

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 21, 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 Crowell, Matthew Miller, Kelly Long, David Schott, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

**Council Members Absent:** Monty Jordan

**Department Directors in Attendance:** Retired Community Development Director John Petersen, Finance Director Steffanie Rogers, Environmental Services Director Brady Wilson, 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, City Engineer Darin Pryor, 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 Matt Miller led in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Ordinance Rezoning a 1.72-Acre Tract Located in a Fractional Part of the SW ¼ of the NW ¼, Sec. 24, T37N, R8W, Consisting of Lots 1-4 and the Right-of-Way of the Proposed Joyner Estates from R-R (Rural Residential District) Zoning to R-1 (Single Family District) Zoning (Joyner Estates):** Retired Community Development Director John Petersen indicated the applicants are requesting the subject property be rezoned from R-R (Rural Residential District) to R-1 (Single Family District). He indicated the applicants are considering subdividing the property into four residential lots with an average lot size of .37 acres. Mr. Petersen reported the Planning and Zoning Commission recommends 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.

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance Rezoning a 1.72-Acre Tract Located in a Fractional Part of the SW ¼ of the NW ¼, Sec. 24, T37N, R8W, Consisting of Lots 1-4 and the Right-of-Way of the Proposed Joyner Estates from R-R (Rural Residential District) Zoning to R-1 (Single Family District) Zoning (Joyner Estates) (continued):** City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE RE-ZONING OF A 1.72 ACRE TRACT OF LAND LOCATED IN A FRACTIONAL PART OF THE SW ¼ OF THE NW ¼, SEC. 24, T37N, R8W, CONSISTING OF LOTS 1-4 AND THE RIGHT-OF-WAY OF THE PROPOSED JOYNER ESTATES SUBDIVISION FROM R-R (RURAL RESIDENTIAL DISTRICT) ZONING TO R-1 (SINGLE FAMILY DISTRICT) ZONING. (JOYNER ESTATES).

**(B) Ordinance Setting the 2017 Tax Rate:** Finance Director Steffanie Rogers informed the Council the proposed 2017 tax rate calculation was confirmed with the State of Missouri. The tax levy rates for General, Library and Park purposes will remain the same as 2016 at a total rate of \$0.7614 per \$100 valuation. Since the tax rate must be certified to the Phelps County Clerk by September 1, 2017, Ms. Rogers asked the Council to consider the first and final readings of the subject ordinance.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed 2017 tax rate. 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. 4356: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2017. A motion was made by Williams and seconded by Morris to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. 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, Woolley, Miller, Williams, Hines, Jung, Meusch, Bowe, Crowell, Schott, and Long. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

## II. SPECIAL PRESENTATIONS

**(A) Rolla Municipal Utilities (RMU) FY 2018 Budget Review and FY 2017 Third Quarter Report:** Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of RMU's FY 2018 budget and the 2017 Third Quarter Report. He noted a complete copy of the budget is available on RMU's website.

**(B) Rolla Regional Economic Commission (RREC) Report:** RREC Executive Director Cyndra Lorey updated the Council on current projects and prospects. She invited the Council to attend RREC's meeting and noted the September meeting would be held at the new terminal building at the Rolla National Airport.

## III. OLD BUSINESS

**(A) Ordinance Amending Sec. 30-48 of the Rolla City Code Pertaining to Hand and Mechanical Signals:** Police Chief Sean Fagan informed the Council that it is currently a State charge for failure to signal a lane change. He indicated the subject ordinance would allow the violation to be sent through Municipal Court, which would be easier on the officers.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4357: 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.” 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; Hines, Long, Jung, Williams, Miller, Schott, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

**(B) Ordinance Amending Sec. 5-38 of the Rolla City Code Pertaining to Animal Disturbance:** Police Chief Sean Fagan asked the Council to consider an ordinance amending Sec. 5-38 of the Rolla City Code where at least two witnesses from separate households must sign a complaint for an animal disturbance. He added one of the two witnesses could be a police officer or an animal control officer.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4358: AN ORDINANCE REPEALING SECTION 5-38 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI

**III. OLD BUSINESS (continued)**

**(B) Ordinance Amending Sec. 5-38 of the Rolla City Code Pertaining to Animal Disturbance (continued):** KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION 5-38 IN LIEU THEREOF PERTAINING TO ANIMALS. A motion was made by Hines and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

