

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, OCTOBER 20, 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, Tony Bahr, and Walt Bowe

**Council Members Absent:** Jim Williams

**Department Directors in Attendance:** 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 Counselor Lance Thurman, 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 Councilman Walt Bowe to lead in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Ordinance Revising the Pershing Hill Planned Unit Development (PUD) (Hancock):** Community Development Director John Petersen explained the subject property contains approximately 1.3 acres and is located at the intersection of Pershing Place and Truman Avenue. The property is currently zoned a Planned Unit Development (PUD), which was approved in 2012 and three, four plex units were approved in that PUD. Mr. Petersen told the Council no construction has occurred on the property since it was initially rezoned and the property owner wishes to amend the PUD to allow the construction of one, six-plex and two, four-plex units. He added the Planning and Zoning Commission recommends approval of the revised PUD. Additionally, Mr. Petersen indicated the applicant has requested the Council consider the first and final readings of the subject ordinance at this meeting.

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance Revising the Pershing Hill Planned Unit Development (PUD) (Hancock) (continued):** Mr. Petersen noted Exhibit 1 of the subject ordinance has been amended since the agenda was prepared. He asked the Council to consider amending Exhibit 1 to reflect one, six-plex and two, four-plex units in two areas on Page 1 of Exhibit 1. A motion was made by Eudaly and seconded by Morris to amend Exhibit 1 to reflect one, six-plex and two, four-plex units in two areas on Page 1 of Exhibit 1. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

After a brief discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject PUD. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4169: AN ORDINANCE TO REVISE THE PERSHING HILL PLANNED UNIT DEVELOPMENT (PUD) LOCATED ON LOT 4 OF THE RESUBDIVISION OF PART OF TRACT 2 & 3 OF HERITAGE HEIGHTS ADDITION (HANCOCK). A motion was made by Eudaly and seconded by Bowe 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Eudaly and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Long, Sawyer, Miller, Eudaly, Hines, Bahr, Woolley, Jordan, Morris, Bowe, and Bowles. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market):** Community Development Director John Petersen reported the Planning and Zoning Commission, during its recent meeting, recommends by a vote of five to three, to rezone the subject property to C-2 (General Retail District). He noted the subject property contains approximately eight acres and the proposal is for the property to be rezoned from R-1 (Single Family District) to C-2 (General Retail District). Mr. Petersen recalled the applicants initially requested a C-3 (Highway Commercial District) and decided to back off from that because of potential intensity issues. Later in the meeting, conditional use permits associated with the proposed zoning change to allow those activities to go on in a C-2 (General Retail District) area rather than a C-3 (Highway Commercial District) will be discussed. Mr. Petersen pointed out the proposed use does not conform consistently with the Comprehensive Plan, which calls for a single-

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** family area. He noted this does not mean changing it is not the right thing to do and by officially approving the rezoning, the Council would be officially changing the Comprehensive Plan.

Dr. Bob Davis, 11075 State Route BB, Rolla, Missouri, owner of the subject property, reported he has tried to work with the neighbors concerning flooding from the south side of the property. Additionally, he has worked with Public Works Director Steve Hargis and has put in a 24-inch storm drain down the side of the south boundary of the property. Dr. Davis indicated he paid for the installation and the City paid for the pipe. He said this is a problem that has existed since the subdivision was established. Dr. Davis stated he is fully prepared to work with Wal-Mart and with Mr. Hargis to extend Eighteenth Street to McCutchen Drive. He added that if he has enough funds, he said he would contribute to the straightening of McCutchen Drive. He noted when driving north on McCutchen Drive, it narrows when it gets to the McCutchen property. Dr. Davis said he would like to see this opened up, the street widened, and a sidewalk installed so the entire tract will take on a much cleaner, neater appearance and would not be an embarrassment for any of the neighbors. In a recent conversation with a neighbor on the north side, Dr. Davis indicated he is open to doing something to alleviate any problems they may have on the north side. Dr. Davis stated he has worked with City Administrator John Butz, Mr. Hargis, and Mr. Petersen to map out the way we might use the remainder of the property. He emphasized he is not trying to turn it into “commercial hill.” C-O (Office District) zoning would be blended on the south side, C-1 (Neighborhood Business District) zoning, and C-O (Office District) zoning on the north side, and east of the tract would be either R-2 (Two Family District) or R-3 (Multi Family District) zoning. Dr. Davis concluded by saying he is doing his best to try to develop a good project and asked for the Council’s support in this rezoning change.

Ms. Christine Bushyhead, MKL Law Firm, 2600 Grand, Kansas City, Missouri, Land Use Counsel for the applicant, Wal-Mart Stores, Inc., Wal-Mart Real Estate Business Trust addressed the Council. She referred the Council to the three handouts provided to the Council pertaining to their rezoning request and conditional use permit applications.

Ms. Bushyhead stated they are here for a proposed rezoning that would facilitate the development of a 41,000 square foot grocery, deli, bakery, produce, dairy, health and beauty products, pharmacy, packaged liquor sales, and six pump gas facility. She said this is a product Wal-Mart develops and is a neighborhood market. Ms. Bushyhead

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** noted this project would be located on the east side of the community and close to the city limit line. She said Wal-Mart is hoping to bring a regional market to this particular store because of its location and yet avoid any kind of sprawl by going outside the city limits and then to develop an infill development, which are all things that are proposed by the City's Comprehensive Plan.

