

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 18, 2014; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Jonathan Hines, Monty Jordan, Greg Sawyer, Kelly Long, Susan J. Eudaly, Don Morris, Stephen Bowles, Jim Williams, Brian Woolley, Tony Bahr, and Walt Bowe

Council Members Absent: Matthew Miller

Department Directors in Attendance: Public Works Director Steve Hargis, Fire Chief Robert Williams, Community Development Director John Petersen, Environmental Services Director Brady Wilson, Parks and Recreation Director Scott Caron, Interim Police Chief Rick Williams, and Finance Director Steffanie Rogers

Other City Officials in Attendance: City Administrator John Butz, City Counselor Carolyn Buschjost, and City Clerk Carol Daniels

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation, Mayor Magdits asked the members of Boy Scout Troops 83 and 85 to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Setting the 2014 Tax Rate: According to the calculations from the State of Missouri and City, Finance Director Steffanie Rogers reported the proposed tax rates for 2014 would be \$0.4539 for General Municipal Purposes, \$0.1894 for Public Library Purposes and, \$0.1118 for Public Park Purposes for a total of \$0.7550 for \$100 assessment. Since the ordinance must be certified to the Phelps County Clerk by September 1, Ms. Rogers asked the Council to consider the first and final readings of the subject ordinance.

Mayor Magdits opened the public hearing to anyone wishing to address the Council regarding the proposed 2014 tax rate. No one present responded. Mayor Magdits closed the public hearing.

AUGUST 18, 2014

**COUNCIL MEETING MINUTES
AUGUST 18, 2014
PAGE 2**

I. PUBLIC HEARINGS (continued)

(A) Ordinance Setting the 2014 Tax Rate (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4156: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI FOR THE YEAR 2014.** A motion was made by Eudaly and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Bowles to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Bahr, Williams, Jordan, Eudaly, Sawyer, Bowles, Woolley, Morris, and Bowe. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

(B) Public Hearing to Consider the Forum Plaza Shopping Center Chapter 353 Redevelopment Plan: Mayor Magdits said the next two items pertain to the Forum Plaza Shopping Center. He explained the developers of the Forum Plaza project have requested public financial assistance to help with the project. Mayor Magdits said a Community Improvement District (CID) and property tax abatement under Chapter 353 of the Revised Statutes of Missouri have been requested.

Mr. Mark Grimm, Gilmore & Bell, St. Louis, Missouri, special counsel to the City on the Forum Plaza project, stated he would advise the Administration pertaining to the procedural steps necessary to create the redevelopment area and to create the community improvement district. He said his function is to ensure everything is being done correctly from a procedural standpoint. Mr. Grimm commented on the key elements of the property tax abatement. He explained all of the taxing districts would continue to receive 100% of the revenues they currently are receiving and the abatement only applies to incremental property taxes. Mr. Grimm pointed out the Section 353 abatement does not affect personal property taxes.

Mr. Grimm explained the Community Improvement District (CID) is a self-taxing district. The developer has submitted a petition to the district requesting the creation of a CID that would impose a 1% sales tax on retail sales within the shopping center as well as a small special assessment on the tenants of the center. He said this is a \$14 million project that is being proposed. Mr. Grimm then entertained questions from the Council.

Mr. Charles Renner, Attorney with Husch Blackwell and representing the applicants, Super Market Developers, said he would give the Council a more comprehensive outline

I. PUBLIC HEARINGS (continued)

(B) Public Hearing to Consider the Forum Plaza Shopping Center Chapter 353 Redevelopment Plan (continued): of the project and how it fits together. Mr. Renner indicated he has personally worked on a number of redevelopment projects and, in his experience, finding a way to address aged, urban shopping centers is a national challenge. He said it is not easy to find solutions for those sites. To address it, Mr. Renner indicated the answer, in many cases, is to identify an appropriate, public-private partnership.

