

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 4, 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, Daniel Jones, Ann Murphey, Matthew Crowell, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Brian Woolley, Jim Williams, Steven Jung, and Tiffany Henry

Council Members Absent: None.

Department Directors in Attendance: Interim Community Development Director Steve Flowers, Parks and Recreation Director Floyd Jernigan, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Public Works Director Steve Hargis, 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 Councilman Brian Woolley to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Jung 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 Workshop – May 7, 2018
- 2) City Council Meeting – May 7, 2018
- 3) City Council Meeting – May 21, 2018

II. PUBLIC HEARINGS

None.

JUNE 4, 2018

COUNCIL MEETING MINUTES
JUNE 4, 2018
PAGE 2

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Day Camp and Global Leadership Summit: Pastor Bill LaMora and Ms. Angela Fenwick of the First United Methodist Church (First UMC), Main Street, Rolla, Missouri, invited the community to a day camp hosted by the First UMC, which will be held from June 18 through 22, 2018. Pastor LaMora said their intent is to help our community, churches of all denominations, and families of all walks of life come together that one week and have a great time. Pastor LaMora also noted that last year the First UMC became a host site for The International Global Leadership Summit presented by Willowcreek. Again this year, the First UMC will be hosting the summit. He encouraged the Council to be part of this and encouraged others to participate who want to learn how to be better leaders to help the Rolla community.

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

Mayor Magdits referred the Council to **(A)** the April 2018, Environmental Services Department Monthly Report; **(B)** the April 2018, Police Department Monthly Report; **(C)** the April 2018, Animal Control Division Monthly Report; **(D)** the May 8, 2018, Unapproved Planning & Zoning Commission Meeting Minutes; **(E)** the April 2018, Rolla Municipal Utilities Monthly Report; **(F)** the April 25, 2018, Rolla Board of Public Works Meeting Minutes; **(G)** The April 2018, Centre Financial Analysis, and; **(H)** the April 2018, Park Financial Analysis.

V. OLD BUSINESS

(A) Ordinance Amending Section 42-27 of the Code Pertaining to Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding (Parkland Dedication): City Planner James Shields informed the Council the Parkland Dedication Policy Committee reviewed the parkland dedication provisions in Chapter 42 of the Rolla City Code. He told the Council the Committee proposes six major changes, including the exclusion of non-residential land, raising the fee in lieu of payment from \$12,200 to \$15,000, and prioritizing spending in proximity to the new subdivision. Mr. Shields reported the Planning and Zoning Commission and the Parks Advisory Commission recommend approval.

JUNE 4, 2018

V. OLD BUSINESS (continued)

(A) Ordinance Amending Section 42-27 of the Code Pertaining to Deeding of Public Parks; Alternative Payment In Lieu of Parkland Deeding (Parkland Dedication) (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4419: AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 42 OF THE ROLLA CITY CODE, WHICH IS KNOWN AS “SUBDIVISIONS”, BY DELETING AND ADDING LANGUAGE TO THE PARKLAND DEDICATION PROVISIONS OF SECTION 42-27, WHICH IS ENTITLED “DEEDING OF PUBLIC PARKS; ALTERNATIVE PAYMENT IN LIEU OF PARKLAND DEEDING”. (PARKLAND DEDICATION). A motion was made by Williams and seconded by Jones to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Henry, Murphey, Williams, Hines, Jung, Meusch, Rohter, Eberly, Crowell, Schott, and Jones. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Annexing a 42.06-Acre Parcel & Zoning Said Parcel as Multi-Family District (R-3) & Approving a Development Agreement for Same (St. Maria’s): City Planner James Shields pointed out the subject parcel is located in the northeast part of Rolla, 250 feet north of the intersection of Liberty Drive and McCutchen Drive. St. Maria’s LLC is the applicant and Mr. Mike Woessner is the registered agent of the property. Mr. Shields noted the request is the annexation of a 42-acre parcel as R-3 (Multi-Family District) and the approval of a development agreement. Mr. Shields noted the subdivision consists of 58 lots and will now have public streets. He added that a few weeks ago the applicant had requested that his initial request be set aside because the costs of the development were too high. Mr. Shields noted the Planning and Zoning Commission unanimously recommend approval.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4420: AN ORDINANCE APPROVING THE ANNEXATION OF THE 42.06-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR’S ACCOUNT NUMBER OF 12081 AND THE DESIGNATION OF SAID PARCEL AS THE MULTI-FAMILY DISTRICT (R-3) ON THE OFFICIAL ZONING MAP OF THE CITY OF ROLLA (ST. MARIA’S). A motion was made by Williams and seconded by Jung to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Jung, Hines, Jones, Murphey, Henry, Williams, Meusch, Rohter, Eberly, and Woolley. Nays; None. Absent; None. Motion carried. The ordinance passed.

