

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 5, 2018; 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 (arrived 6:49 p.m.), Kelly Long, Matthew Crowell, David Schott, Don Morris, John Meusch, Jim Williams, Brian Woolley (arrived 6:40 p.m.), 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, Police Chief Sean Fagan, 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 Boy Scout Troop 145, to lead in the Pledge of Allegiance. He mentioned the Scouts are working on their citizenship for the community badge.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Jordan to approve the consent agenda as submitted. A voice vote on the motion showed ten ayes, zero nays, and two 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 – January 2, 2018
- 2) City Council Meeting – January 16, 2018

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Library Building Project – Library Board Chairman Jim Marcellus: Mr. Marcellus thanked the City Council, and Public Works Director Steve Hargis and his department for the help they provided in restoring the front of the Library. He said the restoration is part of the Downtown Revitalization Program. Mr. Marcellus continued by providing a brief history of the library.

Councilman Woolley entered the meeting at approximately 6:40 p.m.

(B) Brewer Science Update: Mr. Doyle Edwards, Director of Government Programs with Brewer Science introduced Mr. Alan Gerson, Executive Director of Human Resources and Chief Legal Counsel with Brewer Science. Mr. Edwards then updated the Council on Brewer Science.

Mr. Gerson expressed Brewer Science's appreciation to the City for Brewer Science's recently completed 15-year bond issue. He noted the Council would be asked to consider formal approval and transfer of the property from the City to Brewer Science later in the meeting. Mr. Gerson stated the City has been a great partner.

Councilman Miller entered the meeting at approximately 6:49 p.m.

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

Mayor Magdits referred the Council to **(A)** the December 2017, Environmental Services Department Monthly Report; **(B)** the December 2017, Police Department Monthly Report; **(C)** the December 2017, Animal Control Division Monthly and Year End Reports; **(D)** the December 2017, Centre Financial Analysis; **(E)** the December 2017 Parks Financial Analysis; **(F)** the November 29, 2017, Parks Advisory Commission Meeting Minutes; **(G)** the December 2017 Building Codes Monthly Report; **(H)** the January 9, 2018, Unapproved Planning & Zoning Commission Meeting Minutes; **(I)** the December 2017, Rolla Municipal Utilities Monthly Report; **(J)** The December 19, 2017, Rolla Board of Public Works Meeting Minutes, and; **(K)** the December 2017, Municipal Court Monthly Report.

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Mayor Magdits asked that Item VI. A., “Motion Closing Out of Terla, Inc., (Brewer Science) Chapter 100 Project (2002-2017)” be considered at this time. No Council objections were noted.

VI. NEW BUSINESS

(A) Motion Closing Out of Terla, Inc. (Brewer Science) Chapter 100 Project (2002-2017): City Administrator John Butz explained to closeout the Chapter 100 Project with Terla, Inc., Mayor Magdits would need to sign a Bill of Sale, Termination of Lease, and Special Warranty Deed, which officially transfers all ownership back to Terla, Inc. A motion was made by Williams and seconded by Jordan to authorize the Mayor’s signature on the Chapter 100 Terla, Inc. (Brewer Science) bond documents (2002-2017). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

V. OLD BUSINESS

(A) Ordinance Enhancing Public Notification Requirements for Land Use Action: City Planner James Shields indicated staff was requested to formulate new public notification procedures for pending land use action proposals. Because of the costs of the additional notification methods, staff is recommending the fees be increased. Mr. Shields reviewed the proposed costs based on land use action types.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING ARTICLE II, WHICH IS KNOWN AS SUBDIVISIONS, AND ARTICLE III, WHICH IS KNOWN AS THE PLANNING AND ZONING CODE, OF CHAPTER 42 OF THE ROLLA CITY CODE, BY DELETING AND ADDING LANGUAGE RELATING TO PUBLIC NOTIFICATION AND FEES FOR LAND USE ACTION PROPOSALS.

(B) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement with Kenneth L. Light: City Planner James Shields noted the subject property is located on the east side of Rolla (outside the city limits) immediately north of Kensington Place. In order to enter into the sewer agreement, the applicant must submit an application for annexation. However, Mr. Shields stated staff is recommending the annexation request be put aside for now and considered in the future.

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V. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement with Kenneth L. Light (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4396: 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 KENNETH L. LIGHT. A motion was made by Long and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Long, Jung, Williams, Jordan, Miller, Schott, Crowell, Meusch, Morris, and Bowe. Nays; Woolley. Absent; None. Motion carried. The ordinance passed.

