

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 6, 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, Kelly Long, Susan J. Eudaly, Don Morris, Stephen Bowles, Brian Woolley, and Walt Bowe

Council Members Absent: 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 Lance Thurman, and City Clerk Carol Daniels

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked a boy scout who is working on his merit bad 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 ten ayes, zero nays, and two absent. Motion carried. The consent agenda consisted of the following:

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

- 1) City Council Budget Workshop – August 25, 2014
- 2) City Council Meeting – September 2, 2014
- 3) Closed Session City Council Meeting – September 2, 2014
- 4) City Council Meeting – September 15, 2014

II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

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(A) Fire Prevention Week Activities: Fire Chief Robert Williams informed the Council that this week is Fire Prevention Week. In addition to doing programs at the elementary schools, he said the Rolla Fire and Rescue Department would be conducting an open house at Fire Station No. 1 on Saturday, October 11, 2014, from 10 a.m. to 2 p.m. Chief Williams said there would be various static displays and the fire trucks would be operating.

Chief Williams also informed the Council that the Fire Department is selling t-shirts in support of Team Anita, Ms. Anita Lynch of Rolla, Missouri, who lost her battle with breast cancer.

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

Mayor Magdits referred the Council to **(A)** the August 2014, Centre Financial Analysis; **(B)** the August 27, 2014, Parks and Recreation Commission Meeting Minutes; **(C)** the August 2014, Environmental Services Department Monthly Report; **(D)** the September 9, 2014, Planning and Zoning Commission Preliminary Meeting Minutes; **(E)** the August 26, 2014, Development Review Committee Meeting Minutes; **(F)** the September 2014 Fire and Rescue Department Monthly Report; **(G)** the August 2014 Rolla Municipal Court Monthly Report; **(H)** the July and August 2014 Rolla Police Department Monthly Reports, and; **(I)** the July and August 2014, Rolla Animal Control Monthly Reports.

V. OLD BUSINESS

(A) Ordinance Rezoning Part of Gracie Place Subdivision from R-3 (Multi-Family District) Zoning to Claire Court Planned Unit Development (PUD) (Sowers): Community Development Director John Petersen explained the subject property consists of about 3.44 acres and the proposed development would have three, five plex units; seven, four plex units, and; one three-plex unit. He said the developer plans to have one and two bedrooms per unit.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4167: AN ORDINANCE TO REZONE A FRACTIONAL PART OF 2100 STATE ROUTE E, A FRACTIONAL PART OF LOT

V. OLD BUSINESS (continued)

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(A) Ordinance Rezoning Part of Gracie Place Subdivision from R-3 (Multi-Family District) Zoning to Claire Court Planned Unit Development (PUD) (Sowers) (continued): 21, GRACIE PLACE SUBDIVISION, ALL IN SECTION 3, T37N, R8W, ROLLA, MISSOURI FROM R-3 (MULTI-FAMILY DISTRICT) ZONING TO CLAIRE COURT PLANNED UNIT DEVELOPMENT (PUD) (SOWERS). A motion was made by Sawyer and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Miller, Bowe, Woolley, Hines, Bowles, Jordan, Morris, Long, Eudaly, and Sawyer. Nays; None. Absent; Williams, and Bahr. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Residential and Commercial Refuse Disposal and Collection: Environmental Services Director Brady Wilson recalled that during the FY 2015 process staff briefly touched on the possibility of a rate increase. Refuse rates were last adjusted in 2002. Since 2002, costs of operations have increased significantly, i.e., fuel costs, truck prices, dumpster prices, etc. Mr. Wilson stated the one constant has been disposal rates. He said the City has been fortunate to be able to negotiate some good contracts. Mr. Wilson pointed out the City is actually paying less today for landfill disposal than what we were ten years ago, which has helped delay a rate increase. Mr. Wilson then provided an overview of the proposed rates and entertained questions from the Council.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 18-14 (a), SECTION 18-16 (a), SECTION 18-23, AND SECTION 18-25 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO RESIDENTIAL AND COMMERCIAL REFUSE DISPOSAL AND COLLECTION.

(B) Proposition P – Park Maintenance Improvement Plan: Mayor Magdits noted that very early in the process, the City identified a number of things it would do to bring forth to the community another ballot initiative for a park sales tax. One of the things identified was sharing with the public how the money was going to be used, at least on the capital projects over the course of eight years.

VI. NEW BUSINESS (continued)

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(B) Proposition P – Park Maintenance Improvement Plan (continued): Parks and Recreation Director Scott Caron explained the specifics of this issue are based on the input from what the City initially heard from residents regarding Proposition P. He said residents wanted to have a clear separation of the parks from The Centre, which was created by having two separate funds and a newly adopted budget effective October 1. Mr. Caron said residents wanted accountability, which has been provided for in the ballot language by having a portion of the sales tax sunsetted. Additionally, the residents wanted more details and input on the capital improvements. Mr. Caron emphasized Proposition P is a parks only sales tax. The funds are prohibited from being used at The Centre. He indicated the vast majority of the funds would be used to take care of what it currently has. Mr. Caron said a majority of the funding would go to mowing and weed eating, cleaning up, and picking up trash within the park system. He stressed Proposition P is not a funding mechanism in any way for The Centre. Mr. Caron said Proposition P would also be used for capital improvements. He then referred the Council to the 2016 – 2024 Maintenance Improvements Schedule for 13 areas of the park system and briefly commented on the needed improvements.

Mr. Caron announced an open house regarding Proposition P would be held at 6 p.m. on Thursday at the Green Acres Park pavilion. He said City staff is seeking residents' feedback on the conditions in the park system.

