

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 21, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Monty Jordan, Jonathan Hines, 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: Environmental Services Director Brady Wilson, Community Development Director John Petersen, Parks and Recreation Director Floyd Jernigan, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Sean Fagan, 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.

Boy Scouts Nathan and Landon led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning 105 and 107 N. Park Street from C-O (Office District) and C-1 (Neighborhood Business District) to C-2 (General Retail District) (McDonald):

Community Development Director John Petersen explained the subject property is zoned C-O (Office District) and C-1 (Neighborhood Business District). The applicants wish to expand and the only effective way they can add property is to zone the property C-2 (General Retail District) because a C-2 (General Retail District) zoning does not require a side yard setback. Mr. Petersen noted the Planning and Zoning Commission determined the neighborhood would not be impacted negatively by this project and they recommend approval of the requested rezoning.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning 105 and 107 N. Park Street from C-O (Office District) and C-1 (Neighborhood Business District) to C-2 (General Retail District) (McDonald) (continued): Mr. Daniel Kilgore, 10850 Clayton Court, Rolla, Missouri, explained he and Mr. Timothy McDonald are working together to develop this property and respectfully requested the Council's approval.

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 APPROVING THE REZONING OF TWO LOTS TOTALING .19 ACRES (8,276 SQ. FT.) FROM C-O (OFFICE DISTRICT) ZONING AND C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING. (McDONALD).

II. SPECIAL PRESENTATIONS

(A) Small Business Saturday: Rolla Area Chamber of Commerce Executive Director Stevie Kearshe thanked the City of Rolla for presenting a proclamation earlier today declaring Saturday, November 26, 2016, as "Small Business Saturday." She explained this Saturday is very important to our community because small businesses are the heart of the community. Ms. Kearshe encouraged the public to shop local this weekend. She reminded the citizens that Rolla's small business community gives back to the community by donating to charities and schools and by supporting local sports and projects. In addition, they employ local people and pay local taxes and when you shop local, you are putting the money back into our community.

(B) Rolla Municipal Utilities (RMU) FY 2016 Fourth Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne, provided an overview of RMU's 2016 Fourth Quarter Report.

III. OLD BUSINESS

(A) Ordinance Approving the Final Plat of Wands Third Addition (Wands Third): Community Development Director John Petersen pointed out there are three elements pertaining to the subject replat. He indicated the first pertains to the abatement of an

III. OLD BUSINESS (continued)

(A) Ordinance Approving the Final Plat of Wands Third Addition (Wands Third) (continued): easement on the property, which is inhibiting the ability to develop the property. Mr. Petersen stated that with the approval of the plat, the easement would be abated. He informed the Council the applicant has agreed to provide a ten-foot wide easement around the entire property. The third element pertains to the requirement of a fire access road for emergency fire access. The driveway shall maintain a minimum width of 20 feet.

After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4316: AN ORDINANCE AMENDING THE WANDS SECOND SUBDIVISION, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 8 WEST, ROLLA, MISSOURI, THIS PLAT BEING A MINOR SUBDIVISION, TO ELIMINATE CERTAIN UTILITY EASEMENTS AND REPLACE OTHER UTILITY EASEMENTS AS SHOWN ON THE WANDS THIRD SUBDIVISION PLAT. (WANDS THIRD). A motion was made by Long and seconded by Morris 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.

(B) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for WWTF (Wastewater Treatment Facility) Preliminary Engineering Report: Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance, which would authorize the Mayor to enter into an agreement with HDR Engineering. He explained Task Order #7 would prepare a preliminary engineering report on all of the City's wastewater treatment plants for future improvement. It will be used to develop an integrated management plan with the Department of Natural Resources (DNR) and the Environmental Protection Agency (EPA) for future wastewater and storm water needs in the community.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4317: 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 HDR ENGINEERING, INC. FOR WWTF PRELIMINARY ENGINEERING REPORT - PROFESSIONAL SERVICES. A motion

III. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Execute an Agreement with HDR Engineering for WWTF (Wastewater Treatment Facilities) Preliminary Engineering Report (continued): was made by Morris and seconded by Eudaly 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 passed.

(C) Ordinance Authorizing the Mayor to Execute an Agreement with HNTB for the Highway 72 Extension: Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance, which would authorize the Mayor to enter into Amendment #2 with HNTB. This amendment will provide for land surveys and geotechnical work in preparation for the actual plans to be done for the Route 72 extension.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4318: 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 HNTB FOR WESTSIDE TRANSPORTATION MASTER PLAN PROFESSIONAL SERVICES. A motion was made by Long 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.

