

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 20, 2017; 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, 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: Community Development Director John Petersen, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Sean Fagan, Parks and Recreation Director Floyd Jernigan, 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 Councilman Don Morris to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning Lot 1, Spring Properties 1st Addition & Lot 10, Block 10, Holloway 1st Addition from R-2 (Two Family District) to R-3 (Multi-Family District) Zoning (Spring Properties, LLC): Community Development Director John Petersen indicated the applicant is requesting the subject property, located at 703 E. 12th Street, be rezoned from R-2 (Two Family District) to R-3 (Multi-Family District). The total lot size is 17,860 square feet. Mr. Petersen noted the Planning and Zoning Commission voted six to two to recommend approval of the requested rezoning. He noted the area is congested and concerns with lack of parking were expressed at the Planning and Zoning Commission.

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

MARCH 20, 2017

I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Lot 1, Spring Properties 1st Addition & Lot 10, Block 10, Holloway 1st Addition from R-2 (Two Family District) to R-3 (Multi-Family District) Zoning (Spring Properties, LLC) (continued): Ms. Barbara Wilkins, representing Spring Properties, LLC, told the Council they plan to construct eight conjoined townhouses, with one bedroom and all on one level. She told the Council her mother lives next door to the property and nothing will be allowed on the property without her mother's approval. Ms. Wilkins said she anticipates putting in eight parking spaces in front.

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 RE-ZONING OF LOT 1, SPRING PROPERTIES LLC FIRST ADDITION, & LOT 10, BLOCK 10, HOLLOWAY FIRST ADDITION FROM R-2 (TWO FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING, CITY OF ROLLA, PHELPS COUNTY, MISSOURI (SPRING PROPERTIES LLC).

(B) Ordinance Rezoning .51-Acre Tract Located Near the Intersection of Hwy. 72 & King Drive from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) Zoning (Walker): Community Development Director John Petersen explained the subject property is located at the corner of Highway 72 and King Drive, and consists of about .51 acres. He said the request is to rezone the property to C-3 (Highway Commercial District) in order to accommodate a maximum of a 60-foot high sign. Mr. Petersen reported the Planning and Zoning Commission unanimously voted to recommend approval of the rezoning request.

The Council expressed concern with the size and illumination of the proposed sign.

The owner of the property addressed the Council and indicated his brother-in-law and nephew rent the building. He said he does not have all the details, but believes they have not yet decided on the size of the sign.

City Administrator John Butz told the Council staff would bring back a table at the next meeting showing size comparisons of signs in certain zonings. He reminded the Council they are not approving a sign shape, rather a rezoning that accommodates a sign. Mr. Butz pointed out City regulations stipulate the maximum sign size.

**COUNCIL MEETING MINUTES
MARCH 20, 2017
PAGE 3**

I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning .51-Acre Tract Located Near the Intersection of Hwy. 72 & King Drive from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) Zoning (Walker) (continued): 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 TO APPROVE THE RE-ZONING OF A .51-ACRE TRACT (22,215 SQ. FT.) LOCATED NEAR THE INTERSECTION OF HIGHWAY 72 & KING DRIVE FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (WALKER)

So the Council is prepared for its next meeting in two weeks, Mayor Magdits asked Council what they would like to see regarding this rezoning request. The Council asked for a copy of the sign regulations for C-3 (Highway Commercial District), the type of businesses that are allowed in a C-3 (Highway Commercial District) zoned area, and to ask the business owners to attend the next meeting to entertain questions.

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

(A) Ordinance Approving the Final TIF/TDD Documents – Westside Market Place Financing Agreement: City Administrator John Butz explained the subject ordinance is the culmination of what has been three years worth of work. He said it is the final action on the approval of the entire Westside Market Place consisting of Menards, Academy Sports, T.J. Maxx, and PetSmart. Mr. Butz said it combines elements of not only the TIF (Tax Increment Financing) project and lays out those details in the agreement, but also talks about the TDD (Transportation Development District) and how that is incorporated. Mr. Butz indicated the final reading of the proposed ordinance would put in place the financing agreement that includes four key documents consisting of the Financing Agreement, Intergovernmental Cooperative agreement, the Administrative Services

III. OLD BUSINESS (continued)

(A) Ordinance Approving the Final TIF/TDD Documents – Westside Market Place Financing Agreement (continued): Agreement and the Technical Assistance contract. He pointed out the bond purchase agreement, included during the first reading of the subject ordinance, has been removed from the document since the City is not required to execute that document.

