

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 6, 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, Kelly Long, Matthew Crowell, David Schott, Don Morris, John Meusch, Jim Williams, Steven Jung, and Walt Bowe

Council Members Absent: Brian Woolley

Department Directors in Attendance: Interim Community Development Director Steve Flowers, Public Works Director Steve Hargis, Police Chief Sean Fagan, Parks and Recreation Director Floyd Jernigan, Environmental Services Director Brady Wilson and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Planner James Shields, 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 Williams and seconded by Morris to approve the consent agenda as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The consent agenda consisted of the following:

(A) Approval of the Rolla City Council Minutes for the following:

- 1) City Council Workshop – September 25, 2017
- 2) City Council Meeting – October 2, 2017
- 3) City Council Closed Session Meeting – October 2, 2017
- 4) City Council Meeting – October 16, 2017
- 5) City Council Closed Session Meeting – October 16, 2017

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Small Business Saturday Ribbon Cutting – Tuesday, Nov. 21, 2017: Rolla Area Chamber of Commerce Executive Director Stevie Kearse explained the “Small Business Saturday” Ribbon cutting would be held on Tuesday, November 21, 2017, at the corner of Seventh and Pine Streets. Mayor Magdits then read a proclamation wherein he proclaimed Saturday, November 25, 2017, as “Small Business Saturday,” in Rolla, Missouri.

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

Mayor Magdits referred the Council to **(A)** the September 2017, Environmental Services Department Monthly Report; **(B)** the September 2017, Police Department Monthly Report; **(C)** the September 2017, Animal Control Division Monthly Report; **(D)** the September 2017, Centre Financial Analysis; **(E)** the September 2017 Parks Financial Analysis; **(F)** the September 2017 Building Codes Monthly Report; **(G)** the October 10, 2017, Planning and Zoning Commission Meeting Minutes; **(H)** the September and October 2017 Municipal Court Monthly Report; **(I)** the September 26, 2017, Development Review Committee Meeting Minutes; **(J)** the August and September Rolla Municipal Utilities Monthly Reports; **(K)** The August 22 and October 3, 2017, Rolla Board of Public Works Meeting Minutes, and; **(L)** the September 30, 2017, Cash Analysis Report.

V. OLD BUSINESS

(A) Ordinance Rezoning a 0.19-Acre Parcel at 601 North Elm Street from Heavy Manufacturing District (M-2) to Center City District (CC) (G.R.A.C.E.): City Planner James Shields explained the Greater Rolla Area Charitable Enterprise (G.R.A.C.E.), which is located at 601 North Elm Street is requesting the rezoning of the subject property from M-2 (Heavy Manufacturing District) to (CC) Center City District. Mr. Shields told the Council the current use of the subject property is a storage warehouse with accessory offices for administrative purposes. He noted the current use of the property is considered a legal non-conforming use located in a Heavy Manufacturing District (M-2). With the approval of the rezoning request, Mr. Shields pointed out the current use of the property would become permitted and the legal non-conforming use aspect of this parcel would be eliminated.

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V. OLD BUSINESS (continued)

(A) Ordinance Rezoning a 0.19-Acre Parcel at 601 North Elm Street from Heavy Manufacturing District (M-2) to Center City District (CC) (G.R.A.C.E.)

(continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4375: AN ORDINANCE TO APPROVE THE REZONING OF A 0.19-ACRE PARCEL LOCATED IN THE CITY OF ROLLA, PHELPS COUNTY, MISSOURI, AT 601 NORTH ELM STREET, FROM HEAVY MANUFACTURING DISTRICT (M-2) TO CENTER CITY DISTRICT (CC). (G.R.A.C.E). 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; Schott, Meusch, Jordan, Williams, Hines, Jung, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

(B) Ordinance Rezoning a 6.94-Acre Tract (3 Parcels) Located at 1150 & 1151 Lynwood Dr., & a Vacant Lot from Single-Family District (R-1) to Rural Residential District (R-R) (Rolla):

