

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 5, 2015; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Matthew Crowell, Matthew Miller, Kelly Long (arrived at 7:11 p.m.), Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Jonathan Hines and Monty Jordan

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

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 Steven Jung then led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Woolley 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 Workshop – September 2, 2015
- 2) City Council Meeting – September 8, 2015
- 3) City Council Meeting Closed Session – September 8, 2015
- 4) City Council Meeting – September 21, 2015
- 5) City Council Meeting Closed Session – September 21, 2015

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Audubon Trails Nature Center: Mr. Mike Doyen representing the Ozarks Rivers Audubon Chapter provided an overview of the Audubon Trails Nature Center, which is located at 550 Meriweather Court in Rolla. He invited the Council and citizens to attend the grand opening of the Center on Sunday, October 11, 2015, from 2 p.m. to 4 p.m.

(B) Missouri S&T Humanitarian Minor Program: Mayor Magdits recalled a few months ago that Dr. Curt Elmore was here to talk to the Council about Missouri S&T's Humanitarian Minor. He told the Council he and City Administrator John Butz volunteered the City to be a participant in the program. With that came the responsibility for them to mentor the project managers for a term of three semesters.

Dr. Curt Elmore addressed the Council and stated there are two students working with the City. One of the students was unable to attend, but Mr. Matthew Kistler, who is working with Mr. Butz, was able to attend.

Mr. Kistler provided the Council with a synopsis of his project "Rolla Adopt a City Feature," which includes adopting parks, streams, and streets in Rolla. He explained it encourages volunteerism. Mr. Kistler said it takes the community and partners it with the City and both work together for a better future.

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

Mayor Magdits referred the Council to (A) the August 2015 Environmental Services Department Monthly Report; (B) the August 2015, Police Department Monthly Report; (C) the August 2015 Animal Control Division Monthly Report; (D) the July and August 2015, Rolla Municipal Utilities Monthly Reports; (E) the September 8, 2015, Preliminary Planning and Zoning Commission Meeting Minutes, and; (F) the September 2015, Municipal Court Monthly Report.

V. OLD BUSINESS

(A) Ordinance Approving the Development of a FERC at the 1100 Highway 72 Event Center: Community Development Director John Petersen reported the Planning and Zoning Commission recommend approval of the subject ordinance and he asked the Council to consider the final reading of the subject ordinance.

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V. OLD BUSINESS (continued)

(A) Ordinance Approving the Development of a FERC at the 1100 Highway 72 Event Center (continued): Mayor Magdits noted the ordinance has been amended to incorporate the conditions in the subject ordinance.

Councilman Williams asked if the Shots Bar located on Ninth Street, has obtained a special permit for using the parking lot behind Firestone for bands and open drinking. City Administrator John Butz indicated the City would have to look into this matter.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. **ORDINANCE NO. 4233: AN ORDINANCE APPROVING THE ESTABLISHMENT OF A FAMILY ENTERTAINMENT AND RECREATION COMPLEX (FERC) AT 1100 HIGHWAY 72 EAST IN THE CITY OF ROLLA, MISSOURI (BARRACK).** A motion was made by Williams and seconded by Morris to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Jung, Williams, Miller, Eudaly, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Hines, Long, and Jordan. Motion carried. The ordinance passed.

(B) Ordinance Setting Proposed Sewer Rates for FY 2015/2016: Public Works Director Steve Hargis explained the subject ordinance would increase the sewer rates from \$4.75 per 1,000 gallons of usage to \$5.00 per 1,000 gallons. For an average user of 6,000 gallons per month, it would increase from \$28.50 to \$30.00 per month. He noted this increase was included in the FY 2016 budget.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4234: AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER.** 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; Eudaly, Meusch, Williams, Jung, Woolley, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; Jordan, Hines, and Long. Motion carried. The ordinance passed.

(C) Resolution Approving Contract for RNA Tower Access – Wave Internet Technologies: City Administrator John Butz recalled a few months ago that the City entered into a lease with a company called BlueBit Networks, which is a wireless internet provider, to place equipment on the new water tower at the Rolla National Airport.

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V. OLD BUSINESS (continued)

(C) Resolution Approving Contract for RNA Tower Access – Wave Internet Technologies (continued): Shortly thereafter, Mr. Zach Robinson with Wave Internet Technologies approached the City about doing the same.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1845: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR TOWER ACCESS BETWEEN WAVE INTERNET TECHNOLOGIES, LLC, AND THE CITY OF ROLLA, MISSOURI. 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.

VI. NEW BUSINESS

(A) Ordinance Approving Second Amendment to Agreement for Emergency Dispatch Services: City Administrator John Butz explained the original agreement with the Phelps County Emergency Services Board (PCESB) references a specific dollar amount for services. However, each year the PCESB approves a new budget, which is incorporated into the City's budget, but changes each year. Mr. Butz told the Council the subject second amendment removes an actual dollar amount and refers to payment/compensation of services to equal monthly payments of one-twelfth of the approved budget.

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, THE SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE PHELPS COUNTY EMERGENCY SERVICES BOARD DATED NOVEMBER 15, 2010, PERTAINING TO ENHANCED 911 COMMUNICATIONS AND EMERGENCY DISPATCH SERVICES.

(B) Overview of City User Fees: Mayor Magdits recalled during budget discussion, the issue of youth and senior citizen user fees surfaced. He said the Council was asked to defer discussion until staff had an opportunity to assemble all the fees in one document.

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VI. NEW BUSINESS (continued)

(B) Overview of City User Fees (continued): He called specific attention to the area highlighted in yellow on Page VI.B.5. of the Council agenda, which pertains to park user fees.

Councilman Kelly Long entered the meeting at approximately 7:11 p.m.

