

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 19, 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, Monty Jordan, Kelly Long, David Schott, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Matthew Crowell and Matthew Miller

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, Parks and Recreation Director Floyd Jernigan, and Fire Chief Ron Smith

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 Councilman Jonathan Hines to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Public Hearing Regarding Buehler Park Master Plan: Parks and Recreation Director Floyd Jernigan explained the proposed Buehler Park Master Plan is a culmination of an assessment of the Park through input from two open houses, discussions with members of the community, members of citizen's groups and multiple presentations at the Park Advisory Commission. He noted the agenda materials include the suggested timeline of events as to how staff sees it playing out over the next few years. Mr. Jernigan pointed out Proposition P funds are allowing the City to address some park needs and amenities.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed Buehler Park Master Plan.

Ms. Stevie Kearse, Rolla Area Chamber of Commerce (RACC) Executive Director, 1311 Kingshighway, addressed the Council on behalf of the RACC Board of Directors. She noted a letter was sent to the Council and the Parks Board stating they are in favor of the

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I. PUBLIC HEARINGS (continued)

(A) Public Hearing Regarding Buehler Park Master Plan (continued): proposed changes to Buehler Park. Ms. Kearse said the letter primarily addressed the Board's support with the proposed dog park.

Mr. Kent Bagnall who owns property at 907 Pine Street and 2001 McCutchen Drive, mentioned that for about two years he has worked on a proposal to bring an off leash facility to Rolla. He noted he has worked with an ad hoc committee from the City, which included representatives from the City Parks Department, Animal Control, and Public Works to determine the best location for a dog park within 30 to 35 parks in the Rolla. Using many factors including convenience, visibility, terrain, accessibility and costs, Mr. Bagnall said it was determined Buehler Park would be the best location for an off leash dog facility. He said community volunteers from the local Royal Canin Pet Food Plant have pledged to raise funds, keep an eye on the park, and make it their primary volunteer focus for years to come. Representing himself, the 100 plus Mars Volunteer Program (MVP) volunteers from Royal Canin and the 30 ambassadors from the Rolla Area Chamber of Commerce, Mr. Bagnall stated they all unanimously support the Buehler Park Master Plan proposal.

Ms. Crystal Watson, Royal Canin, 1700 Bridge School Road, and representing the Mars Volunteer Program (MVP), told the Council they have discussed fundraising and will set a schedule for quarterly cleanup days.

Dr. Jerry Cohen, 1710 Lee Circle, spoke against the modification of Buehler Park for the purpose of establishing the dog park there. A key ingredient of the beauty of Buehler Park is the open grassy area on its west side and once a portion of the grassy area is fenced in, that beauty is diminished. In any case, if a dog park is to be established, a place where dogs can run around for exercise, the ideal location is the area on Lions Club Drive where the animal shelter will be built. Dr. Cohen indicated there is ample space there for an animal shelter and an area for dogs to get exercise. It should not be difficult to determine on what part of that open area the animal shelter can best be built and then to set up the fencing for a dog park nearby. The construction of the animal shelter might not occur for several years, but the fencing for dog exercise areas could be put up now. As far a dog park in Buehler Park, Dr. Cohen indicated no study has been made thus far that would demonstrate the need for one. In particular, there remains the objection that dog parks are usually set up in residential areas so residents can easily and conveniently bring their dogs there. Dr. Cohen pointed out Buehler Park is not located in a residential

I. PUBLIC HEARINGS (continued)

(A) Public Hearing Regarding Buehler Park Master Plan (continued): area. Other than an occasional dog owner stopping by, it seems unlikely the dog park would see any use from Rolla residents. In addition, there was agreement on all sides that no local taxpayer money should be used for a dog park other than the routine costs of lawn mowing.

Mr. Chester Kojro, 17780 County Road 8280, said the idea of a dog walk area at Buehler Park makes a lot of sense for highway travelers. However, he said he would never even think of taking his dogs into an unleashed dog area. Mr. Kojro said these would be total strangers, his dogs do not know anyone, and no one knows what is going to happen. He said he believes a dog park should be located in a residential area. Mr. Kojro stated the City should reconsider a more centralized location for dog owners of Rolla and to not worry about transient dogs, which could lead to all kinds of problems.

Mr. Dan Woodward, 14900 Highway Y, stated from a business point of view, it seems Rolla has never really gotten enough people to come downtown and commented The Centre has never gotten out of the red. Mr. Woodward said the parks system needs people to come to The Centre and Rolla needs people to come downtown. Mr. Woodward said it seems to him it would be very easy to direct people to Tenth Street and Ber Juan Park. If a dog park were there, it would be one more reason to come to The Centre and downtown area.

Mr. Tom Sager, 8 Laird Avenue, summarized his comments as outlined in the attached prepared statement and petition he provided to the Council, regarding the future of Buehler Park.