(C) Ordinance Approving the Subdivision of 901 Oaklane Drive into Two Lots (Oaklane South): City Planner James Shields explained the subject subdivision is located 470 feet west of the intersection of Oaklane Drive and South Bishop Avenue. The applicant is Chen's Estate Management, LLC. Mr. Shields informed the Council that a transfer of deed was recorded without going through the subdivision process. Mr. Shields reported the Planning and Zoning Commission recommends approval.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4397: AN ORDINANCE TO SUBDIVIDE THE PARCEL KNOWN AS 901 OAKLANE DRIVE INTO TWO LOTS THROUGH THE RESUBDIVISION PROCESS. (OAKLANE SOUTH). A motion was made by Williams and seconded by Schott to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Ordinance Amending the Planning and Zoning Code Pertaining to Height Regulations: City Planner James Shields asked the Council to consider the final reading of the subject ordinance, which would adjust the height requirements and how they are calculated. He then expanded on the subject requirements.

After some discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4398: AN ORDINANCE AMENDING ARTICLE III, WHICH IS KNOWN AS THE PLANNING AND ZONING CODE, OF CHAPTER 42 OF THE ROLLA CITY CODE BY AMENDING,

V. OLD BUSINESS (continued)

(D) Ordinance Amending the Planning and Zoning Code Pertaining to Height Regulations (continued): DELETING, AND ADDING LANGUAGE THAT PERTAINS TO THE WAY IN WHICH BUILDING HEIGHT IS DEFINED, CALCULATED, AND REGULATED. 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; Miller, Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Schott, and Morris. Nays; Jung. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Motion Closing Out of Terla, Inc. (Brewer Science) Chapter 100 Project (2002-2017): This item was considered above, immediately following Item IV. “Report of Mayor and Council/Reports of Boards and Commissions/City Departments.”

(B) Ordinance Enacting a Bicycle Pedestrian Advisory Committee: Public Works Director Steve Hargis explained that after the City’s Complete Streets Strategy was approved, the City made application with the American Federation of Bicyclists to become a bicycle friendly community. He announced that Rolla received an honorable mention along with Jefferson City. Mr. Hargis said the establishment of a Bicycle Pedestrian Advisory Committee would help the City in this effort. It would help get the word out to the public on its priorities and what the City is able to provide in its budget and try to come up with a plan that suits the needs of everyone in the community. He indicated staff is proposing a ten-member committee consisting of community members who have an interest in seeing Rolla become more pedestrian/bicycle friendly. Mr. Hargis continued by providing an overview of proposed projects.

The discussion, which followed, included suggesting a few minor amendments to the proposed ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ENACTING A NEW ARTICLE VII. BICYCLE PEDESTRIAN ADVISORY COMMITTEE, NEW SECTIONS 36-100 THROUGH 36-105, IN LIEU THEREOF, PERTAINING TO THE BICYCLE PEDESTRIAN ADVISORY COMMITTEE.

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VI. NEW BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Enter into an Agreement with the Missouri Department of Transportation Pertaining to Grants: Police Chief Sean Fagan noted that annually, the Police Department applies for traffic grants through the Missouri Department of Transportation. The Police Department is awarded \$20,000 a year, which is used to pay overtime for DWI enforcement/checkpoints and hazardous moving violations.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4399: 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 TRANSPORTATION PERTAINING TO GRANTS. A motion was made by Williams and seconded by Meusch to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. 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; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Jordan, Morris, Long, Schott, and Crowell. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Resolution Authorizing the Mayor to Execute an Application for the Water Conservation Fund Program for Buehler Park Renovation: Parks and Recreation Director Floyd Jernigan explained the Parks and Recreation Department is applying for a Land Water Conservation Fund (LWCF) grant that would help pay for phases two and three of the work on the Buehler Park Master Plan, which was approved by Council. These include playground structures, new restroom, pavilion upgrade, park benches, picnic tables and new park signage. Mr. Jernigan pointed out the cost of the upgrades in the proposals are just estimates. If awarded the 50/50 grant would only be used for upgrading those core park amenities and features. Mr. Jernigan said the grant deadline is February 16 and grant applications are scored according to information provided on the application and supporting documentation.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1919: 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 Authorizing the Mayor to Execute an Application for the Water Conservation Fund Program for Buehler Park Renovation (continued): OF ROLLA, MISSOURI A CERTAIN APPLICATION FOR THE WATER CONSERVATION FUND PROGRAM FOR THE BUEHLER PARK RENOVATION IN ROLLA, MISSOURI. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Two Park Mowers: Parks and Recreation Director Floyd Jernigan informed the Council that bids were opened on January 24, 2018, for two, 2018 zero turning radius diesel mowers, 26 horsepower and 72-inch mower decks for the Parks Department. These mowers will replace a 2008 Kubota with about 1,500 hours and a 2010 Kubota with about 1,700 hours. Mr. Jernigan explained that mowers have about a seven-year life cycle. He noted the purchase of these two mowers would update a little more than a fourth of the eleven-mower fleet. Mr. Jernigan asked the Council to consider awarding the bid to the low bidder, Schaeperkoetter Sales & Service, Mt. Sterling, Missouri, for \$27,523.13. He added the other mowers would either be transferred to the airport, if needed, or sold on Govdeals.com. A motion was made by Williams and seconded by Schott to award the bid for the two park mowers to Schaeperkoetter Sales & Service for two, 2018 Kubota ZD1211L-72, zero turning radius diesel mowers for \$27,523.13. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Bid for Kimmel Field Outfield Fence: Parks and Recreation Director Floyd Jernigan noted bids were opened on January 24, 2018, for 912 feet of six-inch tall chain link fence with a 16 foot gate, schedule 40 pipe and 9 gage chain link wire and 7 gage tension wire at the bottom. A yellow safety top cap will cover the top rail and fence. Mr. Jernigan told the Council the current fence is 36 years old. Staff recommends the bid be awarded to the low bidder, Mid-Missouri Fence Co., Dixon, Missouri for \$19,100. He added this price includes removal of the old chain link fence. A motion was made by Williams and seconded by Schott to award the bid for Kimmel Field outfield fence to Mid-Missouri Fence Co., for \$19,100. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Authorizing the Installation of Certain Crosswalk Rapid Flash Beacons:

