

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 6, 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, Jim Williams, Brian Woolley, and Steven Jung

Council Members Absent: Tiffany Henry

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

Other City Officials in Attendance: City Administrator John Butz, City Planner James Shields, City Engineer Darin Pryor, Assistant Fire Chief Jeff Breen, City Counselor Lance Thurman, and City Clerk Carol Daniels

Mayor Magdits asked a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation Mayor Magdits called the meeting to order at approximately 6:30 p.m. asked Councilman Steven Jung to lead 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 eleven ayes, zero nays, and one 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 – July 2, 2018
- 2) City Council Closed Session Meeting – July 2, 2018
- 3) City Council Meeting – July 16, 2018

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II. PUBLIC HEARINGS

(A) Ordinance Authorizing the Mayor to Execute an Asset Purchase Agreement with Ameren Transmission Company of Illinois: Rolla Municipal Utilities (RMU) General Manager Rodney Bourne echoed his comments from the July 16, 2018, Council meeting regarding the proposed sale of RMU's 138kV transmission assets to Ameren.

Following Mr. Bourne's comments, Mayor Magdits opened the public hearing to anyone wishing to address the Council regarding the proposed sale of RMU's 138kV transmission assets to Ameren.

Mr. Gary Hicks, 506 Cheswick Court, Rolla, Missouri, said it sounds like a great deal for Rolla. He asked why Ameren would want to assume such a risk.

Mr. Bourne responded that Ameren is interested in doing a larger project. They are able to roll this project into their FERC (Federal Energy Regulatory Commission) tariffs and will be able to achieve a return on their investments.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4429: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE AN ASSET PURCHASE AGREEMENT AND ANCILLARY AGREEMENTS NECESSARY TO COMPLETE THE TRANSACTION, BY AND BETWEEN THE CITY OF ROLLA, MISSOURI, ACTING BY AND THROUGH ITS BOARD OF PUBLIC WORKS ("SELLER"), AND AMEREN TRANSMISSION COMPANY OF ILLINOIS ("BUYER").** 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; Woolley, Murphey, Williams, Hines, Rohter, Meusch, Jones, Eberly, Crowell, Schott, and Jung. Nays; None. Absent; Henry. Motion carried.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Review of Senior Center Project: Mr. Greg Stratman indicated that Mayor Magdits and City Administrator Butz asked Ms. Joanne Zap and him to come to this meeting and follow up on the previous presentation reiterating the senior center project information. He also introduced Ms. Zelda Shelton with the ABLE Commission and Ms. Carol Green who is on the Nutrition Site Board.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS (continued)

(A) Review of Senior Center Project (continued): Mr. Stratman said this effort started in April 2016 when it was recognized the ABLE Commission and the Nutrition Site needed to relocate. Neither had facilities that were conducive for what they tried to do for our senior citizens. Ms. Stratman noted that by the year 2020, 25% of the residents of Phelps County would be categorized as senior citizens.

Mr. Stratman said he and Ms. Zap are here to primarily talk about the site where the Holloway House now sits. He told the Council they have spent the last two years driving around Rolla, talking to people, pondering and investigating some sites, and found no existing structure that was going to be adequate or financially feasible. Mr. Stratman said the Holloway House site, where seniors are already going, is the perfect site. He reminded the Council that their status is in a holding pattern until a location is determined. Much of the pursuit of funding requires a site being identified. Mr. Stratman said their proposal is to build on the Holloway House site with the probable razing of the structure.

After Council discussion, Mayor Magdits asked the Council to at least give Mr. Stratman and Ms. Zap their blessing to allow them to make the grant application.

A motion was made by Woolley seconded by Jones to authorize Mr. Stratman and Ms. Zap to make the grant application for the Holloway House location. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) The Mission Update: Ms. Ashley Brooks, Executive Director of The Mission, said she is here to share some information about their organization, since most people are not familiar with The Mission. She said The Mission offers three meals, six days a week, overnight stays during the winter, a free laundromat, shower, and offers referrals to outside resources. Ms. Brooks continued by providing a brief history of The Mission. She thanked the Council and the City for their support.

