

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 19, 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, Steven Jung, and Tiffany Henry

Council Members Absent: None.

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

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

Mayor Magdits called the meeting to order at approximately 6:32 p.m. and asked a Boy Scout group in attendance to lead in the Pledge of Allegiance.

Mayor Magdits then asked new senator-elect for the 16th District Justin Brown and representative-elect Don Mayhew for the 121st District to introduce themselves to the Council.

I. PUBLIC HEARINGS

(A) Ordinance Amending Article III of Chapter 42 of the Code Pertaining to the Permitting of Temporary and Portable Signage: City Planner James Shields provided an overview of the proposed ordinance. He reported the Planning and Zoning Commission recommended denial of the proposed ordinance. Mr. Shields indicated the recommendation was given because of the following reasons: Off-premised real estate signs were only permitted for a limited time in residential areas. Mr. Shields noted the proposed ordinance has since been changed to allow them year-round. Complaint-driven enforcement is an insufficient method of enforcement and unfair and there were too many “grey” areas.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Article III of Chapter 42 of the Code Pertaining to the Permitting of Temporary and Portable Signage (continued): Following discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject ordinance. No one present addressed the Council. Mayor Magdits closed the public hearing.

After further discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 42, WHICH IS KNOWN AS THE ROLLA PLANNING AND ZONING CODE, BY DELETING AND ADDING LANGUAGE TO DIVISION 18 OF SAID ARTICLE, WHICH IS KNOWN AS SIGNS, FOR THE PARTICULAR PURPOSE OF PERMITTING TEMPORARY AND PORTABLE SIGNAGE. (SIGN ORDINANCE). A motion was made by Hines and seconded by Jones to amend the ordinance by changing the maximum square footage on properties in residential zones from 24 square feet to 32 square feet. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

II. SPECIAL PRESENTATIONS

(A) Mr. Jonathan Ahl, Local Reporter from St. Louis Public Radio: Mr. Jonathan Ahl informed the Council he is the new Rolla bureau reporter for St. Louis Public Radio. He said this means he is living and working in Rolla for St. Louis Public Radio and reporting on the region for the entire St. Louis Public Radio network, which includes radio station KMST in Rolla. Mr. Ahl said he is looking forward to continuing to learn a lot about the community and do a good job of making sure people outside of Rolla and Phelps County understand many things going on.

(B) Rolla Regional Economic Commission (RREC) Report: RREC Executive Director Cyndra Lorey provided an overview of the Commission's quarterly report and explained how leads are generated for economic development projects. She also informed the Council she would be retiring at the end of 2019.

(C) Rolla Municipal Utilities (RMU) FY 2018 Fourth Quarter Report: RMU General Manager Rodney Bourne provided a recap of the FY 2018 fourth quarter report and a wrap up of the fiscal year end.

III. OLD BUSINESS

(A) Ordinance Approving the Final Plat of St. Maria's Tatandra: City Planner James Shields explained the subject subdivision consists of 58 lots with one to four family units. Before the Council could approve the proposal, the final development plans must be approved. Mr. Shields reported the final plans have now been approved by Rolla Municipal Utilities and the Public Works Department. He recalled that by a vote of eight ayes and three nays, the majority of the Council voted to approve the preliminary plat of St. Maria's Tatandra. Mr. Shields asked the Council to consider the final reading of the subject ordinance, which would approve the final plat of St. Maria's Tatandra.

ORDINANCE NO. 4451: AN ORDINANCE TO APPROVE THE FINAL PLAT OF ST. MARIA'S TATANDRA, WHICH IS A MAJOR SUBDIVISION 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 FIVE OUTLOTS. (ST. MARIA'S TATANDRA). 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.

IV. NEW BUSINESS

(A) Ordinance Consolidating Lots 2, 3 and Part of 6, Block 5, Newman's Addition (aka 300/302 Rhodes Avenue & 203 South Olive Street) into Two Lots (Thoennes Addition): City Planner James Shields explained the property is located in central Rolla on the southeast side of Olive Street and Rhodes Avenue. The two subject parcels constitute two subdivided lots and a fraction of another. Mr. Shields said the Thoennes plan to sell the structure to the east as a single-family house. In order to do this without including the structure to the west, the parcel must be on its own lot. If the plat is approved, Mr. Shields said the lot's use would be single family. Mr. Shields reported the Planning and Zoning Commission recommend approval of the request.

