

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 15, 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, Steven Jung, and Walt Bowe

**Council Members Absent:** Matthew Miller

**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, Finance Director Steffanie Rogers, and Fire Chief Ron Smith

**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 John Meusch led in the Pledge of Allegiance.

**I. PUBLIC HEARING**

**(A) Ordinance Authorizing Ch. 353 for the Rolla Apts. – Blight Determination, Development Plan & Development Agreement:** City Administrator John Butz explained the subject public hearing pertains to the 150 unit Rolla Apartments located on McCutchen Drive. He said it has been a HUD 202 project funded in the late 1970s. The new development team has received an allocation from the Missouri Housing Development Corporation (MHDC) tax credit program to do a renovation. Mr. Butz noted the taxing jurisdictions have been notified of the subject public hearing and a part of the public hearing is to provide them an opportunity to talk about the use of Chapter 353 bonds.

Mr. Mark Grimm with Gilmore Bell, the City’s special counsel on this project, provided an overview of the development plan.

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**I. PUBLIC HEARING (continued)**

**(A) Ordinance Authorizing Ch. 353 for the Rolla Apts. – Blight Determination, Development Plan & Development Agreement (continued):** Mr. Andy Struckhoff with PGAV Planners provided an overview of the blight analysis and the tax impact statement associated with the Chapter 353 project.

Mr. Robin Salomon, developer, commented on the proposed renovations to the structure.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject project.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, stated he objects to the term “blight.” He said Rolla is not a blighted city in spite of the 2009 EEZ in which a previous Council declared this whole city blighted. Additionally, Mr. Sager stressed he is against taking tax money that belongs to our police, fire, infrastructure, parks, libraries, and schools and giving it away to private enterprise. Mr. Sager asked the Council why we always go outside of our community to find contractors to do jobs like this. He asked the City to go talk to some of the general contractors in town and see if this job could be kept local. Mr. Sager reminded the Council of the “ill fated Highway 72 TIF of about ten years ago where the Sansone Group was the preferred developer.” He said they insisted on not only using the commercial land on Highway 72 but of taking a residential area behind it. The people were very upset about that, but they insisted.

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

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE DESIGNATING A CERTAIN TRACT OF LAND IN THE CITY OF ROLLA, MISSOURI AS A “BLIGHTED AREA” PURSUANT TO CHAPTER 353 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED; APPROVING THE DEVELOPMENT PLAN FOR THE REDEVELOPMENT OF SUCH BLIGHTED AREA; APPROVING A DEVELOPMENT AGREEMENT RELATED THERETO; AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH.

Mr. Butz clarified the Sansone Group has been managing the subject property for the past 36 or 37 years and has done a nice job of managing it.

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**I. PUBLIC HEARING (continued)**

**(B) Ordinance Rezoning Property Located at 4030 HyPoint North from M-2 (Heavy Manufacturing District) to M-1 (Light Manufacturing District) Zoning (Mo-Sci) (continued):** Community Development Director John Petersen indicated the applicants are requesting the rezoning of property located at 4030 HyPoint North from M-2 (Heavy Manufacturing District) to M-1 (Light Manufacturing District) zoning in order to expand an existing industrial building. He explained City Code requires a ten foot setback in an M-1 (Light Manufacturing District) zoned area as opposed to a twenty foot setback in an M-2 (Heavy Manufacturing District) district. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the rezoning request.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REZONING PROPERTY LOCATED AT 4030 HYPOINT NORTH FROM M-2 (HEAVY MANUFACTURING DISTRICT) TO M-1 (LIGHT MANUFACTURING DISTRICT) ZONING. (MO-SCI).

**(C) Ordinance Rezoning Property Located in Section 10, Township 37 North, Range 8 West from R-1 (Single Family District) and C-2 (General Retail District) to C-3 (Highway Commercial District) Zoning (Westside Marketplace 2):** Community Development Director John Petersen explained the subject request pertains to the rezoning of an approximate 81.31 acre tract located at the junction of Old Wire Outer Road and Interstate 44. The applicant is requesting the property be rezoned from R-1 (Single Family District) and C-2 (General Retail District) to C-3 (Highway Commercial District). Mr. Petersen pointed out there are six lots in the tract and two will be dedicated to the City for open space. The Planning and Zoning Commission recommend approval of the rezoning request.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REZONING THE PROPERTY LOCATED IN SECTION 10, TOWNSHIP 37 NORTH, RANGE 8 WEST IN THE

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**I. PUBLIC HEARING (continued)**

**(C) Ordinance Rezoning Property Located in Section 10, Township 37 North, Range 8 West from R-1 (Single Family District) and C-2 (General Retail District) to C-3 (Highway Commercial District) Zoning (Westside Marketplace 2) (continued):** CITY OF ROLLA FROM R-1 (SINGLE FAMILY DISTRICT) ZONING AND C-2 (GENERAL RETAIL DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (WESTSIDE MARKETPLACE 2).

