

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, APRIL 3, 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, Matthew Miller, Matthew Crowell, Kelly Long, John Meusch, Brian Woolley, Steven Jung, and Walt Bowe

**Council Members Absent:** Monty Jordan, Susan J. Eudaly, Don Morris, and Jim Williams

**Department Directors in Attendance:** Community Development Director John Petersen, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Sean Fagan, Environmental Services Director Brady Wilson, Parks and Recreation Director Floyd Jernigan, 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 a member of the Rolla Ministerial Alliance to give the invocation.

Councilman John Meusch led in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A motion was made by Hines and seconded by Miller to approve the consent agenda as submitted. A voice vote on the motion showed eight ayes, zero nays, and four 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 – March 6, 2017
- 2) City Council Closed Session Meeting – March 6, 2017
- 3) City Council Meeting – March 20, 2017
- 4) City Council Closed Session Meeting – March 20, 2017

**II. PUBLIC HEARINGS**

None.

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**III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

None

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

Mayor Magdits referred the Council to **(A)** the February 2017, Environmental Services Department Monthly Report; **(B)** the February 2017, Police Department Monthly Report; **(C)** the February 2017, Animal Control Division Monthly Report; **(D)** the February 2017, Centre Financial Analysis; **(E)** the February 2017 Park Financial Analysis; **(F)** the February 15, 2017, Health and Recreation Center Board Meeting Minutes; **(G)** the March 7, 2017 Airport Advisory Committee Meeting Notes; **(H)** the February 28, 2017, Development Review Committee Meeting Minutes; **(I)** the February 14, 2017, Planning and Zoning Commission Meeting Minutes; and, **(J)** the March 2, 2017, Board of Adjustment Meeting Minutes.

**V. OLD BUSINESS**

**(A) Ordinance to Join MoPEP Communities in Exemption from FERC/PURPA:** Rolla Municipal Utilities General Manager Rodney Bourne explained the subject ordinance would authorize Missouri Joint Municipal Electric Utility Commission (MJMEUC) staff to file the Public Utility Regulatory Policy Act of 1978 (PURPA) waiver with the Federal Energy Regulatory Commission (FERC). This would ensure the Missouri Public Energy Pool (MoPEP) members keep power supply costs at the lowest possible level. Mr. Bourne indicated he conferred with City's legal counsel and the City Council is the correct body for formal approval of this agreement. The Rolla Board of Public Works reviewed this during their February meeting and unanimously recommended approval.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4334: 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

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**V. OLD BUSINESS (continued)**

**(A) Ordinance to Join MoPEP Communities in Exemption from FERC/PURPA (continued):** THAN 20MW AND EXEMPTING CITY FROM PURCHASE REQUIREMENTS REGARDING QUALIFYING FACILITIES AND ADOPTING RULES FOR COMPLIANCE WITH FERC'S PURPA REGULATIONS. A motion was made by Long and seconded by Hines to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Jung, Hines, Woolley, Miller, Bowe, Crowell, and Long. Nays; None. Absent; Eudaly, Jordan, Morris, and Williams. Motion carried. The ordinance passed.

**(B) Ordinance Authorizing the Mayor to Enter into a Contract with Donelson Construction Co., for 2017 Micro Surfacing:** Public Works Director Steve Hargis recalled during the Council's last meeting, the 2017 micro surfacing bid was awarded to Donelson Construction, LLC, and the first reading of the subject ordinance was read. Staff recommends approval of the subject contract.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4335: 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. A motion was made by Hines and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Long, Crowell, Miller, Hines, Jung, Woolley, Bowe, and Meusch. Nays; None. Absent; Eudaly, Jordan, Morris, and Williams. Motion carried. The ordinance passed.

**(C) Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for 2017 Phase I Asphalt Improvements:** Public Works Director Steve Hargis noted during the Council's last meeting, Pierce Asphalt, LLC, was awarded the bid for maintenance overlays at several locations throughout the community. Staff recommends approval of the subject ordinance, which would authorize the Mayor to enter into a contract with Pierce Asphalt for this project.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4336: 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

**V. OLD BUSINESS (continued)**

**(C) Ordinance Authorizing the Mayor to Enter into a Contract with Pierce Asphalt, LLC, for 2017 Phase I Asphalt Improvements (continued):** CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT, LLC. FOR 2017 PHASE I ASPHALT IMPROVEMENTS, PROJECT 440. A motion was made by Hines and seconded by Crowell to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Hines, Woolley, Miller, Bowe, Crowell, Meusch, and Long. Nays; None. Absent; Jordan, Williams, Morris, and Eudaly. Motion carried. The ordinance passed.

**(D) Ordinance Authorizing the Mayor to Enter into a Contract with N.B. West for 2017 Phase II Asphalt Improvements:** Public Works Director Steve Hargis stated the Council awarded the bid for this year's asphalt work to the low bidder, N.B. West during its last meeting and conducted the first reading of the subject ordinance. Mr. Hargis asked the Council to consider authorizing the Mayor to enter into a contract with N.B. West for \$156,965.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4337: 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. A motion was made by Hines and seconded by Woolley to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Hines, Jung, Meusch, Long, and Crowell. Nays; None. Absent; Williams, Morris, Eudaly, and Jordan. Motion carried. The ordinance passed.

