

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 16, 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, Matthew Miller, Matthew Crowell, Kelly Long, David Schott, Don Morris, John Meusch, Jim Williams, Brian Woolley

Council Members Absent: Monty Jordan, Steven Jung, and Walt Bowe

Newly Elected Officials in Attendance: Municipal Judge James Crump, City Prosecuting Attorney Brad Neckermann, Ward I Councilman Daniel Jones, Ward II Councilwoman Ann Murphey, Ward III Councilman Jacob Rohter, Ward IV Councilwoman Jody Eberly, and Ward VI Councilwoman Tiffany Henry

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

Other City Officials in Attendance: City Administrator John Butz, City Planner James Shields, City Counselor Carolyn Buschjost, 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 David Schott led in the Pledge of Allegiance.

Mayor Magdits asked that Item V.A., “National Day of Prayer (May 3, 2018) Proclamation” be considered at this time. He mentioned the Mayor’s Prayer Breakfast would be held on May 3, 2018. Mayor Magdits then read the proclamation in its entirety.

Ms. Gwen Hicks, representing the National Day of Prayer, told the Council this is Rolla’s 30th Anniversary of having a National Day of Prayer event. She said this year’s theme is “unity.” Ms. Hicks invited everyone to the Mayor’s Prayer Breakfast on May 3, 2018, at 6:30 a.m., at the Havener Center.

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I. OLD BUSINESS

(A) Ordinance Consolidating Lots 3, 4, 5 & 6, Block 7 & Lots 4, 5 & 6, Block 8, Cowan's Addition & the Vacated Right-of-Way that Lies between Lots 4, 5, and 6, Blocks 7 & 8 Cowan's Additional (Sonic): City Planner James Shields noted this item was set aside during the Council's last meeting awaiting a revised plat map and development plan. He informed the Council the development plan has been approved.

Mr. Shields reported the Planning and Zoning Commission recommends approval of the proposed subdivision.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4407: AN ORDINANCE TO CONSOLIDATE ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 7 OF COWAN'S ADDITION AND ALL OF LOTS 4, 5, AND 6 OF BLOCK 8 OF COWAN'S ADDITION TOGETHER WITH THE VACATED RIGHT-OF-WAY THAT LIES BETWEEN THE FOURTH, FIFTH, AND SIXTH LOTS OF BLOCKS 7 AND 8 OF THE COWAN'S ADDITION SUBDIVISION THROUGH THE RESUBDIVISION PROCESS. (SONIC). 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; Schott, Meusch, Williams, Hines, Woolley, Long, Crowell, Morris, and Miller. Nays; None. Absent; Jordan, Jung, and Bowe. Motion carried. The ordinance passed.

I. CONSENT AGENDA

(A) Motion Accepting the April 3, 2018, Certified Election Results: A motion was made by Williams and seconded by Hines to accept the April 3, 2018, Certified Election Results as certified by the Phelps County Verification Board. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

III. ELECTED OFFICIALS SWEARING-IN CEREMONY

(A) Comments/Recognitions of Outgoing Councilmembers: Mayor Magdits recognized outgoing Councilmembers Monty Jordan, Matt Miller, Kelly Long, Don Morris, and Walt Bowe. He noted these five councilmembers represent a collection of 41 years of service on the City Council.

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III. ELECTED OFFICIALS SWEARING-IN CEREMONY (continued)

(B) Swearing-In of Newly Elected Officials: City Clerk Carol Daniels administered the oath of office to the following newly elected officials: Mayor Louis J. Magdits, IV, Municipal Judge James T. Crump, City Prosecuting Attorney Bradley A. Neckermann, Ward I Councilman Daniel A. Jones, Ward II Councilwoman Ann Murphey, Ward III Councilman Jacob Rohter, Ward IV Councilwoman Jody Eberly, Ward V Councilman Jimmy Dale Williams, and Ward VI Councilwoman Tiffany Henry.

Mayor Magdits welcomed the new Councilmembers and asked each to introduce themselves.

IV. PUBLIC HEARINGS

(A) Ordinance Rezoning Lots 1 & 2 of the Rolla Skilled Nursing Facility, Plat No. 1 Subdivision from R-2 (Two-Family District) to R-3 (Multi-Family District): City Planner James Shields explained the subject parcels are located in northwest Rolla, approximately 175 feet southwest of the intersection of Vichy Road and Eagleson Drive. The applicant is Rolla SNF LLC and Greg Spence is the registered agent of the LLC and one of the owners of the Silverstone Place Skilled Nursing and Rehabilitation Center. Mr. Shields informed the Council the facility is currently in operation. He said the proposal is to rezone the parcels from R-1 (Single Family District) and R-2 (Two Family District) to R-3 (Multi-Family District). He told the Council the applicant requested the rezone to permit the current use and it would allow for the possible construction of an assisted living complex. Mr. Shields indicated there might be about 50 to 60 new units constructed at a low density with about five to six units per acre. The applicant has indicated the units would be only two stories.