**(D) Ordinance Setting the 2016 Tax Rate:** Finance Director Steffanie Rogers referred the Council to the proposed tax rates for 2016. She pointed out there is a \$0.0064 rate increase per \$100 valuation which means an increase of \$30,828 for the General Fund. Ms. Rogers noted the 2016 proposed rates are \$0.4577 for General Fund, \$0.1910 for Library Fund, and \$0.1127 for the Park Fund for a total rate of \$0.7614.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed 2016 tax rates. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4294: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2016.

Given the State's submission deadline of September 1, 2016, Mayor Magdits indicated staff is asking the Council to consider the final reading of the subject ordinance at this meeting. A motion was made by Eudaly and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and zero absent. Motion carried. Ms. Buschjost then read the following 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; Long, Crowell, Eudaly, Hines, Jung, Woolley, Jordan, Morris, Bowe, Williams, and Meusch. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

**II. SPECIAL PRESENTATIONS**

**(A) Review of Fiscal Year 2015 City of Rolla Independent Audit – Hochschild, Bloom & Co., LLC, CPAs, and a Motion Accepting the Audit:** Ms. Tammy Alsop

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**II. SPECIAL PRESENTATIONS (continued)**

**(A) Review of Fiscal Year 2015 City of Rolla Independent Audit – Hochschild, Bloom & Co., LLC, CPAs, and a Motion Accepting the Audit (continued):** with Hochschild, Bloom & Co., LLC, CPA's, provided a brief overview of the City's FY 2015 audit report. She pointed out the City received an unmodified opinion, which is the highest form of assurance an entity can receive on its financial statements.

A motion was made by Williams and seconded by Jordan to accept the 2015 City of Rolla Independent Audit. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Rolla Municipal Utilities (RMU) FY 2017 Budget Review and FY 2016 Third Quarter Report:** Mr. Rodney Bourne, Rolla Municipal Utilities General Manager, provided an overview of RMU's FY 2017 Budget. He also explained a complete copy of the 2016 Third Quarter Report and FY 2017 Budget might be viewed on RMU's website.

**III. OLD BUSINESS**

**(A) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Garbage, Trash & Refuse:** Environmental Services Director Brady Wilson provided an overview of the changes that have been made to the proposed ordinance since it was last discussed by Council. Regarding the meeting held with the property owners and managers, Mr. Wilson informed the Council they are not supportive of holding the property owners solely responsible for the carts left at the curb. However, they were supportive of assisting the City with holding the tenants responsible when the City is able to identify who they are through some type labeling system so each trash cart is identifiable to a specific address.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4295: AN ORDINANCE REPEALING CHAPTER 18, GARBAGE, TRASH AND REFUSE, OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW CHAPTER 18, GARBAGE, TRASH AND REFUSE, IN LIEU THEREOF, as amended. 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, Bowe, Crowell, Meusch, Long, Morris, and Eudaly. Nays; None. Absent; Miller. Motion carried.

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**III. OLD BUSINESS (continued)**

**(B) Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC for Project 407, Phase III, 2016 Asphalt Overlay (6<sup>th</sup> Street):** Public Works Director Steve Hargis noted that during its last meeting the Council approved the bid with Pierce Asphalt, LLC, for \$69,086.86 to overlay Sixth Street from the railroad tracks to Kingshighway. Mr. Hargis asked the Council to consider the final reading of the subject ordinance that would authorize the Mayor to enter into a contact with Pierce Asphalt, LLC.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4296: 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 III ASPHALT IMPROVEMENTS, PROJECT 407. 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; Woolley, Bowe, Williams, Hines, Jung, Meusch, Long, Morris, Crowell, Eudaly, and Jordan. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Ordinance Approving a Development Agreement Pertaining to the Westside Marketplace Development Plan:** City Administrator John Butz explained the City and the County have been jointly working on this project and the County selected UTW Rolla Development as the “preferred developer” for what is now called the Westside Marketplace Project. For the past several months staff has been focused on negotiating the development agreement. Mr. Butz stated this is the key document that lays out the expectations and deliverables of all three parties – the City, County, and Developer. He emphasized this is a very significant project for the community.

Mr. Mark Grimm, Attorney at Law, Gilmore, and Bell, highlighted the key points of the development agreement.

At the request of Mayor Magdits, Mr. Jeff Otto, representing UTW Rolla Development, addressed the Council regarding the ingress and egress to the proposed development. He said the main access point would take advantage of the existing roundabout. An

**IV. NEW BUSINESS (continued)**

**(A) Ordinance Approving a Development Agreement Pertaining to the Westside Marketplace Development Plan (continued):** additional connection has been created to Old Wire Outer Road and extending a new road to Sally Road. Mr. Otto also commented on the proposed landscaping of the development.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING A REDEVELOPMENT AGREEMENT IN CONNECTION WITH THE WESTSIDE MARKETPLACE REDEVELOPMENT PLAN.

