

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JUNE 6, 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, Kelly Long, Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, and Walt Bowe

**Council Members Absent:** Matthew Miller and Steven Jung

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

**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 Councilman Monty Jordan to lead 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 ten ayes, zero nays, and two 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 – May 2, 2016
- 2) City Council Meeting – May 16, 2016
- 3) City Council Closed Session Meeting – May 16, 2016

**II. PUBLIC HEARINGS**

None.

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**III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

**(A) Adopt-A-City Feature Program (Recognition of Active Volunteer Groups):**

Mayor Magdits said the “Adopt-A-City Feature Program” is an important program that gives the City an opportunity to leverage its resources, give community entities a chance to get, in some cases, younger people exposed to civic activities, and it gives us a sense of pride when we can take a look back and see what our streets, roads, and park improvements looked like.

City Administrator John Butz added that he and Mayor Magdits are serving as mentors for a couple of university students working on their Humanitarian Minor degrees. He said Matthew Kistler has been working with him and staff to improve and try to bring some education to what was the City’s adopt-a-street, adopt-a-road, adopt-a-park, adopt-a-creek program. Although certain individuals and groups have contributed to these programs, Mr. Butz said they have not been recognized for their efforts. City staff has been working with Mr. Kistler pulling together a good database of the active participants and the opportunities that are available.

Mr. Matthew Kistler stated he was given a good opportunity to volunteer and help change things. He noted a website is now available, including a promotional video, and a small data base that is growing with different streets, streams, parks, parking lots and various opportunities for volunteers to step up to the plate and make a difference. Mr. Kistler said the new website is [www.rollacity.org/adoptacity](http://www.rollacity.org/adoptacity). He told the Council he wants to thank everyone who has adopted parks and streets.

Mayor Magdits and City Administrator Butz then presented “Certificates of Appreciation” to the following for their volunteer efforts: Rolla Junior Club, the South Central Regional Veterans Group (SCRVG), Brewer Science, Air Force ROTC Detachment 442, the Riders’ Society, DECA, and Missouri S&T Longboarding Club.

**(B) Airport Marketing Strategy:** Mr. Eric Canada, CEO, Blane, Canada, LTD, reported the airport business plan project is nearing completion and the Council would be provided with a final copy. He then explained the purpose of the plan and its goals.

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

Mayor Magdits referred the Council to (A) the April 2016, Environmental Services Department Monthly Report; (B) the April 2016, Police Department Monthly Report;

**IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS (continued)**

(C) the April 2016, Animal Control Division Monthly Report; (D) the April and May 2016 Municipal Court Monthly Reports; (E) the May 10, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; (F) the April 2016, Fire and Rescue Department Monthly Report; (G) the April 2016, Building Codes Monthly Report, (H) the March 2016, Rolla Municipal Utilities Monthly Report, and; (I) the March 22, 2016, Rolla Board of Public Works Meeting Minutes.

As a courtesy to Attorney Mark Grimm, who needs to return to St. Louis, Mayor Magdits announced the Council would first be asked to consider the following items in this order: V.A., VI. A., and VI. B.

**V. OLD BUSINESS**

**(A) Ordinance Approving Chapter 100 Bond Project and EEZ Benefits for Hartmann US:** City Administrator John Butz recalled the Council conducted the first reading of the subject ordinance in April, which was still subject to some fine-tuning. He noted the copy, included in the agenda materials, is color coded in order to see the extensive changes to the Performance Agreement.

Mr. Mark Grimm, Attorney at Law, with Gilmore Bell, said it appears there were many changes to the Performance Agreement, but essentially there are not. He briefly commented on the contents of the Agreement.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4278: 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

**V. OLD BUSINESS (continued)**

**(A) Ordinance Approving Chapter 100 Bond Project and EEZ Benefits for Hartmann US (continued):** TAX ABATEMENT. 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, Hines, Jordan, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

As noted above, Mayor Magdits asked that Items VI. B. and VI. C. be considered at this time.