Mr. Jim Potter, Development Initiatives, 140 Walnut, Kansas City, Missouri, addressed the Council regarding the blight analysis. He said the Chapter 353 Redevelopment Plan and the Community Improvement District (CID) are both specifically set out in the State Statutes. He said a Chapter 353 Redevelopment is governed by Section 353.020(2) and the CID is governed by RSMo. 67.1401.2(3A). Mr. Potter indicated since the Forum Plaza Shopping Center was constructed in 1975, it has been largely unimproved. The property has been cosmetically changed, but the building infrastructure has remained the same. He pointed out the building components, the HVAC systems, and the roof systems are all original to the building and the paving systems in the parking lots are all original. Mr. Potter said this is what Development Initiatives looked at through their analysis and investigation. He noted the Section 353 blight definition has a three-part test. As part of that test, the area as a whole needs to be occasioned by any of the following factors: 1) age, 2) obsolescence, 3) inadequate or outmoded design and, 4) physical deterioration. The second part of this test is one or more of those factors have caused the area to become an economic and social liability. Mr. Potter indicated the third step in the definition is you must have one or more of those factors and they are conducive to ill health, transmission of disease, crime, or the inability to pay reasonable taxes. In Development Initiatives' analysis, Mr. Potter stated they noted all four factors were present and existing throughout the property, those factors have contributed to an economic liability or social liability, and they are conducive to ill health, crime, and the inability to pay reasonable taxes.

Mr. Scott Wilmoski, Super Market Developers, said Rolla has no quality, grocery-anchored shopping center, which is a rarity for the size of the community. He said Super Market Developers is attempting to bring a quality anchor tenant, which would be a modern up-to-date grocery store that would have all the offerings and varieties you would expect in your large grocery stores. In conjunction, Super Market Developers would be working with the existing tenant base and bringing additional tenants to the shopping center that would fill the neighborhood grocery-anchored shopping center. Mr. Wilmoski said the plans are to relocate the grocery store to the northern end of the property by demolishing the existing furniture store and totally rebuilding it with a state-

I. PUBLIC HEARINGS (continued)

(B) Public Hearing to Consider the Forum Plaza Shopping Center Chapter 353 Redevelopment Plan (continued): of-the-art grocery store. In addition, the remaining portion of the shopping center would be remodeled and rehabbed, including the vacated grocery store space and re-tenanting. Mr. Wilmoski pointed out there are numerous improvements that need to be done to the remainder of the strip to make it new in conjunction with the exterior of the proposed new store. Additionally, the parking lot would be redone and re-lamped to create the safety zone you would expect. In the end, Mr. Wilmoski said their goal would be to provide the community of Rolla a quality grocery-anchored shopping center.

Mr. Charles Renner, Attorney with Husch Blackwell, and representing the applicants, Super Market Developers, explained Super Market Developers, plans to make a \$14 million investment to redevelop and rehabilitate this urban shopping center. In order to make this happen, Super Market Developers has asked the City to participate in a public/private partnership to address it and this is not something Super Market Developers takes lightly. Mr. Renner said the Council is asked to consider a Chapter 353 Redevelopment Plan and a Community Improvement District (CID), which is structured to 1) preserve the tax base for the City and the other taxing districts and, 2) to grow it. He explained there would be ten years of an abatement of any incremental value and for the remaining fifteen years, it is cut in half. In summary, the plan and the proposed abatement would not reduce the revenues currently received by the taxing districts. Rather the abatement preserves revenues from the real property taxes at their existing levels for ten years before adding the benefit of 50% of the increased valuation in year fifteen and 100% of the increased valuation in year twenty-five. Meanwhile, to the entirety of the plan's life and immediately upon completion of the redevelopment, Mr. Renner indicated the taxing districts are expected to benefit from increases in sales taxes and personal property tax revenues.

After Mr. Renner addressed questions from the Council, Mayor Magdits opened the public hearing to anyone wishing to address the Council regarding the request to consider the Forum Plaza Shopping Center, Chapter 353 Redevelopment Plan.

