

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 2, 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, Matthew Miller, Susan J. Eudaly, Stephen Bowles, Brian Woolley, and Walt Bowe

Council Members Absent: Kelly Long, Don Morris, Jim Williams, and Tony Bahr

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 Councilman Brian Woolley to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

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

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

- 1) City Council Meeting – August 4, 2014
- 2) City Council Meeting – August 18, 2014
- 3) Closed Session City Council Meeting – August 18, 2014

II. PUBLIC HEARINGS

(A) Ordinance to Consider the City of Rolla Fiscal Year 2014/2015 Budget: City Administrator John Butz indicated the proposed FY 2014/2015 budget is just over \$28 million. He said it seems somewhat inflated because part of the budget includes a \$3 million proposed financing project for transportation and streets. In essence, Mr. Butz stated it is about a \$25.7 million budget – the lowest budget the City has had in four years

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II. PUBLIC HEARINGS (continued)

(A) Ordinance to Consider the City of Rolla Fiscal Year 2014/2015 Budget (continued): and a 1% growth has been factored into it. By law, Mr. Butz explained the budget is balanced from all ten funds. There are about a dozen positions the City has not been able to fill over the past two years, including three public safety positions (two in the Fire Department and one in the Police Department). He said these positions were not filled in 2014 when they were vacated. Additionally, the proposed budget includes five vacant positions in public safety (three in the Fire Department and two in the Police Department).

Mr. Butz informed the Council the proposed budget includes a \$0.25 per thousand gallons sewer rate increase; the first trash fee increase in about a dozen years of about \$1.50 per month, and; an approximately 5% increase in recreation center membership fees, which is varied based on the packages offered.

Mr. Butz explained staff is proposing the Park Fund and the Recreation Center be entirely separated. If Proposition P (one-fourth cent sales tax for parks only) passes in November, it would provide the relief needed this year. If Proposition P does not pass, he said the budget cuts will come in the spring and summer of 2015 and they will unfortunately be dramatic.

Mr. Butz mentioned the proposed budget includes a 1.5% merit increase for eligible employees effective January 1.

After a brief discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed FY 2014/2015 budget. 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: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014, AND APPROPRIATING FUNDS PURSUANT THERETO.**

III. SPECIAL PRESENTATIONS

(A) Featured Business/Organization: Kaleidoscope Discovery Center “Without Walls”: Mayor Magdits announced this presentation has been postponed to a future meeting.

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III. SPECIAL PRESENTATIONS (continued)

(B) Second Quarter 2014 Tourism Report: Rolla Area Chamber of Commerce Executive Director Stevie Kears provided an overview of the Second Quarter 2014 Tourism Report and Marketing efforts. Following her report, she entertained questions from the Council.

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

Mayor Magdits referred the Council to **(A)** the July 2014, Centre Financial Analysis; **(B)** the July 23, 2014, Parks and Recreation Commission Meeting Minutes; **(C)** the July 2014, Environmental Services Department Monthly Report; **(D)** the August 7, 2014, Board of Adjustment Meeting Minutes; **(E)** the August 12, 2014, Planning and Zoning Commission Preliminary Meeting Minutes; **(F)** the July 29, 2014, Development Review Committee Meeting Minutes; **(G)** the August 2014 Fire and Rescue Department Monthly Report; **(H)** the July 2014 Rolla Municipal Utilities Monthly Report; **(I)** the July 29, 2014 Rolla Board of Public Works Meeting Minutes, and; **(J)** the July 2014 Rolla Municipal Court Monthly Report.

V. OLD BUSINESS

(A) Resolution Authorizing the City Administrator to Execute an Engagement Letter with Gilmore Bell: City Administrator John Butz informed the Council the City has been using Gilmore Bell, Attorneys at Law, after the City went through a selection process a few years ago on everything related to the Rolla West project. When the City began the working with Country Mart on the Forum Plaza project, there was work to be done on the formation of the 353 Redevelopment Corporation and a Community Improvement District (CID). Mr. Butz said the subject engagement letter would allow the City to employ Gilmore Bell and compensate them for their services. Mr. Butz added the funds to pay Gilmore Bell would be taken from the \$25,000 advanced by Country Mart.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1825: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN ENGAGEMENT LETTER FOR SPECIAL COUNSEL SERVICES BETWEEN THE CITY OF ROLLA,

