

**ROLLA CITY COUNCIL MEETING MINUTES  
TUESDAY, JANUARY 3, 2017; 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, Matthew Miller, Matthew Crowell, Kelly Long, Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

**Council Members Absent:** Monty Jordan

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

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

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilman Matthew Crowell to lead 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 eleven ayes, zero nays, and one 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 – December 5, 2016
- 2) City Council Closed Session Meeting – December 5, 2016
- 3) City Council Meeting – December 19, 2016

**II. PUBLIC HEARINGS**

None.

**JANUARY 3, 2017**

**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 November 2016, Environmental Services Department Monthly Report; **(B)** the November 2016, Police Department Monthly Report; **(C)** the November 2016, Animal Control Division Monthly Report; **(D)** the December 13, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; **(E)** the November 2016, Municipal Utilities Monthly Report; **(F)** the November 22, 2016, Rolla Board of Public Works Meeting Minutes, and; **(G)** the October 31, 2016, City's Cash Analysis Report.

**V. OLD BUSINESS**

**(A) Ordinance Rezoning 508 W. 8<sup>th</sup> Street from C-1 (Neighborhood Business District) to R-3 (Multi-Family District) Zoning (Hurst):** Community Development Director John Petersen explained the subject property is in the process of being purchased by the adjacent Sigma Phi Epsilon Fraternity. He said they wish to acquire the property to expand their holdings in the area. Mr. Petersen noted the project involves the rezoning from C-1 (Neighborhood Business District) to R-3 (Multi-Family District) and the redevelopment of the subject property. The redevelopment would allow up to eight additional residents. He pointed out this project would require an additional four parking spaces. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the rezoning.

Mr. James Crump, Attorney at Law, and representing the current property owner, explained there was a potential issue with the sale of the subject property this past week, but it was resolved today. He said the Malones, current owners of the property, are in favor of the requested rezoning.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4321: AN ORDINANCE TO APPROVE THE REZONING OF A .285 ACRE PARCEL LOCATED AT 508 WEST 8<sup>TH</sup> STREET FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO R-3 (MULTI-

COUNCIL MEETING MINUTES  
JANUARY 3, 2017  
PAGE 3

**V. OLD BUSINESS (continued)**

**(A) Ordinance Rezoning 508 W. 8<sup>th</sup> Street from C-1 (Neighborhood Business District) to R-3 (Multi-Family District) Zoning (Hurst) (continued): FAMILY DISTRICT) ZONING (HURST).** 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; Williams, Jung, Hines, Woolley, Miller, Bowe, Crowell, Meusch, Long, Morris, and Eudaly. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

**(B) Ordinance Amending Section 42-227 of the Rolla City Code Pertaining to Screening and Fencing in Commercial/Industrial Areas:** Community Development Director John Petersen explained the subject ordinance is intended to regulate the use of screening and fencing in commercial/industrial areas. To qualify for the fourteen feet high fence, the property must be at least 50,000 square feet.

After some discussion, City Administrator John Butz suggested Section 42-227.1(e) of the proposed ordinance might be amended by adding the word “immediately” to the following: “M-1 (Light Manufacturing District), or M-2 (Heavy Manufacturing District), fence height shall be limited to fourteen (14) feet in height, except as provided in Section 42-211.1, when such fencing is **immediately** adjacent to property zoned for residential use or where the fence height and location would adversely affect sight distance at intersections.”

A motion was made by Eudaly and seconded by Morris to amend the ordinance as suggested above. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4322: AN ORDINANCE AMENDING CHAPTER 42 OF THE ROLLA CITY CODE, ARTICLE III, KNOWN AS THE PLANNING ZONING CODE, BY AMENDING CERTAIN PROVISIONS AND BY ENACTING NEW REGULATIONS. 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; Woolley, Bowe, Miller, Williams, Hines, Jung, Meusch, Long, Morris, Crowell, and Eudaly. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

JANUARY 3, 2017

**VI. NEW BUSINESS**

**(A) Ordinance Enacting a New Section 27-81 of the Rolla City Code Regarding the Obstruction of Mailboxes:** Police Chief Sean Fagan asked the Council to consider enacting an ordinance that would make it illegal to park within five feet of a mailbox. He explained the Police Department has been receiving phone calls and complaints about people blocking private mailboxes. Chief Fagan informed the Council the mail carriers are not required to deliver mail if a mailbox is blocked.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ENACTING ARTICLE VI - STOPPING, STANDING & PARKING, SECTION 27-81 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI RELATING TO PARKING TO OBSTRUCT MAILBOXES.

**(B) Ordinance Amending Section 27-62 of the Rolla City Code Pertaining to Seatbelts:** Police Chief Sean Fagan stated that currently the State of Missouri has a seatbelt violation, which is \$10 ticket and is considered a secondary violation. He asked the City Council to consider making this a primary violation. Chief Fagan said the reason for this request is that seatbelts save lives. He told the Council that currently 49 cities in Missouri have enacted a similar ordinance. Chief Fagan also suggested the fine for a seatbelt violation be increased to \$25.

After discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING ARTICLE IV, EQUIPMENT ON VEHICLES, SECTION 27-62 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI RELATING TO SEATBELTS.

