

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 18, 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 Crowell, Matthew Miller, Kelly Long, Susan J. Eudaly, Don Morris, John Meusch, Brian Woolley, Jim Williams, Steven Jung, and Walt Bowe

Council Members Absent: None.

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

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

Councilman Walt Bowe led in the Pledge of Allegiance.

I. CONSENT AGENDA

(A) Motion Accepting the April 5, 2016, Certified Election Results: A motion was made by Williams and seconded by Jordan to accept the April 5, 2016, election results as certified by Phelps County Clerk and Election Authority Pamela K. Grow. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

II. ELECTED OFFICIALS SWEARING-IN CEREMONY: City Clerk Carol Daniels administered the oath of office to the following newly elected officials: City Attorney Bradley Neckermann; Municipal Judge James T. Crump; Ward I Councilman Monty Jordan; Ward II Councilman Matthew Miller; Ward III Councilman Kelly Long; Ward IV Councilman Don Morris; Ward V Councilman Jim Williams, and; Ward VI Councilman Walt Bowe.

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III. PUBLIC HEARINGS

(A) Public Hearing to Solicit Input on Use of Enhanced Enterprise Zone Benefits for Hartmann US: City Administrator John Butz recalled the Council approved participation in the Enhanced Enterprise Zone a few years ago. He referred the Council to Resolution No. 1705, which laid out the tax incentives based on investment, number of employees and wages paid. Mr. Butz indicated Hartmann US qualifies for these incentives. He noted the Enhanced Enterprise Zone Board met a few weeks ago and reviewed Hartmann's proposal.

Mayor Magdits first gave an opportunity for anyone from the other tax jurisdictions to address the Council. No one present responded.

Mayor Magdits then opened the public hearing to anyone wishing to address the Council regarding this issue.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, recalled the Enhanced Enterprise Zone was approved by the City Council in 2009 after a very contentious public hearing where by far the majority of the people attending were against the designation. He asked Mr. Butz if the entire city of Rolla had to be declared blighted to receive this designation.

Mr. Butz responded it did not require the whole city limits to be blighted. However, if the City wanted to make the tool available for any investment in the city, then it would have to be in the district. Therefore, the entire city limits was declared blighted.

Mr. Sager stated he is very much against giving away public money to designated private enterprises. He stressed he has nothing against Hartmann US and welcomes them to Rolla, but he is very much against giving public tax money away to private enterprise. Mr. Sager said private enterprise has to stand on its own two feet. Additionally, declaring the city blighted in order to give away public money was a terrible thing to do.

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

IV. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

Ms. Gwen Hicks and Mr. Andy Conklin with the Phelps County National Day of Prayer Committee invited the Council and public to the Mayor's Prayer Breakfast on Thursday, May 5, 2016, 6:30 p.m. in Missouri S&T's Havener Center. Additionally, a prayer will be held at the Phelps County Courthouse from 12:15 p.m. to 12:45 p.m. that day and a Community Prayer Service would be held at the Presbyterian Church at 7 p.m.

IV. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS (continued)

(A) Missouri S&T Community Service Projects: Ms. Jessica Haywood, Program Administrator for Volunteerism and Greek Life in the Department Student Life, at the Missouri University of S&T, gave an overview of the community service projects conducted and planned by the students and how the community can become involved.

(B) 2015 Fourth Quarter/Year End Tourism Report: Ms. Stevie Kearse, Rolla Area Chamber of Commerce Executive Director, provided an overview of the 2015 Fourth Quarter/Year End Tourism Report.

V. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC for 2016 Surface Sealing Treatment, Project 395: Public Works Director Steve Hargis noted staff is requesting the final reading of the subject ordinance, which would authorize the Mayor to enter into a contract with Pierce Asphalt, the low bidder, for surface sealing treatment.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4270: 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. 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, Crowell, Miller, Eudaly, Hines, Jung, Woolley, Jordan, Morris, Bowe, Williams, and Meusch. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC for 2016 Phase I Asphalt Improvements, Project 397: Public Works Director Steve Hargis explained this project is the core of the City's reconstruction efforts. One bid was received from Rolla Asphalt, LLC, for \$455,134.40, which Council awarded during its last meeting. He asked the Council to consider the final reading of the subject ordinance, which would authorize the Mayor to enter into the subject contract with Rolla Asphalt.

V. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC for 2016 Phase I Asphalt Improvements, Project 397 (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4271: 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. 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.

(C) Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC for 2016 Asphalt Overlay Parking Lots, Project 402: Public Works Director Steve Hargis explained the subject project would provide overlays for parking lots in the park system, in particular, Green Acres Park. During its last meeting, the Council awarded the bid to the low bidder Pierce Asphalt, LLC, for \$27,194.55. Mr. Hargis asked the Council to consider the final reading of the subject ordinance, which would authorize the Mayor to execute the subject contract.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4272: 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. A motion was made by Williams and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Williams, Hines, Jung, Meusch, Long, Morris, Crowell, Eudaly, and Jordan. Nays; None. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Vacating Part of a 10 Foot Utility Easement (City Easement): Community Development Director John Petersen pointed out the subject ten-foot wide utility easement is located under the Price Chopper building located in the Forum

VI. NEW BUSINESS (continued)

(A) Ordinance Vacating Part of a 10 Foot Utility Easement (City Easement) (continued): Shopping Center. He noted the water line has been removed and there is no longer a need for this easement.

Following a brief discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4273: AN ORDINANCE VACATING A PART OF A 10 FOOT UTILITY EASEMENT LOCATED IN TOWNSHIP 37 NORTH, RANGE 8 WEST, SECTION 1 OF THE 5th P.M. AND ALSO BEING A PART OF THE FORUM ADDITION, TRACT 2, AN ADDITION TO ROLLA, MISSOURI. (CITY EASEMENT). A motion was made by Morris and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, one nay, and zero absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. 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; Crowell, Eudaly, Jung, Hines, Jordan, Miller, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; None. Motion carried. The ordinance approved.

(B) Ordinance Vacating in its Entirety a 10 Foot Utility Easement (City Easement): Community Development Director John Petersen explained the subject easement, located in the Barnitz Subdivision, was for storm water management. One of the reasons for vacating the easement is because it unnecessarily sits below four houses.

Following discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4274: AN ORDINANCE VACATING IN ITS ENTIRETY A 10 FOOT DRAINAGE EASEMENT LOCATED IN TOWNSHIP 37 NORTH, RANGE 8 WEST, SECTION 12 OF THE 5th P.M. AND ALSO BEING A PART OF THE BARNITZ ADDITION, AN ADDITION TO ROLLA, MISSOURI. (CITY EASEMENT). A motion was made by Morris and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, one nay, and zero absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. 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; Morris, Woolley, Miller, Williams, Hines, Jung, Meusch, Jordan, Bowe, Crowell, Eudaly, and Long. Nays; None. Absent; None. Motion carried. The ordinance passed.

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VI. NEW BUSINESS (continued)

(C) Ordinance Approving the Final Plat of the I-44 Center Plat No. 4, a Resubdivision of a Part of Lot B of the I-44 Center Plat No. 2 (I-44 Subdivision):

Community Development Director John Petersen explained the applicants have requested the resubdivision of Lot 2 into two lots (Lots B-2 and B-3). He said a truck wash and service facility will be located on Lot B-2. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the subdivision plat

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4275: AN ORDINANCE APPROVING THE SUBDIVISION OF THE FINAL PLAT OF THE I-44 CENTER PLAT NO. 4, A MINOR SUBDIVISION, BEING A RESUBDIVISION OF A PART OF LOT B OF THE I-44 CENTER PLAT NO. 2, ROLLA, PHELPS COUNTY, MISSOURI. (I-44 SUBDIVISION).** A motion was made by Williams and seconded by Morris to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, three nays, and zero absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. 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; Hines, Long, Jung, Williams, Jordan, Miller, Eudaly, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Resolution Approving the Phelps County Hazard Mitigation Plan: Fire Chief Ron Smith first reported the storm siren at the HyPoint Industrial Park has been installed and is working properly.