Ms. Bushyhead explained the C-3 (Highway Commercial District) application request was done in an effort to have everything under just one umbrella and not having three applications before the Council. Since there were concerns about the list of the uses that are allowed in a C-3 (Highway Commercial District) zoning, the decision was made to request C-2 (General Retail District) zoning as opposed to Highway Commercial (C-3) zoning. She emphasized this was a land use decision and not traffic intensity issue. Ms. Bushyhead continued by expanding on the attached handout.

Regarding traffic, Mr. Rick Rohlfling, Engineer, with BFA, Inc., Washington, Missouri, stated Forum Drive is an arterial street including west of Forum Drive, at the roundabout. As part of the Wal-Mart project, Eighteenth Street would be extended to the east. Although not required by City Code, but because it was a concern raised many times, Mr. Rohlfling informed the Council a traffic engineering report was prepared. He said City staff has reviewed the traffic study and has approved it as submitted. He noted Mr. Dane Seiler, a professional traffic engineer, is present to address any traffic concerns. Mr. Rohlfling informed the Council that on average a neighborhood market receives about two large truck deliveries per day in addition to bread, soda, and chip trucks. He noted the truck deliveries would be made to the back of the store, which will be hidden. Mr. Rohlfling said the sound would be mitigated by bouncing off the rocks, retaining wall, and would travel into the air. Mr. Rohlfling pointed out Wal-Mart is exceeding buffer yards and the landscaping meets the City Code. Regarding the truck deliveries, he stressed the proposed neighborhood market is not a super center and is one-fourth the size. Mr. Rohlfling commented the function of a roundabout is to handle a lot of traffic and to slow it.

Mr. Rohlfling pointed out there was a concern of storm water drainage. He said Wal-Mart has incorporated three different detention cells on the site and is researching other ways to further reduce storm water drainage.

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** Regarding lighting concerns, Mr. Rohlring said Wal-Mart uses state-of-the-art LED fixtures, which can be controlled as to where the light is shed.

Mr. Rohlring informed the Council adequate utility infrastructure is in place.

Mr. Rohlring reported the proposed store would create 85 to 95 new jobs and the current schedule is to go out for bids with the project in January or February 2015 with a grand opening around November.

Mr. Rohlring entertained questions from the Council following his presentation.

Mayor Magdits opened the public hearing to anyone wishing to address the Council in favor of the subject rezoning request and owning property within 185 feet of the subject property. No one present responded.

Mayor Magdits then opened the public hearing to anyone wishing to address the Council in favor of the subject rezoning request and owning property outside 185 feet of the subject property.

Mr. Buzz Harvey, 12005 Country Club Drive, Rolla, Missouri, and owner of property in Ward II noted according to a 1931 Rand McNally atlas of the world, there were 28 municipalities in out-state Missouri that were larger than Rolla and Rolla's population was 3,670 at that time. What has happened in the ensuing 83 years is Rolla has overtaken 26 of those communities. Mr. Harvey stated the reason this happened is because Rolla makes good decisions and this community has historically made good decisions about what it wants to look like, five, ten, fifteen, twenty, thirty, fifty, and 83 years from now. Mr. Harvey said he believes it is due to the good people who have served on the City Council and because Rolla has been able to attract some of the best municipal professionals in the state of Missouri, i.e., City Administrator John Butz, Community Development Director John Petersen, Public Works Director Steve Hargis, and Finance Director Steffanie Rogers, who make good decisions and have come to the Council with another good decision. Mr. Harvey said the bottom line is whether the other project goes forward or not is totally irrelevant to this decision. He said you have a compliant zoning request in your hands and it deserves consideration on its merits and because they are not asking the City or the taxpayers to subsidize their operation.

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** Mr. Bill Priesmeyer, 1951 Malibu Court, Rolla, Missouri, told the Council his family moved to their home 20 years ago and some of the appeal to the house was the affordability, close proximity to schools, work, stores, and city amenities. Having their backyard back up to 40 acres of undeveloped land was also another major appeal. Over the years, Mr. Priesmeyer said his family has taken great delight in having that open space behind them to savor the seasons looking out from our back porch or with an occasional walk through the woods. Even 20 years later he realized there would come a day when the property would be sold or eventually developed. When he mentioned this to his family, the children asked his dad to purchase the property. Mr. Priesmeyer explained to his children he could not afford it, but we should be grateful for having to enjoy it like it is and as the years passed, we continued to enjoy it like it is at others' expense. As a concerned observer of the potential development of this property, Mr. Priesmeyer stated he witnessed previous attempts at rezoning this piece of property, having a limited understanding of the intricacies of site development. He said he was on his back porch when the idea came to him about approaching Wal-Mart, Missouri S&T, and the City of Rolla about a potential collaboration on this project with the goal to make the neighborhood market a true neighborhood market that is sustainable in every sense of the word. Since that time, Mr. Priesmeyer indicated he has been involved with a few of the collaboration meetings mentioned by Mr. Rohlfing. While there are not any firm commitments as to the level of sustainability concepts implemented, there is a definite openness to pursuing the concept further. In light of the spirit of partnership that has embodied these meetings, Mr. Priesmeyer stated he can support this project and will continue to offer any assistance to further pursuance of making this development a place the local community can embrace and enjoy.

No one else present, owning property outside 185 feet of the subject property, and in favor of the subject-rezoning request addressed the Council.

