

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 19, 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 (arrived at 6:59 p.m.), Kelly Long, Susan J. Eudaly, Don Morris, John K. Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: None.

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 Administrator John Butz, City Counselor Carolyn Buschjost and City Clerk Carol Daniels

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

Councilman Walt Bowe led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Public Hearing Regarding the Rezoning of 911 South Rolla Street, Lots 1-3 of Happy Jack's Subdivision (Frost): Community Development Director John Petersen recalled the Council recently approved the Happy Jack's Subdivision, which created three lots. The subject lots are currently zoned R-R (Rural Residential District) and the applicant is requesting it be rezoned to R-1 (Single Family District). Mr. Petersen reported the Planning and Zoning Commission recommends approval of the rezoning request.

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

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I. PUBLIC HEARINGS (continued)

(A) Public Hearing Regarding the Rezoning of 911 South Rolla Street, Lots 1-3 of Happy Jack's Subdivision (Frost): OF HAPPY JACK'S SUBDIVISION, LOT 1 THROUGH LOT 3, FROM RR (RURAL RESIDENTIAL DISTRICT) ZONING TO R-1 (SINGLE FAMILY DISTRICT) ZONING, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 37, PHELPS COUNTY, MISSOURI (FROST).

II. SPECIAL PRESENTATIONS

(A) Celebration of Nations Update: Mr. Rich Myers, Program Coordinator for International and Cultural Affairs at Missouri S&T, thanked the Council for approving the recent Celebration of Nations parade and their support in this event. He asked the Council if they would consider approving the closing of streets for future Celebration of Nations parades. A motion was made by Long and seconded by Eudaly to authorize the closing of certain streets on Saturday, September 24, 2016; Saturday, September 23, 2017, and; Saturday, September 22, 2018, for the Celebration of Nations parade. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

III. OLD BUSINESS

(A) Ordinance Approving Second Amendment to Agreement for Emergency Dispatch Services: City Administrator John Butz explained the subject agreement is an amendment to the action taken by the Council in 2010, with the successful passage of the one-fourth cent sales tax for emergency services. He noted in paragraphs four, five, and six, of the agreement there are stipulations that gave the dollar amount from the budget in 2011. Mr. Butz noted the proposed language in Amendment No. 2 says that each year the Phelps County Emergency Services Board (PCESB) would approve their budget, which is incorporated into the City's budget, since the City is its fiscal agent. The PCESB would pay the City one-twelfth of its budget each month. Staff recommends the final reading of the proposed ordinance.

Councilman Jim Williams mentioned two or three people expressed concern to him about the makeup of the Phelps County Emergency Services Board (PCESB). They feel there is a conflict of interest with some of the board members. Mr. Williams said the

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III. OLD BUSINESS (continued)

(A) Ordinance Approving Second Amendment to Agreement for Emergency Dispatch Services (continued): concern is those who would be affiliated with Rolla Fire Department, Rolla Police Department, Phelps County Sheriff's Department or ambulance service. The concern is these individuals have a tendency to give priority to their particular department.

City Administrator John Butz and City Counselor Carolyn Buschjost responded State Statute provides for this board and outlines the makeup of the board. They believe it actually references there is representation from those groups on the board. Mr. Butz and Ms. Buschjost said they would double check the Statute, but typically, the Statute would consider the conflict of interest issue.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4235: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE PHELPS COUNTY EMERGENCY SERVICES BOARD DATED NOVEMBER 15, 2010, PERTAINING TO ENHANCED 911 COMMUNICATIONS AND EMERGENCY DISPATCH SERVICES.** A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Jordan, Morris, Long, and Eudaly. Nays; None. Absent; Crowell. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter Into a Contract with Gerstner Electric, Inc., for Project 369 – Signal Operational Improvements: Public Works Director Steve Hargis recalled in September the Council awarded the bid to Gerstner Electric, Inc., for Project 369, which would provide battery backup for all signals in the city. This project is 80% funded by Federal funds, which are administered by the Missouri Department of Transportation (MoDOT). MoDOT needed to concur with that award and has done so. Mr. Hargis asked the Council to consider the final reading of the subject ordinance, which authorizes the Mayor to enter into that contract.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4236: 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**

III. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter Into a Contract with Gerstner Electric, Inc., for Project 369 – Signal Operational Improvements (continued): CITY OF ROLLA, MISSOURI, AND GERSTNER ELECTRIC, INC. FOR PROJECT 369. 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; Williams, Jordan, Jung, Eudaly, Woolley, Miller, Bowe, Meusch, Long, Morris, and Hines. Nays; None. Absent; Crowell. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Motion Authorizing the Closing of Certain Streets During the October 24 Downtown Arts and Crafts Festival: Public Works Director Steve Hargis asked the Council to consider the closing of Pine Street from Sixth Street to Tenth Street, and Ninth Street from Pine Street to Elm Street during the October 24 Downtown Arts and Crafts Festival. The streets would be closed from 6 a.m. to 5 p.m. A motion was made by Eudaly and seconded by Morris to close the requested streets on Saturday, October 24, 2015, from 6 a.m. to 5 p.m. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Ordinance Approving the Resubdivision of Lots 1 & 2, Block 4 Townsend Addition (Rome): Community Development Director John Petersen told the Council the applicant has requested the resubdivision of Lots 1 and 2 in Block 4 of the Townsend Addition by removing certain interior lots lines and by establishing Spring Avenue Addition. He reported the Planning and Zoning Commission recommends approval of the subject subdivision.

Councilman Steven Jung commented he lives about a block from the subject property and is familiar with the traffic flow through the area. He said when the University is in session, vehicles are parked on both sides of the streets for many blocks. Mr. Jung emphasized his concern is not with the subject request, rather the difficulty and danger of residents backing out of their driveways onto the street where vehicles are parked on both sides. Mr. Jung suggested the City might look at ways to try to reduce the number of vehicles on the street so the residents can actually use the street in a safe manner.

Mayor Magdits suggested City Administrator John Butz and Public Works Director Steve Hargis review the area and come back with suggestions.

IV. NEW BUSINESS (continued)

(B) Ordinance Approving the Resubdivision of Lots 1 & 2, Block 4 Townsend Addition (Rome) (continued): Mr. Petersen added the applicant has requested the Council consider the first and final readings of the subject ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4237: AN ORDINANCE APPROVING THE RESUBDIVISION OF A MINOR SUBDIVISION, LOCATED AT 803 W. 13TH STREET INCLUDING LOTS 1 & 2 AND A FRACTIONAL PART OF A VACATED ALLEY IN BLOCK 4 OF THE TOWNSEND ADDITION TO THE CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (ROME). 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 hand count on the motion showed seven ayes, four nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Miller, Williams, Hines, Long, Meusch, Jordan, Morris, Eudaly, and Jung. Nays; None. Absent; Crowell. Motion carried. The ordinance passed.

(C) Resolution Authorizing the Mayor to Execute a Quit Claim Deed on Vacated Property at Elm Street and Bishop Avenue: City Administrator John Butz briefed the Council on the history of the subject property. He explained in 2007 the Council approved an ordinance to vacate a .04-acre piece of surplus right-of-way on Elm Street at Bishop Avenue to construct a Starbucks. However, the project did not occur. Mr. Butz informed the Council a new project has surfaced and the street vacation surfaced during the title work. During the title work, it was noticed the .04-acre parcel was conveyed in some strange language giving the appearance the former ownership group had a claim to the property. Mr. Butz said the City has been asked to clarify the City's intent via the proposed quitclaim deed. He noted he took an attempt to add a clause about a utility easement. City Counselor Carolyn Buschjost has suggested the quitclaim deed be amended by clarifying the wording on preserving a utility easement over the same parcel.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title, as amended. RESOLUTION NO. 1846: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A QUIT CLAIM DEED BETWEEN THE CITY OF ROLLA, MISSOURI, AND GENE A. MCFARLAND AND LINDA S. MCFARLAND, TRUSTEES UNDER TRUST

