

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 5, 2016; 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 (entered meeting at 6:55 p.m.), Kelly Long, Susan J. Eudaly, Don Morris, John Meusch, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Jim Williams

Department Directors in Attendance: Community Development Director John Petersen, Parks and Recreation Director Floyd Jernigan, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Police Captain Doug James, 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 Jonathan Hines led in the Pledge of Allegiance.

I. CONSENT AGENDA

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

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

- 1) City Council Meeting – November 7, 2016
- 2) City Council Closed Session Meeting – November 7, 2016
- 3) City Council Meeting – November 21, 2016

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Magdits referred the Council to **(A)** the October 2016, Environmental Services Department Monthly Report; **(B)** the October 2016, Police Department Monthly Report; **(C)** the October 2016, Animal Control Division Monthly Report; **(D)** the November 29, 2016, Development Review Committee Meeting Minutes; **(E)** the November 8, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; **(F)** the October 19, 2016, Health and Recreation Center Board Meeting Minutes; **(G)** the November 2016 Municipal Court Monthly Report; **(H)** the October 2016, Municipal Utilities Monthly Report; **(I)** the October 25, 2016, Rolla Board of Public Works Meeting Minutes, and; **(J)** the November 2016, Building Codes Monthly Report.

V. OLD BUSINESS

(A) Ordinance Rezoning 105 and 107 N. Park Street from C-O (Office District) and C-1 (Neighborhood Business District) to C-2 (General Retail District) (McDonald): Community Development Director John Petersen explained the subject property is zoned C-O (Office District) and C-1 (Neighborhood Business District). The applicants wish to expand and have the ability to have a zero lot line on the side and a C-2 (General Retail District) zoning allows this. Mr. Petersen noted staff has not received any opposition to the requested zoning and the Planning and Zoning Commission recommends approval.

City Counselor Lance Thurman read the following proposed ordinance for its final reading by title. ORDINANCE NO. 4319: AN ORDINANCE APPROVING THE REZONING OF TWO LOTS TOTALING .19 ACRES (8,276 SQ. FT.) FROM C-O (OFFICE DISTRICT) ZONING AND C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING. (McDONALD). A motion was made by Long and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Jung, Jordan, Miller, Eudaly, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Williams and Crowell. Motion carried. The ordinance passed.

V. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Contract with Investment Realty, Inc., for the Route 72/Ridgeview Road Extension Buyer's Exclusive Agency Contract: Mayor Magdits recalled that during the last Council meeting, there were questions and some suggestions that staff took into consideration.

City Administrator John Butz noted this is subject to the ultimate approval of the TDD (Transportation Development District). He explained this would be the Buyer's Exclusive Agency Contract for the City to acquire and to negotiate on 23 properties on the Highway 72 extension, subject to the approval of TDD.

Mr. Butz recalled Councilman Woolley raised the issue of a discount on the volume of the work to be done. In follow-up negotiations with Mr. Mike Woessner of Investment Realty, the standard Buyer's rate of 3% has been modified to 3% for the first \$3 million in acquisition expense dropping to 2.75% for sales between \$3-4 million, and 2.5% for cumulative sales over \$4 million.

After discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4320: 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 INVESTMENT REALTY, INC. FOR THE ROUTE 72/RIDGEVIEW ROAD EXTENSION BUYER'S EXCLUSIVE AGENCY CONTRACT. A motion was made by Long and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Jordan, Hines, Jung, Long, Bowe, Morris, and Miller. Nays; Eudaly and Woolley. Absent; Williams and Crowell. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Review of the City's Self-Insured Health Plan and Wellness Efforts: City Administrator John Butz along with Finance Director Steffanie Rogers provided an overview of the City's health insurance program and health status. He reported the employee share of the total medical costs dropped below 33% in 2016 and staff is proposing 10% increase in premiums beginning January 1, 2017. Additionally, Mr. Butz told the Council staff is recommending a modification to the wellness plan, which consists of a "membership wellness initiative" through The Centre beginning in 2017.

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VI. NEW BUSINESS (continued)

(A) Review of the City's Self-Insured Health Plan and Wellness Efforts (continued):

Councilman Crowell entered the meeting at approximately 6:55 p.m.

Following discussion, a motion was made by Morris and seconded by Eudaly to adopt the revised wellness plan. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Legal Services (City Counselor): City Administrator John Butz informed the Council proposals were solicited for City Counselor services and two proposals were received. The proposal received from Williams Robinson, Rigler and Buschjost, the City's current City Counselor, was for \$2,600 a month, and the proposal received from Marxkors and Kelsaw was for \$2,000 a month. Mr. Butz noted the Marxkors and Kelsaw qualification statement did not include any municipal background and our current firm does a great deal of work for municipalities. Staff's recommendation is to renew the proposal for three years with the current firm, Williams, Robinson, Rigler, and Buschjost.

Councilman Woolley noted the "debacle" with the park tax cost the City about \$18,000 with the City's current law firm. He noted the City was not reimbursed by the law firm for their mistake. Mr. Woolley said the Council should not be accepting the high bid because the current law firm has failed to do their job.

Following discussion, a motion was made by Long and seconded by Eudaly to set aside consideration of the subject matter. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

Note: Discussion of this item continued following Closed Session Action.

VIII. CITIZEN COMMUNICATION

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

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VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Mr. Tom Sager, 8 Laird Avenue, stated since he was so deeply involved in the park sales tax issue, it is a shared responsibility among all of us, including him and feels the Council should not look at this in the light of just one particular incident. When you evaluate someone or some entity, you have to look at the big picture. Mr. Sager emphasized he is not going to make any recommendation.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

None.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Kelly Long thanked City Administrator John Butz for recently speaking to his class at Drury University. He noted he did a great job and it spurred a lot of great discussion.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:28 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 7:44 p.m.

City Counselor Lance Thurman announced that during Closed Session, the Council discussed three real estate matters, but no final action was taken.

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VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Legal Services (City Counselor) (continued): Mayor Magdits asked the Council what they wanted staff to do between now and the next meeting regarding this matter. Staff was asked to contact the two firms and ask them to provide additional information regarding their firm's experience.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:13 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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