

**Please Note:** The Council Meeting will be conducted at Rolla City Hall but physical participation will be limited per CDC guidelines. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSQqtuhOAVkCCyieA>

**COUNCIL PRAYER**

Ministerial Alliance

**AGENDA OF THE ROLLA CITY COUNCIL**

**Monday, July 18<sup>th</sup>, 2022; 6:30 P.M.**

**City Hall Council Chambers**

**901 North Elm Street**

**PRESIDING: MAYOR LOUIS J. MAGDITS, IV**

**COUNCIL ROLL: MORIAH RENAUD, TERRY HIGGINS, MEGAN JOHNSON, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIED HALL, ROBERT KESSINGER, CARROLYN BOLIN, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH**

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**PLEDGE OF ALLEGIANCE**

Councilwoman Victoria Steen

**I. PUBLIC HEARINGS** –

A. Public Hearing and Ordinance to approve the rezoning of 1702/1704 E. 10<sup>th</sup> Street from the R-3, Multi-family district to the C-O Commercial Office district. (City Planner Tom Coots) **Public Hearing and First Reading**

**II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS** –

A. Chief Fagan special presentation to VIPS Member Jim Marcellus

B. Glenn Gibson Chairman (SCRVG) South Central Regional Veterans Group- Update on Veteran’s Memorial Park

**III. OLD BUSINESS** – None

**IV. NEW BUSINESS** –

A. **Ordinance** re-adopting procedure to disclose potential conflicts of interest. (City Administrator John Butz) First Reading

B. Search process for Public Works Director (City Administrator John Butz) **Information Only**

**V. CLAIMS and/or FISCAL TRANSACTIONS** –

A. Award of Bid to Pierce Asphalt LLC for Project #549 – FY 2022 Phase III Asphalt Improvements and Ordinance allowing the Mayor to enter into an agreement with same. (City Engineer Darin Pryor) **Award and First Reading**

**VI. CITIZEN COMMUNICATION**

A. Randy Barr – Candidate for Missouri State Representative District 122

**VII. MAYOR/CITY COUNCIL COMMENTS**

**VIII. COMMENTS FOR THE GOOD OF THE ORDER**

IX. **CLOSED SESSION** – Closed Session per RSMo 610.021 (1) legal and (2) Real Estate

X. **ADJOURNMENT** -



**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT:** Community Development

**ACTION REQUESTED:** Public Hearing/First Reading

**SUBJECT:** Map Amendment (rezoning): 1702/1704 E 10<sup>th</sup> Street from the R-3, Multi-family district to the C-O, Commercial Office district.

(ZON22-03)

**MEETING DATE: July 18, 2022**

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**Application and Notice:**

Applicant/Owner - Tonie Cahill of Blarney Stone Investments, LLC  
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

**Background:** The property was developed with medical offices, which are a permitted use in the R-3, Multi-family district. The applicant seeks to lease some office space for a real estate company. Non-medical offices are not a permitted use in the R-3 district. The applicant seeks to rezone the property to the C-O, Commercial Office district to allow for all types of office uses.

**Property Details:**

Current zoning - R-4, Multi-family to C-O, Commercial Office  
Current use - Medical Offices  
Proposed use - Offices  
Land area - About 1 acre

**Public Facilities/Improvements:**

Streets - The subject property has frontage on 10<sup>th</sup> Street, a Primary Arterial road.  
Sidewalks - Sidewalks are located adjacent to the property.  
Utilities - The subject property should have access to all needed public utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the property as being appropriate for Medium/High Density Residential uses, however, the adjacent commercial lots are designated as Neighborhood Commercial uses.

