

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 4, 2016; 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, Matthew Crowell, Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Kelly Long

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Police Lieutenant Jim Macormic, 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 led 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 – March 7, 2016
- 2) City Council Closed Session Meeting – March 7, 2016
- 3) City Council Meeting – March 21, 2016
- 4) City Council Closed Session Meeting – March 21, 2016

II. PUBLIC HEARINGS

None.

APRIL 4, 2016

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 February 2016, Environmental Services Department Monthly Report; (B) the February 2016, Police Department Monthly Report; (C) the February 2016, Animal Control Division Monthly Report; (D) the February 2016, Rolla Municipal Utilities Monthly Report; (E) the February 23 and 29, 2016, Rolla Board of Public Works Meeting Minutes; (F) the March 8, 2016, Planning and Zoning Commission Preliminary Meeting Minutes, and; (G) the February 2016, Fire and Rescue Department Monthly Report.

V. OLD BUSINESS

(A) Ordinance Rezoning an 11.9 Acre Tract Located North of Wild Horse Run Plat No. 1 from R-1 (Single Family District) to RR (Rural Residential District) Zoning (Joyner): Community Development Director John Petersen noted the subject property is located north of Wild Horse Run Subdivision and consists of almost 12 acres. The applicants are requesting the property be rezoned from R-1 (Single Family District) to RR (Rural Residential). Mr. Petersen explained under the RR (Rural Residential) provisions driveways and parking areas are not required to be paved. However, in an R-1 (Single-Family District) the parking areas and driveways must be paved. Mr. Petersen reported the Planning and Zoning Commission recommend approval.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4267: AN ORDINANCE APPROVING THE REZONING OF AN 11.9 ACRE TRACT LOCATED IN A FRACTIONAL PART OF THE SW 1/4 OF THE NW 1/4, OF SECTION 24, T37N, R8W FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO RR (RURAL RESIDENTIAL DISTRICT) ZONING. (JOYNER). A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Miller, Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Eudaly, and Morris. Nays; None. Absent; Long. Motion carried. The ordinance passed.

V. OLD BUSINESS (continued)

(B) Ordinance Rezoning a Fractional Part of the Forum Plaza Shopping Center from C-1 (Neighborhood Business District) Zoning & C-2 (General Retail District) Zoning to C-3 (Highway Commercial District) Zoning (Super Market Developers):

Community Development Director John Petersen explained the subject property consists of 4.56 acres and is the former location of the Country Mart store. He explained the building is currently being remodeled. Mr. Petersen told the Council the applicant is requesting the rezoning of the property to C-3 (Highway Commercial District) to primarily allow for the sale, storage, and display of merchandise outdoors. He pointed out that during its last meeting, the Council placed the following conditions on the rezoning: 1) the property owner and/or tenant shall maintain no less than 160 designated parking spaces to serve the businesses located at 1104, 1100, and 1040 Forum Drive, and; 2) the storage, display, or sale of merchandise outdoors shall be limited to the area south of the building and north of Tenth Street, and immediately adjacent to the west side of the building.

After some discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4268: AN ORDINANCE APPROVING THE REZONING OF A 4.56 ACRE TRACT DESCRIBED AS A FRACTIONAL PART OF THE FORUM SHOPPING CENTER, TRACTS 2 & 3 FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING AND C-2 (GENERAL RETAIL DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (SUPER MARKET DEVELOPERS). A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Jordan, Morris, Eudaly, and Crowell. Nays; None. Absent; Long. Motion carried. The ordinance passed.

(C) Ordinance Rezoning Tract A of Lost Acres Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Goldberg):

Community Development Director John Petersen explained the subject property is currently zoned C-3 (Highway Commercial District) and there are four structures on the property, which could potentially be residential. He said he believes this is what prompted the property owners to request the rezoning to R-3 (Multi-Family District). Mr. Petersen said the current zoning of C-3 (Highway Commercial District) is considered a legal, non-conforming use. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the request.

COUNCIL MEETING MINUTES
APRIL 4, 2016
PAGE 4

V. OLD BUSINESS (continued)

(C) Ordinance Rezoning Tract A of Lost Acres Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Goldberg):

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4269: AN ORDINANCE APPROVING THE REZONING OF A .95 ACRE PARCEL LOCATED IN THE LOST ACRES SUBDIVISION, LOT "A", TO BE REZONED FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (GOLDBERG). A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Jung, Eudaly, Woolley, Miller, Bowe, Crowell, Meusch, Morris, and Hines. Nays; None. Absent; Long. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Motion Approving Use of Rolla National Airport Fields for Sept. 2016 Greek Week Games:

City Administrator John Butz noted the Missouri S&T IFC has been using the Rolla National Airport fields for its Greek Week Games for about the past twenty years. He told the Council the request includes a license for beer sales and the organizers are required to provide bus transportation for the participants, other than the IFC's leaders.

Following some discussion, a motion was made by Morris and seconded by Eudaly to approve the use of the Rolla National Airport fields for Greek Week Games in September 2016, with proper beer sales. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Resolution Authorizing the Vacation of an Old Utility Easement – Briggs Building:

City Administrator John Butz recalled that during the Council's last meeting he briefly mentioned that during review of the closing documents between Big Industrial and Hartmann, U.S., an old, unused, and abandoned telephone easement was discovered. He said the City has no need for the easement and the subject quitclaim deed would release any interest or claim to it.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1857: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY

COUNCIL MEETING MINUTES
APRIL 4, 2016
PAGE 5

VI. NEW BUSINESS (continued)

(B) Resolution Authorizing the Vacation of an Old Utility Easement – Briggs Building (continued): OF ROLLA, MISSOURI A CORPORATION QUIT CLAIM DEED BETWEEN THE CITY OF ROLLA, MISSOURI, AND ROLLA PROPERTY, LLC. 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.