**VI. NEW BUSINESS**

**(B) Resolution Authorizing the Mayor to Execute the Escrow Funding Agreement with Rolla Developer, LLC for the Rolla Apartments Rehabilitation Project:** City Administrator John Butz recalled that a couple of months ago, Rolla Developer, LLC, the owners of the Rolla Apartments complex, addressed the Council about investing substantially in that facility. He noted this facility has been off the tax rolls for 36 years and noted there are some interior, fundamental challenges with the project. Mr. Butz recalled the Council was receptive to supporting the application for a low income housing tax credit for the Rolla Developer, LLC, as a way of generating between \$5 and \$6 million of funding for the rehabilitation project. He explained the Council is asked to consider authorizing the Mayor to execute an Escrow Funding Agreement, which has Rolla Developer, LLC, advance \$25,000 to cover any direct cost the City has, i.e., legal fees, PGAV blight determination.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1863: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, AN ESCROW FUNDING AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND ROLLA DEVELOPER, LLC., FOR THE ROLLA APARTMENTS REHABILITATION PROJECT. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed ten ayes zero nays, and two absent. Motion carried.

**(C) Resolution Authorizing the Mayor to Execute the Blight Study to PGAV for the Rolla Apartments Rehabilitation Project:** City Administrator John Butz explained the next step in the Rolla Apartments project is a plan to formally consider a blight

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**VI. NEW BUSINESS (continued)**

**(C) Resolution Authorizing the Mayor to Execute the Blight Study to PGAV for the Rolla Apartments Rehabilitation Project (continued):** determination. He recalled PGAV was retained for the Forum Plaza TID (Transportation Improvement District) and staff anticipates doing the same for the Rolla Apartments Project. Mr. Butz said the subject contract with PGAV is for approximately \$12,000. He pointed out this would be paid for out of the \$25,000 that the developers would be advancing to the City.

Attorney at Law Mark Grimm added the proposal is actually for the blight study and the tax impact statement. The tax impact statement is a statutorily required document that is distributed to the taxing districts in advance of the public hearing.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1864: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF ROLLA, MISSOURI, AND PECKHAM GUYTON ALBERS & VIETS, INC. (PGAV). A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed ten ayes zero nays, and two absent. Motion carried.

**V. OLD BUSINESS (continued)**

**(B) Ordinance Approving the Rezoning of Lots 1 through 8 and Lot 10 of the Kayser North Subdivision No. 2, from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) (Rolla Investors, LLC):** Community Development Director John Petersen informed the Council that Rolla Investors, LLC, is requesting the rezoning of the subject property from R-1 (Single Family District) to R-3 (Multi-Family District). He stated the applicant is proposing 56 dwelling units in eight, three-story buildings. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the zoning request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4279: AN ORDINANCE APPROVING THE REZONING OF LOTS 1 THROUGH 8 AND LOT 10 OF THE KAYSER NORTH SUBDIVISION NO. 2, FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING SITUATED IN THE CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (ROLLA INVESTORS, LLC). A motion was made

**V. OLD BUSINESS (continued)**

**(B) Ordinance Approving the Rezoning of Lots 1 through 8 and Lot 10 of the Kayser North Subdivision No. 2, from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) (Rolla Investors, LLC) (continued):** by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Williams, Hines, Meusch, Jordan, Bowe, Crowell, Eudaly, and Long. Nays; None. Absent; Miller and Jung. Motion carried. The ordinance passed.

**(C) Ordinance Approving the Resubdivision of RSBR No. 1 Subdivision (RSBR No. 2 Subdivision):** Community Development Director John Petersen explained the subject property is located on North Bishop across the street from the Kia dealership. He told the Council the subject resubdivision entails the elimination of interior lot lines so a new building can be constructed on this site. He reported the Planning and Zoning Commission recommends approval.