Mr. Sager also read a statement from Mr. Ross Melick, 209 Aintree Road, asking the City to not place a dog park in Buehler Park. Mr. Melick said he believes it would be wiser and a better long-term investment to develop a dog park, if one must be developed, adjacent to the new proposed animal shelter.

Mr. Sager also read a statement from Mr. Ray Schweikhardt, 1342 South Rolla Street, who asked if there is really a public need or desire for a dog park other than a small group of dedicated backers. He said he does not recall hearing the true numbers of supporters. Mr. Schweikhardt stated he honestly feels a dog park in that location would forever change the nature feel of Buehler Park. Additionally, he stated he does not understand why putting the dog park in any other location would prevent private money from erecting it. I am not sure of the future maintenance.

I. PUBLIC HEARINGS (continued)

(A) Public Hearing Regarding Buehler Park Master Plan (continued): Ms. Elaine Grover, 1203 Vista Drive, suggested a more centralized location for Rolla residents would be Ber Juan Park or one of the parks closer to concentrated housing. She said she agrees improvements to Buehler Park are long overdue and should be done. However, as the Mayor has discussed with her, these improvements have nothing to do with whether a dog park is placed in Buehler Park – they are necessary regardless. Ms. Grover said she feels Buehler Park is really too small for a dog park as there would not be enough space between the dog area and the area where children would be playing. The potential for accidents seems high to her and the possibility of odor being offensive to people walking around the park if owners do not pick up their dog’s waste. Ms. Grover added she does not have a problem with a dog park in Rolla, but believes it needs to be in a more central location that is large enough and it can be set aside from other areas. She asked the Council to consider not approving the dog park in the Buehler Park Master Plan.

Mr. Chris Lonas, 10677 Dolomite Circle, and site director for the Royal Canin Plant said he is impartial as far as where the dog park should be located. He indicated a dog park makes a lot of sense for Buehler Park and said he is committed to having 100 associates who are passionate about animals. Mr. Lonas noted he has lived in other cities where there were dog parks and it brings a social connection. He said you have his commitment to follow through with what Royal Canin has committed in terms of supporting the park.

Ms. Lindsey Bagnall, who owns property at 907 Pine Street and 2001 McCutchen Drive, said her experience with dog parks has been primarily in Florida. The proposed dog park would be designed to have three separate areas. One for larger dogs, one for smaller dogs, and a relief area, which would help let the other areas heal. Ms. Bagnall said the ones she has been to in Florida really do not seem to have too many issues. There are dogs that tend to be aggressive and their owners know that and the owners tend to be more aware when other dogs are around. At a dog park in Columbia, there were many dogs and a huge potential for issues. Amazingly, there were no issues. Ms. Bagnall stated it would be up to the owners to take care of their dogs and police the situation.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

Mayor Magdits stated the City does not have anything in place with the MVP (Mars Volunteer Program) group other than fundraising and volunteering for the dog park. He noted staff has kicked around a potential adopt-a-feature vehicle and he asked City Administrator John Butz to expand on it.

I. PUBLIC HEARINGS (continued)

(A) Public Hearing Regarding Buehler Park Master Plan (continued): Mr. Butz recalled a few years ago the City expanded the adopt-a-road program to an adopt-a-feature program. He said he believes the City would probably want to ask the MVP group to adopt-a-feature, if the Council approves the dog park.

Depending on discussions with the fundraising group, Mayor Magdits indicated staff would try to bring back consideration of the master plan at the next Council meeting.

II. SPECIAL PRESENTATIONS

(A) Recognition of Community Development Director John Petersen: Mayor Magdits presented Community Development Director John Petersen with a plaque in recognition of his 18 years of service with the City.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Amending Section 27-92 of the Rolla City Code Relating to Parking: Public Works Director Steve Hargis said staff is recommending the first reading of an ordinance that would eliminate parking on the east side of Elm Street that lies north of Bishop Avenue. When the International House of Pancakes (IHOP) was nearing completion, it became evident to staff there was a possibility of confusion with one of the driveways that enters into the restaurant complex. Mr. Hargis said this would permanently make no parking on both sides of Elm Street. He informed the Council that he has received several emails and phone calls requesting this change.

City Counselor Carolyn Buschjost 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.

IV. NEW BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Contract with the Missouri Highway and Transportation Commission for the Construction of ADA Accessibility Improvements: Public Works Director Steve Hargis said the City has been a beneficiary of what is called STP Urban funds, which is a pass through to the Federal Government and administered by the State of Missouri. He told the Council the State has elected to terminate the program. Mr. Hargis noted the City has about \$250,000 remaining in the fund and needs to have these funds obligated by the end of the fiscal year. He said staff is recommending the funds be used for a couple of streets the City received comments on in terms of making sure there are sidewalks on both sides. The streets are along Fifth Street, Sixth Street, and Holloway. Mr. Hargis stated the total cost of the project is estimated at \$340,000 and would be funded with \$250,000 of STP funds and the remainder paid from City funds.

