

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 2, 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 Crowell, Matthew Miller, Kelly Long, Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: None.

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Parks Superintendent Stan Busch, 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. CONSENT AGENDA

A motion was made by Williams and seconded by Long to approve the consent agenda as submitted. A voice vote on the motion showed twelve ayes, zero nays, and zero 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 – October 5, 2015
- 2) City Council Workshop – October 12, 2015
- 3) City Council Meeting – October 19, 2015
- 4) City Council Meeting Closed Session – October 19, 2015

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) MIRMA Presentation: Mr. Kelly Beets, Senior Loss Control Consultant with MIRMA (Missouri Intergovernmental Risk Management Association) presented Police Chief Sean Fagan with an award in recognition of the Police Department's participation in MIRMA's Risk Management Awards Program. Mr. Beets explained a check for \$3,222 would be issued to the Police Department to help offset the costs of less lethal rounds funded at \$1,232 and several tire deflation devices for \$1,990.

(A) Veterans Park Update: Mr. Jerry Bumpus, Chairman of the South Central Regional Veterans Group (SCRVG), provided an update of the ongoing construction at the Veterans Memorial Park, located at 575 Southview Drive.

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

Mayor Magdits referred the Council to **(A)** the September 2015 Environmental Services Department Monthly Report; **(B)** the September 2015, Police Department Monthly Report; **(C)** the September 2015 Animal Control Division Monthly Report; **(D)** the September 2015, Rolla Municipal Utilities Monthly Report; **(E)** the September 22 and October 7, 2015, Rolla Board of Public Works Meeting Minutes; **(F)** the September 29, 2015 Development Review Committee Meeting Minutes; **(G)** the October 13, 2015, Planning and Zoning Commission Preliminary Meeting Minutes; and **(H)** the October 2015 Fire Department Monthly Report.

V. OLD BUSINESS

(A) Ordinance Rezoning 911 South Rolla Street, Lots 1-3 of Happy Jack's Subdivision (Frost): Community Development Director John Petersen asked the Council to consider the final reading of the subject ordinance, which would rezone the property, located at 911 South Rolla Street and consists of three lots. The applicant is requesting the property be rezoned from R-R (Rural Residential District) to R-1 (Single Family District). He reported the Planning and Zoning Commission recommends approval of the rezoning request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4238: AN ORDINANCE APPROVING THE REZONING OF HAPPY JACK'S SUBDIVISION, LOT 1 THROUGH LOT 3, FROM

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V. OLD BUSINESS (continued)

(A) Ordinance Rezoning 911 South Rolla Street, Lots 1-3 of Happy Jack's Subdivision (Frost) (continued): R-R (RURAL RESIDENTIAL DISTRICT) ZONING TO R-1 (SINGLE FAMILY DISTRICT) ZONING, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 37, PHELPS COUNTY, MISSOURI (FROST). 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; Jordan, Williams, Jung, Hines, Woolley, Miller, Bowe, Crowell, Meusch, Long, Morris, and Eudaly. Nays; None. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Approving Amendment #002 to the Supervised Work Release Program Agreement: Public Works Director Steve Hargis informed the Council the subject ordinance would authorize the Mayor to extend an existing contract with the Missouri Department of Corrections. He explained a City employee picks up eight individuals from the Licking Correctional Center Monday through Thursday, and they are used to do manual labor tasks such as cutting grass, clearing brush, and picking up litter on City-owned property. Mr. Hargis said each prisoner receives \$1.00 per hour and half goes to the prisoner for use in the commissary and the other half goes into a savings account for the prisoner, which is given to them upon their release. He told the Council this has been a very successful program for the past ten years.

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 #002 TO THE SUPERVISED WORK RELEASE PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE SOUTH CENTRAL CORRECTIONAL CENTER.

(B) Resolution Authorizing a Lease with the A.B.L.E. Commission for the Holloway House: Parks Superintendent Stan Busch asked the Council to consider the renewal of a lease for the Holloway House with the A.B.L.E. (Achievement of Better Lifestyles for the Elderly) Commission. He noted this is the same contract the City has had with them for years. Mr. Busch said staff recommends approval.

VI. NEW BUSINESS (continued)

(B) Resolution Authorizing a Lease with the A.B.L.E. Commission for the Holloway House (continued): City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1847: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A LEASE BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE A.B.L.E. COMMISSION, INC., FOR THE HOLLOWAY HOUSE. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Resolution Authorizing a Contract for Services with the A.B.L.E. Commission Pertaining to Senior Citizen Services: Parks Superintendent Stan Busch explained the subject Contract for Services with the A.B.L.E. (Achievement of Better Lifestyles for the Elderly) Commission, to serve local senior citizens through various activities at the Holloway House. The contract provides for \$5,000 annually, pending appropriation by the City Council and payable to A.B.L.E. Mr. Busch indicated the contract is for a three-year period.