Dr. Aaron Zalis, Superintendent of Rolla Public Schools, 500 Forum Drive, Rolla, Missouri, said he received the information on the redevelopment plan and he has had the opportunity to share it with the Board of Education. He stated the School District appreciates being part of any discussion that affects the growth of our community because growth is a good thing. Dr. Zalis commented the School District welcomes the

I. PUBLIC HEARINGS (continued)

(B) Public Hearing to Consider the Forum Plaza Shopping Center Chapter 353 Redevelopment Plan (continued): opportunity for continued involvement as it progresses and embraces their role in the community to bring new businesses and redevelopment to Rolla and they take it very seriously. Dr. Zalis said the School District has a tradition of excellence and they are working to get better and they have a great deal of respect for the work as the City leadership. The School District has a great working relationship with many facets of the City's operations and the School District is working within that same mindset to further their relationship with the Chamber of Commerce and the business community. Dr. Zalis reported the School District has experienced a decline in assessed value from about \$930,000 this year and a decrease of \$4 million in personal property. Knowing this, the School District has implemented plans to keep the district moving forward. Dr. Zalis concluded his comments by saying the School District wants the City to know they appreciate being part of any discussion that affects the growth in our community, because growth is a good thing. As this and other projects are developed and defined, he said the School District looks forward to being part of that discussion.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, stated he was planning to remodel his home – not \$14 million worth, maybe 1% or 2% of that. He said he is concerned because his tax assessment would go up and he would have to pay more taxes. Mr. Sager indicated he would like to get abatement on the 1% or 2% of \$14 million. He said he is not going to ask the Council to do this because he knows what the answer is as well as everyone in attendance and those watching by television. No tax abatement for a citizen. Mr. Sager pointed out Sinks Pharmacy just constructed a very nice pharmacy and coffee shop and he said he does not think they got a tax abatement to do it. He asked why an out-of-town developer comes in here and asks for tax abatements. Mr. Sager also noted the Council would be asking the voters to approve a tax increase probably in November. He asked the Council what kind of message this gives the voters. We want to increase your taxes, but we are willing to give tax abatements away to an out-of-town developer.

Mr. Lynn McFarland, 601 Penny Lane, Rolla, Missouri, said he is here as nothing more than a taxpayer and voter. He stated his concern is not the abatement at all. In order to make progress sometimes you have to compromise and he stated he believes this is part of the compromise. Mr. McFarland asked the Council to think hard about the 25 years because when he saw that it scared him.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

**COUNCIL MEETING MINUTES
AUGUST 18, 2014
PAGE 6**

I. PUBLIC HEARINGS (continued)

(C) Public Hearing to Consider a Petition to Establish the “Forum Plaza Community Improvement District”: Mayor Magdits pointed out this item, the “Forum Plaza Community Improvement District (CID),” is the companion issue to the Chapter 353 Redevelopment Plan.

He then opened the public hearing to anyone wishing to address the Council concerning the “Forum Plaza Community Improvement District.” No one present addressed the Council. Mayor Magdits closed the public hearing.

(D) Ordinance Amending Section 42-9 of the Rolla City Code Pertaining to Voting Procedures Regarding Approval of Improvements: Mayor Magdits recalled a couple of weeks, a conflict between City ordinance and State Statutes was noted. He then turned the floor over to Community Development Director John Petersen.

Mr. Petersen explained the City’s legal counsel proposed an amendment to Section 42-9, Approval of Improvements, of the Rolla City Code to bring it into compliance with Missouri State Statute 89.380. The regulation would require a two-thirds vote by the City Council to approve a public improvement if the Planning and Zoning Commission denied the request. Mr. Petersen reported the Planning and Zoning Commission, during its August 12, 2014, meeting voted to unanimously recommend approval of the proposed ordinance.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject ordinance. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4157: AN ORDINANCE AMENDING ORDINANCE NO. 42-9, ARTICLE I, PLANNING AND ZONING, REGARDING APPROVAL OF IMPROVEMENTS AND ADOPTING STATE STATUTE REQUIREMENTS FOR VOTING PROCEDURES REGARDING APPROVAL OF IMPROVEMENTS. A motion was made by Morris and seconded by Long to suspend the rules and the ordinance be read for its final reading by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Bowles, Jordan, Williams, Hines, Bahr, Woolley, Long, Bowe, Sawyer, and Morris. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

AUGUST 18, 2014

I. PUBLIC HEARINGS (continued)

(E) Ordinance Approving a Conditional Use Permit for the Establishment of a Massage Therapy Business at 901 Turkey Run: Community Development Director John Petersen told the Council the subject property, 901 Turkey Run, is zoned R-1 (Single Family District). The applicant, who resides at 901 Turkey Run, is requesting a Conditional Use Permit (CUP) in order to establish a massage therapy business in his home. Mr. Petersen informed the Council the applicant has certified in his application he would voluntarily limit his practice to no more than twelve clients per week, scheduled at no less than 15-minute intervals, in order to prevent a perceived problem of traffic flow in and out of the neighborhood. Mr. Petersen said he has been working with the applicant to try to protect the surrounding neighborhood and address issues that people have had. In addition to the “Standards for All Conditional Use Permits,” Mr. Petersen read six additional proposed conditions (included in the agenda materials) to eliminate any potential adverse community or neighborhood impacts. He reported the Planning and Zoning Commission recommends approval of the CUP.

