

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, MAY 2, 2016; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor Pro-Tempore Monty Jordan

**Council Members in Attendance:** Monty Jordan, Matthew Miller, Matthew Crowell, Kelly Long, Susan J. Eudaly, John Meusch, Jim Williams, Steven Jung, and Walt Bowe

**Council Members Absent:** Jonathan Hines, Don Morris, and Brian Woolley

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

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

Mayor Pro-Tempore Jordan 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 Matt Miller led in the Pledge of Allegiance.

## **I. CONSENT AGENDA**

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

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

- 1) City Council Meeting – April 4, 2016
- 2) City Council Closed Session Meeting – April 4, 2016
- 3) City Council Meeting – April 18, 2016
- 4) City Council Closed Session Meeting – April 18, 2016

## **II. PUBLIC HEARINGS**

None.

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**III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

**(A) Monarch Butterfly Program:** Ms. Susan Wrasmann, representing the Missouri Master Naturalist program and the Phelps County Master Gardeners addressed the Council. She mentioned they have joined with other chapters in the state and federated gardening clubs to increase and protect monarch habitat in our communities. Ms. Wrasmann noted Mayor Magdits asked her to give the Council a brief synopsis of some of the actions they are taking in Rolla. She stated he offered his support and suggested some additional steps that could be done to accomplish their conservation goals. Ms. Wrasmann told the Council they are working to protect and increase habitat for monarchs and other pollinators on small and large tracts of land. A gardening for monarchs' initiative is being launched with donations from the Rolla Horticulture Club and the Middle School students, who grew milkweed and nectar plants in their classroom this spring. Ms. Wrasmann encouraged the Council and residents to stop by their native plant sale on Saturday, May 7 at the Rolla Downtown Farmer's Market, where several varieties of milkweed and nectar plants will be available, which the adult monarchs depend on to fuel their migration.

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

Mayor Pro-Tempore Jordan referred the Council to (A) the March 2016, Environmental Services Department Monthly Report; (B) the March 2016, Police Department Monthly Report; (C) the March 2016, Animal Control Division Monthly Report; (D) the April 13, 2016, Rolla National Airport Committee Meeting Notes; (E) the March 2016 Municipal Court Monthly Report; (F) the April 12, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; (G) the March 2016, Fire and Rescue Department Monthly Report, and; (H) the March 2016 Building Codes Monthly Report.

**V. OLD BUSINESS**

**(A) Ordinance Authorizing the Mayor to Enter Into a Contract with Pierce Asphalt, LLC for Project 398, 2016 Phase II Asphalt Improvements:** Public Works Director Steve Hargis asked the Council to consider the final reading of the subject ordinance that would authorize the Mayor to enter into an agreement with Pierce Asphalt, who was the low bidder on this project.

**V. OLD BUSINESS (continued)**

**(A) Ordinance Authorizing the Mayor to Enter Into a Contract with Pierce Asphalt, LLC for Project 398, 2016 Phase II Asphalt Improvements (continued):** City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4276: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND PIERCE ASPHALT, LLC. FOR 2016 PHASE II ASPHALT IMPROVEMENTS, PROJECT 398. 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; Miller, Bowe, Williams, Jung, Meusch, Jordan, Long, Eudaly, and Crowell. Nays; None. Absent; Woolley, Hines, and Morris. Motion carried. The ordinance passed.

**(B) Ordinance Repealing Sec. 41-6 of the Rolla City Code and Enacting a New Section 41-6 Pertaining to the Discharge of Bows and Arrows and Crossbows:** City Administrator John Butz noted the Council has been discussing this issue for a couple of months and has debated the size of an appropriate area if the Council is interested in permitting a limited archery season in Rolla. He recalled staff initially prepared a map with three-acre parcels and most of the feedback was that the area was too small. Mr. Butz referred the Council to a map in the Council packet, which shows five-acre parcels. If Council is interested in permitting this, he said staff believes three acres is too small and somewhere between five and seven acres seems more manageable. Mr. Butz reminded Council most of the south side area of Rolla, which is zoned Rural Residential, already permits hunting.