**(E) 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) (Spring Properties LLC):** Community Development Director John Petersen indicated the applicants have requested the rezoning of the property at Twelfth and Iowa Streets from R-2 (Two Family District) to R-3 (Multi-Family District). He noted the Planning and Zoning Commission voted to recommend approval of the rezoning request by a vote of six to two.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4338: AN ORDINANCE APPROVING THE RE-ZONING OF LOT 1, SPRING PROPERTIES LLC FIRST ADDITION, & LOT 10,

**V. OLD BUSINESS (continued)**

**(E) 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) (Spring Properties LLC) (continued):** 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). A motion was made by Long and seconded by Hines to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Jung, Hines, Miller, Bowe, Meusch, Long, and Woolley. Nays; None. Absent; Eudaly, Jordan, Williams, and Morris. Motion carried. The ordinance passed.

**(F) 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 applicants are requesting a C-3 (Highway Commercial District) zoning so they are able to increase the maximum sign height to forty feet for their proposed detached on-premise sign. Mr. Petersen reported the Planning and Zoning Commission unanimously recommended approval of the rezoning request.

Mayor Magdits noted the City's ordinance regarding electronic signs is actually modeled after one the Department of Transportation uses. Currently, the City does not have a way to measure light intensity. Mayor Magdits said staff is going to do some research on what kind of device, if anything, could be acquired and at what cost.

City Administrator John Butz said the Missouri Department of Transportation (MoDOT) has the capability of measuring light intensity.

Mr. Blake Mills, applicant, explained his first motive for requesting the rezoning was for a larger, digital sign. He showed the Council pictures of similar signs at other Missouri Family Center Farm and Home facilities. Mr. Mills pointed out the signs are all set up to auto dim.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4339: AN ORDINANCE TO APPROVE THE REZONING 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)

**V. OLD BUSINESS (continued)**

**(F) 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):** ZONING. (WALKER). A motion was made by Hines and seconded by Crowell to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Miller, Hines, Jung, Meusch, Bowe, Crowell, and Long. Nays; None. Absent; Morris, Williams, Jordan, and Eudaly. Motion carried. The ordinance passed.

**(G) Ordinance Approving the Resubdivision of Lot 1, HyPoint Industrial Park North Plat No. 3 (HyPoint):** Community Development Director John Petersen pointed out 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 for future expansion. Mr. Petersen explained the existing interior lot lines associated with Lot 2 would be eliminated.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4340: 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). A motion was made by Long and seconded by Hines to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Jung, Miller, Crowell, Meusch, Woolley, and Bowe. Nays; None. Absent; Williams, Jordan, Eudaly, and Morris. Motion carried. The ordinance passed.

**(H) Ordinance Approving the Welty Subdivision, Lot 5, Block 2, School View Addition No. 2 & All of Lot 4 in Walkers Addition (Welty):** Community Development Director John Petersen informed the Council the property owners wish to subdivide the land as shown on the plat and create the Welty Addition. He said the request is to consolidate the two lots to make one lot called the Welty Addition. Other than the possibility of constructing a shed or garage, no other construction is currently planned. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval.

**V. OLD BUSINESS (continued)**

**(H) Ordinance Approving the Welty Subdivision, Lot 5, Block 2, School View Addition No. 2 & All of Lot 4 in Walkers Addition (Welty) (continued):** City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4341: 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). A motion was made by Hines and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Hines, Jung, Woolley, Long, Bowe, Crowell, and Miller. Nays; None. Absent; Eudaly, Jordan, Williams, and Morris. Motion carried. The ordinance passed.

**VI. NEW BUSINESS**

**(A) Ordinance Approving the Resubdivision of Lots 1, 2, 3 & 4, Block 10, Holloway First Addition:** Community Development Director John Petersen pointed out the subject property is located at 706 E. 13<sup>th</sup> Street and the applicant is requesting the consolidation of four lots. The applicant plans to construct town houses.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ESTABLISHING LOT 1, CHAPMAN ADDITION, BY ELIMINATING LOTS 1, 2, 3, AND 4, BLOCK 10 HOLLOWAY FIRST ADDITION ROLLA, PHELPS COUNTY, MISSOURI. (CHAPMAN ADDITION)

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

None.

**VIII. CITIZEN COMMUNICATION**

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

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Sign Regulations:** Mayor Magdits pointed out this is the second time in a couple of months the Council has discussed a sign issue relating to terrain. He noted the other instance pertained to the West Side Marketplace. Mayor Magdits told the Council the ordinances are written so the height is determined by the base. Clearly, in some of these areas the slope is such it does not factor that into consideration. Mayor Magdits asked the Council how they would feel if staff drafted an ordinance that might take that into consideration under certain circumstances. He said he does not want to waste staff's time if the Council philosophically does not want to bother with it.

The Council's consensus indicated they would like to review a draft ordinance.

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

None.

**XI. CLOSED SESSION**

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

The Council adjourned into Closed Session at approximately 7:05 p.m.

**XII. CLOSED SESSION ACTION**

The Council reconvened into Open Session at approximately 8:35 p.m.

City Counselor Lance Thurman announced that during Closed Session, the Council discussed real estate matters; however, no final action was taken.



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**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:36 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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