Mr. Mark Grimm with Gilmore and Bell explained the subject ordinance substantively puts into a different form the obligations of the City Council that were embodied into the Redevelopment Agreement with the developer that was approved in September 2016. He explained the Redevelopment Agreement outlines the funds that are going to be contributed by the City, community and the County toward this project.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4332: AN ORDINANCE APPROVING VARIOUS AGREEMENTS AND ACTIONS IN CONNECTION WITH THE ROLLA WESTSIDE MARKETPLACE PROJECT. 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; Eudaly, Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter into An Agreement with Donald Maggi, Inc. for 2017 Concrete Improvements-Project 436 – (Public Works Director Steve Hargis): Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter into an agreement with Donald Maggi, Inc., for concrete work, i.e., curb and gutter, sidewalk, and driveway aprons. This work would be done on Old St. James Road, White Columns Drive, HyPoint Blvd., and McCutchen Drive.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4333: 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 2017 CONCRETE IMPROVEMENTS, PROJECT 436. 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; Jung, Miller, Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Eudaly, and Morris. Nays; None. Absent; None. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Approving the Resubdivision of Lot 1, HyPoint Industrial Park North Plat No. 3 (HyPoint): Community Development Director John Petersen noted the subject property is located east of State Route V at the intersection of HyPoint Industrial Park North. He said the Rolla Community Development Corporation (RCDC) owns Lot 1 and Pepsi Cola Bottling Company is acquiring Lot 2. Mr. Petersen explained the existing interior lot lines associated with Lot 2, would be eliminated and consolidated.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE RE-SUBDIVISION OF A MINOR SUBDIVISION, BEING A FRACTIONAL PART OF THE SOUTHWEST QUARTER NORTHWEST QUARTER, SECTION 29, TOWNSHIP 38 NORTH, RANGE 7 WEST AND ALL OF LOT 1, HYPOINT INDUSTRIAL PARK NORTH PLAT NO. 3, ROLLA, PHELPS COUNTY, MISSOURI (HYPOINT).

(B) Ordinance Approving the Welty Subdivision, Lot 5, Block 2, School View Addition No. 2 & All of Lot 4 in Walker's Addition (Welty): Community Development Director John Petersen informed the Council that the property owners wish to subdivide the land as shown on the plat and create the Welty Addition. He told the Council the owner has expressed some interest in constructing a garage.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE ESTABLISHMENT OF THE WELTY SUBDIVISION, A MINOR SUBDIVISION, BEING A CONSOLIDATION OF LOT 5, BLOCK 2, SCHOOL VIEW ADDITION NUMBER TWO AND ALL OF LOT 4 AND PORTIONS OF ADJOINING VACATED ALLEYS, ALL IN WALKER'S ADDITION ROLLA, PHELPS COUNTY, MISSOURI (WELTY).

(C) Motion Approving Trial Airport Fuel Discount Program for 2017 and 2018: At the recommendation of the Airport Advisory Committee, City Administrator John Butz asked the Council to consider a trial airport fuel discount program for calendar years 2017 and 2018. He said the Airport Advisory Committee discussed a ratcheted large-volume purchase program, but for ease of billing and tracking recommended a flat preferred large volume discount of \$.35 over cost for customers with purchases over 5,000 gallons in any calendar year.

