

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 21, 2015; 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, Matthew Miller, Matthew Crowell, Kelly Long, Don Morris, John K. Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Susan J. Eudaly

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Interim Fire Chief Ron Smith, Community Development Director John Petersen, and Finance Director Steffanie Rogers

Other City Officials in Attendance: 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.

Councilman Brian Woolley led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Public Hearing Continuation and Ordinance Approving the Development of a FERC at 1100 Highway 72 Event Center: Mayor Magdits recalled during its last meeting, the Council had a full presentation on the proposed FERC (Family Entertainment and Recreation Complex), located at 1100 Highway 72. He noted the public hearing was held, but the Council voted to keep the hearing open through this meeting, at the request of the applicant who was unable to attend the last meeting.

Community Development Director John Petersen asked the Council if there were any questions regarding the proposed FERC. He reported the Planning and Zoning Commission recommend approval of the subject FERC. Mr. Petersen then gave the petitioner, Mr. Nick Barrack an opportunity to address the Council.

Mr. Barrack mentioned he renovated the former skating rink to an event center. He said there is a couple of small rooms that hold 40 to 60 people and a large room that holds 400 people.

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I. PUBLIC HEARINGS (continued)

(A) Public Hearing Continuation and Ordinance Approving the Development of a FERC at 1100 Highway 72 Event Center (continued): Mayor Magdits continued the public hearing by asking if anyone present wished to address the Council concerning the proposed FERC. 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 APPROVING THE ESTABLISHMENT OF A FAMILY ENTERTAINMENT AND RECREATION COMPLEX (FERC) AT 1100 HIGHWAY 72 EAST IN THE CITY OF ROLLA, MISSOURI (BARRACK).

II. SPECIAL PRESENTATIONS

(A) The Community Partnership Presentation: Ms. Jean Darnell, Executive Director of The Community Partnership, showed a brief video about “Camp Capable.” She informed the Council the second annual “Camp Capable” was held July 2015. She said it was an opportunity for kids who have disabilities to take part in sporting activities. Ms. Darnell said the camp could not have been done without the incredible facility at The Centre. She added The Centre recently partnered with The Community Partnership for the Linking Hearts Adoption Fair. Ms. Darnell thanked the Council because it has made such a difference in the work they do.

Ms. Darnell also invited the Council to the Partnership’s annual fundraising luncheon, which is scheduled for October 28, 2015, from noon to 1 p.m. She said you would hear amazing stories from some of the Partnership’s participants. If interested in attending, she encouraged the Council to phone 368-2849.

(B) Rolla Regional Economic Commission (RREC) Report: Mayor Magdits recalled there were questions during the Council’s last meeting regarding where the City is with economic development. He said Rolla Regional Economic Commission (RREC) Executive Director Cyndra Lorey would be changing her presentation to incorporate some of the more specific activities, roles, and tasks she does. Mayor Magdits then turned the floor over to Ms. Lorey.

Ms. Lorey then provided an overview of the RREC’s specific responsibilities and entertained questions and comments from the Council. She invited the Council to the RREC Board meetings, which are normally held the third Friday of each month in the Rolla City Council Chambers at 8 a.m.

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III. OLD BUSINESS

(A) Ordinance Approving the Resubdivision of Lot 17, Oak Knoll Estates (Happy Jack's Subdivision) (Frost): Community Development Director John Petersen explained the subject resubdivision would correct an illegal lot split by eliminating the interior lot line. Additionally it would create one lot from Lot 17, Oak Knoll Estates, and Lot 3 of Happy Jack's Subdivision. The second component is the development of a flag lot to provide access to the back of the property.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4229: AN ORDINANCE APPROVING THE FINAL PLAT OF HAPPY JACK'S SUBDIVISION, LOT 17 IN OAK KNOLL ESTATES AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 37 NORTH, RANGE 8 WEST (FROST). A motion was made by Williams and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Miller, Williams, Hines, Jung, Meusch, Jordan, Bowe, Crowell, and Long. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

(B) Ordinance Considering the City of Rolla Fiscal Year 2015/2016 Budget: Finance Director Steffanie Rogers noted no financial changes have been made to the proposed FY 2016 budget, since the budget workshop and the first reading of the proposed ordinance by the Council. Ms. Rogers asked the Council to consider the final reading of the proposed ordinance.