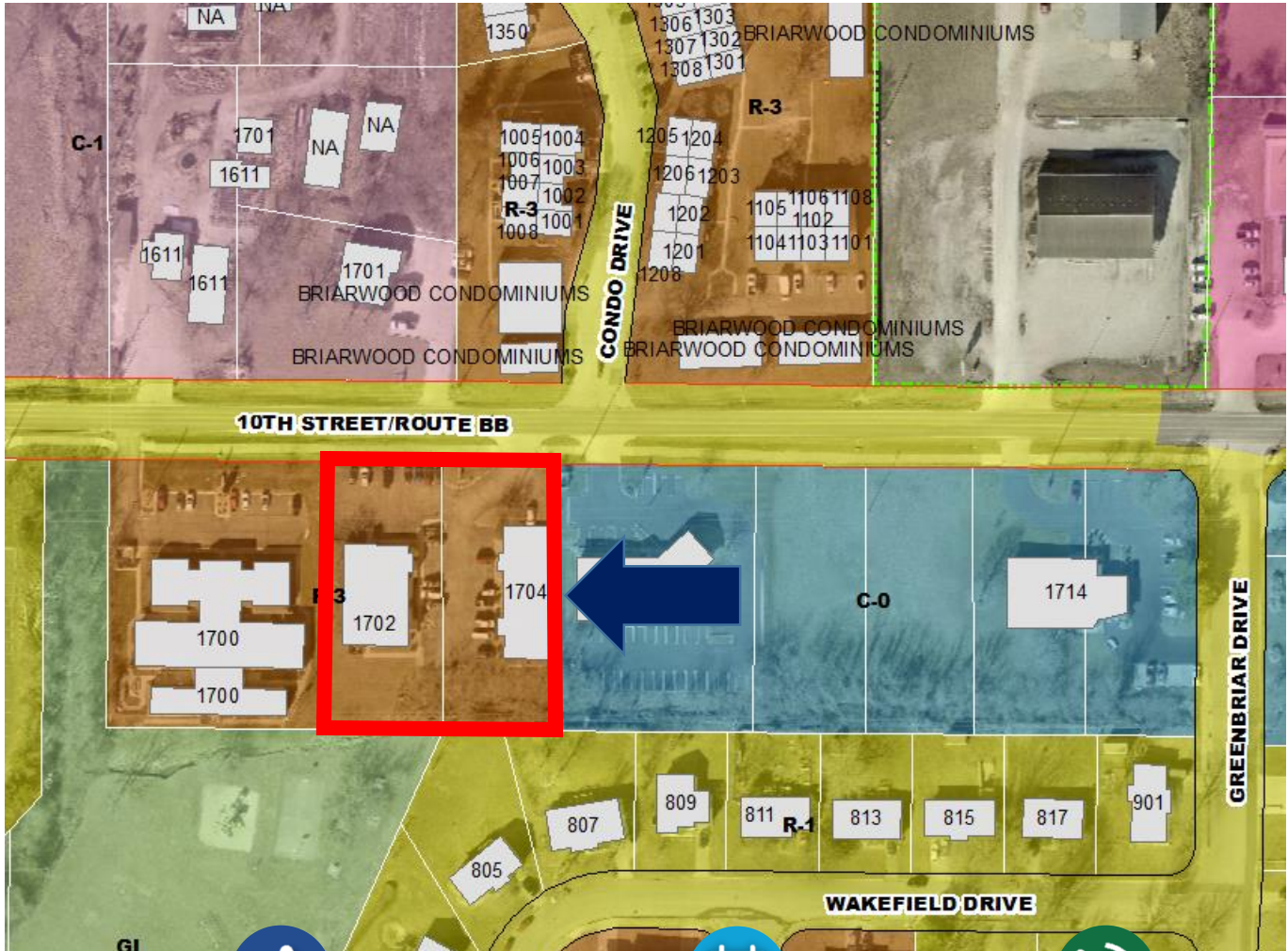
**Discussion:** The property is adjacent to a row of commercial properties which are all zoned C-O. The property is also adjacent to a nursing home, which is zoned R-3. No additional development is proposed at this time.

**Planning and Zoning Commission Recommendation:**

The Rolla Planning and Zoning Commission conducted a public hearing on July 12, 2022 and voted 6-0 to recommend the City Council approve the request.

**Prepared by:** Tom Coots, City Planner

**Attachments:** Public Notice Letter; Ordinance



**Project Information:**

Case No: ZON22-03  
 Location: 1702/1704 E 10<sup>th</sup> Street  
 Applicant: Blarney Stone Investments  
 Request:  
 Rezoning from R-3 to the C-O, Commercial Office district.



**Public Hearings:**

Planning and Zoning Commission  
**July 12, 2022**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**July 18, 2022**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor



**For More Information Contact:**

Tom Coots, City Planner  
 tcoots@rollacity.org  
  
 (573) 426-6974  
 901 North Elm Street  
 City Hall: 2<sup>nd</sup> Floor  
 8:00 – 5:00 P.M.  
 Monday - Friday



**Who and What is the Planning and Zoning Commission?**

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

**What is a Rezoning (Map Amendment)?**

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

**What is Zoning?**

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

**How Will This Impact My Property?**

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

**What If I Have Concerns About the Proposal?**

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

**What If I Cannot Attend the Meeting?**

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

**What If I Have More Questions?**

Please contact the Community Development Office if you have any additional questions.

**LEGAL DESCRIPTION**

Resubdivision of Tract A Eastmeadow subdivision, Tract A-2 and Tract A-3, in Rolla, Phelps County, Missouri.



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

**AN ORDINANCE TO APPROVE THE RE-ZONING OF 1702/1704 E 10<sup>TH</sup> STREET FROM THE R-3, MULTI-FAMILY DISTRICT TO THE C-O, COMMERCIAL OFFICE DISTRICT**

**( ZON22-03)**

**WHEREAS**, an application for a rezoning was duly filed with the Community Development Department requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

**WHEREAS**, a public notice was duly published in the Phelps County Focus for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

**WHEREAS**, the City of Rolla Planning and Zoning Commission met on July 12, 2022 and recommended the City Council approve the rezoning of the subject property; and

**WHEREAS**, the Rolla City Council, during its July 18, 2022 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

**WHEREAS**, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring the said change of zoning and by those citizens opposing said change, the City Council found the proposed rezoning would promote public health, safety, morals and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City;

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

**SECTION 1:** That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from R-3 (Multi-family) to C-O (Commercial Office) Zoning described as follows:

Resubdivision of Tract A Eastmeadow subdivision, Tract A-2 and Tract A-3, in Rolla, Phelps County, Missouri.