City Counselor Carolyn Buschjost 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 SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE ALLOCATION AND DISTRIBUTION OF SURFACE TRANSPORTATION FUNDS PROJECT NO. STP-5200(919), WHICH PROVIDES FUNDING FOR THE CONSTRUCTION OF ADA ACCESSIBILITY IMPROVEMENTS ALONG 5TH, 6TH AND HOLLOWAY STREETS.

(C) Ordinance Amending Sec. 35-183 of the Rolla City Code Pertaining to Plugging of Existing Wells: City Administrator John Butz explained for some time Rolla Municipal Utilities (RMU) has required property owners to properly close private wells once public water supply is accessible to properties. He said a question recently arose on a new home being constructed on Lovers Lane. Mr. Butz noted it is a large lot and they are tapping into the City waterline, which is located in front of the house. Additionally, there is an existing well on the property. Mr. Butz explained the property owner, builder, and developer have requested a waiver or variance. After discussing the matter with City Counselor Lance Thurman, the proposed ordinance was drafted which would clarify when a use ceases and at that point must convert to the public water supply and close the private well.

RMU General Manager Rodney Bourne addressed the Council and elaborated on RMU's policy.

IV. NEW BUSINESS (continued)

(C) Ordinance Amending Sec. 35-183 of the Rolla City Code Pertaining to Plugging of Existing Wells (continued): Mr. Jim Larson, developer of the subject project property, said the subject property, located on Lovers Lane, consists of five acres. The homeowner wants to keep the well, bring it up to today's standards, and use it for watering the yard. He plans to connect to the City water and sewer for the house. Mr. Larson stated he feels there are things in this ordinance that could create an issue in the future.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 35-183 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION 35-183 IN LIEU THEREOF PERTAINING TO PLUGGING OF EXISTING WELLS AND CONNECTION TO PUBLIC WATER SUPPLY.

(D) Motion Authorizing the Destruction of Certain Records: Finance Director Steffanie Rogers explained that in accordance with Chapter 109 of the Revised Statutes of Missouri, staff is requesting the destruction of certain older City records. She referred the Council to the requested records.

A motion was made by Williams and seconded by Long to authorize the destruction of certain City records, as outlined in the agenda materials. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bank Depository Services Bid: Finance Director Steffanie Rogers told the Council bids for the City's banking services were received from First Community National Bank for 0.25% and First State Community Bank for 0.30%. Staff is recommending the depository services be awarded to First State Community Bank at 0.30% for the next four years (2021). A motion was made by Williams and seconded Jordan to award the City's depository services to First State Community Bank at 0.30%. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Resolution Authorizing the Mayor to Execute Acceptance of the Proposal from McConnell & Associates for Resurfacing of the Tennis Courts: Parks and Recreation Director Floyd Jernigan explained the subject resolution would authorize the Mayor to

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(B) Resolution Authorizing the Mayor to Execute Acceptance of the Proposal from McConnell & Associates for Resurfacing of the Tennis Courts (continued): execute an agreement with McConnell & Associates, St. Louis, Missouri, for tennis court improvements. He recalled the Council awarded the bid for the subject improvements during its last meeting.

City Counselor Carolyn Buschjost expressed concern with the payment and collection portion of the subject contract. She said it is just not typical contract language for the City to enter into.

City Administrator John Butz suggested the Council give Ms. Buschjost the authority to make modifications to that section of the contract.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1896: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN AGREEMENT WITH McCONNELL & ASSOCIATES, ST. LOUIS, MISSOURI, FOR TENNIS COURT IMPROVEMENTS. A motion was made by Williams and seconded by Morris to approve the proposed resolution as modified. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Ted Day to the Enhanced Enterprise Zone (EEZ) Board: A motion was made by Williams and seconded by Jordan to reappoint Mr. Ted Day to the Enhanced Enterprise Zone (EEZ) with his term expiring June 2022. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

Mr. Frank Furman, 403 Hutchinson Drive and a Friend of the Rolla Free Public Library, invited the Council to the book sale on Thursday, Friday, and Saturday.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Missouri S&T Incident: At the request of Mayor Magdits, Police Chief Fagan updated the Council on the incident that occurred late Friday afternoon at the Missouri S&T campus about a suspicious package that was left on the steps of the reactor. He said the device was made to look like an explosive device. Chief Fagan said an arrest was made on Sunday and the individual said he put the device there to test law enforcement's response.

Mayor Magdits thanked Chief Fagan and all agencies involved for a job well done.

(B) July Council Meeting: City Administrator John Butz asked the Council if they are comfortable changing the next Council meeting from July 3 to July 5. A motion was made by Jordan and seconded by Hines to reschedule the next Council meeting to July 5, 2017. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 8:49 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 9:02 p.m.

City Counselor Carolyn Buschjost announced that during Closed Session, the Council discussed contract negotiations and no final action was taken.

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XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:03 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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