After some Council discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject CUP at 904 Turkey Run.

Mr. Lyndon Bartle, petitioner, 904 Turkey Run, stated he wishes to operate a massage therapy business out of his home. He informed the Council he was licensed by the State of Missouri in 2010. Mr. Bartle emphasized he would be doing therapeutic massage therapy, which can also possibly treat neck and shoulder pain. He said he does not intend to have any billboards or signs on his property, no more than twelve clients per week, and appointments would be scheduled at no less than fifteen minute intervals.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A MASSAGE THERAPY BUSINESS LOCATED AT 904 TURKEY RUN DRIVE (BARTLE).

(F) Ordinance Rezoning Property at 2101 Old St. James Road from C-3 to R-3 Zoning (Hart): Community Development Director John Petersen said the applicant is requesting the rezoning of the subject property to R-3 (Multi-Family District) to accommodate 40 townhouse style dwelling units consisting of four, six-plexes, and four, four-plexes with two and three bedrooms maximum. He reported the Planning and Zoning Commission recommend approval of the rezoning request.

I. PUBLIC HEARINGS (continued)

(F) Ordinance Rezoning Property at 2101 Old St. James Road from C-3 to R-3 Zoning (Hart) (continued): Petitioner Ms. Debra Shantz Hart, Housing Plus, LLC, 1525 E. Republic Road, Springfield, Missouri, said one of the things she needs to show the MHDC (Missouri Housing Development Commission) is they have a project and a site that is totally shovel ready if the tax credit allocation is approved. The property as it sits now has a commercial zoning, so this is a down zone request. Ms. Hart assured the Council she is in no way trying to circumvent the City rules, since she is currently unable to provide a site plan. The City will have the opportunity to review and comment on their site plan and Housing Plus will address all of the issues with respect to any life/safety issues in terms of ambulance access, upon approval of the tax credits.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Harold Lynn Dunn, 1317 Harvey Court, Rolla, Missouri, said he and his neighbors would like to know how much green space would be provided in the subject development. Additionally, Mr. Dunn said he would like to know about the flood plain and storm drainage profile.

Mayor Magdits told Mr. Dunn most of his questions pertain to the site plan, which would be considered at a later meeting.

Mr. Dunn said he and his neighbors are opposed to the requested rezoning. He indicated there would be problems in his neighborhood if a four-inch rain occurs. Mr. Dunn recommended a four-way stop be installed to the entrance of this development, because there have been several accidents near that location.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

Mayor Magdits asked if a zoning could be approved, but take effect at a deferred time. He noted Ms. Hart needs some assurance on the rezoning for her project, but if it does not happen, the Council has committed to R-3 (Multi-Family District) zoning for this property.

City Counselor Carolyn Buschjost indicated she would need to do some research to confirm this.

I. PUBLIC HEARINGS (continued)

(F) Ordinance Rezoning Property at 2101 Old St. James Road from C-3 to R-3 Zoning (Hart) (continued): After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO REZONE PROPERTY LOCATED AT 2101 OLD SAINT JAMES ROAD, LOT 2 COUNTRY HILLS SUBDIVISION, FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (HART).

If the project is funded, Mr. Butz noted a site plan would be brought to the Council. Before any building permits are issued, Housing Plus would need to provide various types of analysis on site disturbance.

(G) Closing of Public Hearing to Consider Neighborhood Market Rezoning (Application Withdrawn): Mayor Magdits recalled the public hearing was opened on this issue during the Council's last meeting. Although the developer withdrew their request, since the public hearing had been advertised and residents came to speak, the hearing remained open. Since the application has been withdrawn, Mayor Magdits stated the public hearing is now closed.