**SECTION 2:** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND  
APPROVED BY THE MAYOR THIS 1<sup>ST</sup> DAY OF AUGUST, 2022.**

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

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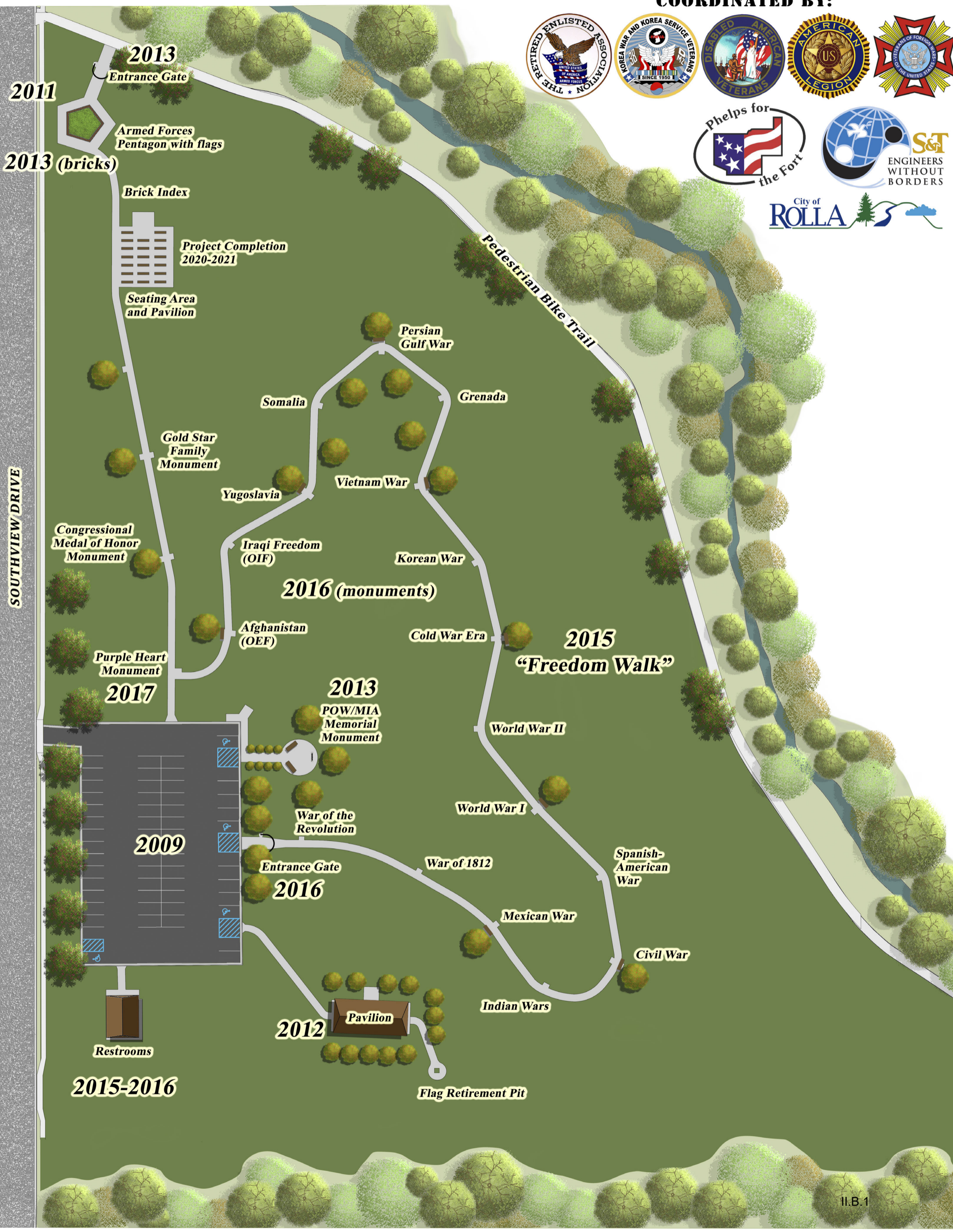


# VETERANS MEMORIAL PARK

## THEY GAVE FOR US...LET'S GIVE FOR THEM

The estimated cost to develop the Veterans Memorial Park is \$1.5 to \$2 million dollars. Funding will depend primarily on grants and donations as well as contributions of time, labor and materials. For more information about how you can get involved, visit [www.scrvg.org](http://www.scrvg.org) or call the City of Rolla Parks Department at (573) 341-2386 for a list of coordinating Veterans groups.