Public Works Director Steve Hargis explained staff has been approached by the Phelps County Regional Medical Center to install a pedestrian actuated rapid flash beacon at the crosswalk on Tenth Street between the new parking lot on the south side of Tenth Street and the entrance into the emergency room. Additionally, staff has had discussions with Missouri S&T in the past about installing beacons at Tenth and Main Streets. Mr. Hargis advised that in both cases, they have agreed to pay material costs. Material costs are about \$6,700 per location and it would take about \$1,500 in City employee labor. A motion was made by Miller and seconded by Schott to approve the request provided the entities, which contributes to the pedestrian volumes, participates in purchasing materials. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

Mr. Lynn McFarland, 601 Penny Lane, Rolla, Missouri, told the Council there are not many ways to get in and out of his neighborhood. He pointed out it is a right hand turn only at the corner of Strobach onto Highway 63, which he indicated he supports. He noted the “right-hand turn only” is 24 hours a day. Mr. McFarland pointed out that Highway 63 does not have that much traffic after 9 a.m. in the morning. He requested the City put a small sign that says “except between the hours of 10 p.m. to 7 a.m.” Mr. McFarland stated he feels this will help a few people in the neighborhood.

Mayor Magdits asked City Administrator John Butz and Public Works Director Steve Hargis to make note of this request for a follow-up.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Speeding on Fairground Road: Councilman Williams indicated he received a call from a resident along Fairground Road regarding speeding. Mayor Magdits said he has received comments as well and asked Police Chief Fagan to look into this matter.

(B) Corporate Tax Break: Councilman Morris reported he has received comments from a number of constituents wondering why Fidelity Communications is raising their rates rather than at the least maintaining them with the new corporate tax break.

City Administrator John Butz said he spoke with Fidelity and their explanation is that costs continue to rise and they continue to invest more in their infrastructure. He told the Council he extended an invitation to Fidelity to come and make a presentation to the City Council to talk about what is happening with Fidelity cable, telephone, and internet service.

(C) Incident on Interstate 44 on February 4, 2018: Fire Chief Ron Smith reported that after 2 p.m. yesterday, the City of Rolla Fire and Rescue Department responded to about thirteen traffic accidents in Rolla – all of them involving multiple vehicles, due to the inclement weather. Chief Smith stated the Fire Department was assisted by the Phelps County Ambulance Service, Rolla Rural Fire Protection District, Salem Ambulance, St. James Ambulance, Texas County Ambulance, Crawford County Ambulance and the Rolla Public Schools. ,

Mayor Magdits thanked the American Red Cross and the First Assembly of God Church for their efforts. He noted a shelter was set up at the church with coffee, food, and cots.

(D) Fiscal Advisory Committee: Mayor Magdits recommended still following through with the proposed ten-year fiscal plan where primarily staff at this point would work to assess our capital needs and priorities over the next ten years. In addition, staff would look at the existing assumptions for revenues and expenses, understand the capital projects and operations and how to fund those projects, whether it is the “use tax” or the extension of Proposition P, bonding of the sewer plants, etc. He suggested staff would work on this for about a three-month period and then come back in May or June for a specific Council workshop to report back on “what the lay of the land is” on all those components. Shortly after that, a workshop on the “use tax” would be held.

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X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 8:45 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:16 p.m.

City Counselor Lance Thurman reported that during Closed Session the Council discussed two matters of real estate. No final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 9:17 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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