Mr. Butz also mentioned a timely article Mayor Magdits found from the City of Ladue, Missouri, which is considering an ordinance that would allow hunting on up to three-acre parcels or larger. He noted there are a couple of points in the article that had some relevance to Rolla's ordinance. One is the hunters would have to carry a written permission from property owners and have a current State hunting permit. The other point is all hunting would have to be conducted from a stand of at least ten feet high and facing the interior of the property.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 41-6 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING A NEW

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**V. OLD BUSINESS (continued)**

**(B) Ordinance Repealing Sec. 41-6 of the Rolla City Code and Enacting a New Section 41-6 Pertaining to the Discharge of Bows and Arrows and Crossbows (continued):** SECTION 41-6 IN LIEU THEREOF PERTAINING TO THE DISCHARGE OF BOWS AND ARROWS AND CROSSBOWS. A motion was made by Williams and seconded by Jung to amend the ordinance by adding the stipulation “all hunting would have to be conducted from a stand at least 10 feet high and facing the interior of the property.” A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Jung, Miller, and Crowell. Nays; Eudaly, Bowe, Meusch, and Long. Absent; Woolley, Morris, and Hines. Motion failed. The ordinance failed.

**(C) Ordinance Authorizing Use of Chapter 100 Bonds for Hartmann US:** City Administrator John Butz informed the Council that staff received word last week that the attorneys representing the Hartmann Group would like to make some minor adjustments to the proposed Chapter 100 bonds ordinance. They have asked the Council to set aside consideration for two weeks at which time the amendments should be made.

A motion was made by Williams and seconded by Long to set aside consideration of the subject ordinance. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**VI. NEW BUSINESS**

**(A) Resolution Authorizing an Amended TDD (MoveRolla) Project:** City Administrator John Butz recalled that in November 2015, the Council passed Resolution No. 1850, which authorized the joint filing of the action with the Court to form the MoveRolla Transportation Development District (TDD). He noted it was approved by the Council and Phelps County, and was working its way through the courts. Mr. Butz said it was discovered there were a couple conflicts with some of the legal descriptions and the City wanted to add in the future location of IHOP (International House of Pancakes), because many of the other restaurants along Highway 63 were included. He referred the Council to the map that shows the proposed amendment to the boundaries.

**VI. NEW BUSINESS (continued)**

**(A) Resolution Authorizing an Amended TDD (MoveRolla) Project:** City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1860: A RESOLUTION AUTHORIZING THE FILING OF AN AMENDED PETITION FOR THE CREATION OF THE MOVE ROLLA TRANSPORTATION DEVELOPMENT DISTRICT. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

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

**(A) Motion Awarding Bid for Project 394 – 2016 Micro Surfacing and; an Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction Co. for Same:** Public Works Director Steve Hargis reported bids were received for this year's micro surfacing project. He indicated bids were received from Vance Brothers, Inc. and Donelson Construction Co. Mr. Hargis said Donelson Construction is the company that has been doing the City's micro surfacing for about the past nine years. He explained the specifications used in the bid were built around Donelson Construction's micro surfacing. Mr. Hargis pointed out Vance Brothers submitted the low bid; however, they did not meet specifications. He told the Council staff took several weeks to evaluate Vance Brothers' work. Unfortunately, he noted they do not have any work that is available for staff to evaluate that is older than about three years. Mr. Hargis said staff is not comfortable awarding the bid to Vance Brothers because it is not the product specified, although staff believes they have promise. He indicated staff would like to award the bid to Donelson Construction Co. for \$305,550. In addition, he stated he would like to be authorized to bring a contract to the Council at its next meeting with Vance Brothers to surface a small section of Vichy Road, which would be about \$65,000 worth of micro surfacing. Mr. Hargis said he would like to try their product and evaluate it against the work already done. He told the Council one of the key incentives of Donelson Construction's product is the quickness in which traffic can be back on the streets.

A motion was made by Williams and seconded by Eudaly to award the bid for Project 394 - 2016 Micro Surfacing to Donelson Construction Co., for \$305,550. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(A) Motion Awarding Bid for Project 394 – 2016 Micro Surfacing and; an Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction Co. for Same (continued):** City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONELSON CONSTRUCTION COMPANY, LLC. FOR 2016 MICRO SURFACING, PROJECT 394.

A motion was made by Williams and seconded by Eudaly to bring back a contract at the next Council meeting with Vance Brothers for the pilot program. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**(B) Motion Awarding Bid for Mower for Parks and Public Works Departments:** Parks and Recreation Director Floyd Jernigan reported three bids were received on April 20, 2016, for a 26 horsepower, zero turn mower with a 72-inch mower deck. Staff recommends awarding the bid to the lower bidder, Schaeperkoetter Sales and Service, Owensville, Missouri, for \$14,511.11.

Public Works Director Steve Hargis informed the Council this is not a budgeted item for his department, but he would like to piggyback on the Parks and Recreation Department's bid to purchase a replacement mower for the prison crew. He said a mower was on this year's replacement list, but due to budget constraints, staff decided to wait another year. Mr. Hargis pointed out during this budget year, the Public Works Department replaced some dump trucks and a backhoe. He told the Council the surplus dump trucks received phenomenal prices on both GovDeals and Purple Wave and he recommended taking some of the money that was not expected from these sales to replace the mower.