Ms. Brooks also noted that a focus group would be held on September 27, 2018, at 10 a.m., which is to get an idea of how homelessness affects the agencies, City, Police Department, business owners, etc.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS (continued)

(B) The Mission Update (continued): On behalf of the Council, Councilman Daniel Jones told Ms. Brooks that some of the Council members would be serving a meal to The Mission on August 18.

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

Mayor Magdits referred the Council to **(A)** the June 2018, Environmental Services Department Monthly Report; **(B)** the June 2018, Police Department Monthly Report; **(C)** the June 2018, Animal Control Division Monthly Report; **(D)** the July 10, 2018, Unapproved Planning & Zoning Commission Meeting Minutes; **(E)** the July 31 2018, Development Review Committee (DRC) Meeting Minutes; **(F)** the June 2018 Centre Financial Analysis; **(G)** the June 2018, Park Financial Analysis; **(H)** the April 25, 2018, Park Advisory Commission Meeting Minutes; **(I)** the June 2018 Building Codes Division Monthly Report; and **(J)** the June 2018 Municipal Court Report.

V. OLD BUSINESS

(A) Ordinance Calling for Special Bond Election - Sewerage System Revenue Bonds: City Administrator John Butz said the City has been in a voluntary compliance agreement (VCA) with the Department of Natural Resources (DNR) for several years in an effort to bring the City's treatment plants up to interpretations and standards by the Environmental Protection Agency (EPA). The City is looking at a significant revenue bond issue of about \$25 - \$27 million on the November 2018 ballot. Mr. Butz stated the focus is on the wet weather full treatment of all the flow. In anticipation of the November election, Mr. Butz stated the City needs to be making a campaign. He noted the City has been working with Mr. Todd Goffoy with Piper Jaffray for about six to eight months. He turned the floor over to Mr. Goffoy who briefly explained the services of the financial advisor in this capacity and what the State Revolving Loan Fund (SRF) program looks like and the advantage of it over traditional revenue bond financing.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4430: AN ORDINANCE CALLING A SPECIAL BOND ELECTION IN THE CITY OF ROLLA, MISSOURI, FOR THE PURPOSE OF

V. OLD BUSINESS (continued)

(A) Ordinance Calling for Special Bond Election - Sewerage System Revenue Bonds (continued): SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE FOLLOWING PROPOSITION, TO-WIT: SHALL THE CITY OF ROLLA, MISSOURI, ISSUE ITS SEWERAGE SYSTEM REVENUE BONDS IN THE AMOUNT OF \$27,750,000 FOR THE PURPOSE OF EXTENDING AND IMPROVING THE SEWERAGE SYSTEM OF SAID CITY, INCLUDING IMPROVEMENTS TO THE SYSTEM'S WASTEWATER TREATMENT PLANTS, THE COST OF OPERATION AND MAINTENANCE OF SAID SEWERAGE SYSTEM AND THE PRINCIPAL OF AND INTEREST ON THE SEWERAGE SYSTEM REVENUE BONDS TO BE PAYABLE SOLELY FROM THE REVENUES DERIVED BY SAID CITY FROM THE OPERATION OF ITS SEWERAGE SYSTEM; DESIGNATING THE TIME OF HOLDING SAID ELECTION; PRESCRIBING THE FORM OF NOTICE OF SAID ELECTION AND THE FORM OF BALLOT TO BE USED THEREAT; AUTHORIZING THE CITY CLERK TO GIVE NOTICE OF SAID ELECTION; AND DECLARING THE INTENT OF THE CITY TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S SEWERAGE SYSTEM. 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; Meusch, Schott, Jung, Hines, Woolley, Murphey, Crowell, Jones, Eberly, and Williams. Nays; None. Abstention: Rohter. Absent; Henry. Motion carried. The ordinance passed. Councilman Rohter noted he is employed by the Department of Natural Resources (DNR).