(C) Resolution Renewing Lease with Rolla Modeler's Club: City Administrator John Butz recalled the City entered into a lease with the Rolla Modelers Club in 2004 that operates under the guidelines of the Academy of Model Aeronautics (AMA), which is a nationwide effort that provides insurance coverage for those members. He explained the City requires, under this agreement, that anyone who is flying at the airport, do so under the AMA umbrella. Mr. Butz said the Modelers Club currently uses an eight-acre site, east of the former Extravaganza site. However, as part of the Airport's infrastructure improvements, the City drained the pond. He said it was a matter of either adding it to the agricultural lease or, in this case, consider it as an expansion to the Rolla Modelers Club lease, in which they were interested. Mr. Butz said the proposed agreement includes a 13.5-acre development. By adding acreage, the Modelers Club is incurring the cost for the new fencing and maintaining the area.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1828: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY

VI. NEW BUSINESS (continued)

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(C) Resolution Renewing Lease with Rolla Modeler's Club (continued): OF ROLLA, MISSOURI A CERTAIN LEASE BETWEEN THE CITY OF ROLLA, MISSOURI AND THE ROLLA MODELERS CLUB. A motion was made by Long and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(D) Motion Considering the Columbus Day Holiday on Monday, October 13: City Administrator John Butz indicated the Employee Advisory Committee (EAC) asked if the Council would consider adding the Columbus Day holiday in recognition of their service. He noted there is a cost for adding this holiday, because the City has public safety officers that retain their work schedule and the City pays them in December for those days. Mr. Butz suggested granting the Columbus Day holiday on Monday, October 13, 2014, only. During the rewrite of the personnel rules, this day would be considered as a permanent holiday.

A motion was made by Morris and seconded by Eudaly to grant City employees the Columbus Day holiday on Monday, October 13, 2014. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(E) Animal Shelter Needs Assessment Report: Mayor Magdits stated that due to the generosity of the late Mr. Robert Eck, who provided financial resources to allow the City to conduct this needs assessment, this is the first step in a long process.

City Administrator John Butz provided an overview of the needs assessment study for the new animal control facility conducted by Shelter Planners of America. Following the presentation, he said the next steps would be to report to the community partners, engage the community, and invite them to hear directly from Shelter Planners of America, and then come back with the committee structure and a fundraising strategy.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 364, Cottonwood Drive Asphalt Overlay: Public Works Director Steve Hargis indicated staff's recommendation is to award the bid for the Cottonwood Drive asphalt overlay project to the low bidder, Rolla Asphalt, Rolla, Missouri, for \$45,762.50. He said Cottonwood Drive should be ready for asphalt within

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

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(A) Motion Awarding Bid for Project 364, Cottonwood Drive Asphalt Overlay (continued): the next two weeks. A motion was made by Eudaly and seconded by Morris to award the bid for Project 364, Cottonwood Drive Asphalt Overlay, to the low bidder, Rolla Asphalt, Rolla, Missouri for \$45,762.50. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Ordinance Authorizing the Mayor to Execute an Agreement with Rolla Asphalt, LLC, for Project 364, Cottonwood Drive Asphalt Overlay: Public Works Director Steve Hargis asked the Council to consider approving the subject ordinance, which would authorize the Mayor to execute an agreement with Rolla Asphalt, for the Cottonwood Drive asphalt overlay project. Additionally, he asked the Council to consider conducting the first and final readings of the subject ordinance at this meeting.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4168: 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 ROLLA ASPHALT, LLC., FOR PROJECT 364. A motion was made by Morris and seconded by Sawyer to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Jordan and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Eudaly, Woolley, Miller, Bowe, Sawyer, Bowles, Long, Morris, and Hines. Nays; None. Absent; Williams and Bahr. Motion carried. The ordinance passed.

VIII. CITIZEN COMMUNICATION

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

(A) Mr. Robert Stewart, 1308 Hillview Drive, Rolla, Missouri, said he was surprised that after the City of Waynesville stopped putting the same kind of “crap” in their City water that we are putting in ours, the Rolla City Council would take some action. He said he came to the meeting to ask the Council to consider removing fluoride from the City’s

VIII. CITIZEN COMMUNICATION (continued)

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(A) Open Citizen Communication (continued): water supply. Mr. Stewart pointed out fluoride is now available by prescription, so it is a medicine and it should not be added to the water. Mr. Stewart asked the Council if they are going to take a lawsuit against Rolla Municipal Utilities (RMU) to have them stop putting hydrofluorosilic acid in the water because they are violating City ordinance.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Resignation of Rolla City Attorney Brendon Fox: Mayor Magdits noted City Attorney Brendon Fox has been elected to the Phelps County Prosecuting Attorney's Office and has submitted his letter of resignation as City attorney, effective December 20. Mayor Magdits indicated he would be recommending the appointment of a replacement to fill the City Attorney's position until the April 2015 election. He asked anyone interested in this position to contact his office by November 1.

(B) Salt Supply: City Administrator John Butz recalled that just before the FY 2015 budget was approved, the Council authorized staff to purchase salt to replenish its supply for this year. However, the amount purchased was not adequate. Mr. Butz said the report the City is still getting, is no one has any salt to purchase. The company the City recently purchased salt from contacted Public Works Director Steve Hargis on Friday and said if we placed an order by this morning, the City could obtain another \$50,000 worth. Mr. Butz reported the City authorized the purchase this morning. He asked the Council to consider retroactively approving this purchase. A motion was made by Morris and seconded by Long to amend the original agreement with the salt company to accommodate the additional purchase of salt. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Kelly Long stated Mayor Magdits was gracious enough to come and speak to a leadership class at Drury on September 23. He said it was a very interesting and informative talk on his experience in the private and public sectors.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:50 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:43 p.m.

City Counselor Lance Thurman reported that during closed session the Council discussed matters involving litigation and personnel. No final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:44 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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