**(C) Ordinance Amending Sec. 5-83(b) of the Rolla City Code Pertaining to Dangerous Animals:** Police Chief Sean Fagan indicated the subject ordinance would clarify the ten-day compliance period of a dangerous animal. He said the City's current ordinance could be interpreted that if the owner of a declared dangerous animal initially removes the animal from the city, then chooses to return the animal to the city, the ten-day compliance period would start over. Chief Fagan told the Council of an incident where an owner of a dangerous animal removed the animal from the city limits for a couple of days and then returned it to the city limits, with the expectation the ten-day compliance period starts over.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4359: AN ORDINANCE AMENDING SECTION 5-83(b) OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO ANIMALS AND FOWL. 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; Jung, Miller, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Schott, and Morris. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Ordinance Approving the Subdivision of an 11.44-Acre Tract Located in a Fractional Part of the SW ¼ of the NW ¼, Sec. 24, T37N, R8W, Consisting of Lots 1-4 & the Right-of-Way of the Proposed Joyner Estates Subdivision including Tract A (Joyner Estates):** Retired Community Development Director John Petersen explained the scope of the subject project is the subdivision of an 11.44 acre tract for low density residential development.

**IV. NEW BUSINESS (continued)**

**(A) Ordinance Approving the Subdivision of an 11.44-Acre Tract Located in a Fractional Part of the SW ¼ of the NW ¼, Sec. 24, T37N, R8W, Consisting of Lots 1-4 & the Right-of-Way of the Proposed Joyner Estates Subdivision including Tract A (Joyner Estates) (continued):** City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE SUBDIVISION OF AN 11.44 ACRE TRACT OF LAND LOCATED IN A FRACTIONAL PART OF THE SW ¼ OF THE NW ¼, SEC. 24, T37N, R8W, CONSISTING OF LOTS 1-4 AND THE RIGHT-OF-WAY OF THE PROPOSED JOYNER ESTATES SUBDIVISION, INCLUDING TRACT A. (JOYNER)

**(B) Resolution Authorizing the Mayor to Enter Into a Memorandum of Understanding (MOU) with the Rolla Regional Economic Commission (RREC):** City Administrator John Butz noted since 2005 the City has worked with RCDC (Rolla Community Development Corporation), Missouri S&T, a number of local institutions, banking and utilities, and consolidated that under the umbrella organization called the Rolla Regional Economic Commission (RREC). The City has been a primary funder of that effort anywhere between \$85,000 and \$115,000 over the past 12 years. Mr. Butz asked the Council to consider renewal of the subject contract with RREC.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1903: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A PUBLIC SERVICE AGREEMENT BY AND BETWEEN THE ROLLA REGIONAL ECONOMIC COMMISSION AND THE CITY OF ROLLA. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

**(C) Ordinance Authorizing the Mayor to Enter into a Memorandum of Understanding (MOU) with the Phelps County Commission:** City Engineer Darin Pryor informed the Council the subject Memorandum of Understanding (MOU) between the City and The Phelps County Commission would set the reimbursement rate for the City to install pavement markings on County facilities and in return the County would install chip seals on City facilities.

**IV. NEW BUSINESS (continued)**

**(C) Ordinance Authorizing the Mayor to Enter into a Memorandum of Understanding (MOU) with the Phelps County Commission (continued):** 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 THE PHELPS COUNTY COMMISSION FOR A MEMORANDUM OF UNDERSTANDING.

**(D) Ordinance Authorizing the Mayor to Enter into an Agreement with the Missouri Highways and Transportation Commission for State Highway Signing:** City Engineer Darin Pryor explained the subject agreement with the Missouri Highways and Transportation Commission, would allow the City to install and maintain signage designating the new Route 72 extension as “Route 72.”

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 MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR STATE HIGHWAY SIGNING AGREEMENT.

**(E) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement with Hartmann US:** City Engineer Darin Pryor indicated the subject sewer use agreement with Hartmann US would allow them ample time to begin production of their products, improve discharge quality, and minimize the volume of wastewater discharged. Over this time, the City would be testing to determine if the City would be required to re-establish a pre-treatment program. If special treatment is required, Mr. Pryor said the City might need to establish additional surcharges. Since Hartmann US is currently discharging, he requested the Council consider the first and final readings of the subject ordinance at this meeting.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4360: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND HARTMANN US. A motion was made by Morris and seconded by Hines to suspend the rules and that the ordinance

**IV. NEW BUSINESS (continued)**

**(E) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement with Hartmann US (continued):** be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. 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; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Morris, Long, Schott, and Crowell. Nays; None. Absent; Jordan. Motion carried.

