

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, APRIL 20, 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, Kelly Long, Susan J. Eudaly, Don Morris, Stephen Bowles, Jim Williams, and Brian Woolley

**Council Members Absent:** Greg Sawyer, Tony Bahr, and Walt Bowe

**Newly Elected Officials in Attendance:** City Attorney Brad Neckermann, Ward II Councilman Matthew Crowell, Ward IV Councilman John K. Meusch, and Ward VI Councilman Steven Jung

**Department Directors in Attendance:** Public Works Director Steve Hargis, Fire Chief Robert Williams, Environmental Services Director Brady Wilson, Parks and Recreation Director Scott Caron, Interim Police Chief Rick Williams, Community Development Director John Petersen, and Finance Director Steffanie Rogers

**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 a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Jonathan Hines then led in the Pledge of Allegiance.

**I. OLD BUSINESS**

**(A) Ordinance Authorizing the Mayor to Enter into a Contract with Don Maggi, Inc., for Project 348, 2015 Phase II Concrete Improvements:** Public Works Director Steve Hargis asked the Council to consider the final reading of the subject ordinance pertaining to the contract for concrete work with Don Maggi, Inc., for Project 348. He said it involves work in the Basswood, Redwood, and Parkview Subdivisions.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4199: 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 DON MAGGI, INC., FOR PROJECT 348.

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**I. OLD BUSINESS (continued)**

**(A) Ordinance Authorizing the Mayor to Enter into a Contract with Don Maggi, Inc., for Project 348, 2015 Phase II Concrete Improvements (continued):** 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, Woolley, Williams, Hines, Bowles, Jordan, Morris, Long, and Eudaly. Nays; None. Absent; Bowe, Bahr, and Sawyer. Motion carried. The ordinance passed.

**(B) Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction for Project 372, 2015 Micro Surfacing:** Public Works Director Steve Hargis informed the Council that Donelson Construction has been used several times in the past for micro surfacing. He informed the Council of the streets that would be micro surfaced during the upcoming construction season.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4200: 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 CO., LLC, FOR PROJECT 372. A motion was made by Williams and seconded by Bowles to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Eudaly, Woolley, Miller, Bowles, Long, Morris, and Hines. Nays; None. Absent; Bahr, Bowe, and Sawyer. Motion carried. The ordinance passed.

**(C) Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC, for Project 373, 2015 Phase I Asphalt Improvements:** Public Works Director Steve Hargis explained the subject project was broken up into two smaller projects in order to obtain more competition from the local contractors. However, Rolla Asphalt was the low bidder on both projects.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4201: 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 ROLLA ASPHALT LLC, FOR PROJECT 373. 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; Woolley, Miller, Williams, Hines, Long, Bowles, Jordan, Morris, and Eudaly. Nays; None. Absent; Bowe, Sawyer, and Bahr. Motion carried. The ordinance passed.

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**I. OLD BUSINESS (continued)**

**(D) Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC, for Project 374, 2015 Phase II Asphalt Improvements:** Public Works Director Steve Hargis informed the Council that the subject contract, with Rolla Asphalt, LLC, is for the second phase of the asphalt improvements for the upcoming construction season.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4202: 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 ROLLA ASPHALT LLC, FOR PROJECT 374. 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; Bowles, Eudaly, Hines, Woolley, Miller, Long, Jordan, Morris, and Williams. Nays; None. Absent; Bahr, Bowe, and Sawyer. Motion carried. The ordinance passed.

**(E) Ordinance Authorizing the Mayor to Enter into a Contract with Musselman & Hall Contractors for Project 379, 2015 Surface Sealing Treatment:** Public Works Director Steve Hargis explained the subject contract with Musselman & Hall Contractors is for a thinner treatment than micro surfacing and is also about half the cost.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4203: 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 MUSSELMAN & HALL CONTRACTORS, FOR PROJECT 379. 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; Long, Miller, Eudaly, Hines, Woolley, Jordan, Morris, Williams, and Bowles. Nays; None. Absent; Sawyer, Bahr, and Bowe. Motion carried. The ordinance passed.