Chief Smith noted the subject Phelps County Hazard Mitigation Plan consists of 356 pages, double-sided. He asked the Council to consider approval of the subject resolution, which would approve the Plan. Chief Smith stated it was developed through a work program with the Meramec Regional Planning Commission (MRPC) in conjunction with the County of Phelps and nine other jurisdictions for better protecting the people and property of the county for the effects of natural disasters only. He pointed out this Plan does not deal with manmade disasters, i.e. terrorism, structure fires. Chief Smith said that in order for the City to eligible to receive federal disaster assistance a resolution approving the Plan must be passed.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1858: A RESOLUTION ADOPTING THE PHELPS COUNTY MULTI-JURISDICTION NATURAL HAZARDS MITIGATION**

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VI. NEW BUSINESS (continued)

(D) Resolution Approving the Phelps County Hazard Mitigation Plan (continued):
PLAN. 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. The resolution passed.

(E) Resolution Authorizing the Mayor to Execute a Contract for Sale of Real Estate with the Rolla Presbyterian Church: City Administrator John Butz explained the Rolla Presbyterian Church approached the City about transferring an acre of ground located east of the Church's primary parking lot. The parking lot is primarily used to support park users and is rarely used for overflow by the Church. According to the proposed agreement, Mr. Butz noted the City is not compelled to retain the parking lot in perpetuity, but if it does, the Church retains a right of first refusal. He said the City does not plan to pave the lot for a while, but will make sure it is safe. Mr. Butz indicated the Church body approved the sale during a meeting last evening. He added the Church is transferring the property to the City at no cost.

Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1859: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN CONTRACT FOR SALE OF REAL ESTATE AND ANY OTHER DOCUMENTS NECESSARY TO MAKE THE TRANSFER, BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE ROLLA PRESBYTERIAN CHURCH. A motion was made by Long and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

(F) Ordinance Repealing Sec. 41-6 of the Rolla City Code & Enacting a New Sec. 41-6, Pertaining to the Discharge of Bows & Arrows & Crossbows: City Administrator John Butz explained there has been some desire to have the ability to thin Rolla's deer herd. He said staff is proposing the ordinance language based on the conversation with the Missouri Department of Conservation and the Police Department. Mr. Butz showed the Council a map, which detailed all seven or more acre tracks in the city limits. He noted bow hunting is already permitted in Rural Residential zones regardless of size. He said he is uncertain as to how much this will encourage bow hunting in the city limits. Additionally, he noted the proposed ordinance limits the season from September 15 and ending 30 minutes after sunset on the day before the November portion of the Missouri fall firearm season.

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VI. NEW BUSINESS (continued)

(F) Ordinance Repealing Sec. 41-6 of the Rolla City Code & Enacting a New Sec. 41-6, Pertaining to the Discharge of Bows & Arrows & Crossbows (continued):

Based on the comments from the Council, City Administrator John Butz indicated he would have a map prepared showing the five or more acre tracks in the city limits

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 41-6 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 41-6 IN LIEU THEREOF PERTAINING TO THE DISCHARGE OF BOWS AND ARROWS AND CROSSBOWS.

(G) Motion Authorizing the Closing of Certain Streets During 2016 Route 66

Summerfest: Public Works Director Steve Hargis referred the Council to the list and diagram that depicts the streets and parking lots that would be closed on Friday evening June 3 and all day on Saturday, June 4, during Route 66 Summerfest. He said the Summerfest activities this year are virtually the same as last year with one notable change. Mr. Hargis told the Council he understands the burnout contest will be held again this year.

City Administrator John Butz added staff has emphasized with the Summerfest Committee the need for insurance, in particular for the burnout contest.

A motion was made by Williams and seconded by Eudaly to authorize the closing of the requested parking lots and streets during the June 3 and June 4, 2016, Summerfest activities, subject to proof of appropriate insurance coverage in advance of the street/parking lot closures. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 398 – 2016 Phase II Asphalt Improvements, & an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC. for Same:

Public Works Director Steve Hargis reported bids were received for asphalt improvements, Phase II, which is for maintenance overlays. Bids were received from Rolla Asphalt, LLC, and Pierce Asphalt, LLC. Staff is

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for Project 398 – 2016 Phase II Asphalt Improvements, & an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC. for Same (continued): recommending award to the low bidder, Pierce Asphalt, LLC, for \$116,067.00. Mr. Hargis asked the Council to consider the first reading of the proposed ordinance that would authorize the Mayor to enter into a contract with Pierce Asphalt, LLC.