IV. NEW BUSINESS (continued)

(C) Resolution Authorizing the Mayor to Execute a Quit Claim Deed on Vacated Property at Elm Street and Bishop Avenue (continued): AGREEMENT OF GENE A. MCFARLAND AND LINDA S. MCFARLAND DATED DECEMBER 1, 2001; AND MARY HELEN STOLTZ, ON VACATED PROPERTY AT ELM STREET AND BISHOP AVENUE. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution with the clarification of the language for the utility easement. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(D) Review of MoveRolla TDD Strategy Resolution: City Administrator John Butz reported it will take between six and eight months to put in place the Transportation Development District (TDD) and the Tax Increment Financing (TIF) that ultimately will support not only the Westside Market Place development but help take care of major primary transportation improvements throughout the community. He told the Council staff plans to request formal action on the subject resolution during the November 2, 2015, Council meeting, which would initiate those processes. Mr. Butz referred the Council to the preliminary resolution and the petition that would ultimately be filed in the court before the point of having the election on the TDD.

Public Works Director Steve Hargis then provided an overview of the key elements of the transportation improvements, which involves Kingshighway, Highway 72 extension, and the Westside Market Place frontage roads. He referred the Council to their copy of the "MoveRolla Transportation Strategy" report for more detail.

Councilman Crowell entered the meeting at approximately 6:59 p.m.

After discussion, Mr. Butz said representatives from GilmoreBell would be at the next Council meeting to talk about the details of filing the petition and the election ordinance.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding the Purchase of GPS Survey Equipment: Public Works Director Steve Hargis stated staff is recommending the purchase, through State bid, a Trimble R8S GPS surveying unit. He noted the total price of the unit, with accessories, is \$23,833.58. Mr. Hargis told the Council staff proposes to make this part of a planned lease/purchase on several pieces of equipment, including three dump trucks and a

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding the Purchase of GPS Survey Equipment (continued): backhoe. The cost for this unit would be split among the following departments: Engineering Department 20%, Street Department 40%, and Sewer Department 40%. Mr. Hargis said this unit is primarily used for construction surveying in public improvements. Staff recommends selling the current unit through GovDeals.com.

A motion was made by Williams and seconded by Eudaly to authorize the purchase of a Trimble R8S GPS surveying unit from Seiler Geospatial Division, St. Louis, Missouri for \$23,833.58 and surplusing the current unit on GovDeals.com. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Bid for One 20 Cubic-Yard Refuse Truck: Environmental Services Director Brady Wilson asked the Council to consider awarding the bid for a 2016 Freightliner with a Loadmaster body to Truck Component Services (TCS) of Strafford, Missouri \$141,435. He informed the Council this unit would replace the oldest truck in the fleet. Mr. Wilson said staff recommends selling the used truck on GovDeals.com, following receipt of the new unit. After a brief discussion, a motion was made by Williams and seconded by Long to award the bid for a new refuse truck to TCS, Strafford, Missouri, for a 2016 Freightliner with Loadmaster body for \$141,435 and surplusing the oldest truck on GovDeals.com. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

None.

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, mentioned he sent the Council an e-mail with a link to the Buehler Park newsletter.

Mr. Sager then showed the Council a few photos of Buehler Park, the flowering dogwood trees he planted, and folks cleaning up the park.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(1 continued): Mayor Magdits thanked Mr. Sager for taking care of the trees though the drought.

(2) Ms. Diane Block, 1004 Vista Drive, said she appreciates everyone who has listened to their comments about their neighborhood and who are taking under advisement what is the best thing to do is for the neighborhood. She said she sincerely hopes it turns out well for everyone involved.

(3) Ms. Madison Wooley representing the Kappa Delta chapter on the Missouri S&T Campus invited the Council and public to an event they are sponsoring called the Amazing Shamrock Race. She said it is a family-friendly event and will be held on October 31 from 11 a.m. to 3 p.m. Ms. Wooley said it is similar to the Amazing Race and begins at the Missouri S&T Puck on campus and will go through campus as well as downtown Rolla.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:33 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 7:48 p.m.

City Counselor Carolyn Buschjost reported that during Closed Session, the Council discussed a matter of real estate and no final decision was made.

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XI. ADJOURNMENT

Having no further business, the meeting adjourned at 7:49 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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