

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 18, 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 (arrived at 6:40 p.m.), 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, 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 Boy Scout Ben Hilgers, who is working on his citizenship and community merit badge, to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning 1150 S. Bishop Ave. from M-1 (Light Manufacturing District) to C-2 (General Retail District) (Brown): City Planner James Shields told the Council the subject parcels are located about 315 feet south of the intersection of Basswood Drive and South Bishop Avenue. The applicant and owner of the property is Deanna L. Brown and the agent is William Erisman of Ozarks Tents and Fireworks. Mr. Shields informed the Council that Mr. Erisman was in the process of setting up a fireworks stand on the subject parcel when he learned the property was zoned M-1 (Light Manufacturing District), which does not allow fireworks stands. Mr. Shields said City staff informed Mr. Erisman the subject property would need to be rezoned before he could legally sell fireworks. In addition, Mr. Shields pointed out there is a heating and air conditioning sales and service located on the subject parcel. The requested rezoning would also make this business a conforming use. Mr. Shields asked the Council to consider the first and final readings of the subject ordinance at this meeting, so Mr. Erisman can open his fireworks stand by June 30, 2018.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning 1150 S. Bishop Ave. from M-1 (Light Manufacturing District) to C-2 (General Retail District) (Brown) (continued): Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4425: AN ORDINANCE THAT REZONES THE PARCEL THAT IS IDENTIFIED BY ITS PHELPS COUNTY ASSESSOR ACCOUNT NUMBER OF 10724, WHICH IS ALSO KNOWN AS 1150 S. BISHOP AVENUE, FROM THE LIGHT MANUFACTURING DISTRICT (M-1) TO THE GENERAL RETAIL DISTRICT (C-2). (BROWN). A motion was made by Hines and seconded by Jones 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, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. 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, Murphey, Schott, Hines, Jung, Woolley, Jones Eberly, Henry, Williams, and Meusch. Nays; None. Absent; Rohter. Motion carried. The ordinance passed.

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

(B) Ordinance Amending Certain Provisions of the Planning & Zoning Code Pertaining to Nonconforming Uses, Exceptions: City Planner James Shields relayed the Community Development Department has had appraisers, real estate agents, and other members of the public ask about the limitations and prohibitions on rebuilding and adding on to non-conforming buildings. Mr. Shields said non-conforming uses are usually tolerated but should come into conformance when practicable and reasonable. To encourage that performance, typically limitations are applied to change of use, repairs, and alterations, rebuilding in the event of a catastrophe, and abandonment of use. Mr. Shields continued by expanding on the proposed changes.

Mayor Magdits noted the public hearing on the subject ordinance would be held at this meeting. However, he pointed out that since some planning, zoning issues can be complicated, and in order to give the public more time to weigh in on this matter, he suggested extending the public hearing to the next meeting.

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I. PUBLIC HEARINGS (continued)

(B) Ordinance Amending Certain Provisions of the Planning & Zoning Code Pertaining to Nonconforming Uses, Exceptions (continued): Mayor Magdits opened the public hearing to anyone wishing to address the council concerning the subject ordinance. No one present responded. Hearing no objections from the Council, Mayor Magdits announced the public hearing would be continued until the next Council meeting.

II. SPECIAL PRESENTATIONS

(A) Update on Rolla/Phelps County Senior Center – Ms. Joanne Zap & Mr. Greg Stratman: Mr. Greg Stratman and Ms. Joanne Zap brought the Council up to date on the efforts made to establish a senior center in Rolla. Mr. Stratman informed the Council that he and Ms. Zap have spoken to about a dozen groups over the past two years about this proposal. Mr. Stratman said the site they feel is the best and most centrally located is the site where the Holloway House now stands.

Mayor Magdits said staff is not asking Council to make a decision at this meeting because Mr. Stratman and Ms. Zap want to proceed further. The purpose of tonight's update was to get the Council thinking about it and provide an opportunity for the public to hear about it as well.

III. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Donald Maggi, Inc., for Project 437-TAP Grant ADA, Phase II: Public Works Director Steve Hargis recalled that during its last meeting, the Council awarded the bid for Project 437-TAP to Donald Maggi, Inc., contingent on the Missouri Department of Transportation (MoDOT) approval. Mr. Hargis reported the City received MoDOT approval and asked the Council to consider approval of the subject ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4426: 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

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III. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Contract with Donald Maggi, Inc., for Project 437-TAP Grant ADA, Phase II: CITY OF ROLLA, MISSOURI AND DONALD MAGGI, INC., FOR TAP 5200(918), PROJECT #437. 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; Jones, Williams, Jung, Hines, Woolley, Murphey, Henry, Crowell, Meusch, Rohter, Eberly, and Schott. Nays; None. Absent; None. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Motion Authorizing Staff to Revisit Update of Building Codes: Interim Community Development Director Steve Flowers recalled that in May 2008 the Council established a committee to review the 2006 International Building Codes. He explained some concerns were expressed from contractors and after discussion, the Council tabled consideration. Mr. Flowers asked the Council to consider revisiting a new code adoption and to have staff (Building Codes and Fire Department personnel) meet and see what would best fit the citizens of Rolla, taking into consideration contractors and construction costs. A recommendation would then be submitted to the Council.