In response to an inquiry from Councilman Williams regarding discussion of youth and senior citizens parks and recreation fees, Mayor Magdits said the information would probably be brought to the Council during its next meeting. He pointed out those fees have not been incorporated in the proposed budget.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4230: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Jung, Williams, Jordan, Miller, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

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III. OLD BUSINESS (continued)

(C) Ordinances (2) Repealing Ordinances 4189 and 4195 Pertaining to STP-Urban Program Agreements for Projects STP-5200(914) & STP-5200(916): Public Works Director Steve Hargis informed the Council both of these projects were submitted for Federal funding under the STP program. Three projects were submitted, but the subject two projects hit snags. Mr. Hargis explained the first project was pavement markings. Although the State approved the project, the Federal Highway Department would not and advised this was a project that could be funded by the City. Mr. Hargis noted the second project pertained to replacing streetlights with high-efficiency LED lighting. He said the project was approved by the Federal Highway Department contingent on the City conducting a photometric study of all 400 lights. Staff decided to pay for this project with City's funds and to find a different project for the STP funds. Mr. Hargis noted the third project the City applied for is the traffic signal backup, which was approved, and will be considered later in the meeting. Staff recommends repealing Ordinances 4189 and 4195.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4231: AN ORDINANCE REPEALING ORDINANCE NO. 4189, WHICH AUTHORIZED THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN STP-URBAN PROGRAM AGREEMENT FOR PROJECT STP-5200(916) WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.**

Councilman Morris left the meeting at approximately 7:30 p.m.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4232: AN ORDINANCE REPEALING ORDINANCE NO. 4195, WHICH AUTHORIZED THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN STP-URBAN PROGRAM AGREEMENT FOR PROJECT STP-5200(914) WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Miller, Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, and Long. Nays; None. Absent; Eudaly and Morris. Motion carried. The ordinance passed.**

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Councilman Morris re-entered the meeting at approximately 7:33 p.m.

IV. NEW BUSINESS

(A) Ordinance Setting Proposed Sewer Rates for FY 2015/2016: Public Works Director Steve Hargis told the Council the FY 2016 budget, which was just approved, includes an increase in sewer rates. Staff is proposing to increase the rates from \$4.75 per 1,000 gallons of usage to \$5.00 per 1,000 gallons. This would increase the average monthly rate of 6,000 gallons per month from \$28.50 per month to \$30.00 per month.

Following discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER.**

(B) Motion Appointing Employer Delegate for the Annual LAGERS Meeting: Finance Director Steffanie Rogers asked the Council if anyone would like to volunteer to represent the City as the employer representative at the annual LAGERS (Local Government Employees Retirement System), which will be held in late October. She explained every year the City sends an employee representative, who is selected by the employees, and an employer representative. If no one from Council wants to attend, Ms. Rogers indicated Mr. Butz would appoint an employer representative or he would attend. A motion was made by Williams and seconded by Jordan to authorize the City Administrator to appoint an employer representative to attend the annual LAGERS conference. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Motion Awarding Health Insurance Excess Coverage: Finance Director Steffanie Rogers referred the Council to the spreadsheet, contained in the agenda materials, of the five bids that Hays Companies, the City's health insurance broker, obtained on behalf of the City, for its excess coverage for any high dollar claims. She explained any claims above \$75,000, would be paid by the excess coverage. Staff is recommending the bid be awarded to Optum at a fixed cost to the City of \$378,255 for this fiscal year.

A motion was made by Williams and seconded by Morris to award the health insurance excess coverage to Optum and retaining the current deductible of \$75,000 effective October 1, 2015 for a cost of \$378,255. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 369 – Traffic Signal Battery Backup: Public Works Director Steve Hargis explained this project is an STP funded project at 80% Federal funds and 20% City funds. This project would provide battery backup at all signal locations in the city. During a power outage, the signals would work for four hours and then would begin to flash. Staff is recommending the bid be awarded to the low bidder, Gerstner Electric, Inc., Fenton, Missouri. Mr. Hargis informed the Council the bid is subject to MoDOT approval. Upon approval by MoDOT, the contract with Gerstner Electric would be brought back to the Council for consideration. Following a brief discussion, a motion was made by Williams and seconded by Morris to award the bid for Project No. 369, battery backup, to Gerstner Electric, Inc. for \$118,122. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Paul J. McMahon (May 2018) to the Library Board to Replace Mr. William Hickle: Mayor Magdits noted there are currently two vacancies on the Library Board due to term limits. He said the Library Board would like to have an attorney on the board to replace Mr. William Hickle. He recommended the appointment of Mr. Paul McMahon to fill one of the two positions. A motion was made by Long and seconded by Jordan to appoint Mr. Paul J. McMahon to the Library Board to replace Mr. William Hickle. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

(1) Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, said he wanted to correct an erroneous impression he gave the last time he addressed the Council regarding the waste of \$18,000 on last November's election. He said he might have given the impression that all of the Council was responsible. Mr. Sager noted Councilman Miller was absent from that meeting and Councilmen Crowell, Jung and Meusch were not on the Council. However, he said he still feels the ones who were responsible, should personally replace the money in the City treasury.