**COUNCIL MEETING MINUTES
JUNE 4, 2018
PAGE 4**

V. OLD BUSINESS (continued)

(B) Ordinance Annexing a 42.06-Acre Parcel & Zoning Said Parcel as Multi-Family District (R-3) & Approving a Development Agreement for Same (St. Maria's) (continued): Mayor Magdits noted that since the last meeting and public hearing on the subject development agreement, staff has requested some specificity regarding the one access to the backside of the property for public safety reasons. He pointed out Section 8.D. of the proposed Development Agreement has been added since the Council first saw it two weeks ago. A motion was made by Hines and seconded by Henry to amend the subject development agreement by adding Section 8.D. as noted. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4421: AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT BETWEEN ST. MARIA'S LLC AND THE CITY OF ROLLA THAT IS ASSOCIATED WITH THE PROPOSED DEVELOPMENT TO OCCUR ON THE 42.06-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 12081 SUBSEQUENT TO THE ANNEXATION AND ZONING OF SAID PARCEL (ST. MARIA'S). A motion was made by Williams and seconded by Woolley to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Eberly, Woolley, Murphey, Williams, Hines, Jung, Meusch, Jones, Henry, Crowell, Schott, and Rohter. Nays; None. Absent; None. Motion carried. The ordinance passed.

(C) Ordinance Rezoning 1040 Kingshighway from General Commercial District (C-2) & Government Institutional District (GI) to Highway Commercial District (C-3) (West Commons): City Planner James Shields informed the Council the subject parcels are located on the west side of Rolla about 300 feet northeast of the intersection of Juliene Street and Kingshighway also known as 1040 Kingshighway. Anderson and Associates Consulting Engineers is the agent on behalf of the applicant and owners Gary W. and Janet S. Heavin. Mr. Shields said the proposal is to rezone the subject property from the General Commercial District (C-2) and Governmental Institutional District (GI) to Highway Commercial District (C-3) to permit land use of a bar. Mr. Shields reported the Planning and Zoning Commission recommends approval.

V. OLD BUSINESS (continued)

(C) Ordinance Rezoning 1040 Kingshighway from General Commercial District (C-2) & Government Institutional District (GI) to Highway Commercial District (C-3) (West Commons) (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4422: AN ORDINANCE THAT REZONES THE FOUR PARCELS THAT ARE IDENTIFIED BY THEIR PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 7848, 7849, 7835.01, AND 7847, WHICH IS ALSO KNOWN AS 1040 KINGSHIGHWAY, FROM THE GENERAL COMMERCIAL DISTRICT (C-2) AND THE GOVERNMENT AND INSTITUTIONAL DISTRICT (GI) TO THE HIGHWAY COMMERCIAL DISTRICT (C-3). (WEST COMMONS). A motion was made by Williams and seconded by Jung to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hines, Rohter, Jung, Williams, Jones, Murphey, Schott, Crowell, Meusch, Woolley, Eberly, and Henry. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Ordinance Reconfiguring Lots 1 & 2 of Rolla Skilled Nursing Facility Plat No. 1 (Silverstone): Mayor Magdits commented that before the Council considers the subject ordinance, he asked the Council to consider amending Section 2, which codifies a better description of the ingress and egress.

City Planner James Shields noted the subject parcels are located in northwest Rolla about 175 feet southwest of the intersection of Vichy Road and Eagleson Drive. The proposal to reconfigure these lots is in preparation for a possible development of the lots surrounding the existing nursing facility. Mr. Shields stated staff is recommending the Council consider a motion to add Section 2 to the previously read ordinance and to consider the final reading of the ordinance as amended.

A motion was made by Crowell and seconded by Hines to amend the subject ordinance by adding Section 2 to the subject ordinance. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4423: AN ORDINANCE TO RECONFIGURE 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

V. OLD BUSINESS (continued)

(D) Ordinance Reconfiguring Lots 1 & 2 of Rolla Skilled Nursing Facility Plat No. 1 (Silverstone) (continued): SUBDIVISION INTO FOUR NEWLY CONFIGURED LOTS. (SILVERSTONE). A motion was made by Williams and seconded by Jung to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Jones, Williams, Hines, Jung, Woolley, Rohter, Henry, Crowell, Eberly, and Murphey. Nays; None. Absent; None. Motion carried. The ordinance passed.