### COORDINATED BY:





**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: John Butz, City Administrator**

**ACTION REQUESTED: First Reading**

**ITEM/SUBJECT: Consider an Ordinance Re-Adopting Procedure to Disclose Potential Conflicts of Interest.**

**BUDGET APPROPRIATION: NA**

**DATE: July 18<sup>th</sup>, 2022**

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**COMMENTARY:**

The attached ordinance is one that must be adopted every two years or the more stringent State rules for financial disclosure will apply (RSMo 105.485 (4)). Rather than applying to all City elected officials Rolla's ordinance stipulates the City Administrator, Mayor, Finance Director and RMU General Manager must annually file the financial disclosure statements with the Missouri Ethics Commission. In addition any Council Member would need to disclose any financial transactions with the City in excess of \$500. A certified copy of the ordinance must be submitted to the Missouri Ethics Commission by September 15, 2022.

Recommendation: First reading of the proposed ordinance.

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

AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

Section 1: That Section 2-237 of the Code of the City of Rolla, Missouri, relating to procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials is hereby repealed.

Section 2: That there is hereby enacted Section 2-237 of the Code of the City of Rolla, Missouri, as follows:

Section 2-237. Procedure to disclose potential conflicts of interest and substantial interests for certain municipal officials.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City of Rolla.

The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by state law, in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

The Mayor, each City Council member, the City Administrator, the City Finance Director, and the General Manager of the Rolla Municipal Utilities shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year.

- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500), if any, that such person had with the political subdivision, other than compensation

received as an employee or payment of any tax, fee or penalty due to the City of Rolla, Missouri and other than transfers for no consideration to the City of Rolla, Missouri; and

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had substantial interest, had with the City of Rolla, Missouri, other than payment of any tax, fee or penalty due to the City of Rolla, Missouri, or transaction involving payment for providing utility service to the City of Rolla, Missouri, and other than transfers for no consideration to the City of Rolla, Missouri.

c. The Mayor, the City Administrator, City Finance Director and General Manager of Rolla Municipal Utilities also shall disclose by May 1 for the previous calendar year the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

The reports, in the attached format, shall be filed with the City Clerk and with the State Ethics Commission prior to January 1 of each year. The reports shall be available for public inspection and copying during normal business hours.

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

a. Each person required to file a financial interest statement appointed to office shall file the statement within thirty days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interest acquired after December 31 of the covered year until the date of filing of the financial interest statement.

This Ordinance shall be filed with the State Ethics Commission as follows: The City Clerk shall transmit a certified copy of said Ordinance prior to September 15, 2022.

This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 1ST DAY OF AUGUST, 2022.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR



## Title VIII PUBLIC OFFICERS AND EMPLOYEES, BONDS AND RECORDS

## Chapter 105

&lt; &gt; • Effective - 28 Aug 2020, 5 histories ↓

**105.485. Financial interest statements — form — contents — political subdivisions, compliance — redaction of certain information, when. —** 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself or herself, his or her spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he or she does not know and his or her spouse will not divulge any information required to be reported by this section concerning the financial interest of his or her spouse, shall state on his or her financial interest statement that he or she has disclosed that information known to him or her and that his or her spouse has refused or failed to provide other information upon his or her bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his or her spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or

automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such persons required by law to file; except that only the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his or her services to the state or political subdivision other than reimbursement for his or her actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;



(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors of the individual for the purpose of cancelling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; and

(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his or her employer or income from any source at the time when he or she shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his or her employer or the terms of an agreement he or she has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term income as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due

to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.

5. The name and employer of dependent children under twenty-one years of age of each person required to file a financial interest form under this section shall be redacted and not made publicly available, upon the written request of such person to the commission.

6. Nothing in subsection 5 of this section shall be construed to abate the responsibility of reporting the names and employers of dependent children of each person required to file a financial interest form.

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L. 1990 H.B. 1650 & 1565 § 2, A.L. 1991 S.B. 262, A.L. 1994 S.B. 650, A.L. 2006 H.B. 1900, A.L. 2008 H.B. 2058, A.L. 2010 S.B. 844, A.L. 2018 S.B. 975 & 1024 Revision, A.L. 2020 S.B. 631)

---- end of effective 28 Aug 2020 ----  
[use this link to bookmark section 105.485](#)

**- All versions**

	Effective	End
<b>105.485</b>	8/28/2020	
<b>105.485</b>	8/28/2018	8/28/2018
<b>105.485</b>	8/28/2010	8/28/2018
<b>105.485</b>	8/28/2008	8/28/2020
<b>105.485</b>	1/1/2007	8/28/2008

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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: John Butz, City Administrator**