Mr. Shields informed the Council that during the building permit process, City staff discovered that nursing homes are not permitted in R-2 (Two Family District). He pointed out that Subsection 42.250.2(f) of the City's Planning and Zoning Code states that the Planning and Zoning Commission shall consider if proposed zoning would correct an error in the application of the Code. Without the approval of this proposal, the City cannot convey to the federal agencies and the like that the property conforms to the Code, which can be problematic.

Mr. Shields reported the Planning and Zoning Commission recommends approval of the subject-rezoning request.

IV. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Lots 1 & 2 of the Rolla Skilled Nursing Facility, Plat No. 1 Subdivision from R-2 (Two-Family District) to R-3 (Multi-Family District) (continued): After much discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Steve Corns, 2761 Eagleson Drive, Rolla, Missouri, said when looking through the City Code, it seems nursing homes are already allowed in an R-1 (Single Family District) zone with a conditional use permit. He stated it is unclear how rezoning to R-3 (Multi-Family District) makes a nursing home allowable and does not see how this fixes anything. He expressed concerns with increased traffic emptying into the R-1 (Single Family District) zones and traffic travelling down Vichy Road too fast. The current conditions of the road are not conducive to this much traffic for the high density of residential zoning.

Mr. David Hooton, 2759 Eagleson, stated that most of his concerns were expressed by Mr. Corns. He and his wife are most concerned about their home value. Additionally, he expressed concerns with the proposed R-3 (Multi-Family District) zoning, because anything can happen. Mr. Hooton said they have concerns this corporation will not follow through with what they are proposing if the property is rezoned. Mr. Hooton commented on the construction debris left from the Nathan Chapman construction.

Ms. Keri Degraffenreid, 2763 Eagleson, said she has two young children and is concerned with the traffic. Additionally, she stated concerns with the unknown if the R-3 (Multi-Family District) proposed nursing home facility does not occur.

Mr. Greg Spence, petitioner, told the Council they are a long-term care community provider from the St. Louis area. He indicated he is willing to limit the number of units to 60. Mr. Spence stated they want the correct zoning before it is submitted to HUD (Housing and Urban Development).

Mayor Magdits asked Public Works Director Steve Hargis to address the total capacity of Vichy Road.

Mr. Hargis stated Vichy Road is currently at 36% capacity.

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IV. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Lots 1 & 2 of the Rolla Skilled Nursing Facility, Plat No. 1 Subdivision from R-2 (Two-Family District) to R-3 (Multi-Family District) (continued): Mayor Magdits stated there appears to be some consistency on both sides regarding fear of the unknown. He asked City Planner James Shields if there is another way this property could be rezoned.

Mr. Shields indicated the property could be rezoned to R-3 (Multi-Family District) with a conditional use (number of units, but not the use of the those units).

Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO REZONE LOT 1 AND LOT 2 OF THE ROLLA SKILLED NURSING FACILITY PLAT NO. 1 SUBDIVISION, WHICH IS ALSO KNOWN AS 2735 EAGLESON DRIVE, AND LOT 29 AND LOT 30 OF THE ARWOOD HILLS NO. 1 SUBDIVISION FROM THE SINGLE-FAMILY DISTRICT (R-1) AND THE TWO-FAMILY DISTRICT (R-2) TO THE MULTI-FAMILY DISTRICT (R-3) AND TO AMEND THE FUTURE LAND USE MAP TO DESIGNATE SAID PARCELS AS RESIDENTIAL MEDIUM HIGH DENSITY. (SILVERSTONE)

V. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A.1.) National Public Safety Telecommunications Week: Mayor Magdits indicated that last week was National Public Safety Telecommunications Week and he asked Police Chief Sean Fagan to address the Council.

On behalf of the Phelps County Emergency Services Board, Chief Fagan thanked the Council for this opportunity. He said most people do not realize the dispatchers are the first line for anyone who calls the Police Department. He informed the Council that in 2017 the Rolla Communications Division handled 103,920 calls of which there were 13,973 traffic stops, 3,321, 9-1-1 hang-ups, over 3,000 fire calls, almost 9,000 emergency medical calls, 745 domestic violence calls, and 1,099 disturbances. Chief Fagan added the Dispatch Center dispatches for seven law enforcement agencies, six fire agencies, and two emergency service agencies and is staffed with sixteen full-time dispatchers, two part-time dispatchers and one director. Chief Fagan then played the audio of a dispatcher who helped in delivering a baby.

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V. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS (continued)

(A) National Day of Prayer (May 3, 2018) Proclamation: This item was considered previously, just before “I. Old Business” above.