**(B) Ordinance Approving the Final Plat of Westside Market Place:** Community Development Director John Petersen informed the Council this is a major subdivision that is coming to the Council as a final plat. He explained major subdivisions involve the construction of roads and major utility improvements. Mr. Petersen reported the Planning and Zoning Commission recommend approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE WESTSIDE MARKETPLACE SUBDIVISION, BEING A MAJOR SUBDIVISION OF THE RAILROAD ADDITION LOT 94 AND PART OF LOTS 93 AND 95 AND PART OF THE SOUTHWEST 1/4 SECTION 10, TOWNSHIP 37 NORTH, RANGE 8 WEST IN THE CITY OF ROLLA (WESTSIDE MARKET PLACE).

**(C) Ordinance Approving the Final Plat of Wild Horse Run No. 3:** Community Development Director John Petersen pointed out the subject property is located at the eastern end of the Wild Horse Subdivision. The applicant is proposing to subdivide the total site to provide up to five lots. He noted the zoning in this area is single family. Mr. Petersen reported the Planning and Zoning Commission recommends approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE FINAL PLAT OF THE WILD HORSE RUN NO. 3 SUBDIVISION, SAID SUBDIVISION BEING A MINOR SUBDIVISION LOCATED IN THE SW ¼ NW ¼ SECTION 24, T37N, R8W, CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (WILD HORSE RUN NO. 3)

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

None.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion Reappointing Dr. William Eric Showalter to the Board of Public Works (August 2020):** A motion was made by Long and seconded by Eudaly to reappoint Dr. William Eric Showalter to the Board of Public Works until August 2020. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Motion Appointing Mr. Terry Harris to the Industrial Development Authority (IDA) to Complete the Unexpired Term of Mr. Pete Morse (March 2021):** A motion was made by Eudaly and seconded by Long to appoint Mr. Terry Harris to the Industrial Development Authority to Complete the Unexpired Term of Mr. Pete Morse who relocated outside the city limits. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(C) Dog Park:** Mayor Magdits commented Council members have been receiving feedback from citizens regarding a proposed dog park. He said there appears to be an interest in a dog park but there seems to be some debate on the location. Mayor Magdits stated the Council would probably not discuss the dog park issue until the second meeting in October. He said he believes we owe it to ourselves to look objectively at these sites and staff will be looking at a handful of other potential sites. Additionally, one of the key functions of the Park Advisory Board is topics such as this. Mayor Magdits said he would like to give the Board a couple of meetings to weigh in on a decision/recommendation. He encouraged citizens to continue to express their opinions on this issue.

**VII. CITIZEN COMMUNICATION**

**(A) Mr. T.J. Leon, Affordable Equity Partners, LLC:** Mayor Magdits indicated this item has been removed from consideration at this meeting

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

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**VII. CITIZEN COMMUNICATION**

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

1. Mr. Mike Woessner, Investment Realty, stated he very much supports the new trash ordinance adopted earlier in the meeting. He explained Investment Realty is in a unique position as they manage three developments that will be in violation of this ordinance. The developments are located on Emily Drive, Maxwell Street, and Timbercreek Road. Mr. Woessner said he would love to see central trash distribution in these three developments and would like to propose to the owners to do this. He asked the Council if there is any cost share program available to create a central distribution point. Mr. Woessner told the Council that in two of the developments the land is available within the development to create the central point for trash. However, it would take \$6,000 to \$7,000 per location to pour the pad and build the container.

After discussion, City Administrator John Butz commented staff would come up with some quantifiable data as to what it would cost for various sized pads. Mr. Butz added staff plans to have the data ready by the next Council meeting.

2. Ms. Cathy Siehr, 806 W. 11<sup>th</sup> Street, Rolla, Missouri, addressed the Council regarding her disappointment in the removal of a 100 year old cottonwood tree, located about 50 yards from her home. She said she was taken aback to find out that neither of her councilmembers knew anything about the tree being removed. Public Works Director Steve Hargis and City Administrator John Butz explained the tree had become a safety issue because it was dying. They apologized for failing to contact the Council and placing door hangars on resident doors. For the record, Ms. Siehr asked that her address not be put in any type of accident report for the damage a tree limb caused to the grill of one of the RMU (Rolla Municipal Utilities) vehicles, since the tree did not belong to her.

No one else present addressed the Council.

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

**(A)** Mayor Magdits complimented Finance Director Steffanie Rogers and City Administrator John Butz and City staff for their cooperation and work on the City's audit.

**(B) Budget Workshop:** City Administrator John Butz reminded the Council the budget workshop would be held on Monday, August 29, 2016, at 5:30 p.m. in the City Council Chambers. He added the Finance/Audit Committee is scheduled to meet at 5 p.m. on August 22, 2016.

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**IX. CLOSED SESSION**

None.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:24 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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