II. SPECIAL PRESENTATIONS

(A) Sustainable Ozarks Partnership (SOP) Call to Action: Mr. Steve Tupper, representing the Sustainable Ozarks Partnership (SOP), strongly encouraged the community and community leaders to send comments in opposition to potential cuts at Fort Leonard Wood. He said fairly significant job cuts are called for in an army study called The Supplemental Program Element Assessment (SPEA). The SPEA is a study of economic impacts that would go based upon possible future personnel reductions. Mr. Tupper noted it has been done in Washington D.C. at the Army Environmental Command in order to look at what would happen. Under this, Fort Leonard Wood would see a cut of 5,400 soldiers, a loss of 673 civilian jobs, and, a loss of 870 additional jobs in the supporting economy. Mr. Tupper explained this means Rolla would lose 13% of its annual retail sales, 12% employment, and a decline of Rolla's population by 8.5%. Mr. Tupper informed the Council the public comment period continues for one more week. He encouraged everyone to participate and to encourage others to participate.

II. SPECIAL PRESENTATIONS (continued)

(B) Rolla Municipal Utilities FY 2014 Third Quarter Report/Submittal of FY 2014-15 Budget: Rolla Municipal Utilities General Manager Rodney Bourne explained the complete Rolla Municipal Utilities' (RMU) third quarter report is available for review at www.rollamunicipalutilities.org.

Mr. Bourne then provided an overview of RMU's FY 2014-15 budget, which extends from October 1 through September 30.

III. OLD BUSINESS

(A) Ordinance Calling for a November 4, 2014, Election – Sales Tax Issue on Parks Funding: Parks and Recreation Director Scott Caron recalled during the Council's last meeting, staff presented three options for a sales tax election in November. The option selected by Council was a one-quarter cent sales tax, reduced to three-sixteenths after eight years. Mr. Caron indicated the primary objective of a park sales tax is for the sustainable funding of the parks and cemetery operations and he noted the option selected would accomplish this. Mr. Caron informed the Council the General Fund has subsidized the Parks Department for the past few years for \$450,000 and the General Fund does not have the capability of being able to sustain that level of funding. Mr. Caron mentioned the Council amended the ballot language during its last meeting to stipulate the sales tax revenues would be prohibited from being used for The Centre.

Mr. Caron pointed out the funding of The Centre continues to be a point of discussion and concern, although no General Fund dollars have been used for the recreation center. To the contrary, he pointed out dollars have been transferred from the recreation center to the General Fund. Mr. Caron said if this continues to be a concern and the Council wishes to address it, a statement can be included in the proposed ordinance recitals. The proposed language is as follows: "The 1998 park sales tax that expired in 2013 funded the construction and operations of the Centre and SplashZone. During its existence, the City of Rolla did not subsidize or transfer any additional funds to support the Centre. A parks only sales tax will provide savings to the General Fund and now support city services primarily in public safety. Operations at the Centre will continue to be separate and not intended to receive funds from the General Fund."

After discussion, a motion was made by Long and seconded by Eudaly to amend the recitals portion of the proposed ordinance by including the following statement: "The 1998 park sales tax that expired in 2013 funded the construction and operations of the

III. OLD BUSINESS (continued)

(A) Ordinance Calling for a November 4, 2014, Election – Sales Tax Issue on Parks Funding (continued): Centre and SplashZone. During its existence, the City of Rolla did not subsidize or transfer any additional funds to support the Centre. A parks only sales tax will provide savings to the General Fund and now support city services primarily in public safety. Operations at the Centre will continue to be separate and not intended to receive funds from the General Fund. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE NO. 4158: AN ORDINANCE AUTHORIZING SUBMISSION TO THE VOTERS OF THE CITY OF ROLLA, MISSOURI, AT THE NEXT ELECTION DAY, NOVEMBER 4, 2014, “PROPOSITION P” IMPOSING A MUNICIPAL SALES TAX OF ONE-QUARTER OF ONE PERCENT BEGINNING APRIL 1, 2015, FOR EIGHT YEARS, REDUCED TO THREE-SIXTEENTHS OF ONE PERCENT BEGINNING APRIL 1, 2023, FOR THE PURPOSE OF PROVIDING FUNDING FOR LOCAL PARKS AND RECREATION, INCLUDING, BUT NOT LIMITED TO CONSTRUCTION, OPERATION AND MAINTENANCE. A motion was made by Eudaly and seconded by Morris to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Bahr, Jordan, Hines, Woolley, Bowe, Sawyer, Bowles, Long, Eudaly, and Morris. Nays; Williams. Absent; Miller. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a Technical Assistance Contract with the Phelps County Landfill Board (PCLB): Environmental Services Director Brady Wilson referred the Council to the proposed contract between the City of Rolla and the Phelps County Landfill Board (PCLB). He said this would essentially be renewing an intergovernmental agreement the City has had with PCLB for numerous years.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4159: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PHELPS COUNTY