**ACTION REQUESTED: Information**

**ITEM/SUBJECT: Search Process for Public Works Director**

**BUDGET APPROPRIATION: \$2,000 +/-**

**DATE: July 18<sup>th</sup>, 2022**

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**COMMENTARY:**

With the October retirement of Public Works Director Steve Hargis (46 years!) the City will be initiating the replacement process over the next 2-3 months. Attached are the job description, draft job notice and informational brochure. A formal search can be managed internally or out- sourced (the latter costing \$25-35K). The City has traditionally managed our own process by advertising through standard resources such as local publication, Mo/American Public Works Association (APWA), MML, NLC and alumni associations at engineering schools. For Department level positions we prefer to engage a search committee of 3-5 individuals though the City Administrator brings a final recommendation to Council. The Search Committee is anticipated to include: CA Johns Butz, DPW Steve Hargis, Jeff Medows PE, Mayor Magdits (or Rep) and RMU GM Rodney Bourne.

No action needed but happy to discuss.



## Director of Public Works

The City of Rolla, MO (pop 20,230) is looking for an individual with a high level of professional ethics, integrity, proven leadership skills and outstanding technical skills to serve as its new Public Works Director. The Director will be responsible for planning, organizing, directing, and coordinating the activities of a 50-member professional and semi-skilled department including such services as street, curb and sidewalk repair and construction, sewer collection and treatment, floodplain management, GIS mapping, and project management.

Qualified applicants should possess at least ten years of public works experience with no less than five years in management. Applicant shall possess a Bachelor's Degree in Civil Engineering or related field and a PE license. Salary range of \$84,000 – 104,000 plus excellent benefits. The City of Rolla is an Equal Opportunity Employer. All submissions will be held in confidence.

For further questions regarding this position, please contact John D. Butz, Rolla City Administrator, (573)426-6948. Position open until filled. A cover letter and resume with references must be submitted to:

Rolla City Hall  
Attn: Job Opening Public Works Director  
901 N. Elm St.  
PO Box 979  
Rolla, MO 65401  
Email: [admin@rollacity.org](mailto:admin@rollacity.org)

Position profile available at [www.rollacity.org](http://www.rollacity.org)

(Post Date: \_\_\_\_\_)

City of  
**ROLLA**



*City of Rolla*  
**City Administration**  
rollacity.org / 573-426-6948

## **Public Works Director Search**

### **The Rolla Community**

Rolla, Missouri (population 20,230) was established in 1861 and is the county seat of Phelps County (Pop 44,000) in south central Missouri. Rolla is located on Highway 44 and State Highway 63 and conveniently situated 100 miles from St. Louis, Springfield and Columbia, Missouri.

Rolla is home to the Missouri University of Science & Technology (S&T) and the Phelps County Regional Medical Center (PCRMC.)

Fort Leonard Wood, a Maneuver Support Center of Excellence for the United States Army is 25 miles to the west in adjoining Pulaski County. Rolla boasts a vibrant regional business community, quality public and private schools, well-respected public safety services, strong CIP program, and a quality parks system.

### **City Government**

The City of Rolla is a Third Class City governed by a mayor and twelve council members (among six wards). Mayor Louis J. Magdits, IV was re-elected in April 2022 following 20 years on City Council.

City Council members serve two year staggered terms and have a reputation for stability and cooperation. The Mayor and Council hire a City Administrator whose duty it is to oversee the daily operations of a \$32 million budget employing nearly 180 full-time employees.

All department directors including the Public Works Director report directly to the City Administrator.

### ***New Public Works Facility***



### **Department of Public Works Responsibilities**

The Public Works Department is made up of 49 technical, skilled and semi-skilled professionals responsible for all street repair, construction and maintenance, storm water and storm sewer systems, floodplain management, GIS mapping, sewer collection and treatment, and engineering services. The Rolla National Airport operations and capital improvement plans also fall under Public Works as does technical advice to other City Departments

### ***New Pedestrian Bridge over I-44***



**Minimum Qualifications for Public Works Director**

- Extensive knowledge of public works, infrastructure management, and engineering design; 10 years of experience in public work-related activities with no less than 5 years of supervisory experience.
- Bachelor’s Degree in Civil Engineering or related field.
- Must possess a Professional Engineer’s license.
- Possess a valid driver’s license and have a good driving record.
- Be able to undergo and pass a medical examination, drug screening and background investigation.