Mayor Magdits then opened the public hearing to anyone wishing to address the Council in opposition to the subject rezoning and owning property within 185 feet of the subject property addressed the Council.

Mayor Magdits first read a letter from Ms. Barbara Bertrand, 1331 California Drive, Rolla, Missouri, which she wrote in conjunction with 14 residents of the area. "We know that your job is not an easy one, but we believe the following will give insight to what we

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** think is the benefit of our good city and its people. We understand TIF (Tax Increment Financing) is one of the considerations for this Wal-Mart project and they would not require TIF – Country Mart would. However, the Country Mart project that would enhance the plaza shopping area would attract other businesses that would pay taxes. What if Country Mart does not redo their store and leaves? We would think one by one other businesses would move out taking away their taxes from the city. Wal-Mart says they will put up walls to keep the lights and noise away from the residences behind the building. What about the residences across from them on Forum Drive – lights, noise, all night long? If you have asked Wal-Mart to get an item you want, the reply is, ‘I’m sorry, we only get what they send us.’ If you ask Country Mart, they not only try, they usually get it and stock it. It’s our neighborhood store. Country Mart plans a store that will attract shoppers from all over the area because of the popular higher end products that would imagine Schnucks stores. We Americans believe in competition, but Wal-Mart would compete with the established liquor store, pharmacy, gas station, and convenience market as they already compete with stores throughout Rolla, the ones that are left. So, do we really need it? You have to choose for us. The neighbors and the employees of those stores be wise.” Mayor Magdits noted 14 signatures were included on the letter.

Mayor Magdits commented TIF was not considered for the Wal-Mart project and neither is it for Country Mart. He explained Country Mart is a public/private partnership that would involve a Community Improvement District (CID) and a RSMo. Chapter 353, which is a real estate tax abatement and not TIF.

Additionally, Mayor Magdits added there are various factors that are not grounds to refuse a rezoning. He noted there are a number of comments in the letter that could and should be taken into consideration by Council. However, the connection with the Wal-Mart and the economics is not something that could be. Mayor Magdits noted that Missouri State Land Use Law and Practice has a list, which the Council has seen before, and the number two item on that list is “rezoning cannot be used to prevent competition with existing businesses.” In other words, you cannot use rezoning to pick winners and losers.

Ms. Barbara Bertrand, 1331 California Drive, Rolla, Missouri, addressed the Council and added Wal-Mart already has a very healthy share of our economy, so why do they need more. The proposed store will take another share from the shares of other retailers in the area.

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** No one else present, owning property within 185 feet of the subject property, opposing the subject-rezoning request addressed the Council.

Mayor Magdits then opened the public hearing to anyone wishing to address the Council in opposition to the subject rezoning and owning property outside 185 feet of the subject property.

Ms. Nancy Lieber, 1308 Eastwood Drive, Rolla, Missouri, stated we do not want or need another grocery store, liquor store, or gas station in the Forum area. Within two blocks, we have three places to buy food – Country Mart, Family Dollar and Dollar General. Liquor can be purchased at the Liquor Cabinet and gas at Phillips 66 which are all within a half mile of the proposed project, not to mention Casey's General Store, which is less than a mile away and sells all three. Ms. Lieber said the roundabout at Eighteenth and Forum was built smaller than the others around town to deter or discourage large trucks from using Forum Drive to get to Tenth Street and beyond. Even with Eighteenth Street going through to McCutchen, Ms. Lieber pointed out traffic on Eastwood, California and the adjacent streets would increase because of their proximity to this proposed project. She said she is having a hard time making a left hand turn off Eastwood now and cannot imagine what it would be like with significantly more traffic from the proposed market. If Wal-Mart goes in, Ms. Lieber stated Country Mart would move. We do not want the Forum to look blighted and desolate like the empty buildings on Highway 72 between Rolla Street and Highway 63. Ms. Lieber also expressed safety concerns for the children in the area.

Ms. Cheryl Goltz, 1601 Wilson, Rolla, Missouri, stated she wants to address the increased truck and general traffic, not only on Forum Drive, but also on neighboring streets. She indicated the Eighteenth Street extension would not alleviate this, but would increase it. More traffic would be using McCutchen Drive, Eastwood, and California to avoid the ill-designed roundabout, which will be made worse by the 24/7, C-2 (General Retail District) development. This development will increase traffic, especially dusk until dawn, contrary to City and Wal-Mart studies. Ms. Goltz also commented on the lighting from the building in addition to lights of vehicles entering and leaving the location. She said Wal-Mart could pay just as much taxes, if not more, at another, better location with better access and visibility.



**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** Mr. Joe Polizzi, 491 Crescent Ridge, Rolla, Missouri, General Counsel and Vice President for Country Mart, stated despite what has been heard, the Wal-Mart proposal is not consistent with the Comprehensive Plan and, in fact, it is not even close. He said the established character of the area is residential and has been and should continue to be. Mr. Polizzi stated he agrees this cannot be an either/or decision and it should not be a “let’s choose one business over another.” Regarding the roundabout, Mr. Polizzi said those wanting to see a commercial roundabout should look at the roundabout on Kingshighway, which is designed for commercial traffic. Mr. Polizzi pointed out the roundabout at Eighteenth and Forum Drive was made tight on purpose to discourage traffic from going all the way down Forum Drive. Now we are encouraging a development that is going to have thousands of cars every single day. He submitted to the Council the 15,900 average daily traffic count estimated by Wal-Mart to be conservative. Mr. Polizzi said he does not believe the City is following its own Code or Comprehensive Plan. He concluded by respectfully requesting the Council act in a manner consistent with City Code, consistent with past precedent and to deny the application for rezoning.