IV. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Investment Realty, Inc., for the Route 72/Ridgeview Road Extension Buyer's Exclusive Agency Contract: Public Works Director Steve Hargis asked the Council to consider the first reading of an ordinance that would authorize the Mayor to enter into an agreement with Investment Realty, Inc. He informed the Council qualification statements were requested from professional firms for land acquisition and relocation services and two qualification statements were received. Mr. Hargis stated staff is recommending the contract be awarded to Investment Realty, Inc., Rolla, Missouri.

IV. NEW BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Investment Realty, Inc., for the Route 72/Ridgeview Road Extension Buyer's Exclusive Agency Contract (continued): Considering the number of properties involved, Councilman Woolley said this is not a normal contract and feels the City should get a better than normal rate than an individual purchasing one or two houses.

Mayor Magdits asked Mr. Mike Woessner of Investment Realty if he would speak with City Administrator John Butz regarding this issue.

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 INVESTMENT REALTY, INC. FOR THE ROUTE 72/RIDGEVIEW ROAD EXTENSION BUYER'S EXCLUSIVE AGENCY CONTRACT.

(B) Motion Authorizing the Closing of Certain Streets During the Christmas Parade and Christkindl Market: Public Works Director Steve Hargis asked the Council to consider the closing of Pine and Rolla Streets on Saturday, December 3, during the annual Christmas Parade. Additionally, he requested the closing of Seventh Street for the Christkindl Market. A motion was made by Williams and seconded by Long to close the requested streets on Saturday, December 3, 2016, for the Christmas Parade and the Christkindl Market. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion That the City "Take No Action" and Remain Part of the Class Action Suit on TracFone Wireless: Finance Director Steffanie Rogers referred the Council to the notification received from TracFone Wireless pertaining to the extension of a law suit that was raised a couple of years ago. Ms. Rogers explained if the Council decides to take no action, the City would continue to be part of this suit. If the settlement is awarded, the City would receive approximately \$36,806.23 in a lump sum payment. Additionally, the City could potentially receive about \$3,900.00 each year depending on TracFone's sales and services.

A motion was made by Long and seconded by Morris that the City "take no action" and remain a part of the class action suit with TracFone Wireless. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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IV. NEW BUSINESS (continued)

(D) Motion Authorizing the TDD Election: City Administrator John Butz recalled the City has been working on the Transportation Development District (TDD) and the MoveRolla Transportation Study for some time. Notices were submitted in November to all the property owners within the TDD to request a ballot. Mr. Butz said the City Council would need to authorize the Mayor to vote on behalf of the City of Rolla in the affirmative on the formation of the MoveRolla Transportation District.

After some discussion, a motion was made by Williams and seconded by Eudaly to authorize the Mayor to vote on behalf of the City of Rolla affirmatively on the formation of the MoveRolla Transportation District. A voice vote on the motion showed twelve ayes, zero nays, and zero nays. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. William S. Jenks, III to the RREC (Rolla Regional Economic Commission) Board of Directors (Dec. 2019): A motion was made by Williams and seconded by Long to reappoint Mr. William S. Jenks, III, to the RREC Board of Directors. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Happy Thanksgiving: Councilman Williams wished everyone a “Happy Thanksgiving.”

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mr. Tom Sager, 8 Laird Avenue, stated he agrees with Rolla Area Chamber of Commerce Executive Director Stevie Kearsse’s comments about buying locally.

Mr. Sager also commented the citizens were recently given an opportunity to tax the folks who sell to Rolla citizens on the internet and it was turned down. He emphasized

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VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): this really hurts local business. The next time it comes before the voters, Mr. Sager said he would like to see this tax passed so the people who sell to addresses in Rolla on the internet have to pay the same sales tax or use tax as local merchants charge.

Mr. Sager stated a minus for Rolla businesses is the proposed TDD (Transportation Development District) tax. When people see the City is probably going to be charging them an extra penny at most stores they will probably purchase on the internet. Mr. Sager suggested the Council reconsider the TDD if it is not too late.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Happy Thanksgiving: Mayor Magdits wished everyone a “Happy Thanksgiving.”

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 7:26 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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