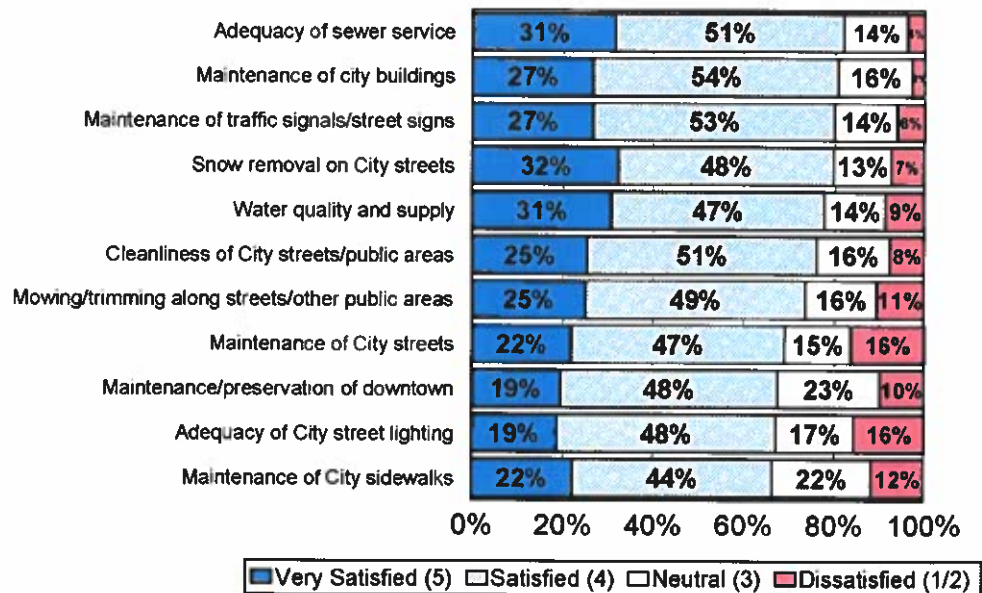
**Director of Public Works Responsibilities**

- Plans and directs all operations of the Public Works Department including construction, maintenance and clearing of all City streets and sidewalks; directs operations of the sewage collection and wastewater treatment divisions; and regulates the use of public right-of-way.
- Directs the engineering projects and coordinators on day-to-day design, mapping and project management. Oversees contracts with consulting engineering firms.
- Assists in developing the vision of the community as it relates to infrastructure including a comprehensive Capital Improvement Program.
- The creation and maintenance of good working relationships with City Departments, Missouri S&T, Rolla Public Schools and the Chamber of Commerce and downtown business association.

**Satisfaction with City Maintenance in 2020**

by percentage of respondents (excluding "don't know")

**The Public Works Department is made up of 49 technical and semi-skilled professionals**



Source: ETC Institute DirectionFinder (2020 - Rolla, MO)



**The Ideal Candidate for Public Works Director**

- Be a strong manager and a leader who is a highly ethical individual with unquestioned integrity and one who possess the ability to cultivate and build trust within the department, city government and the community.
- Understand, recognize and respect the management and governance of city government and how the Department of Public Works fits into overall city functions and the larger management team.
- Possess a management style that is collaborative in nature but someone who also expects to be held accountable for the actions of subordinate personnel and the performance of the department.
- Be sensitive to the needs of the community, city government and employees of the department.

- Have the ability to evaluate resources that are available, understand that resources are not unlimited, and decide how to best utilize those resources in a cost-effective manner.
- Be committed to the concept that the citizens are customers and that the public is to be treated with respect at all times. The ideal candidate needs to believe in and truly practice the concept of community service.
- Have a working knowledge of general management skills including basic accounting principles, budget development and management; knowledge of personnel practices including FLSA/FMLA; have a working understanding of the Missouri Sunshine Law and records management.

***New Arrival District – MO S&T***




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**The ideal candidate for the position  
will be a strong manager and a  
highly ethical leader committed to  
a professional department.**

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**Salary (Salary range \$84,000 - \$104,000)**

The City of Rolla is offering a competitive salary commensurate with experience, along with a comprehensive benefit package (health, dental and retirement).

**How to Apply**

Interested applicants should forward a cover letter and resume to:

City of Rolla  
 City Administrator John Butz  
 Rolla City Hall  
 P.O. Box 979  
 Rolla, MO 65401  
[admin@rollacity.org](mailto:admin@rollacity.org)

<p>For more about us, please visit us at:</p> <p><b><a href="http://www.rollacity.org">www.rollacity.org</a></b></p>
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disabilities to perform the essential functions.

Work is performed mostly in office settings.

Some outdoor work is required in the inspection of various land use developments, construction sites, or public works facilities.

Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

While performing the duties of this job, the employee is occasionally required to stand; walk; use hands to finger, feel, or operate objects, tools, or controls; and reach with hands and arms.

The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and smell.

The employee must occasionally lift and/or move up to 25 pounds.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

**WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions.

The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electric shock, and vibration.

The noise level in the work environment is usually quiet to moderate.