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VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Mr. Sager told the Council he was writing an article this weekend on a very unfortunate situation that happened in Texas and the last paragraph of the article is an invitation to some people to come to Rolla because we are not like Irving, Texas. He said he was trying to find a website that would give information on why someone might want to choose Rolla to live and he could not locate one. Mr. Sager stated he believes this is something we need to work on. He indicated a web page needs to be designed stating why you should move to Rolla with your family.

(2) Ms. Diana Howard, 1008 Vista Drive, Rolla, Missouri, addressed the Council and read from the attached prepared statement.

(3) Ms. Charlotte Wiggins, 1001 Bluebird Lane, Rolla, Missouri, addressed the Council and read from the attached prepared statement.

(4) Mr. Bob Block, 1004 Vista Drive, Rolla, Missouri, told the Council the residents did not officially hear about any meetings. He said some of the residents in the area received letters, but he did not. According to one of the drawings, the half circle goes right through his bedroom.

(5) Mr. Earl Richards, 1000 Bluebird Lane, Rolla, Missouri, said he has lived in Rolla for 57 years. He said he moved to Rolla for two reasons. One was to find an area that was remote, quiet, and secluded, and the other was, being an engineering professor, wanting to find good employment. Mr. Richards indicated Missouri S&T (formerly MSM) had an outstanding undergraduate engineering program, which was his purpose in coming to Rolla from Michigan. He asked the Council about the basic impetus of an overpass, which would take his home.

(6) Ms. Bonnie Cox, #8 Hyer Court, Rolla, Missouri, informed the Council that she and her husband bought their current home in December 2014. Before moving to Hyer Court, they lived on Rolla Gardens, which is near Highway 72. Ms. Cox said she and her husband have two small children and decided to move to Hyer Court because it is still in town, but has a country feel. She said they do not have to worry about their girls playing in the backyard, because of the neighborhood. If there are a lot changes to the road, Ms. Cox said it would change the neighborhood and would be as if they never moved.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(7) Mr. Bob Block, 1004 Vista Drive, Rolla, Missouri, stated he knows the Council wants to be transparent, but something fell through the cracks. He asked if, in the future, the City could assure the residents in this area they will get a letter when there is any kind of meeting along with a reasonable lead-time so they can attend.

Mayor Magdits said his takeaways from the comments are as follow: 1) we are going to take the criticism that has been given as constructive in all respects. 2) We are going to be transparent, and; 3) we are going to get our house in order as to who is saying what, so there are no inconsistencies when the public receives information.

(8) Ms. Diane Block, 1004 Vista Drive, Rolla, Missouri, said after sitting for a while, to sum it all up, she just wants the City to look upon them as individual people in that they are not against progress. We just want to be treated as Jesus would want you to treat us, which is just fairly and with kindness and compassion.

(9) Mr. Earl Richards, 1000 Bluebird Lane, Rolla, Missouri, said if you look at the purpose of all this and the overpass, the question is will it be useful to the university, hospital, or the development of the marketplace.

(10) Mr. Tom Sager, 8 Laird, Rolla, Missouri, asked Mayor Magdits if next time he addresses the Council he will be given the same length of time that was given to these people.

Mayor Magdits responded these residents are bringing up some concerns and he pointed out to Mr. Sager that he sometimes tries to make jokes and this is not the time or place for that.

Mr. Sager told the Mayor the Council blew the \$18,000 – not him.

Mayor Magdits said he has heard this time and again and he emphasized that sometimes mistakes are made and the City acknowledges that mistake, we are sorry for it and it is time to move on.

No one else present addressed the Council.

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VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Williams thanked Mayor Magdits for his statement that the City is going to be upfront and correct any misinformation.

Mayor Magdits stated we are going to learn from this.

IX. CLOSED SESSION

A motion was made by Williams and seconded by Jordan to adjourn into closed session pursuant to 610.021 RSMo. to discuss litigation. A roll call vote on the motion showed the following: Ayes; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Jordan, Morris, Long, Crowell. Nays; None. Absent: Eudaly. Motion carried.

The Council adjourned into Closed Session at approximately 8:46 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:53 p.m.

City Counselor Carolyn Buschjost reported that during Closed Session, the Council discussed one matter of litigation and after discussion, no action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:54 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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