

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 20, 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, Steven Jung, and Tiffany Henry

Council Members Absent: Brian Woolley

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

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

Others in Attendance: Rolla Municipal Utilities General Manager Rodney Bourne

A member of the Rolla Ministerial Alliance gave the invocation.

Following the invocation Mayor Magdits called the meeting to order at approximately 6:31 p.m. asked Councilman Daniel Jones to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Setting the 2018 Tax Rate: Finance Director Steffanie Rogers asked the Council to consider setting the 2018 tax rate. She said the 2018 tax rate is calculated to be \$0.7649 per \$100 valuation, which is a \$0.0035 increase over the 2017 tax rate. Ms. Rogers said it is estimated the General Fund would increase by approximately \$64,849, the Library Fund would increase by \$27,140, and the Park Fund would increase by \$15,859. She asked the Council to consider both readings of the proposed ordinance at this meeting since the rate must be certified to the County Clerk's Office by September 1.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Setting the 2018 Tax Rate (continued): Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed 2018-tax rate. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4435: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2018. A motion was made by Eberly and seconded by Williams 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. Mr. Thurman 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; Williams, Jones, Jung, Schott, Murphey, Henry, Crowell, Meusch, Rohter, Eberly, and Hines. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

(B) Resolution Approving Major Subdivision Preliminary Plat of St. Maria's Tatandra (St. Maria's Tatandra): City Planner James Shields explained the subject property is located approximately 250 feet north of the intersection of Liberty Drive and McCutchen Drive. He said the applicant is St. Maria's LLC and Mr. Mike Woessner is the registered agent. The property was recently annexed and zoned R-3 (Multi-Family District) and a development agreement associated with the development was approved. Usually with a major subdivision, the reason there is a preliminary plat is that more time is given to revise the development plan. Mr. Shields continued by commending on the variances approved by the Planning and Zoning Commission as outlined in the subject resolution. Apart from one "no" vote, the majority of the Planning and Zoning Commission voted to grant the proposed variances, with two conditions.

Council discussion followed concerning whether the variances should first be considered by the Board of Adjustment. Councilman Crowell stated that if it is called a "variance" and we are not backing down from it, then he has a problem with it and believes it should go to the Board of Adjustment first before going to the Planning and Zoning Commission.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject resolution.

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I. PUBLIC HEARINGS (continued)

(B) Resolution Approving Major Subdivision Preliminary Plat of St. Maria's Tatandra (St. Maria's Tatandra): Mr. Cameron Schweiss with Archer-Elgin Engineering, 310 E. 6th Street, Rolla, Missouri, and the surveyor/engineer on the subject project addressed the Council. He said he wished to explain the ordinance in question and their interpretation of it. Speaking directly to the authority of the Planning and Zoning Commission, Mr. Schweiss read from Section 42-24 of the Code "the Commission may approve a variance from the provisions of this article where it finds that an undue hardship or practical difficulty" He noted the Planning and Zoning's ability to grant variances includes relative to lot dimension and arrangement, street location, alignment, the location and alignment of easements, buildings lines, and some more standards. The Planning and Zoning Commission's authority to grant variances is in the list of those items. Mr. Schweiss pointed out that later in the Code it stipulates areas where the Planning and Zoning Commission cannot grant a variance then those items must go to the Board of Adjustment for approval. Mr. Schweiss said they are asking for three variances to the City's ordinances as Mr. Shields mentioned in order to move forward with the final plat.

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

City Counselor Lance Thurman advised that what is being requested tonight is not the same variance as is taken to the Board of Adjustment, although they are both called "variance."

City Administrator John Butz referred Council to Section 42-24.2 of the City Code, which makes it very clear the Planning and Zoning Commission has the authority to grant variances. The only reference, which ties it to the Board of Adjustment, is the underlined sections in Section 42-24, which is the general categories of variances, and then you work down into the details of the ordinance as to how to execute. Mr. Butz said he does not see anything wrong with the Council approving the resolution for the preliminary plat. He said it makes sense for the Council to process a change to Chapter 42 to pull out the reference to the Board of Adjustment because it does not make any sense at all to go through the Board of Adjustment and then take the action to the Planning and Zoning Commission to grant its variance request. He commented that it is also not statutory.