IV. NEW BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Execute a Technical Assistance Contract with the Phelps County Landfill Board (PCLB) (continued): LANDFILL BOARD. A motion was made by Morris and seconded by Eudaly to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Williams, Hines, Bahr, Bowles, Jordan, Morris, Long, Eudaly, and Sawyer. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

(B) Ordinance Authorizing Change Order to R.E. Pedrotti Co. Contract for Wastewater Treatment SCADA at Rolla National Airport: Public Works Director Steve Hargis explained the proposed change order, prepared by the City's consultant, applies to the SCADA (Supervisory Control and Data Acquisition) system for the wastewater portion of the Rolla National Airport. He explained this allows the City to remotely monitor, via an internet connection, and operate the water tower and well. Mr. Hargis said the project fast tracked and the wastewater portion was not designed at the time the bids were let. He reported the EDA (Economic Development Administration) has reviewed and concurred with the recommendation of the change order. Mr. Hargis indicated staff recommends approval of a change order to R.E. Pedrotti Company for \$68,922 for Wastewater Treatment SCADA at the Rolla National Airport.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4160: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, A CONTRACT CHANGE ORDER BETWEEN THE CITY OF ROLLA, MISSOURI, AND R.E. PEDROTTI COMPANY. A motion was made by Eudaly and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Bahr, Eudaly, Woolley, Bowe, Sawyer, Bowles, Long, Morris, and Hines. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

IV. NEW BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Execute a Contract with Donald Maggi, Inc., for Wastewater Treatment System at Rolla National Airport (continued):

Public Works Director Steve Hargis recalled at its last meeting, the Council awarded the bid to Don Maggi, Inc., for \$427,969 for the wastewater treatment facility at the Rolla National Airport. He reported the Economic Development Administration (EDA) has approved the contract award. Mr. Hargis said the attached ordinance would authorize the Mayor to execute the agreement with Don Maggi, Inc.

City Counselor Carolyn Buschjost noted there are some other documents that require the City Counselor's signature. She recommended if the Council authorizes the first and final readings of the ordinance at this meeting that approval be contingent upon her having an opportunity to review the document.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4161: 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 DONALD MAGGI, INC., FOR PROJECT 316-7A, WASTEWATER TREATMENT SYSTEM AT ROLLA NATIONAL AIRPORT, contingent upon attorney review and approval of the remaining documents. A motion was made by Jordan and seconded by Eudaly to approve the ordinance contingent upon attorney review and approval of the remaining documents. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. A motion was then made by Sawyer and seconded by Eudaly to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title, contingent upon attorney review and approval. A motion was made by Long and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Williams, Hines, Long, Bowles, Jordan, Morris, Sawyer, Eudaly, and Bahr. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

(D) Motion Authorizing a Special Counsel Engagement Letter with Gilmore Bell:

City Administrator John Butz indicated this is an extension of the services Gilmore Bell provides for Rolla West. The City has also been using Gilmore Bell for the work on Forum Plaza. Since approval needs to be authorized through resolution, this item would be placed on the next Council agenda for consideration.

**COUNCIL MEETING MINUTES
AUGUST 18, 2014
PAGE 14**

IV. NEW BUSINESS (continued)

(D) Motion Authorizing a Special Counsel Engagement Letter with Gilmore Bell (continued): In response to a question from Councilman Bahr regarding the estimated \$10,000 to \$20,000 to Gilmore Bell for these services, Mr. Butz said the developer advances the funds and the City authorizes the checks to be spent down on the escrow the City is holding.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Water Tank at Rolla National Airport: Councilman Bahr asked if the City has paid for the water tank at the Rolla National Airport.