(E) Resolution Approving an Ingress/Egress Lease between the City of Rolla and Edgewood Investments, LLC. (Kwik Kar): City Administrator John Butz recalled this item was introduced during the Council's last meeting. He said the proposal is to do an ingress/egress easement over the parking lot (Buehler Park parking lot) entryway to provide a primary access into what would be a new, renovated car wash, which is located just to the north of Buehler Park. That driveway access has been used in the past by its previous ownership and currently has access to the State Department of Mental Health facility. Mr. Butz stated that at the last Council meeting, a proposal was considered for a 70-year lease. After reconsideration, staff felt it was just too long of a term for any of us to track over time. Mr. Butz told the Council that rather than a 70-year lease, the amended lease stipulates a 20-year lease with two, ten-year renewals. Additionally, Section 4 of the proposed lease pertaining to insurance was amended. Mr. Butz noted the final amendment pertains to Section 7, which deals with the assignment of the lease.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1927: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN LAND LEASE FOR INGRESS/EGRESS BETWEEN THE CITY OF ROLLA, MISSOURI AND EDGEWOOD INVESTMENTS, LLC. A motion was made by Williams and seconded by Jung to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

(F) Ordinance Authorizing the Mayor to Enter into an Agreement with Donald Maggi, Inc., for Project 462, Sixth Street Concrete Improvements: Public Works Director Steve Hargis recalled that during its last meeting the Council awarded the bid for the Sixth Street concrete improvements to Donald Maggi, Inc., for \$163,775. He asked the Council to consider the final reading of the subject ordinance.

V. OLD BUSINESS (continued)

(F) Ordinance Authorizing the Mayor to Enter into an Agreement with Donald Maggi, Inc., for Project 462, Sixth Street Concrete Improvements (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4424: 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 DONALD MAGGI, INC., FOR 6TH STREET CONCRETE IMPROVEMENTS, PROJECT 462. A motion was made by Williams and seconded by Jung to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Murphey, Jones, Hines, Woolley, Williams, Henry, Crowell, Meusch, Rohter, Schott, and Eberly. Nays; None. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

None.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 437-TAP Grant ADA, Phase II; and an Ordinance Authorizing the Mayor to Enter into a Contract with Donald Maggi, Inc., for Same: Public Works Director Steve Hargis told the Council the subject project is part of a multi-phase project for handicapped ramps at all of the city's sidewalks. He noted there are about 1,200 ramps in the community and the City has done about 80 and 100 each year since 2011. Mr. Hargis reported the City was able to obtain a Transportation Alternative Grant from the State for \$68,896 for this project. The remaining amount would come from the Street Fund. Mr. Hargis recommended the bid be awarded to the low bidder, Donald Maggi, Inc., for \$213,418.62, predicated on the Missouri Department of Transportation (MoDOT) approval. He also asked the Council to consider the first reading of the subject ordinance, which would authorize the Mayor to enter into a contract with Donald Maggi, Inc., for this project.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for Project 437-TAP Grant ADA, Phase II; and an Ordinance Authorizing the Mayor to Enter into a Contract with Donald Maggi, Inc., for Same (continued): A motion was made by Williams and seconded by Schott to award the bid for Project 437-TAP 5200(918) to the low bidder Donald Maggi, Inc., for \$213,418.62, pending MoDOT approval. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: 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 DONALD MAGGI, INC., FOR TAP 5200(918), PROJECT #437.

VIII. CITIZEN COMMUNICATION

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

No one present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Summerfest: Mayor Magdits thanked everyone involved in the recent Summerfest activities. In particular, Mayor Magdits thanked Mr. Nick Barrack for the tremendous amount of work he did in this effort.

(B) Clothing Donation Boxes: Councilman Jim Williams expressed concern with furniture being dropped off in some donation box areas.

City Administrator John Butz informed Mr. Williams that this is considered illegal dumping.

**COUNCIL MEETING MINUTES
JUNE 4, 2018
PAGE 9**

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Clothing Donation Boxes (continued): Environmental Services Director Brady Wilson told the Council that many times the Environmental Services Department usually ends up picking up the trash as a special pickup with a charge. He agreed illegal dumping is a problem with these boxes.

(C) Dumpster Problem: Councilman Matt Crowell mentioned one of the problems he has seen is some apartment dumpsters frequently overflowing with trash. In particular, he noted the dumpster located at Eighteenth Street and Forum Drive appears to be consistently overflowing with discarded mattresses. Mr. Crowell pointed out this appears to be almost on a daily basis.

Environmental Services Director Brady Wilson commented the dumpster at Eighteenth Street and Forum Drive is located at a high visibility location and has been an ongoing issue. In cases where bulky items are discarded near the dumpster or the dumpster is overflowing, the property owner/manager is contacted to remedy the situation.

Mr. Crowell asked Mr. Wilson if his crews could be more conscious about pushing the dumpsters back on its pad and not on the sidewalk due to the limited space on the sidewalk.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

A motion was made by Williams and seconded by Jones 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; Murphey, Henry, Woolley, Williams, Hines, Jung, Meusch, Jones, Eberly, Rohter, Schott, and Crowell. Nays; None. Absent; None. Motion carried.

The Council adjourned into closed session at approximately 7:17 p.m.

JUNE 4, 2018

**COUNCIL MEETING MINUTES
JUNE 4, 2018
PAGE 10**

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:29 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 9:30 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JUNE 4, 2018