City Planner James Shields stated the subject request is rezone a 6.94-acre tract from R-1 (Single-Family District) zoning to R-R (Rural Residential) district zoning. He pointed out the applicant/owner is the City of Rolla. The subject property is located in west Rolla, approximately 900 feet south of Kingshighway and approximately 800 feet west of Adrian Avenue. Mr. Shields noted the parcels were purchased by the City for the purpose of creating a right-of-way with the new Highway 72 extension.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4376: AN ORDINANCE TO APPROVE THE REZONING OF A 6.94 TRACT OF LAND COMPRISED OF PORTIONS OF THE THREE PARCELS IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBERS OF 9668, 8024, AND 8025, FROM THE SINGLE-FAMILY DISTRICT (R-1) TO THE RURAL RESIDENTIAL DISTRICT (R-R). (ROLLA). 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, Jordan, Hines, Williams, Bowe, Crowell, Meusch, Long, Schott, and Morris. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

(C) Ordinance Authorizing the Minor Subdivision of Parcels Known as 2409 & 2419 N. Bishop:

City Planner James Shields explained the applicant/owner, Randy Clayton Properties (RCP), is requesting the adjustment of the boundary lines of the

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V. OLD BUSINESS (continued)

(C) Ordinance Authorizing the Minor Subdivision of Parcels Known as 2409 & 2419 N. Bishop (continued): parcels known as 2409 and 2419 N. Bishop. The properties current use is the sale of motor-vehicle accessories/parts. Additionally, the subdivision process would allow the City to recognize a county-recorded division of land that is currently unrecognized by the City.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4377: AN ORDINANCE TO APPROVE THE ADJUSTMENT OF THE BOUNDARY LINES OF THE PARCELS THAT ARE KNOWN AS 2409 AND 2419 NORTH BISHOP AVENUE THROUGH THE SUBDIVISION PROCESS. (RCP).** 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, Williams, Hines, Jung, Meusch, Jordan, Morris, Long, Schott, and Crowell. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Resolution Authorizing the Mayor to Execute a Supervised Work Release Program Agreement with the South Central Correctional Center (SCCC): Public Works Director Steve Hargis referred the Council to the proposed agreement with the South Central Correctional Center (SCCC) for 2018. He said offenders from this facility are used to cut grass, weeds, pick up trash, etc. Mr. Hargis indicated the City has participated in this program since 2005 and it has been a very successful program for both the City and offenders.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1907: A RESOLUTION 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 MISSOURI DEPARTMENT OF CORRECTIONS.** A motion was made by Williams and seconded by Long to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

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VI. NEW BUSINESS (continued)

(B) Ordinance Setting Sewer User Rates: Public Works Director Steve Hargis recalled the Council has had several meetings over the past few months regarding the City's wastewater operations. He noted the meetings included changing regulations and plans to do improvements that would take place over the next several years. Mr. Hargis continued by expanding on the proposed sewer rates over the next few years.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER.**

(C) Resolution Extending Lease with Downtown Barber Shop: City Administrator John Butz stated the Downtown Barber Shop has been leasing its building from the City since 1995. Staff is proposing a three-year extension until December 31, 2020 and proposing the rate be increased to \$690/month. Mr. Butz added they have been excellent tenants.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1908: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN AMENDMENT TO COMMERCIAL LEASE BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE DOWNTOWN BARBER SHOP. 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.**

(D) Resolution for Tourism Contract for Service with Rolla Area Chamber of Commerce: City Administrator John Butz explained the following three items are all related. He explained the subject Contract for Service with the Rolla Area Chamber of Commerce consists of a two-year contract that establishes accountability and reporting requirements to the City and outlines the obligations by the Chamber.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1909: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY**

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VI. NEW BUSINESS (continued)

(D) Resolution for Tourism Contract for Service with Rolla Area Chamber of Commerce (continued): OF ROLLA, MISSOURI, A CONTRACT FOR SERVICE BETWEEN THE ROLLA AREA CHAMBER OF COMMERCE AND THE CITY OF ROLLA, MISSOURI FOR TOURISM/PROMOTION. 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.

(E) Resolution Renewing Visitor Center Property (old Forest Ranger Site) to Chamber: City Administrator John Butz explained the subject lease runs parallel with the service property lease, which was just approved. The subject lease states the Chamber is responsible for maintaining the properties, and are doing so on behalf of the City using the hotel/motel tax proceeds for that purpose.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1910: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI THE CHAMBER LEASE-FOREST SERVICE PROPERTY BY AND BETWEEN THE CITY OF ROLLA, MISSOURI AND THE ROLLA AREA CHAMBER OF COMMERCE. 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.