V. OLD BUSINESS (continued)

(A) Resolution Authorizing the City Administrator to Execute an Engagement Letter with Gilmore Bell (continued): MISSOURI AND GILMORE BELL, ATTORNEYS AT LAW, IN CONNECTION WITH THE CONSIDERATION OF ECONOMIC DEVELOPMENT INCENTIVES IN ROLLA, MISSOURI. A motion was made by Eudaly and seconded by Woolley to approve the proposed resolution. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(B) Ordinance Approving a Conditional Use Permit for the Establishment of a Massage Therapy Business at 901 Turkey Run: Community Development Director John Petersen explained the applicant, who is licensed through the State of Missouri as a massage therapist, wishes to operate a massage therapy business in his home. To do this, Mr. Petersen said a conditional use permit is required. In addition to the standards required for all conditional use permits, Mr. Petersen provided an overview of the additional conditions approved and recommended by the Planning and Zoning Commission.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title, as amended by incorporating the additional conditions. ORDINANCE NO. 4163: AN ORDINANCE AUTHORIZING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A MASSAGE THERAPY BUSINESS LOCATED AT 904 TURKEY RUN DRIVE. (BARTLE). A motion was made by Eudaly and seconded by Sawyer to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Hines, Bowles, Sawyer, Eudaly, and Jordan. Nays; None. Absent; Williams, Bahr, Long, and Morris. Motion carried. The ordinance passed.

(C) Ordinance Rezoning Property at 2101 Old St. James Road from C-3 to R-3 Zoning (Hart): Community Development Director John Petersen explained the subject property consists of ten acres and is currently zoned C-3 (Highway Commercial District) and the applicant proposes to rezone the property to R-3 (Multi-Family District). He pointed out that as the project is developed, storm water management would be addressed by the developer. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the zoning request.

City Counselor Carolyn Buschjost commented on the question that arose during the last Council meeting about whether the requested rezoning could be approved contingent upon approval of the tax credits. She informed the Council the law does not allow a zoning approval with a contingency or allow it to be deferred to a later date where it would revert to its former zoning.

V. OLD BUSINESS (continued)

(C) Ordinance Rezoning Property at 2101 Old St. James Road from C-3 to R-3 Zoning (Hart) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4164: 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). A motion was made by Jordan and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sawyer, Eudaly, Hines, Jordan, Miller, Bowe, Bowles, and Woolley. Nays; None. Absent; Bahr, William, Long, and Morris. Motion carried. The ordinance passed.

VI. NEW BUSINESS

None.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Authorizing the Sale of a 2001 Dodge Four-Wheel Drive Pickup (Rescue 35) on GovDeals.com: Fire Chief Robert Williams informed the Council the Fire Department has a 2001 Dodge, four-wheel drive pickup that was acquired from the State several years ago. He said the truck is still in good condition, but it is no longer needed by the Fire Department. Chief Williams requested permission to sell the vehicle through GovDeals.com.

A motion was made by Jordan and seconded by Sawyer to authorize the sale of the Fire Department's 2001 Dodge, four-wheel drive pickup truck on GovDeals.com. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(B) Motion Awarding Bid for E-mail Server: Finance Director Steffanie Rogers informed the Council the FY 2014 budget contains \$25,000 for a new e-mail server. Three quotes for a new server were obtained and staff recommends the purchase of a new server to the low bidder, Zones, for \$13,270.98.

A motion was made by Eudaly and seconded by Bowles to authorize the purchase of a new e-mail server to the low bidder, Zones, for \$13,270.98. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for Industrial Paper Shredder: Environmental Services Director Brady Wilson referred the Council to the tabulation of bids received for replacement of the Department's existing paper shredder. He said this is a scheduled replacement of a twenty year old plus shredder. After reviewing the bids, Mr. Wilson recommended accepting the bid from Nisly Brothers, Inc., without trade-in for \$38,505. Additionally, Mr. Wilson recommended selling the existing shredder on GovDeals.com. He told the Council he believes the shredder will sell for more on GovDeals.com than would be received on trade-in.

A motion was made by Bowles and seconded by Eudaly to award the bid for an industrial paper shredder to the low bidder, Nisly Brothers, Inc., Hutchinson, Kansas for \$38,505 without trade-in, and to sell the surplus paper shredder on GovDeals.com. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Silver Sneakers: Mayor Magdits recalled that several months ago the Council authorized staff to execute a contract with Silver Sneakers. As staff was preparing to execute the contract, it was noted there were certain clauses in the contract regarding liability, which was inconsistent with the City's sovereign immunity and the City could not come to terms with Silver Sneakers. Mayor Magdits reported the contract has not been executed and, barring some significant change, it will probably not be executed.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Bowe: Councilman Bowe asked everyone to keep Councilman Jimmy Dale Williams in their prayers. He reported he is currently going through some tough times and could really use the support.

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XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:12 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 7:30 p.m.

City Counselor Carolyn Buschjost reported that during closed session the Council discussed a real estate matter and no final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:31 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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