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I. PUBLIC HEARINGS (continued)

(B) Resolution Approving Major Subdivision Preliminary Plat of St. Maria's Tatandra (St. Maria's Tatandra) (continued): City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1931: A RESOLUTION TO APPROVE THE MAJOR SUBDIVISION PRELIMINARY PLAT OF ST. MARIA'S TATANDRA, WHICH IS A PLAT THAT DIVIDES AN APPROXIMATELY 42-ACRE TRACT OF LAND THAT IS IDENTIFIED BY THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 12081, INTO 58 LOTS AND 4 OUTLOTS. (ST. MARIA'S TATANDRA). A motion was made by Hines and seconded by Meusch to approve the proposed resolution. A hand count on the motion showed eight ayes, three nays, and one absent. Motion carried. The resolution passed.

City Administrator John Butz asked the Council if it is comfortable looking at what legal, text change is acceptable and run it back through Planning and Zoning.

Mayor Magdits noted that all of the years he has been on the Council he does not remember the Council approving a preliminary plat. He asked staff to look into the preliminary plat approval process as well.

(C) Ordinance Amending Chapter 42 of the Code Pertaining to Use of Rights-of-Way Located within Zoning District (Zoned ROW Uses): City Planner James Shields indicated staff recommends the City draft an entirely new official zoning map that locates any section of right-of-way that is within 250 feet of an existing residential zoning district in the Single Family Zoning District (R-1). The percentage of right of way being zoned R-1 (Single Family District) is similar to the percentage of land zoned residential in Rolla. Mr. Shields said this is being proposed to address the numerous changes in law that affect the use of the right-of-way. The most recent change will further affect the use of the City's right-of-way in certain areas on August 28, which is why staff is asking for the first and final readings of the subject ordinance at this meeting. Mr. Shields reported the Planning and Zoning Commission unanimously voted to recommend approval of this proposal.

Following some discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed ordinance. No one present responded. Mayor Magdits closed the public hearing.

I. PUBLIC HEARINGS (continued)

(C) Ordinance Amending Chapter 42 of the Code Pertaining to Use of Rights-of-Way Located within Zoning District (Zoned ROW Uses) (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. A motion was made by Hines and seconded by Jung 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. ORDINANCE NO. 4436: AN ORDINANCE AMENDING SECTION 42-142, GENERAL PROVISIONS, OF DIVISION 1 OF ARTICLE III OF CHAPTER 42, WHICH IS KNOWN AS THE ROLLA PLANNING AND ZONING CODE, BY ADDING LANGUAGE THAT PERTAINS TO THE USE OF RIGHTS-OF-WAY THAT ARE LOCATED WITHIN A ZONING DISTRICT. (ZONED ROW USES). 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; Henry, Murphy, Williams, Hines, Rohter, Meusch, Jones, Eberly, Crowell, Schott, and Jung. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

(D) Ordinance Designating Sections of the City's Rights-of-Ways a Single Family Zoning District (R-1) (Zone ROW R-1): City Planner James Shields explained the subject ordinance would zone all right-of-way that is located within 250 feet of an existing residential zoning district to the Single Family Zoning District (R-1). The project description is the same as in Item I.C., above. He reported the Planning and Zoning Commission unanimously voted to recommend approval of this proposal. Mr. Shields said staff is recommending the first and final readings of the subject ordinance at this meeting.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed ordinance.

Mr. Matt Pritchard with AT&T Missouri, 101 West High Street, Jefferson City, Missouri, read a portion of House Bill 1991, which was passed by legislation this year. He said AT&T worked with the Missouri Municipal League (MML) and other utilities across the state to draft this legislation. Mr. Pritchard said the language gets a "little bit fuzzy" because the residential area must be zoned by August 28. He said the 250-foot buffer is an issue because AT&T is going to overlap commercial property with residential zoning

I. PUBLIC HEARINGS (continued)

(D) Ordinance Designating Sections of the City's Rights-of-Ways a Single Family Zoning District (R-1) (Zone ROW R-1) (continued): on the right-of-way. Mr. Pritchard noted AT&T has a building located at Highway 72 and Highway 63. We wanted to make sure there is some residential property that would not affect our zoning. Mr. Pritchard suggested zoning the right-of-way with what the property is zoned. It cleans up the permit process and does not muddy it as much.

