaration.

City Administrator John Butz noted that one difference between the City’s ordinance and the State’s order is the City’s order ends on May 11, 2020 and the State’s order ends April 24, 2020. A second difference is Missouri’s order imposes limitations on occupancy for essential businesses.

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VI. NEW BUSINESS (continued)

(B) Update on Stay at Home Order (continued): Mr. Butz said City Administration recommends not taking any action at this time to amend the City's ordinance. He suggested re-evaluating it at the April 20, 2020, Council meeting after staff has had an opportunity to consider the stay-at-home mandates by the City and State.

(C) Resolution Authorizing the Mayor to Enter into a Temporary Construction Easement & Permanent Sidewalk & Utility Easement Agreements with McDonald's Real Estate Co.: Public Works Director Steve Hargis explained the following two items are related to the Kingshighway improvements and involve a temporary construction easement and a permanent utility easement. In addition to the utility easement for McDonald's Real Estate Company, he said it provides for a permanent sidewalk easement.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1968: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI CERTAIN EASEMENT AGREEMENTS BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MCDONALD'S REAL ESTATE COMPANY, A DELAWARE CORPORATION FOR IMPROVEMENTS ON KINGSHIGHWAY. A motion was made by Bolin and seconded by Crowell to approve the proposed resolution. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Jordan, Bolin, Schneider, Ruder, Allen, Murphey, Crowell, Eberly, and Rohter. Nays; None. Absent; None. Motion carried. The resolution passed.

(D) Resolution Authorizing the Mayor to Accept a Temporary Construction & Permanent Utility Easement from Jade Properties, LLC: Public Works Director Steve Hargis informed the Council that Jade Properties, LLC, are the owners of the Wendy's Restaurant. He said the subject easements contain the same key points as the McDonald's easements.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1969: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO ACCEPT ON BEHALF OF THE CITY OF ROLLA, MISSOURI, CERTAIN EASEMENTS BETWEEN THE CITY OF ROLLA,

VI. NEW BUSINESS (continued)

(D) Resolution Authorizing the Mayor to Accept a Temporary Construction & Permanent Utility Easement from Jade Properties, LLC (continued): MISSOURI AND JADE PROPERTIES, LLC FOR IMPROVEMENTS ON KINGSHIGHWAY. A motion was made by Bolin and seconded by Murphey to approve the proposed resolution. A roll call vote on the motion showed the following: Ayes; Ruder, Murphey, Jordan, Schneider, Allen, Bolin, Crowell, Meusch, Rohter, Schott, and Eberly. Nays; None. Absent; None. Motion carried. The resolution passed.

(E) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for Southeast & Vichy Road WWTP Improvements (Task Order 12): Public Works Director Steve Hargis noted the next three items are all related. He said this item is an ordinance authorizing the City to engage with HDR Engineering for construction services for the improvements at the Vichy and Southeast Treatment Plant. Mr. Hargis reported the bids for both plants came in well below the estimate. This will leave over \$3 million in reserve for contingencies. These projects will both be completed by the end of 2020. Mr. Hargis told the Council that Mr. Jeff Medows of Archer-Elgin and Mr. Mike Kallis with HDR Engineering are available to answer any questions.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND HDR ENGINEERING, INC FOR SOUTHEAST WWTP AND VICHY ROAD WWTP IMPROVEMENTS – CONSTRUCTION PHASE SERVICES – TASK ORDER #12.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 473 – Vichy Road Wastewater Plant Improvements; and, a Motion Accepting DBE Efforts for Same: Public Works Director Steve Hargis said staff and the City’s consultant, Mr. Mike Kallis, HDR Engineering, and City staff are recommending the project be awarded to the low bidder, Midstate Pipeline Maintenance, LLC, Belle, Missouri.

A motion was made by Bolin and seconded by Schneider to accept the bid and award the contract for the Vichy Road Wastewater Treatment Plant Improvements, Base Bid, plus Alternate 1 in the amount of \$6,208,000.00, to Midstate Pipeline Maintenance, LLC. A

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for Project 473 – Vichy Road Wastewater Plant Improvements; and, a Motion Accepting DBE Efforts for Same (continued): roll call vote on the motion showed the following: Ayes; Murphey, Allen, Bolin, Schneider, Ruder, Meusch, Jordan, Eberly, Rohter, Schott, and Crowell. Nays; None. Absent; None. Motion carried.

A motion was made by Jordan and seconded by Bolin to accept Midstate Pipeline Maintenance, LLC's DBE utilization positive efforts with respect to the Vichy Road Treatment Plant Improvements as satisfactory and consistent with regulatory requirements. A roll call vote on the motion showed the following: Ayes; Bolin, Jordan, Ruder, Schott, Allen, Murphey, Crowell, Meusch, Rohter, Eberly, and Schneider. Nays; None. Absent; None. Motion carried.

(B) Motion Awarding Bid for Project 473 – Southeast Wastewater Plant Improvements; and, a Motion Accepting DBE Efforts for Same: Public Works Director Steve Hargis referred the Council to the letter, included in the agenda materials, recommending the bid be awarded to the low bidder, McClanahan Construction Co., Rogersville, Missouri, for \$14,156,988.99.