Councilman Jordan asked Mr. Polizzi if Country Mart is afraid of competition.

Mr. Polizzi responded they are “absolutely not.”

Councilman Jordan then asked Mr. Polizzi why he is here.

Mr. Polizzi said he is part of the community and this is his community as well.

Mr. Polizzi added Country Mart has a Wal-Mart near or around every one of their locations and Country Mart has 21 locations. We have a Wal-Mart here in Rolla and we are doing just fine.

Ms. Betty Staff, Maxwell Street, Rolla, Missouri, expressed concern about the children who walk up Eighteenth Street to Truman School. She said she could hardly get out of Maxwell Street onto Eighteenth Street because the traffic is so bad. Ms. Staff said she has almost been hit twice in the past month trying to exit Maxwell Street.

Mr. Darel Luechtefeld, 1311 Eastwood Drive, Rolla, Missouri, pointed out that where the trucks would be exiting after their deliveries at Wal-Mart, their lights would be shining in

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** the back windows of his home and his neighbors' home. He also expressed concern with truck traffic and asked how the trucks would travel to get to Wal-Mart. Mr. Luechtefeld noted if they travel Eighteenth Street, they must pass Truman School and at different times of the day, the street is blocked. He also questioned how the trucks would negotiate the roundabout at Eighteenth Street and Forum Drive. Since the roundabout was installed, Mr. Luechtefeld told the Council he has seen trucks hung up on the roundabout.

Regarding the proposed gas station, Mr. Luechtefeld said Wal-Mart evidently thinks there is going to be enough traffic to support six gas pumps. He noted Wal-Mart does not do anything without doing studies. Mr. Luechtefeld stated he firmly believes Wal-Mart is not the proper fit for this neighborhood.

Mr. Josh Brown, 12500 Joseph Road, Rolla, Missouri, informed the Council a petition containing 400 signatures was submitted to the Planning and Zoning Commission. As a business owner and any business owner in attendance believe they are not afraid of competition because if they were they probably would not be in business. Mr. Brown stated the residents are not against Mr. Davis. However, it seems there are many better locations in Rolla for a Wal-Mart Neighborhood Market. He noted the subject location would be developed at some point. Mr. Brown emphasized as business owners we are not afraid of growth or the community getting larger, in fact, we want that. In a study by the Public Advocate of New York City on Wal-Mart and its economic impact, Mr. Brown noted for every \$100 spent in local businesses, \$68 stays in the local economy and for every \$100 spent in Wal-Mart, approximately \$43 stays in the local economy.

Ms. Brandy Carr, 1303 Eastwood, Rolla, Missouri, recalled that about a year ago, the request was to rezone the property to C-O (Office District). At that time, the Council decided there would not be a business open after a certain time and there would be no food sold, and no type of business that had anything that smelled excessively like a gas station. Ms. Carr noted now the residents are being told there is possibly a Wal-Mart coming in and they sell food. Although they are a supermarket, Ms. Carr expressed concern with the smell and waste, the 24-hour traffic, and people walking around all hours of the day and night. She also expressed concern with the traffic on McCutchen Drive, which is narrow and heavily used. Ms. Carr added too much competition might exclude all the local mom and pop stores. She asked if another pharmacy is really needed.

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** Mr. Matt Crowell, 1310 California Drive, Rolla, Missouri, stated he is not opposed to Wal-Mart, but is opposed to rezoning in this case. He said we had a history lesson about how Rolla has grown and part of that has probably been the planning. He said we have been able to look at a master plan and say this is where residential is going to be, but now we are throwing that out. Mr. Crowell said we have to follow that master plan and be able to look to the future. We want people that when they move to this town to know when they buy a house they are not going to live next to a Wal-Mart or a gas station if they do not want to. They should be able to look at that master plan and say, I live in a residential area. Therefore, I know if they are going to develop in this area, it is going to be homes.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, said he has been telling the Council for a long time that Walnut Street, which connects to Eighteenth Street, needs to be straightened. He asked the Council to imagine big trucks and traffic heading for the proposed Wal-Mart zigzagging down that road past the ambulance building, just asking for accidents. Mr. Sager said the Walton family is the richest family in the world because they suck money out of little communities like Rolla, so we are going to put them in the middle of a residential area. Mr. Sager said he thought all the businesses were going to Rolla West and not to our little residential communities. He added most Wal-Mart jobs are minimum wage and people with families who work at Wal-Mart often have to get public assistance. Mr. Sager asked the Council to not put Wal-Mart right in the middle of a residential area. If they want to build a second store, let them go to Rolla West.

Ms. Mary Allerton, 1401 Timberlane Court, said she enjoyed the Wal-Mart Neighborhood Market presentation and tried to listen neutrally. However, when she heard about the proposed gas station, Eighteenth Street extension, and it being open 24 hours a day, she expressed concern with noise problems, regardless of the landscaping. Ms. Allerton also expressed concerns with increased traffic. She told the Council she does not believe the neighborhood market belongs in this area and is contradictory. Ms. Allerton said she is glad Wal-Mart is considering it without any tax considerations. If the rezoning is approved, she said she hopes the sidewalks are amendable to pedestrian and wheel chair traffic.