(F) Resolution Renewing Fiscal Agent Agreement with the Chamber (Tourism): City Administrator John Butz explained the subject agreement also runs simultaneously with the previous two agreements. He explained the Fiscal Agent Agreement outlines the services the City provides on behalf of the Chamber on the collection of the 3% hotel/motel tax.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1911: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI THE FISCAL AGENT AGREEMENT BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. 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.

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VI. NEW BUSINESS (continued)

(G) Ordinance Adjusting Elected Officials Compensation: City Administrator John Butz stated it has been some time since there has been an increase in the stipend for the City's elected officials. He referred the Council to the agenda materials, which outlines the current salaries along with the proposed change. Mr. Butz noted these increases would not take effect until after the next relevant election. Additionally, he mentioned that State law refers to the prosecutor as "city attorney." Since there is some confusion between the role of "city attorney" and "city counselor," he suggested changing the office title of the "city attorney" (prosecutor) to "City Prosecuting Attorney" to draw a clearer distinction between the city attorney title and the city counselor title.

A motion was made by Long and seconded by Williams to amend the subject ordinance by removing Section 2-12(b) from the proposed ordinance. A voice vote on the motion showed five ayes, six nays, and one absent. Motion failed.

A motion was made by Schott and seconded by Long to bring back the issue at the next Council meeting with four separate ordinances. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

(H) Ordinance Authorizing the Mayor to Execute an Agreement with the Missouri Department of Natural Resources for Certain Equipment: Fire Chief Ron Smith reported the Fire Department recently attended radiation training through the Missouri Department of Natural Resources (MoDNR). As part of the training, MoDNR agreed to provide the Fire Department with certain radiation equipment at no cost. Chief Smith said the Fire Department would receive the equipment and a five-year agreement specifying that MoDNR would bear the costs associated with the certifications, calibrations, repairs and maintenance. After the five years, the equipment would be turned over to the Fire Department.

City Counselor Lance Thurman 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 MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR MEMORANDUM OF AGREEMENT.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for 20 Cubic-Yard Refuse Truck: Environmental Services Director Brady Wilson stated the subject bid award would replace a 2008 Sterling/Loadmaster. Staff is recommending the bid be awarded to the lowest bid received, meeting specifications, to Scheppers International, Jefferson City, Missouri, for \$145,836. Additionally, Mr. Wilson recommended selling the 2008 unit on GovDeals.com. A motion was made by Williams and seconded by Morris to award the bid for a 20 cubic-yard packer truck to Scheppers International, Jefferson City, Missouri for a 2018 International 7400 with Loadmaster Legacy for \$145,836. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Motion Awarding Bid for Pickup Truck: Environmental Services Director Brady Wilson explained the subject bid award would add a small/mid-sized pickup truck to the fleet primarily for the enforcement inspector for purposes of enforcing the rollout container ordinance that went into effect earlier this year. The vehicle would be shared with the Director as needed. Mr. Wilson reported three bids were received and staff is recommending purchasing the vehicle from the low bidder, Hutcheson Ford, St. James, Missouri, for \$25,681. After some discussion, a motion was made by Long and seconded by Morris to award the bid for a 2018 Ford F-150 to Hutcheson Ford, St. James, Missouri, for \$25,681. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Motion Authorizing the Purchase of 45 Glock Pistols: Police Chief Sean Fagan asked the Council to consider replacing the Police Department's duty issued handguns, which are currently eight years old. Staff is recommending the purchase of forty-five pistols from Kiesler Police Supply, the sole supplier for the multi-state area. He informed the Council the current pistols would be sold to our police officers at \$260, which was the trade in price from Kiesler Police Supply. The net difference would be \$8,595.00. A motion was made by Meusch and seconded by Long to award the bid for the purchase of forty-five Glock pistols from Kiesler Police Supply. A voice vote on the motion showed eleven ayes, zero, nays, and one absent. Motion carried.