City Administrator John Butz told Mr. Bahr the City has paid for the construction of the water tank and the City will be paying the lease on it for another 10 to 15 years. He added most of the work at the airport is complete. Mr. Butz said the last contracts that were approved, which were all a part of the Economic Development Administration (EDA) project, allows for the land application and the sewer, which will be done this year. Mr. Butz said the project should be wrapped up within the next couple of months.

(B) Missouri S&T Students: Councilman Woolley reminded everyone to drive carefully, since the Missouri S&T students are back in town.

(C) Salt Supply: Councilman Bowles said he heard on the news that several counties in Illinois were not able to put bids out for salt because they could not find anyone to supply it. He pointed out the City was fortunate Public Works Director Steve Hargis was able to secure a supply for Rolla.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone present wishing to address the Council.

AUGUST 18, 2014

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): (1) Mr. Alfred Chapman, 17401 County Road 8220, Rolla, Missouri, said he has heard a lot of talk tonight about the Forum Plaza, the parks, and about the cuts coming to Fort Leonard Wood and possibly its closure. He said it sounds like we are going to lose income, residents, and our businesses are going to suffer for the next few years. Mr. Chapman stated he knows it is a tight budget for the City, but many people are going to have to vote on their wallet. He said the City might give abatements so the people in the Forum Plaza do not have to pay taxes for ten years, but they are going to expect fire and police protection and good roads, but they do not want to pay for them. However, you are going to put that burden on the citizens that are losing their jobs and those with limited incomes. Mr. Chapman asked the Council to consider what they are asking people to do for those not wanting to pay their way. He said he does not know if it is wise to give all these tax abatements to companies to get them to come to Rolla and then not let people like Floyd Huffman develop his property and sell it without asking for tax abatements. Mr. Chapman commented Rolla either did not want a company like Caterpillar, that offers to pay \$17 - \$18 an hour, or Rolla cannot get them.

Mayor Magdits said the best thing he can tell Mr. Chapman is when people tell you that, instead of them pulling things out of the air, have them come to City Hall or to the RREC (Rolla Regional Economic Commission) and get the correct answer. Because to make a statement the Council did not want Caterpillar is about as far from the truth as you can possibly get.

Mr. Chapman said it sounds like people are going to lose their jobs and some income, businesses are going to lose some sales and everybody's wanting an increase in taxes, i.e., the schools, City, State, County. There is only so much money to go around. Mr. Chapman asked the Council to really consider these tax abatements.

Mayor Magdits encouraged Mr. Chapman to attend the City's upcoming budget workshops.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Budget Workshops: City Administrator John Butz announced the City Council would be reviewing the proposed FY 2014/15 on Monday, August 25, 2014, at 5:30 p.m. in the Council Chambers. If it is necessary to continue the budget review, the second workshop would be held on Wednesday, August 27, due to Municipal Court being held in the Council Chambers on Tuesday.

VIII. COMMENTS FOR THE GOOD OF THE ORDER (continued)

(A) Budget Workshops (continued): Additionally, Mr. Butz announced the Finance/Audit Committee would be previewing the proposed budget on Tuesday, August 19 in the City Hall Third Floor Conference Room beginning at 4 p.m. He extended an invitation to the other Council members to attend this meeting. The Finance/Audit Committee is comprised of Finance Director Steffanie Rogers, City Administrator John, Councilmembers Bahr, Long, and Jordan.

IX. CLOSED SESSION

A motion was made by Eudaly and seconded by Sawyer to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss personnel. A roll call vote on the motion showed the following: Ayes; Bowles, Eudaly, Bahr, Hines, Woolley, Bowe, Sawyer, Long, Jordan, Morris, and Williams. Nays; None. Absent; Miller. Motion carried.

The Council adjourned into Closed Session at approximately 9:08 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 10:04 p.m.

City Counselor Carolyn Buschjost reported a personnel issue was discussed during closed session. The Council made a motion, a vote was taken, and a public release will be made within 72 hours.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 10:04 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

AUGUST 18, 2014