Ms. Wanda Hunt, 4 Marlette, Rolla, Missouri, said she is here for one reason only and is a very selfish person. She said she likes choices and she has been to Wal-Mart

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** Neighborhood Markets. Ms. Hunt said it does not matter how many trees or grass you plant, it is still a Wal-Mart when you walk in the door. She said she does not care if it is called Country Mart, Big Boys, etc., but what she does care about is choice. Ms. Hunt stated she wants more than one Kroger's, Wal-Mart or Aldi's to make a choice and she cannot do that but the Council can do it for her. As a selfish person, Ms. Hunt asked the Council to consider saying no to Wal-Mart Corporation.

Mr. Mike Dereberry, 11746 Pine Forest, Rolla, Missouri, commented on the numbers that were presented earlier about the proposed project being \$10 million and the amount of annual property tax that would be collected is \$161,000. He said the \$161,000 in property tax seems high and those numbers might want to be checked. Mr. Dereberry mentioned the comment about homes being built around Forum Plaza. He pointed out these homes were constructed after Forum Plaza was constructed and he said he is sure homes will be built after this prospect is built. Mr. Dereberry informed the Council he owns a business in the Forum and deals with many major furniture manufacturers. These furniture manufacturers all have been given specific instructions to not bring their trucks down Eighteenth Street. He informed the Council one of the furniture trucks split an axle trying to jump the curb at the roundabout. Mr. Dereberry told the Council he is not against growth and you are not denying a company the right to exist, because they already exist in Rolla. He asked the Council to consider the community and the residents who live here who have spent their hard-earned money making their mortgage payments. Now you are going to put a commercial site around it that could affect their property values.

Mr. Lynn McFarland, 601 Penney Lane, Rolla, Missouri, admitted he believes he is more confused than he was when he arrived. He said there seems to be two issues going on. One is bashing Wal-Mart and the other is what should the property be zoned. If Wal-Mart goes in, he asked if the people in your ward are going to change their driving patterns and their shopping habits. Mr. McFarland said he does not see himself driving over there to shop at the neighborhood market because he is going to Aldi's, Kroger, or Wal-Mart Supercenter. If Wal-Mart Neighborhood Market goes in, he asked if the traffic is really going to increase. However, if the property is rezoned to commercial and something different goes in such as Bass Pro, Mr. McFarland said he would drive across town and that would change the driving and the purchasing habits of the Rolla community.

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** Mr. Mike Gosnell, 104 S. Pine Street, Rolla, Missouri, indicated when you have a roundabout it may increase the traffic safety, but it might do so at a decrease of pedestrian safety. Now there is no real impetus for people to cross Forum Drive at the Eighteenth Street intersection, but if Eighteenth Street is extended, there is a lot bigger chance for a pedestrian traffic increase. When you have a traditional traffic exchange, Mr. Gosnell said you have a clear path of when a pedestrian can cross the street, but with a roundabout, you lose that clear transition path. In summary, Mr. Gosnell stated he is against roundabouts.

Ms. Christine Bushyhead, MKL Law Firm, 2600 Grand, Kansas City, Missouri, Land Use Counsel for the applicant, Wal-Mart Stores, Inc., Wal-Mart Real Estate Business Trust, read from page one of the City's Comprehensive Plan as follows: "A comprehensive plan is an official document adopted by a city as a long-range policy guide for decisions about the physical development of the community. A plan is not a regulatory ordinance, but is used as a guide when ordinances, such as zoning or subdivision regulations, are revised and administered." Ms. Bushyhead pointed out their project is compliant and it complies with the City's zoning code and the real ordinances and regulations and it complies with the guiding hand of the Comprehensive Plan. She said she believes it is important for the Council to hear from Wal-Mart's traffic engineer pertaining to his perspective as it relates to roundabouts and schools.

Mr. Dane Seiler, 5051 South National, Springfield, Missouri, Wal-Mart's traffic engineer, explained how a traffic study is conducted when looking at a retail development such as a Wal-Mart Neighborhood Market. He said average daily traffic (ADT) can vary and traffic engineers try to look at the peak hour for the development, add it to the peak hour traffic for the existing traffic, and the roadway network. If the roadway network can handle the two peaks together, then it can handle traffic throughout the day. Mr. Seiler reported the study determined there is capacity within the roundabout to handle the traffic. He indicated the south leg of the roundabout was the busiest or 75% of the capacity of the roundabout. Mr. Seiler stated typically roundabouts for pedestrians are less safe than a signal, but they are safer than a two-way stop control. Roundabouts still have defined crosswalks, median in the center where pedestrians can have a safety island to feel protected against the traffic, and then cross. Mr. Seiler then entertained questions from the Council.

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

**I. PUBLIC HEARINGS (continued)**

**(B) Ordinance Rezoning a Part of Lot A, McCutchen Acres Plat No. 1 from R-1 (Single Family District) Zoning to C-2 (General Retail District) Zoning (Wal-Mart Neighborhood Market) (continued):** City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO REZONE A FRACTIONAL PART OF LOT A, McCUTCHEN ACRES, PLAT NO. 1 FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING (WAL-MART NEIGHBORHOOD MARKET).