**(F) Motion Accepting the April 7, 2015, Certified Election Results:** City Administrator John Butz explained once the Phelps County Clerk certifies the election results, the City Council takes action to accept them. He referred the Council to Page I.F.11. in the agenda packets, which pertains to the write-in votes for the Ward VI Council seat. Mr. Butz noted there was a three-way tie in the election. He reported Mr. Steven Jung has accepted the position. He noted Mr. Nicholas P. Chlysta sent a letter withdrawing his name from candidacy for the Ward 6 position. Additionally, Mr. Steve Sowers realized he was about one-week short of the one-year residency requirement in Ward VI.

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**I. OLD BUSINESS (continued)**

**(F) Motion Accepting the April 7, 2015, Certified Election Results (continued):** A motion was made by Williams and seconded by Jordan to accept the April 7, 2015, election results as certified by Phelps County Clerk and Election Authority Pamela K. Grow. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**II. ELECTED OFFICIALS SWEARING-IN CEREMONY**

**(A)** City Clerk Carol Daniels administered the oath of office to the following newly elected officials: City Attorney Bradley Neckermann (one-year unexpired term); Ward I Councilman Jonathan Hines; Ward II Councilman Matthew Crowell; Ward III Councilwoman Susan J. Eudaly; Ward IV Councilman John K. Meusch; Ward V Councilman Brian Woolley, and; Ward VI Councilman Steven Jung.

**(B) Comments/Recognitions:** Mayor Magdits presented retiring Councilman Steve Bowles with a plaque in appreciation for his dedicated service to the City of Rolla from May 19, 2014 to April 20, 2015.

Retiring Councilmen Greg Sawyer and Tony Bahr were unable to attend the meeting.

**III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

None.

**IV. PUBLIC HEARINGS**

**(A) Ordinance Rezoning 803 W. 13<sup>th</sup> Street from R-1 (Single Family District) to R-2 (Two Family District) (Rome):** Community Development Director John Petersen explained the applicant is requesting the property, located at 803 W. 13<sup>th</sup> Street, be rezoned from R-1 (Single Family District) to R-2 (Two Family District). He said the applicant plans to reorient the existing lot lines to accommodate the construction of a new duplex on the south side of the lot and to convert the existing structure to a duplex. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the rezoning request.

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**IV. PUBLIC HEARINGS (continued)**

**(A) Ordinance Rezoning 803 W. 13<sup>th</sup> Street from R-1 (Single Family District) to R-2 (Two Family District) (Rome) (continued):** Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO REZONE PROPERTY LOCATED AT 803 WEST 13<sup>TH</sup> STREET FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-2 (TWO FAMILY DISTRICT) ZONING (ROME).

**V. NEW BUSINESS**

**(A) Ordinance to Consider COP Lease Financing for Street Improvements & Temporary Park Funding:** City Administrator John Butz recalled that during its last meeting, the Council adopted a resolution setting up the framework for the issuance of a \$3 million Certificate of Participation (COP) lease financing for street improvements. He said City staff has had some conversations about the park system and a way to advance some funds on the park sales tax revenue stream. Mr. Butz told the Council City staff is modifying what the Council heard two weeks ago and taking it from a \$3 million to a not-to-exceed \$3.5 million COP financing. He noted this does not affect the street portion of the work and is a way for the City to maintain the park system the way the voters intended when recently they approved Proposition P.

Mr. Mark Grimm, Attorney at Law with Gilmore and Bell, commented on the COP financing structure and entertained questions from the Council.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE CITY OF ROLLA, MISSOURI, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF FINANCING CERTAIN ROADS, STREETS, PARKING LOTS AND RELATED IMPROVEMENTS AND TO FUND LOCAL PARKS IN ANTICIPATION OF REVENUES FROM THE PARKS SALES TAX; AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

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**V. NEW BUSINESS (continued)**

**(B) Ordinance Approving the Final Plat of Miles Addition, a Resubdivision Consisting of Lots 1 & 2, Formerly Lots 8, 9, 10, 11 & 12, Block 6 of Holloway's First Addition (Miles):** Community Development Director John Petersen explained the applicant is proposing to consolidate five lots into two new lots (Lots 1 and 2), to facilitate the sale of real estate. The Planning and Zoning Commission unanimously recommend approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE APPROVING THE RESUBDIVISION OF HOLLOWAY'S FIRST ADDITION, FORMER LOTS 8, 9, 10, 11, AND 12, BLOCK 6, CONSISTING OF TWO NEW LOTS DESIGNATED AS LOTS 1 AND 2 (MILES).**

**(C) Motion Authorizing the Destruction of Certain Records:** Finance Director Steffanie Rogers referred the Council to a list of City records that have reached the destruction date. She asked the Council to consider authorizing the destruction of these records. Ms. Rogers indicated the records either would be shredded or deleted (electronic records).

