

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 7, 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 Crowell (arrived at 6:44 p.m.), David Schott, Don Morris, John Meusch, Jim Williams, Brian Woolley (arrived at 6:39 p.m.), Steven Jung, and Walt Bowe

**Council Members Absent:** Matthew Miller and Kelly Long

**Department Directors in Attendance:** Interim Community Development Director Steve Flowers, 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 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 Monty Jordan led in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A motion was made by Williams and seconded by Morris 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 – July 5, 2017
- 2) City Council Closed Session Meeting – July 5, 2017
- 3) City Council Meeting – July 17, 2017

**II. PUBLIC HEARINGS**

None.

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**III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

**(A) Presentation of Life Saving Award:** Police Chief Sean Fagan presented Sgt. Kenneth Moberly with a “Life Saving Award” for his actions on July 23, 2017. Chief Fagan explained on July 23 a call was received from a concerned citizen about a woman who appeared to be attempting to commit suicide by jumping off the Interstate 44 overpass at V Highway. He said Sgt. Moberly talked to this woman for quite a while, inching closer to her as he talked. When the woman's attention was distracted for a brief second Sgt. Moberly was able to grab her and pull her back over the guardrail. He then held the woman down as she attempted to free herself so she could jump. Chief Fagan stated Sgt. Moberly’s actions were above and beyond the call of duty and it is his honor to present him with a “Life Saving Award.”

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

Mayor Magdits referred the Council to **(A)** the June 2017, Environmental Services Department Monthly Report; **(B)** the June 2017, Police Department Monthly Report; **(C)** the June 2017, Animal Control Division Monthly Report; **(D)** the June 2017, Centre Financial Analysis; **(E)** the June 2017 Parks Financial Analysis; **(F)** the May 17, 2017, Health & Recreation Center Board Meeting Minutes; **(G)** the June 2017 Rolla Municipal Utilities Monthly Report; **(H)** the June 27, 2017, Rolla Board of Public Works Meeting Minutes; **(I)** the June 2017 Building Codes Monthly Report; **(J)** the July 25, 2017, Development Review Committee Meeting Minutes; **(K)** the July 11, 2017 Planning and Zoning Commission Meeting Minutes; **(L)** the July 6, 2017, Board of Adjustment Meeting Minutes; and **(M)** the June and July 2017, Municipal Court Monthly Reports.

**V. OLD BUSINESS**

**(A) Ordinance Rezoning All of Lots 3, 5, & 6, Block 7 Cowan’s Addition & the West Half of Lot 4, Block 7 Cowan’s Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) (Sonic Complex):** Interim Community Development Director Steve Flowers recalled the subject request is to rezone all of Lots 3, 5 & 6, Block 7 Cowan’s Addition and the west half of Lot 4 Block 7, Cowan’s Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District). The applicant is D.L. Rogers Corporation, Grapevine, Texas, who plans to

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**V. OLD BUSINESS (continued)**

**(A) Ordinance Rezoning All of Lots 3, 5, & 6, Block 7 Cowan's Addition & the West Half of Lot 4, Block 7 Cowan's Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) (Sonic Complex) (continued):** construct a new Sonic Drive-In with food service and several types of ball courts for their customers' recreational interest. Mr. Flowers reported the Planning and Zoning Commission recommend approval of the subject-rezoning request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4353: AN ORDINANCE APPROVING THE REZONING OF ALL OF LOTS 3, 5, & 6 BLOCK 7 OF COWAN'S ADDITION AND THE WEST ½ OF LOT 4, BLOCK 7 OF COWAN'S ADDITION FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (Sonic Complex).

Councilman Woolley entered the meeting at approximately 6:39 p.m.

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; Morris, Williams, Hines, Jung, Meusch, Jordan, Bowe, and Schott. Nays; Woolley. Absent; Miller, Crowell, and Long. Motion carried. The ordinance passed.