(B) Rolla Regional Economic Commission (RREC) Report: Rolla Regional Economic Commission (RREC) Executive Director Cyndra Lorey provided an overview of the mission and accomplishments of RREC.

(C) The Centre - Community Benefit Report: In the essence of time, Mayor Magdits asked Parks and Recreation Director Floyd Jernigan to defer his report until the next Council meeting.

VI. NEW BUSINESS

(A) Ordinance Vacating a Section of Bryant Road & Dedicating a 6.15 Right-of-Way Tract to Missouri Route 72: City Planner James Shields informed the Council that the subject parcels are located on the west central side of the city approximately 400 to 1400 feet east of the intersection of Kingshighway and Interstate 44. On behalf of the City of Rolla, the Public Works Department is proposing the consolidation of twelve deeded parcels and parts of two other platted lots into one right-of-way tract, which will be dedicated to the City for the Highway 72 extension.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO VACATE A SECTION OF BRYANT ROAD AND DEDICATE A 6.15-ACRE RIGHT-OF-WAY TRACT TO MISSOURI ROUTE 72 THROUGH THE CONSOLIDATION OF 12 DEEDED PARCELS THAT CONSIST OF PARTS OF LOT 98 AND LOT 103 OF THE RAILROAD ADDITION SUBDIVISION AND ALL OF LOTS 1, 2, 3, 4, 5, 5A, 6A, 7, 8, 9, 11, AND 14 OF THE REVISED PARK PLAZA SUBDIVISION INTO TWO RIGHT-OF-WAY TRACTS AND THREE RECONFIGURED LOTS. (HIGHWAY 72 EXT. WEST)

(B) Ordinance Authorizing the Mayor to Enter into an Agreement with the Cedar Grove Sewer District: Public Works Director Steve Hargis told the Council the City has been serving the following two areas since the mid-1980s. The proposed agreement for the Cedar Grove Sewer District is drafted exactly like the one for the College Hills Sewer

VI. NEW BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into an Agreement with the Cedar Grove Sewer District (continued): District. As with the College Hills agreement, the Cedar Grove Sewer District would pay 1.50 times the city resident user rate. Mr. Hargis said the surcharge is used for the City to do the billing, bookkeeping, and management of those districts. He indicated it is essential for the City to have the sewer district in place because as a political subdivision, it can file tax liens on properties that do not pay the user fee. Mr. Hargis noted the District would maintain a \$1,500 minimum in reserves to cover any delinquent district member sewer fees. In addition, the City is asking the Cedar Grove Sewer District to pay a one-time fee of \$150 to quickly build the reserve.

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 SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, PHELPS COUNTY COMMISSION AND THE CEDAR GROVE SEWER DISTRICT.

(C) Ordinance Authorizing the Mayor to Enter into an Agreement with the Shady Oaks Sewer District: Public Works Director Steve Hargis informed the Council the proposed agreement with the Shady Oaks Sewer District is identical to the Cedar Grove District agreement with one exception. He said the City is asking for a one-time fee of \$600, which will be used to build a reserve.

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 SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, PHELPS COUNTY COMMISSION AND THE SHADY OAKS SEWER DISTRICT.

(D) Ordinance Authorizing the Mayor to Enter into a Pedestrian Bridge License Agreement with the Missouri Highway & Transportation Commission: Public Works Director Steve Hargis explained the subject agreement with the Missouri Department of Transportation (MoDOT) would help the City construct a pedestrian bridge across I-44 adjacent to University Drive. The project cost is estimated at \$2.1 million, the Transportation Development District (TDD) has agreed to add this project to their capital improvement plan, and the State has offered \$500,000 in match money to fund this project.

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VI. NEW BUSINESS (continued)

(D) Ordinance Authorizing the Mayor to Enter into a Pedestrian Bridge License Agreement with the Missouri Highway & Transportation 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 MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR PEDESTRIAN BRIDGE LICENSE AGREEMENT.

(E) Motion Granting Utility Easement to Rolla Municipal Utilities: Public Works Director Steve Hargis explained the subject easement is part of a left over piece of ground, which is part of the Highway 72 right-of-way acquisition. Rolla Municipal Utilities has requested an easement to service homes along the west side of Adrian Avenue from the rear. A motion was made by Hines and seconded by Crowell to grant the subject utility easement to Rolla Municipal Utilities. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