City Administrator John Butz explained generally the \$5,000 covers the insurance costs in operating the facility and utilities. The A.B.L.E. Commission is responsible for the staffing, maintenance, and everything on the inside of the facility. He said the \$5,000 helps cover some of the fixed overhead costs.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1848: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT FOR SERVICES WITH THE A.B.L.E. COMMISSION, INC., PERTAINING TO SENIOR CITIZEN SERVICES. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Resolution Granting Phelps County the Authority to Pursue the Westside Market Place Development: City Administrator John Butz explained the City has been working with UTW over the past several months on a development on the north side of the highway called the Westside Marketplace. Since the City was delayed in filing a TIF (Tax Increment Financing) filing, which has since been rectified, it would cause a delay

VI. NEW BUSINESS (continued)

(D) Resolution Granting Phelps County the Authority to Pursue the Westside Market Place Development (continued): in implementing a new TIF project. Mr. Butz said City staff had conversations with the County Commission and they are willing to take the lead in forming their own TIF Commission and, tomorrow, will have a presentation and potentially start the process of forming a TIF Commission and declare UTW as the preferred developer. He noted one of the requirements in the law is if a County Commission does this on a project entirely within the city limits, the City must consent. Mr. Butz indicated the subject resolution would grant consent for the County to proceed with a TIF project.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1849: A RESOLUTION AUTHORIZING PHELPS COUNTY, MISSOURI TO IMPLEMENT A TAX INCREMENT FINANCING PROJECT WITHIN THE BOUNDARIES OF 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 twelve ayes, zero nays, and zero absent. Motion carried.

(E) Resolution Calling for the Joint Establishment of the MoveRolla TDD with Phelps County: City Administrator John Butz recalled the City has been discussing its transportation issues for about 20 years in some respects and the City has been working with its partners, (Missouri Department of Transportation (MoDOT), hospital, university, and County). For some time, the City has been talking about approaching its partners to do improvements on Highway 63 from Highway 72 north to I-44, and Kingshighway. Mr. Butz said the idea has been discussed about forming a TDD (Transportation Development District) that would impose a sales tax over a portion of the community that has direct benefit from those transportation improvements. He noted the subject resolution actually becomes a joint resolution because it requires two public entities to enact. Mr. Butz stated staff is asking the City Council to consider approval of the subject resolution and tomorrow the Phelps County Commission would consider approval. He pointed out staff knows a one cent TDD is not going to solve all the transportation problems, but would allow the completion of about half of those projects. Mr. Butz pointed out staff is focusing on the first phase, which entails the Highway 72 extension, improvements on Kingshighway, and access to the Rolla West north corridor.

Mr. Mark Spykerman with Gilmore & Bell, noted in discussions this summer, it was decided the TDD concept would be the best option for the City. He said it involves the City and County filing a joint petition in the circuit court. Mr. Spykerman indicated there would be notice and hearing opportunities through the court process. Ultimately the

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VI. NEW BUSINESS (continued)

(E) Resolution Calling for the Joint Establishment of the MoveRolla TDD with Phelps County (continued): property owners within the proposed district would receive ballots in the mail to vote on whether to create the district and whether to have the district levy a sales tax. Assuming the votes go in the City's favor, the TDD would be created, the sales tax would be collected, and delivered to the TDD. Mr. Spykerman said he is envisioning the TDD would bond, be sold publicly, and the money from the bond would be used to complete the projects.

After much discussion, a motion was made by Crowell and seconded by Woolley that the Tenth Street overpass, as construed in Exhibit E, be removed. A voice vote on the motion showed two ayes, ten nays, and zero absent. Motion failed.

Following further discussion, a motion was made by Long and seconded by Hines to change the verbiage "from the Tenth Street overpass" to "an overpass in the vicinity of Tenth Street." A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title, as amended. RESOLUTION NO. 1850: A RESOLUTION CALLING FOR THE JOINT ESTABLISHMENT OF A TRANSPORTATION DEVELOPMENT DISTRICT WITH PHELPS COUNTY, MISSOURI, AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH, as amended. A motion was made by Eudaly and seconded by Morris to approve the proposed resolution, as amended. A hand count on the motion showed nine ayes, three nays, and zero absent. Motion carried.

(F) Resolution Authorizing the Mayor to Execute an Interconnect and Operating Agreement Among the City, RMU, & MC Power (Solar Farm): City Administrator John Butz informed the Council that after months of exploring alternative locations, MC Power has reached a purchased contract with RCDC for 15+ acres on the east side of the HyPoint Industrial Park. He noted the attached Interconnect and Operating Agreement lays out the responsibilities of both MC Power Company and the City/Rolla Municipal Utilities (RMU).

RMU General Manager Rodney Bourne and Mr. Andrew Bohnstedt with MC Power addressed the Council regarding the proposed solar farm and entertained questions and comments.