**(B) Ordinance Vacating South Faulkner Ave. Between 106 & 111 S. Faulkner Ave.:** Interim Community Development Director Steve Flowers pointed out a request was made by D.L. Rogers Corporation, Grapevine, Texas, to vacate a portion of Faulkner Avenue right-of-way which runs parallel with Lots 4, 5 & 6 of Block 7, Cowan's Addition. He noted the subject property is located in the proposed Sonic food and recreation complex. Mr. Flowers reported the Planning and Zoning Commission voted to approve the proposed vacation.

Councilman Crowell entered the meeting at approximately 6:44 p.m.

Regarding a question that surfaced during the last Council Meeting, City Administrator John Butz noted Rolla Municipal Utilities (RMU) has met with Sonic's developer and have worked out ways to relocate the utilities, which would be at the developer's expense.

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**V. OLD BUSINESS (continued)**

**(B) Ordinance Vacating South Faulkner Ave. Between 106 & 111 S. Faulkner Ave.:**

After much discussion, a motion was made by Crowell and seconded by Jordan to amend the subject ordinance by adding the following sentence to Section 2 of the proposed ordinance. "If the building is not completed within three years from the date of issuance of the building permit, the street right-of-way reverts to the City." A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4354: AN ORDINANCE APPROVING THE VACATION OF FAULKNER AVE. BETWEEN 106 AND 111 FAULKNER AVE. SUBJECT TO FINAL PLAT APPROVAL. A motion was made by Williams and seconded by Morris to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Hines, Jung, Williams, Jordan, Schott, Crowell, Meusch, Morris, and Bowe. Nays; Woolley. Absent; Long and Miller. Motion carried. The ordinance passed.

**(C) Ordinance Amending Sec. 27-92 of the Rolla City Code Pertaining to Parking on Eleventh Street:**

Public Works Director Steve Hargis noted the subject ordinance was introduced during the Council's last meeting, which would eliminate parking on the south side of Eleventh Street for the entire length between Bishop and Spring Avenue as well as a portion along the north side of Eleventh Street in the same block. He informed the Council a request had been received from Jimmy John's to look at parking on the street because it was causing site distance problems at the parking lot exit. Additionally, Mr. Hargis noted the Infuze Credit Union has opened their new facility and this is their main and only entrance off Eleventh Street. He recalled the Council, during its last meeting, requested the subject ordinance be amended to allow parking on the south side of Eleventh Street west of Jimmy John's.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4355: AN ORDINANCE AMENDING SECTION 27-92 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Jordan, Williams, Hines, Jung, Woolley, Bowe, Crowell, and Morris. Nays; None. Absent; Long and Miller. Motion carried. The ordinance passed.

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**VI. NEW BUSINESS**

**(A) Ordinance Amending Sec. 30-48 of the Rolla City Code Pertaining to Hand and Mechanical Signals:** Police Chief Sean Fagan explained the City currently does not have an ordinance against failure to use your turn signal, which he noted is one of the most common violations encountered. He said the Police Department is asking that an ordinance be enacted so these violations can be sent through Rolla Municipal Court rather than handled as a State charge.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 30 – OFFENSES OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI BY ENACTING A NEW SECTION 30-48 “HAND AND MECHANICAL SIGNALS, VIOLATIONS, PENALTY.”

**(B) Ordinance Amending Sec. 5-38 of the Rolla City Code Pertaining to Animal Disturbance:** Police Chief Sean Fagan explained the subject ordinance is at the request of the City’s animal control officers. He said the proposed ordinance would require an animal disturbance complaint be initiated by means of a written complaint signed by at last two witnesses from separate households. Chief Fagan said the revision is intended to ensure there is a legitimate complaint to act upon when the alleged act of disturbance is not witnessed by an animal control or law enforcement officer.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 5-38 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION 5-38 IN LIEU THEREOF PERTAINING TO ANIMALS.