(D) Motion Authorizing the Purchase of a New 2018 Dodge Charger: Police Chief Sean Fagan reported that on September 25, 2017, one of the police officers was involved in an automobile accident and the 2016 Dodge charger vehicle was totalled. He said the insurance company reimbursed the City \$19,964.50 for the vehicle. Chief Fagan reported the low bid for a 2018 Dodge Charger Police Interceptor was received from Lou Fusz

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(D) Motion Authorizing the Purchase of a New 2018 Dodge Charger (continued): Dodge, O'Fallon, Missouri for \$23,126. He pointed out that in addition to the \$23,126, the City would need to replace the push bumper and some of the lights for a total of \$6,366.50 A motion was made by Williams and seconded by Long to authorize the purchase of a new 2018 Dodge Charger from Lou Fusz Dodge, O'Fallon, Missouri as outlined by Chief Fagan. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(E) Motion Awarding Bid for Skid Steer Loader: Public Works Director Steve Hargis requested permission to participate in the State bid through the Missouri Department of Transportation (MoDOT) for the planned replacement of a skid steer loader for \$51,863.20. Staff plans to surplus the present loader through Purple Wave, an online auction company that specializes in construction equipment. A motion was made by Williams and seconded by Jordan to award the bid for a T650 Bobcat Compact Track Loader from Bobcat Company for \$51,863.20 as set out in the agreement between the Missouri Highways and Transportation Commission and the Bobcat Company. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(F) Motion Awarding Bid for Project #359 – Highway 72 Extension and; an Ordinance Authorizing the Mayor to Enter into an Agreement with Lehman Construction, LLC, for Same: Public Works Director Steve Hargis stated that staff received bids for the first phase of the Transportation Development District (TDD) project, the Highway 72 Extension. The engineer had estimated the project would cost \$7.4 million. Mr. Hargis informed the Council that nine bids were received and the low bid was from Lehman Construction, LLC, California, MO for \$5,297,096.56. A motion was made by Meusch and seconded by Morris to award the bid for Project #359 – Route 72 Extension, for \$5,297,096.56. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

City Counselor Lance Thurman 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 LEHMAN CONSTRUCTION, LLC FOR PROJECT #359-HIGHWAY 72 EXTENSION.

VIII. CITIZEN COMMUNICATION

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

(1) Mr. Frank Furman, 403 Hutchinson, Rolla, Missouri, a member of the Friends of the Library, invited everyone to attend the Friends of the Library Book Sale. The sale is scheduled to be held from November 16 through November 18, 2017. Mr. Furman pointed out that all proceeds from the sale would go to the library.

(2) At the request of Mayor Magdits, Public Works Director Steve Hargis updated the Council on the construction at the library.

Mr. Hargis reported the City is restoring the front of the library to what it looked like when it was first built. He noted the ramp was removed and new steps were poured. He pointed out the ramp did not meet ADA (American with Disabilities Act) requirements. Mr. Hargis explained the Children's Library provides an ADA compatible entrance to the Library.

(3) Mr. Rodney Bourne, 607 E. 5th Street, Rolla, Missouri, emphasized he is not addressing the Council as the RMU (Rolla Municipal Utilities) manager or representing RMU in any way. He commented he feels the Council is going in the right direction with regard to sewer rates and service availability fees. Mr. Bourne stated, however, he does not feel it is right that those individuals who live outside the city limits pay the same rate as City residents.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Pine Street Closing: Councilman Morris asked if the City had addressed a street closing concern on Pine Street in conjunction with Christmas shopping.

City Administrator John Butz responded that in October the Council approved the street closing for the Christkindl Market.

Mr. Morris stated several businesses have asked if the City could adjust this because it restricts the patrons coming to their business.

Mr. Butz indicated staff is having conversations with those involved and are trying to amend the street closing.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Rolla Bulldog Football Team: Councilman Morris congratulated the Rolla Bulldog Football team for their district win.

(C) Rolla Soccer Team: Councilman Meusch also congratulated the Rolla Soccer Team for their district win.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 8:18 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 9:32 p.m.

City Counselor Lance Thurman reported that during Closed Session, the Council considered real estate and legal matters. No final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 9:33 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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