City Administrator John Butz added that staff recommends providing a couple of workshops for the contractors in order to obtain their feedback before Council approval.

A motion was made by Hines and seconded by Williams to authorize staff to review the available building codes and to come back to Council with a recommendation. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Review of the Proposed Budget for the Forum Plaza Community Improvement District: City Administrator John Butz referred the Council to the proposed Forum Plaza Community Improvement District (CID) budget for the period October 1, 2018 through September 2019. He noted no Council action is needed. Mr. Butz recalled the Forum Plaza project was about \$14 million and the CID provided \$4 million to eliminate and reverse blight conditions. The CID will have a life through 2039.

IV. NEW BUSINESS (continued)

(C) Ordinance Re-adopting Public Officials Personal Financial Disclosure

Ordinance: City Administrator John Butz explained that every two years the City is required to readopt the personal financial disclosure ordinance or the more stringent State rules would apply. He noted this ordinance requires the City Administrator, Mayor, Finance Director, and Rolla Municipal Utilities (RMU) General Manager to annually file this report with the State.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for a Pierce Custom 107 Foot Aerial Ladder Truck, and; a Resolution Authorizing the Mayor to Enter into a Contract for Same:

Fire Chief Ron Smith recalled the Council recently authorized the letting of bids for a new 107-foot ladder truck. He reported bids were opened on June 12, 2018, and the sole bidder was Pierce Manufacturing, Inc., Appleton, Wisconsin, for \$1,140,902, which is within the budgeted amount. Chief Smith noted if the City considers a 50% pre-pay option, it would save \$23,788.80 for a cost of \$1,117,113.20. He indicated a finance package would be presented to the Council during its July 16, 2018, meeting.

A motion was made by Murphey and seconded by Schott to accept the \$1,117,113.20 bid from Pierce Manufacturing, Inc., for a 107-foot aerial ladder truck through the Houston/Galveston Area Council Buy Program (HGAC). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1928: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN PURCHASE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND PIERCE MANUFACTURING,

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for a Pierce Custom 107 Foot Aerial Ladder Truck, and; a Resolution Authorizing the Mayor to Enter into a Contract for Same (continued): INC., FOR THE PURCHASE OF A 107 FOOT AERIAL LADDER FIRE TRUCK. A motion was made by Williams and seconded by Eberly to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Councilwoman Jody Eberly as the Council's Representative on the Airport Advisory Committee (July 2020): A motion was made by Williams and seconded by Schott to appoint Councilwoman Jody Eberly to the Airport Advisory Committee as the Council's representative. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. CITIZEN COMMUNICATIONS

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

Mr. Dave Weinbaum, 12165 Oak Meadow Street, Rolla, Missouri, addressed the Council regarding the impact of the Highway 72 extension on the businesses along Kingshighway. He said the business owners did not realize the traffic would decrease by 30% to 60% and pointed out that Kingshighway is considered "tax payer alley." So that Kingshighway is not considered a side street, he asked for some cooperation and possibly additional signage.

Mayor Magdits indicated the City is not trying to hurt but rather enhance the businesses on Kingshighway. The purpose of the Highway 72 extension is to be the safety valve to move people who do not plan to stop in Rolla. Secondly, by virtue of the Westside Market Place, the traffic on Kingshighway should increase.

City Administrator John Butz mentioned that on Tuesday, July 10 at The Centre, a community meeting would be held pertaining to the Kingshighway project.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Campaign Signs: Mayor Magdits noted the City has been receiving comments regarding the placement of campaign signs. He said these signs are not permitted in the City's right-of-way and should be placed on private property (with permission). Mayor Magdits added that complaints have been received about stolen signs, which is an offense.

(B) Fireworks: Fire Chief Ron Smith informed the Council that fireworks may be purchased in Rolla from June 30 through July 7. However, fireworks may only be displayed on July 1, 2, 3, and 5 from 8 a.m. to 11 p.m. and on July 4 from 8 a.m. to 12 a.m.

Chief Smith cautioned citizens to be careful when discharging fireworks. He reminded the citizens the Rolla Lions Club would be providing fireworks displays on July 4 and July 7.

IX. 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; Woolley, Henry, Murphey, Williams, Hines, Jung, Meusch, Rohter, Eberly, Crowell, Schott, and Jones. Nays; None. Absent; None. Motion carried.

The Council adjourned into closed session at approximately 7:55 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:09 p.m.

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

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XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:10 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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