City Administrator John Butz said the Council adopted an amendment in either December 2014 or January 2015 that Community Hall fees would increase from \$15 per hour to \$20 per hour. Additionally, it established there would be a 20% discount for senior citizens or youth renting the facility. Decades before that, there were no fees established for youth or senior citizens at Community Hall. Mr. Butz said Community Hall users were notified effective January 2016 those increases would be implemented. However, the Council did not address the youth sport fees.

After discussion, Mayor Magdits informed the Council if they take no action regarding the youth sport fees, no fees would be charged.

Following further discussion, no Council action was taken pertaining to the youth sport fees.

Mayor Magdits then asked the Council if they wished to take any action on the Community Hall fees. He pointed out the Council took action in December 2014 to increase the Community Hall rental rate from \$15 per hour to \$20 per hour and adopts a 20% discount for youth and/or senior citizens.

After discussion, a motion was made by Morris and seconded by Eudaly to eliminate the fees for senior citizens and youth at the Community Hall. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried.

(C) Ordinance Authorizing the Mayor to Enter Into a Contract with Gerstner Electric, Inc., for Project 369 – Signal Operational Improvements: Public Works Director Steve Hargis recalled that during its last meeting, the Council awarded the bid for Project 369, Signal Operational Improvements, to Gerstner Electric, Inc., which would provide battery backup for all signals in the city. The bid award was pending Missouri Department of Transportation (MoDOT) approval, which has since been received. Mr. Hargis said the proposed ordinance would authorize the Mayor to enter into an agreement with Gerstner Electric for \$118,122. He added this project is funded in part 80% by Federal STP funds with a 20% match by the City.

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VI. NEW BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Enter Into a Contract with Gerstner Electric, Inc., for Project 369 – Signal Operational Improvements (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 GERSTNER ELECTRIC, INC. FOR PROJECT 369.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Police Vehicles: Police Chief Sean Fagan asked the City Council to consider approving the purchase of four, 2016 Dodge Charger police vehicles. He noted the sole bidder was Lou Fusz Chrysler for \$25,962 for a total cost of \$103,848. After discussion, a motion was made by Long and seconded by Morris to award the bid for four, 2016 Dodge Charger police pursuit vehicles to Lou Fusz Chrysler, the State bid, for \$25,962 each for a total of \$103,848. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

(1) Ms. Diana Howard, 1008 Vista Drive, Rolla, Missouri, addressed the Council and read from the attached prepared statement.

Mayor Magdits commented to Ms. Howard that she asked many questions and they are questions that cannot be answered off the top of their heads. Additionally, he said he is not so sure the City can answer all of them. He asked City Administrator John Butz to try to answer the residents' questions as the City is able.

(2) Mr. Earl Richards, 1000 Bluebird Lane, Rolla, Missouri, told the Council he is concerned about the so-called MoveRolla Transportation development that is proposed by what he calls the double circle interchange. The subdivision he lives in is in jeopardy because of this. Mr. Richards said his purpose is to let the Council know some of the

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication (continued): (2) continued: history that is involved and it is not just a fly by night subdivision that started and it has been there since 1953 and all of it is inside the city limits. On behalf of the twelve residents, he asked the Council to think twice about what they are doing with this advancement.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Missouri Municipal League (MML) Conference: Councilwoman Sue Eudaly reported she and City Administrator John Butz recently attended the MML Annual Conference. She said the conference was very informative and she always hears many good comments about Mr. Butz. This year she noted she heard about what a good engineer Public Works Director Steve Hargis is and Rolla is lucky to have him.

Additionally, Ms. Eudaly informed the Council she and Mr. Butz were able to tour the Leavenworth, Kansas and Lee's Summit, Missouri animal shelters.

Ms. Eudaly encouraged the Council to try to attend next year's conference, which will be held in St. Louis.

(B) Property at Elm Street and Highway 63 (Bishop Avenue): City Administrator John Butz noted there was an issue that surfaced on Friday and he wanted to give the Council a heads up because the Council would be asked to consider the first and final readings of an ordinance during its next meeting. The subject property is located at the corner of Elm Street and Highway 63 (Bishop Avenue) and is the former location of Putt Putt Golf and just to the east of the former Lord's Library location. Mr. Butz said there is a project being developed that would encompass these two parcels. The two buildings currently on the properties would be razed and a new commercial business would be constructed. Mr. Butz recalled that in 2007, the City vacated a portion of the property at the request of Starbucks. During a recent title search, it was discovered the vacation does not clearly demonstrate the City is releasing its claim to that property. The Development is requesting the City complete a quitclaim deed to just affirm the relinquishing of that piece of property, which will aid in their getting title and closing on the two parcels. Mr. Butz asked the Council to contact him with any questions pertaining to this issue.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Tenth and Forum Drive Pedestrian Signal: Councilman Matthew Crowell indicated he was recently made aware that when pedestrians push the button to cross at Tenth Street and Forum Drive, the signal activates perpendicular to the direction they wish to travel.

City Administrator John Butz indicated staff would look into this matter.

(D) Special Council Workshop: Mayor Magdits said he wanted to assure the residents in the Vista Drive/Bluebird Lane/Hyer Court area, the City is sensitive to their concerns. In the last couple of weeks, it seems the questions being generated are coming faster than the City could answer them. He explained this is not a sign of incompetence on the City's part, rather a matter that a process is going on and some of the questions are coming faster than the process is proceeding. Mayor Magdits advised the City is starting to bring together some of the draft reports and the Council would like to have a workshop next Monday. He stated it is a very important one, because this is the first time everyone is going to see what is behind the scenes, so to speak. Mayor Magdits stressed the public is invited to this workshop, which would held in the City Council Chambers beginning at 5:30 p.m.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

None.

XII. CLOSED SESSION ACTION

None.

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XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:17 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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