A motion was made by Eudaly and seconded by Long to award the bid for two mowers (one for the Parks Department and one for the Public Works Department) to Schaeperkoetter Sales and Service, Owensville, Missouri, for \$14,511.11 each. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**(C) Motion Awarding Consultant/Broker Services:** Finance Director Steffanie Rogers indicated three bids were obtained for certain employee benefit and/or human resource consultation services. Of the three bids received, one was for third party administration

**VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(C) Motion Awarding Consultant/Broker Services (continued):** (TPA) services, which was not the service being bid. She reported the Health Insurance Committee met and recommends the bid be awarded to Hays Companies, the City's current consultant. Ms. Rogers said staff is projecting a cost of \$23,000, although it is capped at not to exceed \$25,000. A motion was made by Williams and seconded by Eudaly to award the consultant/brokers services to Hays Companies. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**VIII. CITIZEN COMMUNICATION**

**(A) Open Citizen Communication:** Mayor Pro-Tempore Jordan opened the floor to anyone wishing to address the Council.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, thanked Mayor Magdits for appointing him to the Library Board. He noted his confirmation would be considered by the Council later in the meeting. Before confirmation, Mr. Sager outlined some improvements he would like to see done to the exterior of the Library.

Mr. Sager said he is disappointed the Council just approved the Transportation Development District (TDD), because he said it would have been a good time to end it because it is a terrible idea. He added he thinks it is terrible that the city voters who are the ones who are going to pay this tax have been systematically excluded from voting on the district. Mr. Sager said the one-cent tax includes three of the four grocery stores in Rolla (Aldi, Wal-Mart, and Kroger). The Price Chopper already has an extra one-cent sales tax on it. He stressed this is not fair and should not be done, particularly without a vote.

Regarding development of the west side of Rolla and putting in a Menards, Mr. Sager said they are a really bad actor have been cited by the National Labor Relations Board for violations of federal law. They have denied raises to employees who mentioned unions and workers might be fired for any reason. Mr. Sager stated it is unreasonable to him that anybody would spend millions of dollars to bring a company like this to Rolla. He encouraged the Council to take it back and say we do not want to do this. It is not right or good for Rolla.

No one else present addressed the Council.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion Reappointing Mr. Jim Marcellus (2<sup>nd</sup> Term, May 2019) and Ms. Ruth Stoecker (3<sup>rd</sup> Term, May 2019) to the Library Board:** A motion was made by Eudaly and seconded by Long to reappoint Mr. Jim Marcellus and Ms. Ruth Stocker to the Library Board. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**(B) Motion Appointing Mr. Tom Sager to the Library Board (1<sup>st</sup> Term, May 2017):** A motion was made by Long and seconded by Crowell to appoint Mr. Tom Sager to the Library Board. A voice vote on the motion showed the eight ayes, one nay, and three absent. Motion carried.

**(C) Motion Appointing Ms. Brenda Linkeman to the Library Board (1<sup>st</sup> Term, May 2019):** A motion was made by Eudaly and seconded by Long to appoint Ms. Brenda Linkeman to the Library Board. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**(D) Motion Reappointing Councilmen Jordan, Meusch, and Bowe to the Finance/Audit Committee:** A motion was made by Crowell and seconded by Long to reappoint Councilmen Jordan, Meusch, and Bowe to the Finance/Audit Committee. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

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

**(A) TIF Meeting:** Councilman Long reminded the Council and citizens of the Tax Increment Financing (TIF) Commission meeting scheduled for 5:30 p.m., Wednesday, May 4, 2016, at the Phelps County Courthouse.

**(B) Saudi Night:** Councilman Meusch reported he attended the Saudi Night event on April 23 and highly recommended it. He said it was very interesting and the food was fabulous.

**(C) Local Government Week:** Mayor Pro-Tempore Jordan indicated he signed a Proclamation today declaring May 1 through May 7 as “Local Government Week.”

**(D) Small Business Week:** Mayor Pro-Tempore Jordan pointed out this week is “Small Business Week” and encouraged everyone to shop the local small businesses.



**X. COMMENTS FOR THE GOOD OF THE ORDER (continued)**

**(E) National Day of Prayer:** Mayor Pro-Tempore Jordan reminded everyone of the Mayor's Prayer Breakfast which would be held on Thursday, May 5 at 6:30 a.m. in the Havener Center.

**XI. CLOSED SESSION**

None.

**XII. ADJOURNMENT**

Having no further business, the meeting adjourned at 7:13 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR