

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 4, 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, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: None.

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

Other City Officials in Attendance: City Administrator John Butz, City Planner James Shields, Police Captain Rick Williams, 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 Brian Woolley led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Woolley to approve the consent agenda as submitted. A voice vote on the motion showed twelve ayes, zero nays, and zero 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 – November 6, 2017
- 2) City Council Closed Session Meeting – November 6, 2017
- 3) City Council Meeting – November 20, 2017

II. PUBLIC HEARINGS

None.

DECEMBER 4, 2017

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Missouri S&T Architectural Engineering Program Animal Shelter Concepts:

Dr. Stuart W. Baur and Mr. Heath Pickerill with the Architectural Engineering course at Missouri S&T, reported their students created the animal shelter designs, which were presented before the Council meeting, as part of the Architectural Engineering course. Dr. Baur indicated that each semester the students are encouraged to be involved in the community and find a project to suit the needs of the residents. Six out of fifteen designs were chosen to be presented. Dr. Baur and Mr. Pickerill then introduced the students involved in each project.

(B) Rolla Municipal Utilities (RMU) FY 2017 Fourth Quarter Report: Instead of commenting on the subject report, RMU General Manager Rodney Bourne provided an overview of the annual highlights of the utility operation. He encouraged the public to review the fourth quarter report, which is available on RMU's website.

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

Mayor Magdits referred the Council to **(A)** the October 2017, Environmental Services Department Monthly Report; **(B)** the October 2017, Police Department Monthly Report; **(C)** the October 2017, Animal Control Division Monthly Report; **(D)** the October 2017, Centre Financial Analysis; **(E)** the October 2017 Parks Financial Analysis; **(F)** the August 16, 2017, Health and Recreation Center Board Meeting Minutes; **(G)** the October 2017 Building Codes Monthly Report; **(H)** the November 14, 2017, Planning and Zoning Commission Meeting Minutes; **(I)** the November 28, 2017, Development Review Committee Meeting Minutes; **(J)** the October 2017, Rolla Municipal Utilities Monthly Report; **(K)** The October 31, 2017, Rolla Board of Public Works Meeting Minutes, and; **(L)** the October 31, 2017, Cash Analysis Report.

City Administrator John Butz and Mayor Magdits addressed questions/comments posed by Councilman Morris regarding the Recreation Center reports.

V. OLD BUSINESS

(A) Ordinance Rezoning 112 & 114 N. Spilman from Neighborhood Business District (C-1) to General Retail District (C-2) (Meyer): City Planner James Shields asked the Council to consider the final reading of the subject ordinance pertaining to the Meyer rezoning. He noted the applicant, Mr. Joshua H. Meyer, is requesting the rezoning of a 0.51-acre tract of land located at 112 and 114 North Spilman Avenue. Mr. Shields noted the request is to rezone the property from Neighborhood Business District (C-1) to General Retail District (C-2).

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4382: AN ORDINANCE TO APPROVE THE REZONING OF THE 0.51-ACRE TRACT OF LAND THAT IS LOCATED IN THE CITY OF ROLLA, MISSOURI, AT 112 AND 114 NORTH SPILMAN AVENUE FROM THE NEIGHBORHOOD BUSINESS DISTRICT (C-1) TO THE GENERAL RETAIL DISTRICT (C-2) AND TO AMEND THE FUTURE LAND USE CATEGORY OF SAID TRACT OF LAND TO THE COMMUNITY COMMERCIAL LAND USE CATEGORY. (Meyer). 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; Bowe, Woolley, Miller, Williams, Hines, Long, Meusch, Jordan, Morris, Crowell, Schott, and Jung. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Approving the Resubdivision of 515 & 521 S. Bishop Ave., & 514 Ft. Wyman Road (Ft. Wyman Crossing): City Planner James Shields explained the subject request is to reconfigure three parcels known as 515 and 521 S. Bishop Avenue and 514 Ft. Wyman Road, through the subdivision process. All parcels are owned by Robert B. and Judith Ryce. Mr. Shields noted the internal boundary lines are being changed to create three new lots and would decrease the non-conforming aspect of 514 Ft. Wyman Road, which does not meet the side setbacks.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4383: AN ORDINANCE TO APPROVE THE RECONFIGURATION OF THREE PARCELS, WHICH ARE KNOWN AS 515 AND 521 SOUTH BISHOP AVENUE AND 514 FORT WYMAN ROAD, THROUGH THE SUBDIVISION PROCESS. (Fort Wyman Crossing). 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; Meusch, Schott, Jung, Hines, Woolley, Miller, Bowe, Crowell, Long, Jordan, Morris, and Williams. Nays; None. Absent; None. Motion carried. The ordinance passed.

**COUNCIL MEETING MINUTES
DECEMBER 4, 2017
PAGE 4**

V. OLD BUSINESS (continued)

(C) Ordinances Adjusting Elected Officials Compensation: City Administrator John Butz noted that last year the Council briefly discussed possibly adjusting elected officials' compensations. He told the Council that the proposed budgeted impact of \$13,800 is included in this year's budget. If approved by the Council, the compensation change would take effect after the next April election.

1) Amend Sec. 2-69 Mayor: City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4384: AN ORDINANCE REPEALING SECTION 2-69 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 2-69 IN LIEU THEREOF PERTAINING TO THE COMPENSATION OF THE MAYOR. 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; Long, Crowell, Miller, Schott, Hines, Jung, Woolley, Jordan, Morris, Bowe, Williams, and Meusch. Nays; None. Absent; None. Motion carried. The ordinance passed.

2) Amend Sec. 2-12 City Council: City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4385: AN ORDINANCE REPEALING SECTION 2-12 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 2-12 IN LIEU THEREOF PERTAINING TO THE COMPENSATION OF THE CITY COUNCIL. A motion was made by Williams and seconded by Bowe to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Woolley, Bowe, Crowell, Morris, and Schott. Nays; Jordan, Williams, Hines, Miller, Meusch, and Long. Mayor Magdits broke the tie by voting in favor of the proposed ordinance. Absent; None. Motion carried. The ordinance passed.

3) Amend Sec. 2-88 through 2-90 City Prosecuting Attorney: City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4386: AN ORDINANCE REPEALING SECTIONS 2-88, 2-89, AND 2-90 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS 2-88, 2-89, AND 2-90 IN LIEU THEREOF PERTAINING TO THE COMPENSATION OF THE CITY PROSECUTING

DECEMBER 4, 2017

V. OLD BUSINESS (continued)

3) Amend Sec. 2-88 through 2-90 City Prosecuting Attorney (continued): ATTORNEY. 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; Bowe, Williams, Jung, Meusch, Long, Morris, Schott, and Jordan. Nays; Woolley, Miller, Hines, and Crowell. Absent; None. Motion carried. The ordinance passed.

4) Amend Sec. 2-135 Municipal Judge: City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4387: AN ORDINANCE REPEALING SECTION 2-135 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 2-135 IN LIEU THEREOF PERTAINING TO THE COMPENSATION OF THE MUNICIPAL JUDGE. A motion was made by Williams and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Jung, Hines, Jordan, Bowe, Williams, Meusch, Long, and Morris. Nays; Miller and Woolley. Absent; None. Motion carried. The ordinance passed.

(D) Ordinance Considering Participation in Show Me PACE: City Administrator John Butz explained Show Me PACE (Property Assessed Clean Energy) is a federal and state program that provides a mechanism of making energy efficient improvements. These programs provide a financing structure for residential or commercial properties for purposes of making/installing energy upgrades while placing the payment of the improvements over time as a lien on the property. Rather than trying to choose between the two primary statewide districts, the Council entertained both districts.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4388: AN ORDINANCE TO ENABLE THE CITY OF ROLLA, MISSOURI TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS §67.2800 TO §67.2835, RSMO, THE “PROPERTY ASSESSMENT CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY OF ROLLA, MISSOURI, WILL CONDUCT ACTIVITIES AS A MEMBER OF SUCH DISTRICT. A motion was made by Long and seconded by Schott to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Hines, Jung, Meusch, Jordan, Bowe, Crowell, Schott, and Long. Nays; Miller and Williams. Absent; None. Motion carried. The ordinance passed.

V. OLD BUSINESS (continued)

(E) Ordinance Considering Participation in MCED PACE: City Administrator John Butz explained the Missouri Clean Energy District (MCED) PACE is similar to the Show Me PACE program, previously considered.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4389: A ORDINANCE ENABLING THE CITY OF ROLLA, MISSOURI, TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO STATE STATUTE, AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER OF SAID DISTRICT. A motion was made by Long and seconded by Schott to approve the proposed ordinance. Ayes; Hines, Long, Jung, Williams, Jordan, Schott, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; Miller. Absent; None. Motion carried. The ordinance passed.

(F) Ordinance Authorizing the Mayor to Enter into an Agreement with the Missouri Highway and Transportation Commission for Sidewalk Construction along Route 63 from Just East of Kingshighway to Route 72: Public Works Director Steve Hargis informed the Council the subject agreement would allow the State to construct sidewalks from Kingshighway to Highway 72 along the west side of Highway 63. He noted this would be paid with Transportation Development District (TDD) funds and the cost is estimated at \$400,000.

After some discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4390: 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 HIGHWAYS AND TRANSPORTATION COMMISSION FOR SIDEWALK CONSTRUCTION ALONG ROUTE 63 FROM JUST EAST OF KINGSHIGHWAY TO ROUTE 72. A motion was made by Schott and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Jordan, Hines, Jung, Long, Bowe, Crowell, and Miller. Nays; Williams, Woolley, and Morris. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a Certain Overpass Agreement with the BNSF Railroad for Project #359-Highway 72 Extension: Public Works Director Steve Hargis referred the Council to the entire agreement with BNSF Railroad to construct the overpass for the Highway 72 extension. He asked the Council to consider the first and final readings of the subject ordinance at this meeting. Mr. Hargis informed the Council that BNSF is requesting \$25,950, which would cover the permanent easement, the temporary construction easement, and administrative fees. He pointed out this is a one-time payment.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4391: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN OVERPASS AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND BNSF RAILROAD FOR PROJECT #359-HIGHWAY 72 EXTENSION. A motion was made by Morris and seconded by Long 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, one nay, and zero absent. Motion carried. Mr. Thurman then read the following proposed ordinance for its final reading, by title. A motion was made by Long and seconded Schott to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Miller, Jordan, Hines, Woolley, Bowe, Crowell, Meusch, Long, Schott, and Morris. Nays; Williams. Absent; None. Motion carried. The ordinance passed.

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.

**COUNCIL MEETING MINUTES
DECEMBER 4, 2017
PAGE 8**

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Ben Tipton to Rolla Regional Economic Commission (RREC): A motion was made by Williams and seconded by Morris to reappoint Mr. Ben Tipton to the RREC until December 2020. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Friday Night Activities: Mayor Magdits complimented those who were instrumental in coordinating the tree lighting ceremony and other activities in downtown Rolla on Friday evening. He noted there is a lot of hard work that goes on in arranging, managing and setting up the facilities.

(C) Parkland Dedication: Councilman Morris asked if the Council would be reconsidering the ordinance that deals with parkland.

Mayor Magdits stated if it is something the Council wants to consider, a committee would be formed.

Councilman Morris indicated he would like to consider it.

(D) Scam: Councilman Williams commented that someone approached him at Wal-Mart about being scammed with a red dot card.

Police Captain Rick Williams indicated this is the first he heard of this particular scam, but he noted the Police Department is frequently made aware of various scams.

During the holidays, Captain Williams encouraged citizens to lock their vehicles and keep packages out of sight. He said citizens are encouraged to call the Police Department if something sounds or looks suspicious.

Councilman Jung reminded citizens to make any Craigslist-type transactions in the Police Department parking lot.

(E) Leaves: Councilman Crowell commented about residents blowing and raking the leaves into the street.

Mayor Magdits encouraged residents to contact the Parks Department to arrange to have their leaves picked up. He pointed out the leaves should be raked to the edge of the street or curb, but not in the street.

DECEMBER 4, 2017

**COUNCIL MEETING MINUTES
DECEMBER 4, 2017
PAGE 9**

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

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 contract negotiations and real estate. A roll call vote on the motion showed the following: Ayes; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Jordan, Morris, Long, Schott, and Crowell. Nays; None. Absent; None. Motion carried.

The Council adjourned into Closed Session at approximately 7:35 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 8:32 p.m.

City Counselor Lance Thurman reported that during Closed Session, the Council discussed contract negotiations and real estate. No final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:33 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

DECEMBER 4, 2017