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VI. NEW BUSINESS (continued)

(F) Resolution Authorizing the Mayor to Execute an Interconnect and Operating Agreement Among the City, RMU, & MC Power (Solar Farm) (continued): City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1851: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, AN INTERCONNECTION AND OPERATING AGREEMENT BY AND BETWEEN THE CITY OF ROLLA, MISSOURI AND ROLLA MUNICIPAL UTILITIES AND MCP-ROLLA, LLC, FOR THE ROLLA, MISSOURI PHOTOVOLTAIC GENERATING FACILITY. A motion was made by Long and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Police Vehicles: Police Chief Sean Fagan asked the Council to consider awarding the bid for two new 2016-model year SUV's from the low bidder, Hutcheson Ford, St. James, Missouri for \$30,053 each. He noted Hutcheson Ford's bid was lower than the State bid. A motion was made by Williams and seconded by Long to award the bid for two new 2016 model year, all wheel drive, pursuit package SUVs to Hutcheson Ford, St. James, Missouri for \$30,053 each. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Bid for Dump Trucks: Public Works Director Steve Hargis requested the purchase of three dump trucks from the State bid, Vanguard Truck Center of St. Louis, Missouri, for \$143,916.13 each. Upon delivery of the new dump trucks, the existing dump trucks would be surplusd through GovDeals.com. Mr. Hargis said staff does not expect delivery of the new dumps trucks until May 2016. He added staff plans to lease/purchase at least part of the dump trucks, along with a backhoe and some GPS equipment.

A motion was made by Williams and seconded by Eudaly to award the bid for three dump trucks to the State bid, Vanguard Truck Center, St. Louis, Missouri, for \$143,916.13 each. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for Backhoe: Public Works Director Steve Hargis reported bids were received for a large backhoe. He pointed out this particular unit is not available through State bid. Mr. Hargis stated staff is recommending the bid be awarded to Erb Equipment Company, Cuba, Missouri, for a John Deere Model 710K backhoe for \$141,355.00. Although other bids were received, they did not meet specifications. Mr. Hargis informed the Council the current unit would be kept in reserve and used by the Wastewater Department. The one currently used by the Wastewater Department would be surplus through GovDeals.com.

A motion was made by Williams and seconded by Morris to award the bid for a John Deere Model 710K backhoe to Erb Equipment Company, Cuba, Missouri for \$141,355.00. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

(1) Ms. Elaine Grover, 1203 Vista Drive, Rolla, Missouri, told the Council she is one of the many residents that has a problem with the way the Transportation Development District (TDD) was written. She said the residents of the area would have appreciated it if the Council had taken out the statement about the outer road and the overpass because if the project is not mentioned, the City cannot bring it up, which means there can be no action when and if the money becomes available for the overpass and outer road. Ms. Grover said there could be no discussion about options, because maybe there would be another place to put it or another way to do something, such as an underpass. However, by specifically putting it in there the way the way the Council did, now no options are available.

Mayor Magdits noted MoDOT and not the City first promoted the outer road. He also pointed out the overpass would only be done, if needed, after the other projects are completed and their effectiveness is determined. Mayor Magdits said if you look at the amount of money the TDD would have, there is not an expected amount of money to do it.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(2) Ms. Cathy Keeney, 1002 Vista Drive, Rolla, Missouri, said she supports development in Rolla. She said there are many different people in her neighborhood under many different circumstances. Ms. Keeney told the Council she moved into her home about two years ago and has recently invested \$30,000 in it and when she received the letter from the City, it was devastating. She said one of her neighbors has asked if real estate agents must disclose when their home is put on the market, about the proposed development.

Mayor Magdits said he does not know if there is a requirement in the real estate industry to disclose this information. However, he stated it is not a requirement of the City.

(3) Mr. Earl Richards, 1000 Bluebird Lane, Rolla, Missouri, said the City should develop from the heart of Rolla outward, not on the fringe along the interstate. He said Rolla is really a small town and it is going to remain that way. He said this is all wrong, completely wrong.

(4) Mr. Tom Sager, 8 Laird Avenue, said if the TDD goes through, he said he must pay one cent more sales tax whether he shops in Kroger or Wal-Mart. If he goes to Price Chopper, he will already pay one more cent in sales tax. Mr. Sager noted he does not get to vote on this and does not feel this is right and thinks it is a subversion of democracy.

Regarding Buehler Park, Mr. Sager pointed out it is a dedicated park and the City is under an injunction not to do anything inconsistent with its use as a public park. He said he suspects transferring it to another political subdivision, namely a TDD, would put the City in contempt of court.

Mr. Mark Spykerman with Gilmore and Bell responded that no one is transferring the Park to the TDD. He stated a TDD is an overlay and a TDD by statute can only do transportation related things.

(5) Mr. Frank Furman, 403 Hutchinson, Rolla, Missouri, and a member of the Friends of the Rolla Free Public Library reported the Friends of the Library are having a book sale on November 12, 13, and 14, 2015, in the basement of the Library. Mr. Furman said all the money raised from this sale would go the Library. He encouraged everyone to attend.

IX. MAYOR/CITY COUNCIL COMMENTS

None.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Rolla Optimist Club Flapjack Day: Councilwoman Sue Eudaly announced Saturday, November 7, 2015, is the Rolla Optimist Club Flapjack Day. She said it would be held at St. Patrick's Church from 6 a.m. to 1 p.m.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 8:39 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:47 p.m.

City Counselor Lance Thurman reported that during Closed Session the Council addressed an issue pertaining to personnel. A final announcement would be made within 72 hours.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:48 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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