**(C) Ordinance Amending Section 27-92 of the Rolla City Code Pertaining to Parking on Vichy and Vienna Roads:** Public Works Director Steve Hargis recalled that during the Council's last meeting, he presented an ordinance that would prohibit parking on both sides of Vichy Road in its entirety. That ordinance was set aside due to the concern about residents being able to park their cars in front of their homes. The Council's consensus was to leave parking on one side of the street. As a compromise, Mr. Hargis said staff is suggesting just restricting those areas that are adjacent to the intersection and particularly the two that are on a curve. He said the site distance at those areas is limited. Staff is recommending the no parking areas be extended to include the

**COUNCIL MEETING MINUTES  
JANUARY 3, 2017  
PAGE 5**

**VI. NEW BUSINESS (continued)**

**(C) Ordinance Amending Section 27-92 of the Rolla City Code Pertaining to Parking on Vichy and Vienna Roads (continued):** red areas, as shown on the map provided. Mr. Hargis noted Vienna Road has had no parking on both sides for some time. Part of the ordinance from Roseglade Road north was inadvertently left out of a previous update of the traffic ordinance. Staff is recommending this be reinstated into the ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-92 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING.

**(D) Ordinance Authorizing the Mayor to Execute Amendment No. 3 with HNTB Corporation – Westside Transportation Master Plan Agreement:** Public Works Director Steve Hargis explained the subject Task Order No. 3 would be added to the professional services agreement with HNTB. This Task Order would complete the final plan and contract documents to go to bid for the Highway 72 extension from Highway 63 and 72 to Kingshighway and Bridge School Road.

Following discussion, 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 AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND HNTB CORPORATION.

**(E) Ordinance Deleting Sections 2-245 through 2-250 of the Rolla City Code Pertaining to Tax Increment Financing (TIF):** City Administrator John Butz noted that during a recent review of the City Code he noticed Sections 2-245 through 2-250 relating to the Highway 72/63 Tax Increment Financing (TIF) project. He recalled the City officially repealed this project in 2008 and these sections should not have been included in the City Code. Mr. Butz said Sections 2-243 and 2-244 would be retained, which created the City's TIF Commission.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4323: AN ORDINANCE DELETING ARTICLE VII – BOARDS AND COMMISSIONS, SECTIONS 2-245 THROUGH 2-250 OF THE

**VI. NEW BUSINESS (continued)**

**(E) Ordinance Deleting Sections 2-245 through 2-250 of the Rolla City Code Pertaining to Tax Increment Financing (TIF) (continued):** ROLLA CITY CODE, PERTAINING TO THE TAX INCREMENT FINANCING COMMISSION OF ROLLA, MISSOURI (TIF). A motion was made by Williams and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, two nays, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded and by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Eudaly, Jung, Hines, Miller, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

**(F) Resolution Authorizing City Counselor Services:** City Administrator John Butz recalled the Council recently awarded the City Counselor Services to the current firm, Williams, Robinson, Rigler, and Buschjost for three years. The subject resolution would authorize the Mayor to enter into the subject contract.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1872: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CITY COUNSELOR PERSONAL SERVICES CONTRACT BETWEEN THE LAW OFFICES OF WILLIAMS, ROBINSON, RIGLER & BUSCHJOST, AND THE CITY OF ROLLA. A motion was made by Long and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried. The resolution passed.

**(G) Motion Considering New Animal Shelter Site and Campaign Goal:** City Administrator John Butz recalled the Council discussed this issue two weeks ago to see if there was any feedback on the idea of moving the proposed animal shelter site from the pre-determined location of the Ransdall Building, which is located at the corner of 18<sup>th</sup> and Sharp, to the property the City acquired a few weeks ago located on Lions Club Drive and Highway 72. Mr. Butz told the Council it would be helpful as the public campaign goal begins that the Council makes a motion to establish this property as the future home of the new Rolla Animal Shelter. Additionally, he asked the Council to consider establishing a new shelter goal of \$1.5 million.

**VI. NEW BUSINESS (continued)**

**(G) Motion Considering New Animal Shelter Site and Campaign Goal (continued):**

A motion was made by Williams and seconded by Eudaly to establish the City-owned property on Lions Club Drive and Highway 72 as the future home of the new Rolla Animal Shelter and to establish a new shelter campaign goal of \$1.5 million. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

**(A) Resolution Revising FY 2016 Budget:** Finance Director Steffanie Rogers referred the Council to the final proposed budget adjustments for FY 2016. She noted the revenues would increase by \$683,283 and the expenses would increase by \$1,724,795. Ms. Rogers pointed out most of these adjustments are depreciation and not cash entries.

After some discussion, City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1873: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2015, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

**(B) Motion Transferring Funds from the Park and Recreation Sales Tax Account to Cover Recreation Center Operations:**

Finance Director Steffanie Rogers explained that each year following completion of the audit, funds from the Depreciation Account are transferred to offset The Centre operations. For 2016, the operating revenues are projected at \$1,029,786 and expenditures are projected at \$1,366,706 for a net transfer request of \$336,920.

A motion was made by Williams and seconded by Eudaly to authorize the transfer of \$336,920 from the sales tax account to cover the estimated operating deficit for fiscal year 2015-2016. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VIII. CITIZEN COMMUNICATION**

**(A) Open Citizen Communication:** Mayor Magdits opened the floor to any citizen wishing to address the Council. However, no one present addressed the Council.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion Appointing Mr. Jonathan Hines to the Board of Adjustment (August 2017):** Due to the recent resignation of Mr. Bill Wiggins from the Board of Adjustment, Mayor Magdits indicated he has asked Councilman Jonathan Hines to complete the unexpired term. A motion was made by Long and seconded by Eudaly to appoint Mr. Jonathan Hines to the Board of Adjustment to complete the unexpired term of Mr. Bill Wiggins. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

None.

**XI. CLOSED SESSION**

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

The Council adjourned into Closed Session at approximately 7:35 p.m.

**XII. CLOSED SESSION ACTION**

The Council reconvened into Open Session at approximately 8:30 p.m.

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



**COUNCIL MEETING MINUTES  
JANUARY 3, 2017  
PAGE 9**

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:31 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

**JANUARY 3, 2017**