**(C) Ordinance Requesting a Conditional Use Permit (CUP) to Allow the Sale of Packaged Liquor on Proposed Site of Wal-Mart Neighborhood Market in a C-2 (General Retail District) Zone:** Community Development Director John Petersen explained in a C-2 (General Retail District) zoned district, a Conditional Use Permit (CUP) is required in order to sell liquor. He noted a CUP for packaged liquor sales would not be required in a C-3 (Highway Commercial District) zoned area.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject CUP for the sale of packaged liquor.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, stated he is against the subject CUP for the same reasons he gave regarding the Wal-Mart rezoning request. He did suggest that during the Council's next meeting, that citizen communications be moved to the beginning of the meeting so people could comment on issues that are going to be discussed or considered.

Mayor Magdits asked Mr. Sager to limit his comments to the subject CUP and to bring up the citizen communications matter at its appropriate section.

Ms. Christine Bushyhead, MKL Law Firm, 2600 Grand, Kansas City, Missouri, Land Use Counsel for the applicant, Wal-Mart Stores, Inc., Wal-Mart Real Estate Business Trust, asked that the record reflect that she has no further comments to add to this public hearing other than asking that all the comments from the prior rezoning public hearing be included in the record for this CUP.

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

**I. PUBLIC HEARINGS (continued)**

**(C) Ordinance Requesting a Conditional Use Permit (CUP) to Allow the Sale of Packaged Liquor on Proposed Site of Wal-Mart Neighborhood Market in a C-2 (General Retail District) Zone (continued):** City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: A REQUEST TO APPROVE A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE SALE OF PACKAGED LIQUOR ON THE SITE OF A PROPOSED WAL-MART NEIGHBORHOOD MARKET LOCATED ON A FRACTIONAL PART OF LOT A, McCUTCHEN ACRES, PLAT NO. 1 (WAL-MART NEIGHBORHOOD MARKET).

**(D) Ordinance Requesting a Conditional Use Permit (CUP) to Allow a Convenience Store on Proposed Site of Wal-Mart Neighborhood Market in a C-2 (General Retail District) Zone:** Community Development Director John Petersen explained in a C-2 (General Retail District) zoned district, a Conditional Use Permit (CUP) is required in order to allow a convenience store. The convenience store would be about a 900 square foot building.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject CUP for the sale of packaged liquor.

Ms. Christine Bushyhead, MKL Law Firm, 2600 Grand, Kansas City, Missouri, Land Use Counsel for the applicant, Wal-Mart Stores, Inc., Wal-Mart Real Estate Business Trust, said she has nothing more to add to this particular public hearing, but requested the comments made in the original rezoning hearing be incorporated in this hearing.

Mr. Joe Polizzi, 491 Crescent Ridge, Rolla, Missouri, stated he is opposed to the CUP for a convenience store for all the same reasons he was opposed to the neighborhood market.

Mr. Buzz Harvey, 12005 Country Club Drive, Rolla, Missouri, said we are not in a community against expansion of businesses despite some who would suggest otherwise. He stated he wanted to make it perfectly clear that we vote with our feet, we go to Wal-Mart, and we go to all these other things.

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

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE ESTABLISHMENT OF A CONVENIENCE

**I. PUBLIC HEARINGS (continued)**

**(D) Ordinance Requesting a Conditional Use Permit (CUP) to Allow a Convenience Store on Proposed Site of Wal-Mart Neighborhood Market in a C-2 (General Retail District) Zone:** STORE ON THE SITE OF A PROPOSED WAL-MART NEIGHBORHOOD MARKET LOCATED ON A FRACTIONAL PART OF LOT A, McCUTCHEN ACRES, PLAT NO. 1. (WAL-MART NEIGHBORHOOD MARKET).

**II. SPECIAL PRESENTATIONS**

**(A) Missouri Intergovernmental Risk Management Association (MIRMA) Presentation:** Mr. Patrick Bonnot, Loss Control Director with the Missouri Intergovernmental Risk Management Association (MIRMA), which is a risk pool for liability and workers compensation, addressed the Council. Mr. Bonnot presented Mayor Magdits, City Administrator John Butz, and Interim Police Chief Rick Williams with a grant award for \$2,286 to be used toward a police, in-car camera. Mr. Bonnot stated going into the future, if the City is interested, MIRMA would be happy to provide grants for wearable cameras that officers have on their uniforms.

**III. OLD BUSINESS**

**(A) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Residential & Commercial Refuse Disposal and Collection:** Environmental Services Director Brady Wilson recalled that during the Council's last meeting he discussed the need to adjust the primary sanitation fees, both residential and commercial. The subject ordinance would establish the new fees, which would go into effect January 1, 2015.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4170: 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. 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; Jordan, Bahr, Hines, Woolley, Miller, Bowe, Sawyer, Bowles, Long, Morris, and Eudaly. Nays; None. Absent; Williams. Motion carried. The ordinance passed.



**III. OLD BUSINESS (continued)**

**(B) Ordinance Approving a Settlement Agreement with CenturyLink:** City Administrator John Butz mentioned that two weeks ago during closed session, the Council discussed the subject settlement issue, which has been an ongoing discussion with a number of cities that had filed a class action lawsuit against CenturyLink. He noted this was an extension from an agreement reached about five or six years ago where a settlement was made. Mr. Butz explained there have been some new fees experienced by CenturyLink and they decided not to remit timely their gross receipts payment, which resulted in another lawsuit. He reported the good news is the court has given a preliminary approval. Mr. Butz noted there was a portion of proceeds (\$65,000) that had been paid under protest over the last couple of years. Those dollars have been received by the City and put into a restricted fund. This also brings \$124,000 ± for back taxes. With the Council's approval of the subject ordinance, Mr. Butz said City staff would certify this to the court by November 4 and then within a couple of months there would be the actual distribution of the funds. As discussed a couple of weeks ago, Mr. Butz said staff would like to place the \$124,000±, which the City had not anticipated receiving, in the reserve fund.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4171: AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CENTURYLINK. A motion was made by Morris and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Hines, Bahr, Bowles, Long, Morris, Sawyer, Eudaly, and Jordan. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Ordinance Approving the Resubdivision of Part of 2100 State Route E, Gracie Place Subdivision (Sowers) (Claire Court PUD):** Community Development Director John Petersen recalled that about a month ago the City Council approved the Claire Court PUD. The proposed subdivision is necessary because there is a public road that is going to be built by the developer, which the City will maintain upon completion. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the subject Claire Court Subdivision.

**IV. NEW BUSINESS (continued)**

**(A) Ordinance Approving the Resubdivision of Part of 2100 State Route E, Gracie Place Subdivision (Sowers) (Claire Court PUD) (continued):** City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4172: AN ORDINANCE APPROVING THE RESUBDIVISION OF A FRACTIONAL PART OF 2100 STATE ROUTE E, A FRACTIONAL PART OF LOT 21, GRACIE PLACE SUBDIVISION, ALL IN SECTION 3, T37N, R8W, AN ADDITION TO THE CITY OF ROLLA, MISSOURI (SOWERS) (CLAIRE COURT PUD). A motion was made by Eudaly and seconded by Morris 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Long and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sawyer, Eudaly, Bahr, Hines, Jordan, Miller, Bowe, Bowles, Long, Morris, and Woolley. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

**(B) Ordinance Naming a New Road Located Between White Columns Road and Fraternity Drive to “International Village Drive”:** Community Development Director John Petersen explained the subject road was previously a private road used by the area residents, but was not maintained by Missouri S&T. The City agreed to reconstruct the road if Missouri S&T would provide the materials. Mr. Petersen pointed out the subject road is located between White Columns Road and Fraternity Drive. He explained to name the street, a resolution, which was approved by the City Council, was publicized in the Rolla Daily News for a period of six consecutive days. Following a four-week comment period after the last publication if a majority of property owners along the road do not file with the City Clerk their written protest against such proposed name change, then the City Council has the power by ordinance to name the road.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4173: AN ORDINANCE NAMING A STREET SEGMENT, LOCATED BETWEEN WHITE COLUMNS ROAD AND FRATERNITY DRIVE, AS “INTERNATIONAL VILLAGE DRIVE” (ROLLA CITY COUNCIL). 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 eleven ayes, zero nays, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Long and

**IV. NEW BUSINESS (continued)**

**(B) Ordinance Naming a New Road Located Between White Columns Road and Fraternity Drive to “International Village Drive” (continued):** seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Miller, Hines, Bahr, Bowles, Jordan, Bowe, Sawyer, Eudaly, and Long. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

**(C) Resolution Authorizing the Mayor to Execute a Lease with Baron Aviation, Inc.:** City Administrator John Butz informed the Council Baron Aviation has leased the west half of Building 55 (the old military hangar) and the back office area for a number of years. The current lease expires October 20 and Baron has confirmed they would like to extend it. However, Baron has indicated they are uncertain how long they want to keep it. Mr. Butz noted the proposed lease would be for a three-year period, but provides a provision where Baron can terminate the lease with 60 days’ notice. He indicated the annual lease amount has been increased from \$2,800 to \$3,000 per year.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1829: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A LEASE BETWEEN THE CITY OF ROLLA AND BARON AVIATION, INC. A motion was made by Jordan and seconded by Sawyer to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

**(D) Resolution Authorizing the Mayor to Execute a Sewer Use Agreement with the Quarry Homeowners Association:** City Administrator John Butz referred the Council to a map showing the development Mr. Tom Sowers is involved with called Quarry Homeowners Association. A good portion of the area has been developed and they have been served for several years off a septic tank step system with sand filters that will not meet the new Department of Natural Resources (DNR) standards. Mr. Butz explained a pump station would take it from their existing sand filter plant and pump it to an area close to the former Cantex area, where the City’s major sewer is located. At that point, it would become the City’s responsibility. Mr. Butz noted the Homeowners Association has responsibility for everything from the pump station back. The rates for this arrangement would be the same as the ones stipulated in the City’s current ordinance dealing with properties outside the city limits amounting to about \$300 per year per household. As the City begins to consider other areas, Mr. Butz said the Council might want to revisit the rates charged to out of City resident areas.

**IV. NEW BUSINESS (continued)**

**(D) Resolution Authorizing the Mayor to Execute a Sewer Use Agreement with the Quarry Homeowners Association (continued):** City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1830: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE QUARRY HOMEOWNERS ASSOCIATION. A motion was made by Eudaly and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

**(E) Ordinance Authorizing the Mayor to Execute a Technical Assistance Agreement with the Rolla Public Library:** Finance Director Steffanie Rogers referred the Council to the revised technical assistance agreement between the Rolla Public Library and the City of Rolla. She informed the Council the City has been in a partnership with the Library since 2010 and the arrangement is working well. The City provides the Library's accounting services and in turn, the City is reimbursed for the time the Finance Department incurs. Ms. Rogers indicated the subject agreement would be presented to the Library Board during its November 13, 2014, meeting.