A motion was made by Eudaly and seconded by Long to award the bid for Project 398, Phase II Asphalt Improvements to the low bidder, Pierce Asphalt, LLC, for \$116,067.00. A voice vote on the motion showed twelve ayes, zero nays, and zero nays. Motion carried.

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 AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND PIERCE ASPHALT, LLC. FOR 2016 PHASE II ASPHALT IMPROVEMENTS, PROJECT 398.

(B) Motion Authorizing Change Order No. 1 with Insituform Technologies: Public Works Director Steve Hargis recalled that during a previous meeting the Council authorized a contract for rehabilitating sanitary sewer lines with Insituform Technologies. It was recently brought to the staff's attention that the sanitary sewer on Rolla Street is in dire need of a lining. With permission from City Administrator John Butz, Mr. Hargis informed the Council he gave Insituform Technologies verbal approval to order the materials so we could stay on schedule. He told the Council any change orders exceeding ten percent of the contract require Council approval. Mr. Hargis said the change order amount is \$16,539.56.

A motion was made by Long and seconded by Morris to authorize the change order with Insituform Technologies for \$16,539.56. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. MAYOR/CITY COUNCIL COMMENTS

(A) Mayor/Council Appointments:

1) Council Appointment of Mayor Pro-Tempore: A nomination was made by Williams and seconded by Long to appoint Councilman Don Morris as Mayor Pro-Tempore. A nomination was made by Eudaly and seconded by Miller to appoint Councilman Monty Jordan as Mayor Pro-Tempore. Since there are multiple nominations, Mayor Magdits suggested the vote be done by secret ballot. The ballots were tallied by City Clerk Carol Daniels and showed the following: Councilman Jordan received seven votes and Councilman Morris received five votes. Mayor Magdits declared Councilman Jordan as Mayor Pro-Tempore.

2) Council Appointment of City Council Planning & Zoning Commission Representative: A motion was made by Long and seconded by Jordan to appoint Councilman Matthew Miller as the City's representative to the Planning and Zoning Commission. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Phelps County Commission Rotating Community-Based Meeting at 6 p.m. on Thursday, April 21st in Council Chambers: Mayor Magdits reported the next community based meeting of the Phelps County Commission will be held on Thursday, April 21 in the Rolla City Hall Council Chambers. He encouraged citizens and Council to attend.

IX. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council. No one present responded.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Parks and Recreation Director Introduction: Mayor Magdits introduced the City's new Parks and Recreation Director Floyd Jernigan to the Council.

Mr. Jernigan stated he is glad to be here and expressed his appreciation for the opportunity and confidence that has been shown him.

(B) Railroad Crossing Update: Public Works Director Steve Hargis reported he was informed by the railroad that the railroad crossings at Eighth Street and Eighteenth Street are scheduled to be improved this year.

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X. COMMENTS FOR THE GOOD OF THE ORDER (continued)

(C) St. Patrick's Day Problems: Councilman Williams asked if the First Assembly of God Church experienced any problems from the St. Patrick's Day weekend activities.

Mayor Magdits said he spoke with one of the elders last week and he indicated he was not aware of any problems.

City Administrator John Butz added someone from the Police Department spoke with Rev. Chuck Whitmire and a meeting is scheduled with the St. Patrick's Day Committee within the next few days. He said the word was it went well. Mr. Butz stated the Church did a good job of posting and securing the parking lot before the activities began.

(D) Grass Mowing: Councilman Williams reminded residents it is grass-mowing time and not to mow the grass into the streets because it clogs the sewer system.

XI. CLOSED SESSION

A motion was made by Miller and seconded by Eudaly to adjourn into Closed Session pursuant to RSMo. 610.021(12) to discuss contract negotiations. A roll call vote on the motion showed the following: Ayes; Eudaly, Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; None. Motion carried.

The Council adjourned into closed session at approximately 8:17 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:21 p.m.

City Counselor Carolyn Buschjost reported that during closed session, the Council discussed contract negotiations, but no final decision was made.

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XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 9:22 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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