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

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. A motion was made by Williams 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. ORDINANCE NO. 4437: AN ORDINANCE DESIGNATING SECTIONS OF THE CITY OF ROLLA'S RIGHTS-OF-WAY AS THE SINGLE-FAMILY (ZONING) DISTRICT (R-1) BY ADOPTING THE ATTACHED VERSION OF THE OFFICIAL ZONING MAP. (Zone ROW R-1). A motion was made by Williams and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Schott, Jung, Hines, Murphey, Henry, Crowell, Rohter, Jones, Eberly, and Williams. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

II. SPECIAL PRESENTATIONS

(A) Missouri Department of Conservation Tree City USA: Mr. Russell Hinnah, Community Forestry Program Supervisor with the Missouri Department of Conservation (MDC), Jefferson City, Missouri, stated he recently met Councilmen Dave Schott and Daniel Jones at a conference in Columbia and they asked him to speak with the Rolla City Council about the Tree City USA program. He explained the Tree City USA program is a national recognition program administered by the Arbor Day Foundation and supported by the National Association of State Foresters and the U.S. Forest Service. The MDC helps administer the program on a statewide level. Mr. Hinnah reported that in Missouri 104 cities are designated as a Tree City USA. He said these cities must meet four key standards to become designated Tree City USA. Mr. Hinnah outlined the standards and entertained questions from the Council.

II. SPECIAL PRESENTATIONS (continued)

(B) Rolla Municipal Utilities (RMU) FY 2019 Budget Review and FY 2018 Third Quarter Report (continued): RMU General Manager Rodney Bourne provided an overview of RMU's 2018 Third Quarter Report and FY 2019 proposed budget. Additionally, he reported on some proposed rate changes.

III. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into An Agreement with Pierce Asphalt, LLC for 2018 Phase II Asphalt Improvements, Project 475: City Engineer Darin Pryor recalled that during its last meeting, the Council awarded the bid to Pierce Asphalt, LLC, for Project 475. Staff is requesting the final reading of the subject of the subject ordinance, which authorizes the Mayor to enter into an agreement with Pierce Asphalt for \$117,292.86.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4438: 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. A motion was made by Williams and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Rohter, Crowell, Murphey, Schott, Hines, Jung, Jones, Eberly, Henry, Williams, and Meusch. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Motion Authorizing the Closing of Certain Streets on Oct. 31, 2018, for Halloween: Public Works Director Steve Hargis informed the Council a request was received from the Rolla Area Chamber of Commerce and the Downtown Business Association to conduct Halloween differently this year. They are requesting the closing of Pine Street from 3:30 p.m. to 8 p.m. because they are planning to have some Halloween activities in the street.

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IV. NEW BUSINESS (continued)

(A) Motion Authorizing the Closing of Certain Streets on Oct. 31, 2018, for Halloween (continued): Ms. Katy Langston Combs, owner of Red Door Gifts and Boutique, and Ms. Stevie Kearse, Executive Director, Rolla Area Chamber of Commerce, asked the Council to consider the closing of Pine Street during the Halloween festivities. They told the Council that some parents indicated they no longer come downtown on Halloween because they cannot keep track of their children and are worried cars would hit them. Additionally, a committee of business owners have met and coordinated entertainment plans and other activities in addition to handing out candy. They also said if Pine Street could be closed, more activities could be added. A motion was made by Williams and seconded by Meusch to authorize the closing of Pine Street on Halloween from Sixth Street to Twelfth Street from 3:30 p.m. to 8:00 p.m. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Ordinance Amending Chapter 33 of the Rolla City Code Pertaining to the Police Personnel Board: City Administrator John Butz explained this item is a precursor to the next item, which is an introduction of the redraft of the personnel rules. During part of the review staff wanted to verify the City's rules were consistent with City Code provisions, particularly Chapter 33, which forms the Police Personnel Board. Mr. Butz noted that Mayor Magdits mentioned the wording of the last sentence might need to be tightened up to the Police Personnel Board's creation and operation in the manual. Staff will revisit with City Counselor Carolyn Buschjost about the suggested amendment and bring to Council at its next meeting.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTIONS 33-21, 33-22, 33-30, AND 33-36 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO THE POLICE PERSONNEL BOARD AND ENACTING NEW SECTIONS 33-21, 33-22, 33-30, AND 33-36 IN LIEU THEREOF.