VIII. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Bicycle Pedestrian Advisory Committee (BPAC) Members: Public Works Director Steve Hargis explained staff reached out to the community for people who were interested in promoting the use of bicycles and walking as an alternative means of transportation. He said there has been a lot of good interest and staff is recommending the appointment of the following: Ryan Ebert, Dick Elgin, Jeremy Jamison, Ken Kwantes, Dennis Noel, Jacob Rohter, David Schott, and Judy Williams. Staff members would include Public Works Director Steve Hargis, Police Captain Doug James, and City Planner James Shields. A motion was made by Crowell and seconded by Meusch to appoint the above-listed members to the Bicycle Pedestrian Advisory Committee (BPAC). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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VIII. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Appointments to the Environmental Services Review Board: A motion was made by Hines and seconded by Meusch to appoint Councilmen Jim Williams and Jacob Rohter to the Environmental Services Review Board. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Appointments to the Finance/Audit Committee: A motion was made by Williams and seconded by Crowell to appoint Councilmen Jonathan Hines and John Meusch to the Finance/Audit Committee. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(D) Motion Appointing Mr. Monty Jordan to the Planning & Zoning Commission to Complete the Unexpired Term, Plus an Additional Term, due to the Resignation of Mr. Jack Morris (June 2022): A motion was made by Hines and seconded by Crowell to appoint Mr. Monty Jordan to the Planning and Zoning Commission to complete the unexpired term, plus an additional term, due to the resignation of Mr. Jack Morris (June 2022). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(E) Motion Appointing Mr. Walt Bowe to the Planning & Zoning Commission to Complete the Unexpired Term due to the Resignation of Mr. Bill Lindgren (Jan. 2021): A motion was made by Williams and seconded by Crowell to appoint Mr. Walt Bowe to the Planning and Zoning Commission to complete the unexpired term due to the resignation of Mr. Bill Lindgren (January 2021). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(F) Motion Appointing Dr. Ronald D. Wilkerson to the Airport Advisory Committee to Complete the Unexpired Term, Plus an Additional Term, due to the Passing of Mr. William E. Hoertel - (July 2020): A motion was made by Williams and seconded by Crowell to appoint Dr. Ronald D. Wilkerson to the Airport Advisory Committee to complete the unexpired term, plus an additional term, due to the Passing of Mr. William E. Hoertel (July 2020). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(G) Motion Reappointing Mr. Dale Bleckman to the Library Board (May 2021, 3rd Term): A motion was made by Williams and seconded by Crowell to reappoint Mr. Dale Bleckman to the Library Board for his third term (May 2021, 3rd Term). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VIII. MAYOR/CITY COUNCIL COMMENTS (continued)

(H) Nomination of Councilman Matt Crowell as the City Council Planning & Zoning Commission Representative: A motion was made by Hines and seconded by Williams to appoint Councilman Matt Crowell as the City Council Planning and Zoning Commission representative. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(I) Council Appointment of Mayor Pro-Tempore: Mayor Magdits opened the floor for nominations for the position of Mayor Pro-Tempore. Councilman Hines nominated Councilman Steven Jung, which was seconded by Councilman Williams. Councilman Schott nominated Councilman Matt Crowell, which was seconded by Councilman Jones. No other nominations were made. Since there are multiple nominations, Mayor Magdits suggested the vote be done by secret ballot. The ballots were tallied by City Clerk Carol Daniels and showed the following: Councilman Jung received six votes and Councilman Crowell received five votes. Mayor Magdits declared Councilman Jung as Mayor Pro-Tempore.

IX. CITIZEN COMMUNICATION

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

Ms. Gail Daniel, 12170 County Road 2220, St. James, Missouri, informed the Council that fifteen months ago her daughter passed because of a heroin/fentanyl overdose. Shortly after her death, Ms. Daniel said she and her husband decided they wanted to do what they could to help more with drug addicts and to bring awareness and prevention to the opioid/heroin epidemic our country faces. Ms. Daniel encouraged the Council and citizens to attend the S.A.V.E. (save our children), second annual heroin awareness and prevention seminar scheduled for May 12, 2018, at the Lions Club Den beginning at 11 a.m.

No one else present addressed the Council.

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X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Monday, May 7, 2018, 5 p.m. – Pre Council Workshop – Preliminary (Treatment Plants) Facility Report: City Administrator John Butz suggested the Council meet at 5 p.m. before the regular May 7, 2018, Council meeting to hear from Archer Engineering about the preliminary facilities plan, which is about a \$25 million project. He said a light meal will be provided and the workshop should be over about 6 p.m.

(B) Phelps County Commission Rotating Community-Based Meeting – 5:30 p.m. Thursday, April 19 in Council Chambers: City Administrator John Butz reported Mayor Magdits would be speaking at the Phelps County Commission’s rotating community-based meeting, which will be held in the City Council Chambers on April 19 at 5:30 p.m. He added the Phelps County Sheriff’s Department would be providing an update on the jail project and Representative Keith Frederick will be giving some of his legislative ideas on the opioid crisis. The meeting is open to the public.

XI. CLOSED SESSION

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

The Council adjourned into closed session at approximately 9:32 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 10:06 p.m.

City Counselor Carolyn Buschjost reported that during closed session the Council discussed one matter of real estate. No final action was taken.

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XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 10:07 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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