A motion was made by Williams and seconded by Morris to authorize the destruction of the following City records. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

<b><u>FISCAL YEAR</u></b>	<b><u>CONTENTS</u></b>	<b><u>DESTROY DATE</u></b>
<b><u>PAPER DOCUMENTS FOR SHREDDING</u></b>		
Various	Incident Reports – Police Department	2001
Various	Arrest Reports – Police Department	2001
Various	Public & Private Property Accident Reports – Police Department	2001
Various	Photos Affiliated with Above Reports – Police Department	2001
Sept 08 – Dec 11	City Meeting Notices	2015
Sept 08 – Dec 11	Job Announcements	2015
Dec 92 – Dec 11	Missouri Department of Natural Resources Notices	2015
Jan 07 – Dec 09	Surplus Vehicle/Equipment Records	2015
Jan 07 – Dec 09	Bid Documents	2015
Jan 11 – Dec 13	City Council Meeting Audio Recording	2015
December 1986	Bid Specs for Motor Grader	2015
2002	Documents for Motor Grader Purchase	2015
1995	Documents for Dump Truck Purchase	2015
1985	Documents for Tractor & Mower Purchase	2015

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1989	Documents for 60" Front Mount Mower Purchase	2015
2002	Documents for Trackloader Purchase	2015
Jan 05 – Dec 09	Locate Documents	2014
2005 – 2006	General Fund Deposit Registers and Slips	2014
2006 – 2007	Account Receivable Records	2015
2004 – 2005	Accounts Payable (A – ½ C)	2013
2004 – 2005	Accounts Payable (½ F - I)	2013
2004 – 2005	Accounts Payable (½ S – ½ T)	2013

**ELECTRONIC DOCUMENTS**

2004 – 2005	AP Files	2013
2005 – 2006	AP Files	2014
2006 – 2007	AP Files	2015
2004 – 2005	AR Files	2013
2006 – 2007	AR Files	2015
2005 – 2006	Cash Receipt Files	2014
2006 – 2007	Cash Receipt Files	2015
2004 – 2005	Fiscal Year Documents	2013
2005 – 2006	Fiscal Year Documents	2014
2006 – 2007	Fiscal Year Documents	2015

**V. NEW BUSINESS (continued)**

**(D) Resolution to Amend Chamber Lease and Contract for Tourism Services:** City Administrator John Butz told the Council the subject resolution would authorize an amendment to two agreements with the Chamber of Commerce that were initially approved by the Council in November 2014. He said the Chamber mentioned they were paying a lot for property insurance coverage. Since the City owns the building assets, it was less expensive for the City to add the coverage to the City's insurance through MIRMA (Missouri Intergovernmental Risk Management Association). Mr. Butz said it would cost the City approximately \$2,500 to add these assets to its insurance and would save the Chamber about \$4,500. The proposed addendum states the insurance coverage would be the responsibility of the City and the premium would be withheld from the hotel/motel tax proceeds collected by the City.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1840: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, ADDENDUM NO. 1 TO THE CHAMBER LEASE AND CONTRACT FOR SERVICE BY AND BETWEEN THE CITY OF

**V. NEW BUSINESS (continued)**

**(D) Resolution to Amend Chamber Lease and Contract for Tourism Services (continued):** ROLLA, MISSOURI AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Eudaly and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

**(E) Ordinance to Amend Chapter 35 of the City Code Pertaining to the Board of Public Works:** City Administrator John Butz explained the proposed ordinance would amend two sections of Chapter 35 of the Rolla City Code pertaining to real estate purchases by Rolla Municipal Utilities (RMU). He said it was suggested the City Code be amended to permit the Board of Public Works to negotiate and approve the acquisition of any interest in real property where the consideration to be paid does not exceed \$100,000 per acquisition or transaction.