**SELECTION GUIDELINES**

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: \_\_\_\_\_  
Supervisor

Approval: \_\_\_\_\_  
Appointing Authority

Effective Date: \_\_\_\_\_

Revision History: \_\_\_\_\_

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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: Darin Pryor**

**ACTION REQUESTED: Ordinance**

**1st Reading**

**ITEM/SUBJECT: Project #549 – FY 2022 Phase III Asphalt Improvements**

**BUDGET APPROPRIATION: \$875,000**

**DATE: 07/18/22**

**(Phase I - \$260K, Phase II - \$310K, Phase III - \$305K)**

\*\*\*\*\*

**COMMENTARY:**

**City staff received bids for the FY 2022 Phase III Asphalt Improvements project. The bids were as follows:**

**Pierce Asphalt, LLC  
PO Box 1264  
Rolla, MO 65402**

**\$282,139.86**

**This phase overlays several sections of roads listed in the chart below.**

<b>2022 Aspalt Overlays (Project 549)</b>							
LOCATION	FROM	TO	DEPTH	SQ FT	MILLING SY	TACK	TONS
7th Street	Holloway	Murry Lane	1"	40,000	4444	356	275
Dana Renee	Rolla	Thomas Drive	1"	32,200	3578	286	222
Chelsea/Robyn	Dana Renee	Dead End	1"	25,100	2789	223	173
Tracy Dawn	Chelsea	Thomas Drive	1"	23,300	2589	207	161
Thomas Drive	Dead End	Tracy Dawn	1"	15,000	1667	133	104
Murry Lane	7th Street	Grand Sir	1"	10,000	1111	89	69
Grandsir	Murry Lane	Intersection	1"	2,500	278	22	18
S. Walker	72 HWY	45' S. of Strobach	1"	15,500	1722	138	107
Strobach	Spillman	Adrian	1"	27,000	3000	240	186
Spillman	72 Apron	Strobach	1"	18,000	2000	160	125
Fairgrounds RD	Kingshighway	Bryant	2"	47,000	5222	418	588
TOTAL				255,600	28400	2272	2,028

**As a reminder the awards for Phase I and II totaled \$598,455.74 leaving \$276,544.26 in the budget for Phase III. Staff is requesting the first reading of the ordinance authorizing the Mayor to enter into the contract with Pierce Asphalt LLC for \$282,139.86.**

**ITEM NO. \_\_\_\_\_**

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT LLC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri an agreement between the City of Rolla and Pierce Asphalt, LLC., a copy of said agreement being attached hereto and marked Exhibit "A".

Section 2: This ordinance will be full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 1ST DAY OF AUGUST 2022.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR

EXHIBIT A

**CONTRACT AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ Day of \_\_\_\_\_ by and between the City of Rolla, Missouri, Party of the First Part and hereinafter called Owner, and \_\_\_\_\_ **Pierce Asphalt LLC** \_\_\_\_\_ Party of the second Part and hereinafter called the Contractor.

WITNESSETH:

THAT WHEREAS, the Owner has caused to be prepared, in accordance with law, specifications, plans, and other Contract Documents for the work herein described, and has approved and adopted said documents, and has caused to be published and advertised for and in connection with the construction of: **FY 2022 Phase III Asphalt Improvements, PROJECT 549**, in complete accord with the Contract Documents and the said plans and specifications; and

WHEREAS, the said Contractor, in response to such advertisement, has submitted to the Owner, in the manner and at the time specified, a sealed proposal in accordance with the terms of said advertisement; and

WHEREAS, the Owner, in the manner prescribed by law, has publicly opened, examined and canvassed the proposals submitted in response to the published invitation therefore, and as a result of such canvass has determined and declared the aforesaid Contractor to be lowest and best bidder for the said work and has duly awarded to the said Contractor a contract therefore, for the sum or sums named in the Contractor's proposal, a copy thereof being attached to and made a part of this contract.

NOW THEREFORE, in consideration of the compensation to be paid to the Contractor and of the mutual agreement herein contained, the parties to these presents have agreed and hereby agree, the Owner for itself and its successors, and the Contractor for itself, himself, or themselves, or its, his or their successors and assigns, or its, his, or their executors and administrators, as follows:

ARTICLE I. That the Contractor shall (a) furnish all tools, equipment, supplies, superintendent, transportation, and other construction accessories, services and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in, and form a permanent part of the completed work except the items specified to be furnished by the Owner; (c) provide and perform all necessary labor, and (d) in a good, substantial, and workmanlike manner, and in accordance with the provisions of the General Conditions and the Special Conditions of the Contract, which are attached hereto and made a part hereof, and in conformity with the Contract Plans and Specifications designated and identified therein, execute, construct, and complete all work included in, and covered by the Owner's official award of this Contract to the said Contractor, such award being based on the acceptance by the Owner of the Contractor's proposal, for the construction of **FY 2022 Phase III Asphalt Improvements, PROJECT 549**.

## EXHIBIT A

It is further stipulated that not less than the prevailing hourly rate of wages as found by the Department of Labor and Industrial Relations of the State of Missouri, or determined by the Court of Appeal shall be paid to all workers performing work under this Contract.

ARTICLE II. Contractor acknowledges that Section 285.530, R.S.Mo, prohibits any business entity or employer from knowingly employing, hiring for employment, or continuing to employ an unauthorized alien to perform work within the State of Missouri. Contractor therefore covenants that it is not knowingly in violation of Subsection 1 of Section 285.530, R.S.Mo, and that it will not knowingly employ, hire for employment, or continue to employ any unauthorized aliens to perform work on the Project, and that its employees are lawfully eligible to work in the United States.