IV. NEW BUSINESS (continued)

(C) Motion Approving Trial Airport Fuel Discount Program for 2017 and 2018 (continued): A motion was made by Morris and seconded by Williams to authorize a trial airport fuel discount program for calendar years 2017 and 2018 as outlined by City Administrator John Butz. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Motion to Alter the Developer Name on the Rolla Apts. Development Agreement: City Administrator John Butz explained when the Council approved the Rolla Apartments Development Agreement in September 2016, the developer's name was "Rolla Maryland, LLC." The company is recommending the agreement be amended by changing the name to "Rolla Developer, LLC." A motion was made by Long and seconded by Williams that the City consents to the assignment of rights under Ordinance No. 4297 from "Rolla Maryland, LLC" to "Rolla Developer, LLC". In accordance with the motion "Rolla Developer LLC," in lieu of Rolla Maryland, LLC, will be the developer party to the Development Agreement approved by Ordinance No. 4297, subject to verification of their registration with the Missouri Secretary of State's Office. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(E) Ordinance to Join MoPEP Communities in Exemption from FERC/PURPA: Rolla Municipal Utilities General Manager Rodney Bourne explained the subject waiver transfers RMU's (Rolla Municipal Utilities) obligations for qualifying facilities greater than 20 megawatts to the electric commission as part of the MoPEP (Missouri Public Energy Pool) agreement. He reported the Rolla Board of Public Works reviewed this at its February meeting and recommended the City Council approve the ordinance as it is written.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING FILING OF APPLICATIONS WITH THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) BY THE MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION (MJMEUC) ON BEHALF OF THE CITY OF ROLLA, A MEMBER CITY OF MJMEUC, FOR WAIVERS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 (PURPA) FOR FACILITIES GREATER THAN 20MW AND EXEMPTING CITY FROM PURCHASE REQUIREMENTS REGARDING QUALIFYING FACILITIES AND ADOPTING RULES FOR COMPLIANCE WITH FERC'S PURPA REGULATIONS.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Rescinding Previous Bid Award with Bommarito Ford and Award Bid for 2017 Crew Cab, One-Ton Pickup with Flat Bed to Putnam Chevrolet for Street Dept.: Public Works Director Steve Hargis recalled that during the last meeting, the Council awarded the bid for a Ford medium duty truck to Bommarito Ford. It was discovered that Bommarito Ford made an error on the State bid and they requested withdrawal of their bid. Mr. Hargis asked the Council to consider rescinding the bid with Bommarito Ford and to award the bid to the next low bidder, Putnam Chevrolet for a 2017 Chevrolet 3500 for \$41,518.00. A motion was made by Williams and seconded by Eudaly to rescind the previous bid award for a Ford medium duty truck with Bommarito Ford. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

A motion was made by Williams and seconded by Eudaly to award the bid for a 2017 Chevrolet 3500 for \$41,518.00 to Putnam Chevrolet. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Bid for 2017 Micro Surfacing; and an Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction Co., for Same: Public Works Director Steve Hargis told the Council the following three bid awards are for the City's summer resurfacing program. He asked the Council to consider awarding the bid for micro surfacing to the sole bidder, Donelson Construction Co., LLC, Clever, Missouri for \$427,080.00. Mr. Hargis said this bid would micro surface about ten miles of streets. A motion was made by Williams and seconded by Morris to award the bid for the 2017 Micro Surfacing to Donelson Construction for \$427,080.00. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. 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 DONELSON CONSTRUCTION COMPANY, LLC. FOR 2017 MICRO SURFACING, PROJECT 432.

(C) Motion Awarding Bid for 2017 Phase I Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for Same: Public Works Director Steve Hargis indicated bids were received for the City's 2017 Phase I asphalt improvements which includes Sixth Street, HyPoint Blvd., Oak Street, Old St. James Road, and Elm Street. Staff recommends the bid be

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for 2017 Phase I Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for Same (continued): awarded to the low bidder, Pierce Asphalt, LLC, Rolla, Missouri, for \$229,974.75. A motion was made by Williams and seconded by Eudaly to award the bid for the 2017 Phase I Asphalt Improvements to the low bidder, Pierce Asphalt, LLC for \$229,974.75. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. 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 2017 PHASE I ASPHALT IMPROVEMENTS, PROJECT 440.

(D) Motion Awarding Bid for 2017 Phase II Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into a Contract with N.B. West for Same: Public Works Director Steve Hargis indicated bids were received for the 2017 Phase II Asphalt Improvements for milling and overlaying Bridge School Road. Staff recommends awarding the bid to the low bidder, N.B. West, Sullivan, Missouri for \$156,965.00. A motion was made by Williams and seconded by Eudaly to award the bid for the 2017 Phase II Asphalt Improvements to N.B. West, Sullivan, Missouri for \$156,965.00. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. 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 N.B. WEST FOR 2017 PHASE II ASPHALT IMPROVEMENTS, PROJECT 442.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) St. Pat's Weekend Synopsis: At the request of Mayor Magdits, Police Chief Sean Fagan reported St. Pat's weekend went well. He said there were a couple of calls for fights at the bars, but by the time they arrived, they had ended. Chief Fagan indicated there was an incidence of an intoxicated individual on a horse, who was going in and out of traffic on Highway 63. Chief Fagan added no police officers were injured this past weekend as was rumored.

VII. CITIZEN COMMUNICATION

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

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) High Grass: Councilman Williams reminded residents to keep their lawns mowed.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:48 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 9:18 p.m.

City Counselor Carolyn Buschjost reported the Council discussed matters involving real estate, but no final actions were taken.

**COUNCIL MEETING MINUTES
MARCH 20, 2017
PAGE 10**

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:19 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

MARCH 20, 2017