(C) Discussion Regarding City's Personnel Rules and Regulations Update: Finance Director Steffanie Rogers referred the Council to the proposed draft of the updated personnel rules and regulations. She indicated the first reading of the ordinance approving the rules would be considered during the Council's September 4 meeting with the final reading considered during the September 17 meeting. The effective date of the updated rules would be October 1. Ms. Rogers stated there were minor changes made throughout the document. She then provided a brief overview of ten key proposed changes.

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IV. NEW BUSINESS (continued)

(C) Discussion Regarding City's Personnel Rules and Regulations Update (continued): Mayor Magdits encouraged the Council to read the Personnel Rules because it clearly explains the compensation packages.

(D) Resolution Authorizing the Mayor to Execute a Technical Assistance Contract with the Phelps County Landfill Board: Environmental Services Director Brady Wilson explained the subject resolution would allow the City to continue its longstanding arrangement with the Phelps County Landfill Board (PCLB). He said the PCLB provides funding and in return, the City provides administrative, technical, and accounting services. Mr. Wilson informed the Council that the PCLB is not part of the Phelps County government as their name might imply. Rather, a separate public entity was created solely for providing adequate disposal facilities for the residents within Phelps County.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1932: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT BETWEEN THE CITY OF ROLLA AND THE PHELPS COUNTY LANDFILL BOARD. A motion was made by Williams and seconded by Jung to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) FY 2019 Budget Workshop, Monday, August 27, 2018, 5:30 p.m., City Council Chambers: City Administrator John Butz reminded the Council of the FY 2019 budget workshop, which will be held on Monday, August 27. He told the Council a light dinner would be provided beginning at 4:45 p.m. and the workshop would begin at 5:30 p.m.

Mr. Butz mentioned the Finance/Audit Committee would be meeting on August 22 from 5 p.m. to 7 p.m. in the Third Floor Conference Room to conduct a more detailed review of the proposed budget. He indicated this meeting is open to the public.

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VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Councilman Jung: Councilman Steven Jung reminded everyone that school started this week and to be extra cautious of the students crossing the streets.

(C) Councilman Jones: Councilman Daniel Jones asked Public Works Director Steve Hargis if he had spoken to the resident about the sidewalk between Second and Third Streets on Oak Street. He recalled a senior citizen walks his children to and from the bus stop and he was having trouble maneuvering his walker on the sidewalk.

Mr. Hargis indicated he took care of the matter.

Mr. Jones also mentioned issues with the curb in front of Russ and Rena's Place, which is making it awkward for vehicles to get onto Oak Street. He said there was some discussion about painting the curb yellow.

(D) Councilman Jim Williams: Councilman Williams reported the high grass covering the sidewalks at the bottom of the hill on Vichy Road. He asked Public Works Director Steve Hargis if he could look into it.

Mr. Williams also thanked City Administrator John Butz for taking care of the Green Acres problems.

(E) Councilman David Schott: Councilman Schott congratulated Rolla Municipal Utilities (RMU) on the award from the American Public Power Association. He said Rolla is blessed to have such quality management.

Councilman Meusch briefly left the meeting at this time.

VII. CITIZEN COMMUNICATION

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

Mr. George Pounds, 1603 Amber Place, Rolla, Missouri, addressed the Council concerning smart meters. He expressed his appreciation to the Rolla Municipal Utilities (RMU) employees who took time from their lunch hour to speak with him about them. Mr. Pounds said he had a great conversation with the employee and his questions were answered.

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VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Additionally, Mr. Pounds expressed his appreciation to City Administrator John Butz for recently taking time to speak with him about TIF (Tax Increment Financing) and the TDD (Transportation Development District).

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 9:05 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:31 p.m.

City Counselor Lance Thurman reported that during Closed Session the Council discussed real estate matters. However, no final action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:32 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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