A motion was made by Schneider and seconded by Schott to accept the bid and award the contract for the Southeast Wastewater Treatment Plant Improvements, Base Bid plus Alternates 1 and 2 in the amount of \$14,156,988.99, to McClanahan Construction Company. A roll call vote on the motion showed the following: Ayes; Allen, Murphey, Bolin, Schneider, Rohter, Meusch, Jordan, Eberly, Crowell, Schott, and Ruder. Nays; None. Absent; None. Motion carried.

A motion was made by Schott and seconded by Murphey to accept McClanahan Construction Company's DBE utilization positive efforts with respect to the Southeast Wastewater Treatment Plan Improvements as satisfactory consistent with regulatory requirements. A roll call vote on the motion showed the following: Ayes; Meusch, Schott, Ruder, Schneider, Allen, Murphey, Crowell, Rohter, Jordan, Eberly, and Bolin. Nays; None. Absent; None. Motion carried.

(C) Motion Awarding Bid for Project 505 – FY 2020 Phase II Asphalt Improvements; and an Ordinance Authorizing the Mayor to Enter into an Agreement for Same: City Engineer Darin Pryor reported that bids were obtained for the FY 2020 Phase II Asphalt Improvements. This phase would overlay Lions Club Drive from Route 63 to Route 72, Pebble Stone Lane from Rolla Street to Lions Club

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for Project 505 – FY 2020 Phase II Asphalt Improvements; and an Ordinance Authorizing the Mayor to Enter into an Agreement for Same (continued): Drive, a short section of Bridge School Road near A-1 Pump and a small portion of Mossman Lane. Mr. Pryor said staff recommends the bid be awarded to the low bidder, Melrose Quarry and Asphalt Supply, LLC for \$309,630.06.

Mr. Pryor added that in the past the City has experienced problems with Melrose's quality of asphalt. However, they are now purchasing their asphalt from a MoDOT (Missouri Department of Transportation) approved supplier. Staff feels comfortable recommending the bid be awarded to Melrose Quarry.

A motion was made by Allen and seconded by Schott to award the bid for Project 505 – FY 2020 Phase II, Asphalt Improvements to the low bidder, Melrose Quarry and Asphalt Supply for \$309,630.06. A roll call vote on the motion showed the following: Ayes; Rohter, Crowell, Murphey, Schott, Schneider, Ruder, Allen, Jordan, Eberly, Bolin, and Meusch. Nays; None. Absent; None. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MELROSE QUARRY & ASPHALT SUPPLY, LLC, FOR FY 2020 PHASE II ASPHALT IMPROVEMENTS, PROJECT #505.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council. No one present responded.

(B) Ms. Katie Wood - Greyhound Bus Lines/Homeless Concerns: Mayor Magdits said Ms. Wood decided not to come before Council. He explained her concern is the Greyhound Bus Depot and the number of what she refers to as the "homeless" or "transients" that are being dropped off and causing some problems with her, her business, and her employees. Mayor Magdits told the Council the City is not in a position to not allow a Greyhound Bus depot. On that basis, Ms. Wood has decided she did not need to come before City Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Citizen Petition: Mayor Magdits commented on a citizen petition he received, which expressed a concern about the health of our community along with the potential extenuating circumstances brought on by the coronavirus. He noted the petition received was prepared by the “Rolla for Bernie 2020” committee, which is an online petition sponsored by www.change.org, which as of yesterday had approximately 350 signatures. Mayor Magdits said the document calls on him to take action on ten different items. Several of those issues were done last week with staff’s recommendations to Council and their action. Several of the issues related to utilities. Lastly, several issues related to rent and mortgages, which the Mayor said he does not believe action by him is necessary at this time.

Mayor Magdits said he wanted to let those who signed the petition know that he is respectful of the action they have taken and he has reviewed each of the ten issues outlined.

(B) Sales Tax Revenue: Councilman Meusch noted the Stay at Home Order/Coronavirus is going to have an impact on the City’s sales tax revenue. He asked if City Administration has put any thought into it.

Mayor Magdits said he and City Administrator John Butz discussed this issue today. Staff is running the numbers, but the biggest concern is probably going to be in the General Fund. There are not a lot of options with it. Mayor Magdits said some of the capital expenditures in other funds can be pushed out further and projects delayed. The General Fund is very susceptible.

Councilman Schott asked if any aid is available to municipalities from the Federal Government that would involve either any emergency work that is happening now or any of the things that are happening in the City because of this.

Mayor Magdits said we do not know, but we are not waiting and are not counting on it. The Finance Department has been putting in account numbers so as expenses are incurred, they will be allocated to particular accounts so if the day comes when we can get reimbursement, we have the numbers available.

(C) Appreciation: Councilman Schott thanked Environmental Services Director Brady Wilson and his staff for their work during the citywide spring cleanup on Saturday. He said it is much appreciated. He also expressed his appreciation to the public safety professionals for their work during this time.

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X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:56 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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