(B) Ordinance Rezoning a 0.99-acre Portion of Tract A of the Joyner Estates Subdivision (aka 1335 Thomas Drive) from Rural Residential District (R-R) to Single-Family District (R-1) (Moutray): City Planner James Shields announced that more information on the following three cases might be obtained in the agenda packets, which are located on the City's website. Additionally, the past Council meetings may be viewed on the Channel 16 website.

City Planner James Shields noted the subject parcels are located approximately 1,000 feet northeast of the intersection of Rolla Street and Little Oaks Road. The applicants are Norman A. and Dora E. Moutray and Dr. Ginger D. Koller and Paul A. Joyner. Mr. Shields said the Joyner's plan to convey about one acre to the Moutrays. He said the lot reconfiguration is being proposed with the rezoning, which is needed in order for the Moutray's future lots to meet minimum lot width requirements. Mr. Shields reported the

V. OLD BUSINESS (continued)

(B) Ordinance Rezoning a 0.99-acre Portion of Tract A of the Joyner Estates Subdivision (aka 1335 Thomas Drive) from Rural Residential District (R-R) to Single-Family District (R-1) (Moutray) (continued): Planning and Zoning Commission recommend the approval of the proposal with the following condition: "A condition of the approval of this ordinance is that a recorded deed conveyancing the above-described property to Norman A. & Dora E. Moutray shall be submitted to the Community Development Department within 60 days of the approval of this ordinance, a point in time after which this ordinance will become null and void if no such deed is submitted."

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4431: AN ORDINANCE THAT REZONES A 0.99-ACRE PORTION OF TRACT A OF THE JOYNER ESTATES SUBDIVISION, WHICH IS ALSO KNOWN AS 1335 THOMAS DRIVE, FROM THE RURAL RESIDENTIAL DISTRICT (R-R) TO THE SINGLE-FAMILY DISTRICT (R-1). (MOUTRAY). 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; Rohter, Crowell, Murphey, Schott, Hines, Jung, Woolley, Jones, Eberly, Williams, and Meusch. Nays; None. Absent; Henry. Motion carried. The ordinance passed.

(C) Ordinance Reconfiguring the Boundary Lines of Four Deeded Parcels Located in Joyner Estates Subdivision and the Wild Horse Run Plat No. 1 Subdivision (Moutray): City Planner James Shields mentioned the location of the subject parcels and the owners are the same as the previous case. He said the lot reconfiguration is how the property will be conveyed. He noted the Planning and zoning Commission recommend approval with the same condition as stated in the previous rezoning item.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4432: AN ORDINANCE TO, THROUGH THE SUBDIVISION PROCESS, RECONFIGURE THE BOUNDARY LINES OF THE FOUR DEEDED PARCELS, ONE OF WHICH IS LOCATED IN JOYNER ESTATES SUBDIVISION AND TWO OF WHICH ARE WITHIN THE WILD HORSE RUN PLAT NO. 1 SUBDIVISION, THAT ARE IDENTIFIED BY THEIR PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 10954.01, 10654.47, 10954.20, AND 10954.19. (MOUTRAY). 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:

V. OLD BUSINESS (continued)

(C) Ordinance Reconfiguring the Boundary Lines of Four Deeded Parcels Located in Joyner Estates Subdivision and the Wild Horse Run Plat No. 1 Subdivision (Moutray) (continued): Ayes; Jones, Williams, Jung, Hines, Woolley, Murphey, Crowell, Meusch, Rohter, Eberly, and Schott. Nays; None. Absent; Henry. Motion carried. The ordinance passed.