City Administrator John Butz added the hourly rate was increased to \$25/hour for clerical and \$50/hour for technical management, which includes the Finance staff's salaries and benefits.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4174: 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 ROLLA PUBLIC LIBRARY. A motion was made by Eudaly and seconded by Morris 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. 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; Hines, Long, Bahr, Jordan, Miller, Eudaly, Sawyer, Bowles, Woolley, Morris, and Bowe. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

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

None.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Eight Wilderness Areas in Missouri Display:** Councilman Don Morris commented on the tremendous display at The Centre pertaining to the Eight Wilderness Areas in Missouri. He said it is well worth the community's time to view it.

Parks and Recreation Director Scott Caron added the Mark Twain National Forest contacted The Centre about displaying the traveling exhibit of the Eight Wilderness Areas. He indicated it is very well done and will be at The Centre for another week.

**(B) Forum Plaza Redevelopment Proposal:** Councilman Sawyer asked about the status of the Forum Plaza Redevelopment proposal.

City Administrator John Butz told Mr. Sawyer the attorneys are stuck on one issue. The agreement should come to the Council at its next meeting.

Councilman Jordan said the Council should revisit whether they want to continue the project, because they are dragging their feet. He said he believes he knows why they are dragging their feet and are trying to hold the City hostage.

Mr. Butz said he realizes it looks strange, but it is not. He mentioned that last week Mr. Joe Polizzi with Country Mart asked him about the status/progress of the proposal. Mr. Butz indicated he was surprised he had not heard from his attorney over the issue.

Mayor Magdits added there have been quite a number of negotiating points in the proposal and the City asked our counsel to push back on it. We think it is in the City's best interest and a reasonable request.

Mr. Butz said he believes the proposal will be ready by the next Council meeting.

**VII. CITIZEN COMMUNICATION**

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

**VII. CITIZEN COMMUNICATION (continued)**

**(A) Open Citizen Communication (continued):** Mr. Mike Gosnell, 104 S. Pine Street, showed the Council an informational sheet and sign regarding Proposition P. He noted in the upper left hand corner it states “Rolla Parks and Recreation.” Mr. Gosnell pointed out RSMo. 115.646 states, “no expenditure of public funds shall be made by any political subdivision to advocate support or oppose any ballot measure.” He cautioned the City if these are being paid for by public funds, that it might be an election law violation.

Mayor Magdits pointed out there are private monies raised to do this.

City Administrator John Butz said both pieces of information are being paid for by the City because they are educational. The reason the signs were placed in specific areas is those areas are the parks that would be funded if Proposition P were successful.

Mr. Gosnell said he is struggling to see why he can have confidence in Proposition P, should it pass. He indicated the reason why he questioned it is looking at the fact sheet it states, “Over the past ten years little or no capital investment has been made in playgrounds and equipment.....” Mr. Gosnell stated the challenge as he sees it is over the last fifteen years, twice as long and you have had twice as much tax as you are proposing and you are saying that over the last ten years you have done nothing according to the fact sheet. Now you are saying that in half the time with half the funds we are going to do all so much more.

Mayor Magdits responded the tax that expired was for SplashZone and The Centre only and not for the parks. Proposition P would fund the parks and excludes any monies going to The Centre.

Mr. Gosnell said it seems to him there is a lot of ambiguity in what the City constitutes as The Centre and what was intended as The Centre originally versus what is intended as The Centre now.

Mayor Magdits explained SplashZone and The Centre were always two separate and distinct facilities as they are now.

Mr. Butz pointed out SplashZone has been moved out of the model of the Recreation Center and moved into the traditional park system.

No one else present addressed the Council.

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

**(A) Proposition P Election:** Mayor Magdits noted there are a couple of weeks until the Election Day for Proposition P. He encouraged anyone needing additional information about Proposition P or the reasoning behind it, to please contact City Administration and we will spend whatever time is needed to explain it so you are comfortable on Election Day.

**(B) American LaFrance Fire Truck:** Councilwoman Eudaly announced she learned just before the meeting from Mr. Larry Tate, who is a member of a fire truck organization, which on October 30, 2014, from 10 a.m. to 2 p.m. at Fire Station 2, the 1956 American LaFrance open cab fire truck that was once operated in Rolla, will be on display. She said Mr. Tate indicated a man in Union, Missouri, who plans to restore it, currently owns the truck.

**(C) Councilman Jim Williams:** Councilman Long said he hopes Councilman Jim Williams is watching at home and knows he is missed.

**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; Eudaly, Bowles, Jordan, Hines, Bahr, Woolley, Long, Bowe, Sawyer, Morris, and Miller. Nays; None. Absent; Williams. Motion carried.

The Council adjourned into Closed Session at approximately 9:49 p.m.

**X. CLOSED SESSION ACTION**

The Council reconvened into open session at approximately 9:59 p.m.

City Counselor Lance Thurman reported the Council met in closed session to discuss a personnel matter and no final action was taken.

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**XI. ADJOURNMENT**

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

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

**OCTOBER 20, 2014**