**(F) Motion Authorizing the Closing of Certain Streets During the October 28 Downtown Arts and Crafts Festival:** City Engineer Darin Pryor announced the Rolla Downtown Business Association is requesting the closing of certain streets during the 39<sup>th</sup> Annual Arts & Crafts Festival on Saturday, October 28, 2017. He indicated staff recommends approval. A motion was Williams and seconded by Morris to authorize the closing of the requested streets on October 28, 2017, during the annual Arts and Crafts Festival. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

**(A) Motion Awarding Bid for Project 452 – Old St. James Road Overlay, and; an Ordinance Authorizing the Mayor to Enter into An Agreement with N.B. West for Same:** City Engineer Darin Pryor reported bids were obtained for the Old St. James Road overlay. In addition to overlaying Old St. James Road from Eighteenth Street to McCutchen Road, it will also overlay Tenth Street from Route 63 to Main Street, and overlay the Buehler Park parking lot. Staff is recommending the bid for this project be awarded to the low bidder, N.B. West, Sullivan, Missouri, for \$225,133.72. A motion was made by Williams and seconded by Morris to award the bid for Project 452 – Old St. James Road Overlay, to N.B. West, Sullivan, Missouri, for \$225,133.72. A voice vote on the motion showed eleven ayes, zero nays, and one 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 PROJECT #452 - OLD ST. JAMES ROAD OVERLAY.

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

**(B) Motion Awarding Bid for a 2017 Kubota RTV Utility Vehicle for Parks Dept:**

Parks and Recreation Director Floyd Jernigan reported bids were obtained for a new RTV for the Parks Department which would replace a 2005 Kubota RTV, which has about 2,048 hours. He noted these vehicles typically have about a ten-year life cycle. Mr. Jernigan said the 2005 Kubota would be surplus on GovDeals.com. Staff is recommending the bid be awarded to the low bidder, Wayde's Equipment, Steelville, Missouri, for \$13,653.66.

Councilman Woolley questioned why only the Kubota brand was bid. Mr. Jernigan noted the bidders had the option of bidding any brand and he does not know why they all bid Kubotas. City Administrator John Butz added it would be very unusual for the City to specify a particular manufacturer in the specifications. A motion was made by Williams and seconded by Long to award the bid for the 2017 Kubota RTV Utility Vehicle to Wayde's Equipment, Steelville, Missouri, for \$13,653.66. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(C) Motion Awarding Health Insurance Excess Coverage:** Finance Director Steffanie Rogers referred the Council to the three bids received plus a renewal option from Optum, the City's current excess coverage provider. It is the recommendation of staff and Hays Companies, the City's insurance consultant, to award the health insurance excess coverage to QBE. She explained that with the option the base cost the City will pay is \$423,261. Ms. Rogers said staff also recommends the current deductible remain at \$75,000.

Ms. Rogers also referred the Council to the calculation that is used on a monthly basis to determine the employee and the employer contribution for health insurance. She noted that as of June 2017, the employee contribution has been 33.85%. If this trend continues, Ms. Rogers said a small premium increase would be necessary in June 2018.

A motion was made by Morris and seconded by Hines to award the health insurance excess coverage to QBE Option 1 and to continue at the current deductible of \$75,000. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) City Inspection Issues:** Councilman Williams asked City Administrator John Butz to explain the recent issues with building inspections.



**VI. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(A) City Inspection Issues (continued):** Mr. Butz said the good news is the City has had a strong year of construction activity since the recession. However, the City had scaled back staffing levels because of the downturn of the economy and an inspector position was not filled. Mr. Butz said the City previously had a codes administrator and two inspectors, but has been operating with a codes administrator and one inspector for the past several years. Mr. Butz told the Council the City recently contracted with MRPC (Meramec Regional Planning Commission) to have Mr. Chuck Cantrell, who conducts their inspections on residential homes, help with City inspections for about two hours a day at least four days a week. Mr. Cantrell will be starting next week and will provide some temporarily relief. Additionally, Mr. Butz noted the FY 2018 budget has an additional inspector position budgeted.