**(C) Ordinance Amending Sec. 5-83(b) of the Rolla City Code Pertaining to Dangerous Animals:** Police Chief Sean Fagan requested approval of the subject ordinance, which would clarify the ten-day compliance period of a dangerous animal. He said the City’s current ordinance could lead one to believe that if the owner of a declared dangerous animal initially removes the animal from the city, and then chooses to return the animal to the city, the ten-day compliance period would start over. Chief Fagan relayed an incidence where an owner of a dangerous animal removed the animal from the city limits for two days and then returned it to the city limits. The owner expected another ten-day compliance period to begin.

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**VI. NEW BUSINESS (continued)**

**(B) Ordinance Amending Sec. 5-38 of the Rolla City Code Pertaining to Animal Disturbance:** City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 5-83(b) OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO ANIMALS AND FOWL.

**(D) Resolution Authorizing the Mayor to Execute a Contract with the Rolla Public Schools for the School Resource Officer Program and School Crossing Guards:** Police Chief Sean Fagan asked the Council to consider authorizing the Mayor to sign a contract with the Rolla Public Schools for the continuation of the School Resource Officer (SRO) program. He noted the contract should read for four years rather than one year.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1902: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT WITH THE ROLLA PUBLIC SCHOOL SYSTEM FOR THE COOPERATIVE PLACEMENT OF A SCHOOL RESOURCE OFFICER AND FIVE SCHOOL CROSSING GUARDS WITHIN THE SCHOOL SYSTEM, AND SUPPORT OF THE VIPS PROGRAM. 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. The resolution passed.

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

**(A) Motion Awarding Bid for Trap Rock Aggregate:** Public Works Director Steve Hargis noted bids were obtained for hauling trap rock to the City's yard. He told the Council trap rock is used in chip seals. Mr. Hargis informed the Council the subject work will be done on Bluebird Lane, Cedar Grove Road, the Ber Juan south and north softball parking lots, the Ber Juan pavilion parking lots, and the main road and parking area into the Southeast Wastewater Plant. Staff is recommending the bid be awarded to the low bidder, Bobby Hoelscher Trucking, Inc., for \$19.50/ton for a total of \$24,375. Mr. Hargis stated a contract would be brought to the Council at its next meeting along with a Memorandum of Understanding (MOU) with Phelps County. The County will provide the labor and equipment to do the chip seal.

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**VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(A) Motion Awarding Bid for Trap Rock Aggregate (continued):** A motion was made by Williams and seconded by Meusch to award the bid for trap rock aggregate to Bobby Hoelsher Trucking, Inc., Warrenton, Missouri for a total of \$24,375. 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 any citizen wishing to address the Council.

Mr. Alfred Chapman, 17401 County Road 8220, Rolla, Missouri, stated he does not believe Lions Club Drive is a reasonable place to put an animal shelter. He said the City has good land behind the Recycling Center that would be out of sight and noise range. Mr. Chapman said he feels this would be a better location than on a street to be used for public development and housing. He also proposed the Council create a dog tax.

No one else present addressed the Council.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion Reappointing Mr. Ed Schmidt, Mr. Steve Mason, Mr. Randy Stoll, and Mr. Mike Mathews to the Airport Advisory Committee (July 2019):** A motion was made by Williams and seconded by Hines to reappoint Mr. Ed Schmidt, Mr. Steve Mason, Mr. Randy Stoll, and Mr. Mike Mathews to the Airport Advisory Committee until July 2019. 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) School Opening:** Councilman Morris reminded residents to drive safely with the impending opening of school.

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**XI. CLOSED SESSION**

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

The Council adjourned into Closed Session at approximately 7:23 p.m.

**XII. CLOSED SESSION ACTION**

The Council reconvened into Open Session at approximately 9:43 p.m.

City Counselor Lance Thurman announced that during Closed Session, the Council discussed real estate matters and contract negotiations. He noted no final action was taken on either matter.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 9:44 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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