(D) Ordinance Consolidating Lots 2 and 3 & North 35 Feet of Lot 4 of Block 5, Frisco Subdivision (Equinox): City Planner James Shields noted the subject parcels are located about 400 feet southwest of the intersection of Holloway and Eighteenth Streets, about 600 feet southwest of Truman Elementary School. The applicant is Spring Properties, LLC, and Barbara Wilkins is the registered agent of the LLC. Mr. Shields pointed out the lots are currently vacant and do not meet minimum lot size. If the consolidation of the lots were approved, the future lot would be about 12,600 square feet. He told the Council the property is currently zoned R-3 (Multi-Family District) which would allow for up to five units.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4433: AN ORDINANCE TO, THROUGH THE SUBDIVISION PROCESS, CONSOLIDATE LOT 2, LOT 3, AND THE NORTH 35 FEET OF LOT 4 OF BLOCK 5 OF THE FRISCO SUBDIVISION INTO ONE 0.29-ACRE LOT. (EQUINOX). 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; Woolley, Murphey, Williams, Hines, Jung, Meusch, Rohter, Eberly, Crowell, Schott, and Jones. Nays; None. Absent; Henry. Motion carried. The ordinance passed.

Councilman Schott mentioned he has had some people talk to him about the fact there are still a lot of single-family homes. There have been comments where a three or four story building might be constructed next to a single-family home. Mr. Schott asked if Community Development has thought about looking into especially the difference between R-2 (Two Family District) and R-3 (Multi-Family District) in terms of R-2 (Two Family District) having duplexes and R-3 (Multi-Family District) having more.

Mayor Magdits mentioned this has been an on-going issue and the Council has discussed parking many times. At that time, the Council was approached about looking at this area and calling it the University District (more flexibility in the zoning) and at

V. OLD BUSINESS (continued)

(D) Ordinance Consolidating Lots 2 and 3 & North 35 Feet of Lot 4 of Block 5, Frisco Subdivision (Equinox) (continued): least two Council members showed no interest in it. Before staff is asked to consider this again, Mayor Magdits asked the Council to give the matter some thought recognizing it is an area of transition, it borders the University, and that more likely presents a certain type of housing over time.

(E) Ordinance Amending Section 27-89 of the Rolla City Code Pertaining to Stop Intersections: City Engineer Darin Pryor asked the Council to consider the final reading of an ordinance that would amend certain stop/yield intersections and bring them in compliance with the changes in the field.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4434: AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO STOP INTERSECTIONS. A motion was made by Williams and seconded by Eberly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Jung, Hines, Jones, Murphey, Williams, Meusch, Rohter, Eberly, and Woolley. Nays; None. Absent; Henry. Motion carried. The ordinance passed.

VI. NEW BUSINESS

None.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for 2018 Phase II Asphalt Improvements, Project 475; and an Ordinance Authorizing the Mayor to Enter into An Agreement with Pierce Asphalt, LLC for Same: City Engineer Darin Pryor explained bids were received for the 2018 Phase II asphalt improvements and three bids were received. Staff is recommending the bid be awarded to the low bidder, .Pierce Asphalt, LLC, Rolla, Missouri, for \$117,292.86. Mr. Pryor noted this phase would pave the driving lanes of Kingshighway, Tater Patch parking lot, Sunset Inn parking lot, and the Chamber of

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for 2018 Phase II Asphalt Improvements, Project 475; and an Ordinance Authorizing the Mayor to Enter into An Agreement with Pierce Asphalt, LLC for Same (continued): Commerce entrance. A motion was made by Williams and seconded by Meusch to award the bid for Project 475, 2018 Phase II Asphalt Improvements to Pierce Asphalt LLC, Rolla, Missouri, for \$117,292.86. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman 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 PIERCE ASPHALT, LLC, FOR 2018 PHASE II ASPHALT IMPROVEMENTS, PROJECT #475.