**(B) Accidents at Mile Markers 185 and 186:** Councilman Jung commented that about every time it rains, there are tractor-trailer accidents at the 185 and 186 mile markers on Interstate 44. He asked if there is anything the City could do to help alleviate this problem.

Mayor Magdits stated MoDOT (Missouri Department of Transportation) is aware this is a problem area.

City Administrator Butz said MoDOT has tried special pavements, but has not had the affect they had hoped. We currently do not have an answer for this problem.

**(C) Buehler Park Trash:** Councilman Jung noted when he drove by Buehler Park this weekend, he noticed there was trash strewn everywhere. He said he does not know if the trash is not being collected or if a trash container blew over.

Councilman Long mentioned it probably came from the parking lot because there is a lot of activity there in the evening.

**(D) Downtown Sign:** Councilman Bowe mentioned that while travelling on Highway 63 south near Tenth Street, he noticed the “downtown sign” on the right side of the road is reversed.

**(E) Police Chief Compliment:** Councilman Long mentioned he recently spoke with a citizen who had some tragedy in his life and it involved law enforcement. This individual was struggling to find closure with the incident. Councilman Long said he asked Chief

**VI. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(E) Police Chief Compliment (continued):** Fagan to reach out to him. The individual commented multiple times to him what a great man he is and how attentive and helpful he was. Councilman Long stated he is happy to have this confidence to know immediately that because of the Chief's experience and the kind of man he is he can reach out and really help our citizens.

**VII. CITIZEN COMMUNICATION**

**(A) Open Citizen Communication:** Mayor Magdits opened the floor to any citizen wishing to address the Council.

**(1)** Mr. Jim Larson, 11025 Emerald Ridge, Rolla, Missouri, and a building contractor in the city limits of Rolla, addressed the Council concerning the recent building inspection issues. He commented he does all his purchases in Rolla. Mr. Larson expressed his dissatisfaction with the recent inspection issues.

**(2)** Mr. Don Wilson, cement contractor who has been in business in Rolla for 43 years, stated the inspections are the worst they have been in his 43 years. He said the inspections could not continue as they are. Mr. Wilson said it is costing him money.

**(3)** Mr. Seth Kitchen, 506 E. 12<sup>th</sup> Street, Rolla, Missouri, stated he is seeking information on a rocket launch pad. He said he is a student at Missouri S&T and chief engineer of the rocket design team. Mr. Kitchen told the Council that last year they went to a competition and had a rocket go to 10,000 feet and they received second place in national competition. He informed the Council that to test the entire rocket they must drive six hours to Princeton, Illinois to launch. However, they are only allowed to launch up to 16,000 feet. Mr. Kitchen said they would like to have a launch pad in Rolla so they do not have to drive six hours. He told the Council they need a plot of land where there are no houses and where the City approves. Mr. Kitchen added he also needs to obtain FAA (Federal Aviation Administration) approval.

City Administrator John Butz asked Mr. Kitchen to contact his office so he can obtain more information.

No one else present responded.

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

**(A) Budget Workshop:** City Administrator John Butz announced the FY 2018 budget workshop would be held on Monday, August 28, 2017, beginning at 5:30 p.m. in the City Council Chambers.

**(B) School Opening:** Councilman Morris reminded everyone to watch their driving habits with the impending opening of school.

**IX. CLOSED SESSION**

A motion was made by Hines and seconded by Long 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; Williams, Jung, Schott, Woolley, Miller, Bowe, Crowell, Meusch, Long, Morris, and Hines. Nays; None. Absent; Jordan. Motion carried.

The Council adjourned into Closed Session at approximately 8:03 p.m.

**X. CLOSED SESSION ACTION**

The Council reconvened into Open Session at approximately 8:19 p.m.

City Counselor Carolyn Buschjost announced that during Closed Session, the Council discussed real estate matters and contract negotiations. No final action was taken on either matter.

**VI. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(D) Building Inspections:** Councilman Long asked City Administrator John Butz if the City could contract and pay an engineering firm to conduct inspections.

Mr. Butz indicated this could be done in emergencies, but pointed out it would be very expensive.

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**VI. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(E) Building Codes:** Councilman Williams asked when the City would be upgrading to the newer building codes.

City Administrator John Butz agreed the City needs to upgrade the building codes. However, he noted the books alone cost about \$6,000.

**XI. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:26 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

**AUGUST 21, 2017**