**(C) Ordinance Approving the Resubdivision of RSBR No. 1 Subdivision (RSBR No. 2 Subdivision) (continued):** City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4280: AN ORDINANCE APPROVING THE RE-SUBDIVISION OF RSBR NO. 1 SUBDIVISION, BEING A MINOR RE-SUBDIVISION TO ELIMINATE THE INTERIOR LOT LINES FOR LOTS 1 AND 2 OF THE RSBR SUBDIVISION, SITUATED IN THE NW1/4, SW1/4, SECTION 36, T38N, R8W of the 5<sup>TH</sup> P.M. CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (RSBR No. 2 SUBDIVISION). A motion was made by Williams and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Williams, Jordan, Eudaly, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

**(D) Ordinance Authorizing the Mayor to Enter into a Contract with Vance Brothers, Inc., for Project 405 – Micropave Pilot Project:** Public Works Director Steve Hargis recalled that during the May 16, 2016, meeting the Council approved a bid from Vance Brothers, Inc., for \$58,800.00 for a micropave pilot project on Vichy Road. He asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter in to that contract.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4281: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF

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**V. OLD BUSINESS (continued)**

**(D) Ordinance Authorizing the Mayor to Enter into a Contract with Vance Brothers, Inc., for Project 405 – Micropave Pilot Project (continued):** THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND VANCE BROTHERS, INC. FOR THE MICROPAVE PILOT PROJECT, PROJECT 405. 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; Eudaly, Meusch, Jordan, Williams, Hines, Woolley, Long, Bowe, Crowell, and Morris. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

**(E) Ordinance Authorizing the Mayor to Enter into a Contract with Donald Maggi, Inc., for Project 388 – 2016 Street Improvements – Keeton Road and Shady Lane:** Public Works Director Steve Hargis recalled that during its last meeting the Council awarded a bid for \$106,247.50 to Donald Maggi, Inc., for the Keeton Road and Shady Lane improvements. He asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter in to a contract with Donald Maggi, Inc., for this project.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4282: 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 DONALD MAGGI, INC. FOR 2016 STREET IMPROVEMENTS-KEETON ROAD AND SHADY LANE, PROJECT 388. 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, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Eudaly, and Morris. Nays; None. Absent; Jung and Miller. Motion carried. The ordinance passed.

**VI. NEW BUSINESS**

**(A) Discussion Pertaining to Pawn Shop Ordinance:** Police Chief Sean Fagan told the Council he is recommending an amendment to the current Pawn Shop ordinance to include second hand dealers, junk dealers, and jewelry stores that purchase jewelry, precious metals, coins, etc. He said the proposed amendment would require these businesses to keep a record of the items purchased and from whom they were purchased.

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**VI. NEW BUSINESS (continued)**

**(A) Discussion Pertaining to Pawn Shop Ordinance (continued):** Additionally, Chief Fagan indicated these businesses would be required to hold the merchandise for a specified time before reselling.

Discussion followed and Chief Fagan said staff would return with a draft ordinance at a future meeting, which would amend the subject ordinance.

**(B) Resolution Authorizing the Mayor to Execute the Escrow Funding Agreement with Rolla Developer, LLC for the Rolla Apartments Rehabilitation Project:** This item was considered earlier (Page 4) immediately following Item V.A. "Ordinance Approving Chapter 100 Bond Project and EEZ Benefits for Hartmann US".

**(C) Resolution Authorizing the Mayor to Execute the Blight Study to PGAV for the Rolla Apartments Rehabilitation Project:** This item was considered earlier in the meeting (Page 4) following Item VI. B. "Resolution Authorizing the Mayor to Execute the Escrow Funding Agreement with Rolla Developer, LLC for the Rolla Apartments Rehabilitation Project."

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

**(A) Motion Awarding Bid for Projects 388 and 392, 2016 Street Improvements, Keeton Road, Shady Lane, 10<sup>th</sup> Street and Fairgrounds Road:** Public Works Director Steve Hargis reported that staff received bids for concrete pipe for Projects 388 and 392. Two bids were received and the low bidder was Fred Weber Reinforced Concrete Products, Inc., Fulton, Missouri for \$43,842.50. Staff recommends the bid be awarded to the low bidder. Mr. Hargis informed the Council that in order for staff to ensure having adequate materials on site, verbal approval was given for a partial delivery of this product. A motion was made by Williams and seconded by Eudaly to award the bid for Projects 388 and 392, to the low bidder, Fred Weber Reinforced Concrete Products, Inc., Fulton, Missouri for \$43,842.50. 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.