(C) Ordinance Approving Chapter 100 Bond Project & EEZ Benefits for Hartmann US: City Administrator John Butz recalled that when the City executed the Memorandum of Understanding with Hartmann U.S. it laid out incentives and talked about the Enhanced Enterprise Zone (EEZ). One of the significant incentives offered Hartmann U.S. was tax-exempt Chapter 100 bonds for plant equipment over the next six years. Mr. Butz explained the subject document affirms the EEZ property tax abatement for their new investment, but more critically, it provides the Chapter 100 bond financing for the equipment, which allows a mechanism to exempt the personal property tax on equipment up to \$65 million that goes inside the facility. Mr. Butz said the Council is asked to consider the first reading of the subject ordinance at this meeting and a public hearing would be conducted during the next Council meeting for the EEZ benefits. He pointed out there is no formal action the Council will take on the public hearing, however it is referenced in the documents.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE CITY OF ROLLA, MISSOURI TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (HARTMANN US INC. PROJECT), SERIES 2016, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$65,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF EQUIPPING A FACILITY FOR AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY; APPROVING A PLAN FOR THE PROJECT; AUTHORIZING REAL PROPERTY TAX ABATEMENT AS PART OF AN ENHANCED ENTERPRISE ZONE; AND AUTHORIZING THE CITY TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE PROVISION OF TAX ABATEMENT.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 395 – 2016 Surface Sealing Treatment, & an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC. for Same: Public Works Director Steve Hargis explained the subject bid is for surface sealing treatment. He said the City tried this procedure for the first time last year and was impressed with it. Mr. Hargis indicated staff is recommending the bid be awarded to Pierce Asphalt, LLC, Newburg, Missouri, for \$56,250. A motion was made by Morris and seconded by Eudaly to award the bid for the 2016 Surface Sealing Treatment, Project 395, to Pierce Asphalt, LLC, Newburg, Missouri for \$56,250. 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 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 PIERCE ASPHALT, LLC. FOR 2016 SURFACE SEALING TREATMENT, PROJECT 395.

(B) Motion Awarding Bid for Project 397 – 2016 Phase I Asphalt Improvements, & an Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC. for Same: Public Works Director Steve Hargis explained the subject bid is for the 2016 reconstruction work. He noted only one bid was received from Rolla Asphalt, LLC, Rolla, Missouri, for \$455,134.40. Mr. Hargis said this bid is consistent in what was bid in the past and the bid amount is within budget and staff recommends approval.

After a brief discussion, a motion was made by Williams and seconded by Morris to award the bid for Project 397, 2016 Phase I Asphalt Improvements to the sole bidder, Rolla Asphalt, LLC, Rolla, Missouri, for \$455,134.40. 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 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 ROLLA ASPHALT, LLC. FOR 2016 PHASE I ASPHALT IMPROVEMENTS, PROJECT 397.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for Project 402 – 2016 Asphalt Overlay Parking Lots, & an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC. for Same: Public Works Director Steve Hargis reported two bids were received for the subject project. Staff is recommending the bid be awarded to the low bidder, Pierce Asphalt, LLC, Newburg, Missouri, for \$27,194.55. Mr. Hargis informed the Council the two parking lots in Green Acres Park would be done as part of this project. A motion was made by Williams and seconded by Eudaly to award the bid for Project 402, 2016 Asphalt Overlay Parking Lots, to the low bidder, Pierce Asphalt, LLC, Newburg, Missouri for \$27,194.55. 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 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 PIERCE ASPHALT, LLC. FOR 2016 ASPHALT OVERLAY PARKING LOTS, PROJECT 402.

VIII. CITIZEN COMMUNICATION

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

Mr. Chad Siehr, 802 E. 12th Street, Rolla, Missouri, said for decades Rolla has allowed Burlington-Northern to provide the city with probably the worst railroad crossings in the state. He asked the Council to consider putting some “heat” on Burlington-Northern to manage their tracks better in our community. Mr. Siehr said they are terrible for foot traffic. He pointed out drivers must slow to five M.P.H. to safely cross the tracks.

Although the City has no authority over the railroad, City Administrator John Butz indicated the City would contact them.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Dr. Bill Moorkamp, Mr. Kevin Edwards, Ms. Francine D. Merenghi, Ms. Tracy Limmer, and Mr. Mike Miller to the Health and Recreation Center Board: A motion was made by Eudaly and seconded by Hines to appoint Dr. Bill Moorkamp, Mr. Kevin Edwards, Ms. Francine D. Merenghi, Ms. Tracy Limmer, and Mr. Mike Miller to the Health and Recreation Center Board. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Citizen Letter: Mayor Magdits read a letter from a citizen who inadvertently dropped an envelope of money in a recycling tub. The citizen thanked City Environmental Service Department employees Chad Barton, Eric Miller, and David Brumett for their honesty.

Councilman Morris relayed a similar incident several years ago, during the free spring pickup, when he was disposing of a grill and had left a metallic box with a key to his house. He said the City workers were kind enough to return the key to him. Mr. Morris commended the employees for going out of their way to do what was right.

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 contract negotiations. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Miller, Williams, Hines, Meusch, Jordan, Morris, Crowell, Eudaly, and Jung. Nays; None. Absent; Long. Motion carried.

The Council adjourned into closed session at approximately 7:09 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 7:52 p.m.

City Counselor Lance Thurman reported that during Closed Session, the City Council discussed contract negotiations, but no action was taken.

**COUNCIL MEETING MINUTES
APRIL 4, 2016
PAGE 9**

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:53 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

APRIL 4, 2016