(B) Resolution Awarding Fire Truck Financing Bids: Finance Director Steffanie Rogers reported that on July 30, 2018, financing bids for the purchase of a ladder truck were opened and seven bids were received. She informed the Council the City would be financing \$1.25 million dollars for the fire truck and attached equipment. Staff is recommending the financing bid be awarded to US Bank for a twelve-year period at an interest rate of 3.53% for an annual payment of \$129,583.43. Ms. Rogers indicated \$130,000 was budgeted for this purchase.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1930: A RESOLUTION AWARDING THE FINANCING OF A FIRE LADDER TRUCK AND EQUIPMENT TO US BANK AND AUTHORIZE PREPARATION OF LEASE DOCUMENTS. A motion was made by Williams and seconded by Schott to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and one abstention by Meusch (employed by US Bank). Absent; Henry. Motion carried. The resolution passed.

VIII. CITIZEN COMMUNICATION

(A) Mr. Lorenzo Farnham – Derelict Buildings: Mr. Lorenzo Farnham, 21 Stephendale, Rolla, Missouri, addressed the Council concerning the three buildings flanking Highway 72 just east of Highway 63. He said these buildings are eyesores, have

VIII. CITIZEN COMMUNICATION (continued)

(A) Mr. Lorenzo Farnham – Derelict Buildings (continued): been derelict for over ten years, and cover about two to two and one-half acres, are an attractive nuisance, and lower property values. Mr. Farnham asked what the City plans to do about them.

City Administrator John Butz noted that these have been nuisance buildings for a long time and the Council has debated this matter for a long time. He explained the City tried to force a TIF (Tax Increment Financing) project over it and, at one point, the City tried to gain access to the property for purposes of doing environmental testing and the courts came back and said the City did not have the right. Mr. Butz stated the Council could declare the buildings to be dangerous and order them to be demolished, which would go as a lien on the property. The estimated costs would be in the hundreds of thousands of dollars. The City's goal has been to work with the property owner to do something with it. The City is trying to do something mutually because the idea of the City doing a demolition, putting a lien on the property and taking years before the costs are recovered is not an easy thing for the City do.

Mr. Farnham also addressed the Council concerning the Rolla Animal Shelter. He told the Council he volunteers at the shelter helping with the administrative functions so the devoted workers can remove dead animals off the street, pickup abused, neglected, diseased animals and restore them to health. Mr. Farnham said he has watched the workers agonize over the fate of animals in their care. Yet, they work in an environment most would not tolerate in your own professional and private lives. He noted the building is deteriorating, and has reached a point where something has to be done. Mr. Farnham asked how the City could possibly know the shelter is going to cost \$1.5 million unless the City has plans or designs.

Mayor Magdits stated the reality is we need to raise a suitable amount of money. A consultant was hired about six years ago and gave the City a sense of what it takes to build and operate a shelter, which is extremely expensive. Mayor Magdits noted it is expensive because in some ways these facilities are regulated as they are a health care facility for a human being. Mayor Magdits recalled the City targeted about \$2 million to not only build the facility but to have some escrow to further operate it. That amount has been scaled down to about \$1.5 million. He told Mr. Farnham the City does not have a final plan because we have to get closer to the \$1.5 million.

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VIII. CITIZEN COMMUNICATION (continued)

(A) Mr. Lorenzo Farnham – Derelict Buildings (continued):Mr. Farnham said it is his observation in government, and is not pointed at any municipal group at all, that when government wants to do something, there are funds and when they do not want to do it, there is no money.

(B) Open Citizen Communication: No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Election: Councilman Jim Williams encouraged everyone to exercise their right to vote in tomorrow' election.

(B) Speeders: Councilman Daniel Jones noted he had received calls from constituents about speeders on Holloway Street. He thanked Police Chief Fagan, Public Works Director Hargis, and City Administrator Butz for looking into this matter.

(C) SplashZone: Councilman Jones told the Council that he and his family go to SplashZone about every day when it is hot. He expressed his appreciation to the SplashZone employees.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

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

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XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:18 p.m.

City Counselor Lance Thurman reported that during closed session the Council discussed contract negotiations and real estate, but no final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 9:19 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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