ARTICLE III. Occupational Safety and Health Administration (OSHA)

**Safety Training:**

- a. Contractor shall provide a ten (10) hour Occupational Safety and Health Administration (OSHA) construction safety program for all employees who will be on-site at the project. The construction safety program shall include a course in construction safety and health that is approved by OSHA or a similar program approved by the Missouri Department of Labor and Industrial Relations which is at least as stringent as an approved OSHA program as required by Section 292.675, R.S.Mo.
- b. Contractor shall require its on-site employees to complete a construction safety program within sixty (60) days after the date work on the project commences.
- c. Contractor acknowledges and agrees that any of Contractor's employees found on the project site without the documentation of the successful completion of a construction safety program shall be required to produce such documentation within twenty (20) days, or will be subject to removal from the project.
- d. Contractor shall require all of its subcontractors to comply with the requirements of this Section and Section 292.675, R.S.Mo.

**Notice of Penalties for Failure to Provide Safety Training**

- a. Pursuant to Section 292.675, R.S.Mo, Contractor shall forfeit to City as a penalty two thousand five hundred dollars (\$2,500.00), plus one hundred dollars (\$100.00) for each on-site employee employed by Contractor or its Subcontractor, for each calendar day, or portion thereof, such on-site employee is employed without the construction safety training required in Safety Training section of Article III above.
- b. The penalty described in above subsection A of this section shall not begin to accrue until the time periods described in Sections B and C Safety Training of Article III above have elapsed.
- c. Violations of Article III – Safety Training above and imposition of the penalty described in this Section shall be investigated and determined by the Missouri Department of Labor and Industrial Relations.

ARTICLE IV. That the Contractor shall construct and complete the work designated and described in the foregoing proposal and attached specifications in accordance with the Notice to Bidders, Instruction to Bidders, Proposal, Bond, General Conditions, Special Conditions, Technical Specifications, Drawings, Addenda, and other component parts of the Contract



## EXHIBIT A

Documents hereto attached, all of which documents from the Contract and are as fully a part hereto as if repeated verbatim herein.

ARTICLE V. That the Owner shall pay to the Contractor for the performance of the work described as follows: Complete construction of the improvements in accordance with plans and specifications; and the Contractor will accept as full compensation therefore, the sum (subject to adjustment as provided by the Contract) of \$282,139.86 for All work covered by and included in the contract award and designated in the foregoing Article I. Payment therefore shall be made in the manner provided in the General Conditions attached hereto.

ARTICLE VI. That the Contractor shall begin assembly of materials and equipment within ten (10) days after receipt from the Owner of executed copies of the Contract.

Liquidated Damages - Should the contractor fail to complete the work on or before the completion date specified the contractor will be charged liquidated damages in the amount of \$500.00 per calendar day for each full calendar day that the work is not fully completed. Liquidated damages will not be charged for weekends and holidays.

ARTICLE VII. Before the final payment can be made to the Contractor on the project, the Contractor must complete and return the Affidavit Compliance with the Prevailing Wage Law form furnished at the end of the Special Conditions section.

ARTICLE VIII. Before the final payment can be made on the project to the Contractor, the Contractor must complete and return the Contractor's Affidavit Regarding Settlement of Claims form furnished at the end of the Special Conditions section.

ARTICLE IX. This Contract will not be binding and effective until confirmed by the Owner.

EXHIBIT A

IN WITNESS-WHEREOF: The parties have executed this Contract as of the day and year first above written.

CITY OF ROLLA, MISSOURI

CONTRACTOR

BY \_\_\_\_\_  
Mayor, Owner, Party of the First Part

BY \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name/Title

STATE OF MISSOURI    )  
SS                            )  
County of Phelps        )

On this \_\_\_\_\_ day of \_\_\_\_\_ before me appeared \_\_\_\_\_ ,  
to me personally known, who, being by me duly sworn, did say that he is the Mayor of the City  
of Rolla, Missouri, a municipal corporation, and the seal affixed to said instrument is the  
corporate seal of said municipal corporation and that said instrument is the corporate seal of said  
municipal corporation and that said instrument was signed under authority of the City Council of  
of the City of Rolla, Missouri; and the said \_\_\_\_\_ Acknowledged  
said instrument to be the free act and deed of said municipal corporation.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF MISSOURI    )  
SS                            )  
County of Phelps        )

On this \_\_\_\_\_ day of \_\_\_\_\_ before me appeared \_\_\_\_\_ ,  
to me personally known, who, being by me duly sworn, did say that (s)he is the \_\_\_\_\_  
of \_\_\_\_\_  
and that the seal affixed to said instrument is the corporate seal of said corporation by authority  
of its board of directors; and the said \_\_\_\_\_ acknowledged said  
instrument to be the free act and deed of said corporation.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public