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**VIII. CITIZEN COMMUNICATION (continued)**

**(A) Open Citizen Communication (continued):**

(1) Regarding the proposed TIF (Tax Increment Financing) project, Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, stated it is just plain wrong to give away taxpayer money to private citizens. He said he hopes this TIF never happens. Mr. Sager noted the Council is scheduled to discuss it again “behind closed doors” at the end of the meeting and hopes the Council will vote it down because we do not need to be giving away taxpayer money. The Council is stewards of this money and it really needs to be used wisely.

For the public’s benefit, Mayor Magdits explained the negotiations of the agreement were discussed in Closed Session. He indicated the discussion on whether to do it or not do it and the vote would be conducted in open session.

(2) Mr. Frank Furman, 403 Hutchinson, Rolla, Missouri, announced the Salem Avenue Baptist Church is conducting a collection of old shoes to be given away to the needy in the area. Over 1,500 pair was given away last year. Mr. Furman said collection bins are located at The Centre.

Additionally, Mr. Furman announced the Friends of the Library Book Sale would be held from Thursday, June 9 through Saturday June 11, 2016. He told the Council the funds from the sale are given to the Library. Mr. Furman encouraged citizens to support this event.

(3) Mr. Furman commented that the map in the legal notice section of the Rolla Daily News pertaining to the Transportation Development District (TDD) is a black and white version of a colorized map. He noted you could see the outline of Rolla, but not the TDD. Mr. Furman pointed out the appropriate map is located on the City’s website.

City Administrator John Butz indicated staff would provide the Rolla Daily News with a different version.

No one else present addressed the Council.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion Appointing Mr. Jeffrey H. Rohrer to the Board of Adjustment (June 2020):** A motion was made by Long and seconded by Eudaly to appoint Mr. Jeffrey H. Rohrer to the Board of Adjustment as a regular member. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(B) Motion Reappointing Ms. Bette Shields and Ms. Judy Jepsen to the Police Personnel Board (June 2020):** A motion was made by Eudaly and seconded by Long to reappoint Ms. Bette Shields and Ms. Judy Jepsen to the Police Personnel Board. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

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

**(A) Armored Vehicle:** Councilman Woolley indicated a constituent contacted him about a photograph of a vehicle the Police Department owns that resembles an armored vehicle.

Chief Fagan told Mr. Woolley the Police Department has a MRAP (Mine Resistant Ambush Protected) which is a military vehicle and is used by Police Department's tactical team. He said it is not used very often and is used for very dangerous search warrants and similar situations. Chief Fagan said the Police Department has had it for years and it was displayed during the recent Kids Safety Day.

**(B) High Grass:** Councilman Williams reminded residents that it is "grass mowing time." He said today he reported fifteen, high grass properties to the City's inspector. Mr. Williams asked residents to mow their yards so he will not need to report them.

**(C) Hartmann US Groundbreaking:** Councilman Williams indicated he attended the recent groundbreaking of the Hartmann US facility. He said it was a nice event and believes that those who attended were very impressed with Hartmann Company representatives.

**XI. CLOSED SESSION**

**A motion was made by Eudaly and seconded by Woolley to adjourn into Closed Session pursuant to RSMo. 610.021(12) to discuss contract negotiations. A roll call vote on the**

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**XI. CLOSED SESSION (continued)**

motion showed the following: Ayes; Bowe, Woolley, Williams, Hines, Meusch, Jordan, Morris, Long, Eudaly, and Crowell. Nays; None. Absent; Miller and Jung. Motion carried.

The Council adjourned into Closed Session at approximately 7:52 p.m.

**XII. CLOSED SESSION ACTION**

The Council reconvened into open session at approximately 7:59 p.m.

City Counselor Lance Thurman announced that no final action was taken during Closed Session.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 8 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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