Rolla Municipal Utilities General Manager Rodney Bourne commented Rolla Municipal Utilities (RMU) recently had a \$1,800 transaction on a very small piece of property. RMU's attorney felt the City ordinances were not clear in granting RMU the right to purchase real property without City Council approval. Mr. Bourne said the attorney suggested making some changes to two sections of Chapter 35 of the Rolla City Code, which would allow RMU to have limited purchasing up to \$100,000.

After discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTIONS 35-154 AND 35-156 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS 35-154 AND 35-156 IN LIEU THEREOF PERTAINING TO THE BOARD OF PUBLIC WORKS.

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

None.

**VII. MAYOR/CITY COUNCIL COMMENTS**

**(A) Proposition P:** Mayor Magdits "thanked the citizens of Rolla for their support of Proposition P. A margin of nearly 70% indicates that people like and value their parks,



**VII. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(A) Proposition P (continued):** recreation, and public safety departments. It also indicates that the citizens support the City's plan to maintain those assets and trust the City to deliver. I fully expect us to do so. I would also like to thank the City staff and the Citizens Committee that put a tremendous amount of time and effort to ensuring that the information provided to the citizens was correct, relevant, and transparent. In the end, the facts made the case. Thank you."

**(B) Mayor/Council Appointments:**

**(1) Council Appointment of Mayor Pro-Tempore:** A motion was made by Long and seconded by Hines to appoint Councilman Monty Jordan as Mayor Pro-Tempore. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(2) Council Appointment of City Council Planning and Zoning Commission Representative:** A motion was made by Crowell and seconded by Jordan to appoint Councilman Matt Miller as the City Council Planning and Zoning Commission representative. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(C) City Facility Tour:** Councilwoman Susan Eudaly recalled several years ago the Council took a tour of City facilities and said it was very interesting. She suggested the Council might want to consider doing a similar tour.

City Administrator John Butz said City staff would be happy to coordinate the tour.

**(D) Community Efforts:** Councilman Don Morris commented on two special events that recently occurred in Rolla. The first event was the groundbreaking of the new Delbert Day Cancer Institute. Mr. Morris said he does not believe people realize how fortunate Rolla is to have the hospital we have and the way it continues to improve its facility and offerings.

Mr. Morris said the second event was a golf fundraiser for the Rolla High School golf coach last Friday at the Country Club. He said he was fortunate to take part in the fundraiser and thought it was fantastic the number of people who took part in it. Mr. Morris said it really felt good to see the people of this community respond and help a neighbor. This is one of the things that really makes our community great.

**VIII. CITIZEN COMMUNICATION**

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

**(1)** Mr. Robert Stewart, 1308 Hillview, recalled a former Rolla City Council voted to add fluoride to the City water to help children's teeth. He also said the City is adding hydrofluorosilic acid to its water, which is not fluoride and is a waste product. Mr. Stewart asked the Council to officially consider stopping RMU (Rolla Municipal Utilities) from violating the City's ordinance by adding hydrofluorosilic acid instead of the fluoride.

No one else present addressed the Council.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Councilman Woolley:** For clarification purposes, Councilman Brian Woolley asked Mayor Magdits if the fluoride the City puts in its water meets all of the specifications of the American Dental Association (ADA).

Mayor Magdits stated he believes the City is in full compliance with the ordinance.

Rolla Municipal Utilities General Manager Rodney Bourne confirmed the method employed by Rolla Municipal Utilities is the most widely used.

City Administrator John Butz added this has become a lightning rod issue for the past several years. However, adding fluoride to the water is still endorsed by the American Medical Association (AMA), the American Dental Association (ADA), and the Center for Disease Control (CDC). The Environmental Protection Agency (EPA) and Department of Natural Resources (DNR) still do not establish it as a mandatory action, but they both provide the City guidance.

Mr. Bourne said when the CDC makes the final rule of lowering the amount of fluoride to .7, he would advise the Council.

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

None.

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**XI. CLOSED SESSION**

A motion was made by Williams and seconded by Eudaly to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss personnel. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Jung, Hines, Woolley, Miller, Crowell, Meusch, Long, Morris, and Eudaly. Nays; None. Absent; Bowe. 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 8:04 p.m.

City Counselor Carolyn Buschjost reported that during Closed Session, the Council discussed a personnel matter and no final decisions were made.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:05 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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