After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO CONSOLIDATE LOTS 2, 3, AND PART OF 6 OF BLOCK 5 OF NEWMAN'S

IV. NEW BUSINESS (continued)

(A) Ordinance Consolidating Lots 2, 3 and Part of 6, Block 5, Newman's Addition (aka 300/302 Rhodes Avenue & 203 South Olive Street) into Two Lots (Thoennes Addition) (continued): ADDITION, WHICH, TOGETHER, CURRENTLY CONSTITUTE TWO DEEDED PARCELS THAT ARE IDENTIFIED BY THEIR PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 8200 AND 8199 AND BY THE ADDRESSES OF 300/302 RHODES AVENUE AND 203 SOUTH OLIVE STREET, INTO TWO LOTS. (THOENNES ADDITION)

(B) Resolution Authorizing the Mayor to Enter into Two Agreements with the South Central Drug Task Force: Police Chief Sean Fagan asked the Council to consider allowing the Rolla Police Department to enter into a Memorandum of Understanding with the South Central Drug Task Force (SCDTF). He said the Police Department currently has two officers assigned to the Task Force. Chief Fagan said it was recently noted the City has never had a Memorandum of Understanding and thought now would be a good time to have one.

Secondly, Chief Fagan asked the Council to consider authorizing the City to act as a fiduciary on behalf of the SCDTF, specifically in handling their drug seizure money and in distributing the funds. He explained this must be done because the Federal government has determined task forces are no longer allowed to handle their own drug seizure monies. Since the SCDTF is a multi-jurisdictional unit, it must be done through a city.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1938: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT AND FIDUCIARY AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE SOUTH CENTRAL DRUG TASK FORCE. 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.

(C) Motion Approving Annexation of Property Located in Shady Oaks Sewer District: Public Works Director Steve Hargis informed the Council the Shady Oaks Sewer District has been approached by a property owner on County Road 5030 about annexing into the Sewer District. He said the Sewer District's chair and Phelps County

IV. NEW BUSINESS (continued)

(C) Motion Approving Annexation of Property Located in Shady Oaks Sewer District (continued): Commission are agreeable to the annexation. Mr. Hargis stated before he proceeds with preparing the necessary documents, he requested direction from the Council. He noted the property owner would be responsible for all costs associated with the connection to the Shady Oaks sewer system.

Councilman Woolley commented if people want City services they should be part of the City. If the Council approves it, he said we are giving people less reason to annex into the city.

A motion was made by Williams and seconded by Schott to authorize Public Works Director Steve Hargis to prepare the documents for the annexation of the subject property into the Shady Oaks Sewer District. A hand count on the motion showed nine ayes, three nays, and zero absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for One 10 Cubic-Yard Refuse Truck: Environmental Services Director Brady Wilson asked the Council to consider awarding the bid for one, 10 cubic-yard packer truck to the lowest bidder, Elliott Equipment, Grandview, Missouri, for \$118,515. A motion was made by Schott and seconded by Meusch to award the bid for a new 2019 or 2020 Freightliner with Nu-Way body for \$118,515. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

Mr. Wilson noted that once the order on all the trucks are placed, it would take six to eight months before receipt.

(B) Motion Awarding Bid for One 20 Cubic-Yard Refuse Truck: Environmental Services Director Brady Wilson asked the Council to consider awarding the bid for one, 20 cubic-yard refuse truck, to Scheppers International, Jefferson City, Missouri for \$153,397.34. Although there are lower bids listed, Mr. Wilson noted the lower bid trucks did not meet the needed specifications on the packer body for the City. A motion was made by Williams and seconded by Jung to award the bid for one, 20 cubic-yard refuse truck to the lowest bidder meeting specifications, Scheppers International, for \$153,397.34. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Awarding Bid for One Roll-Off Hoist Truck: Environmental Services Director Brady Wilson asked the Council to consider awarding the bid for a 2019 Freightliner with a Galbreath Hoist system from Armor Equipment, Arnold, Missouri for \$124,936. He added once the new vehicles are received, staff recommends advertising the surplus vehicles through GovDeals.com. A motion was made by Williams and seconded by Jung to award the bid for a 2019 Freightliner with Galbreath hoist system to Armor Equipment, Arnold, Missouri for \$124,936. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Motion Awarding Bid for Buehler Park Restroom: Parks and Recreation Director Floyd Jernigan told the Council Buehler Park last had a bathroom in 2004, which was originally constructed in the 1960s, and over time has deteriorated. In the meantime, portables have been used, which was before Proposition P was approved. Mr. Jernigan noted that during some open houses, the citizens told the City that new bathrooms were one of the things they thought was important to use with Proposition P dollars. Mr. Jernigan told the Council staff recommends placing a similar facility as was recently installed at Green Acres Park. Staff and the Park Advisory Board are recommending the bid be awarded to CXT, Inc., Spokane, Washington, (State bid), for \$52,415. An additional \$20,000 is estimated to be needed for a concrete slab, electric, water line, and sewer line work.

Councilman Woolley questioned why the City is not trying to find local companies to construct the bathrooms.

Mr. Jernigan said in his research, he has not been able to find any Missouri companies that build bathrooms on this scale.

Mr. Woolley said he did not understand why one of Rolla's numerous local contractors could not construct a bathroom.

A motion was made by Schott and seconded by Jones to award the Buehler Park restroom bid to CXT, Inc., Spokane, Washington for \$52,415. A hand count on the motion showed six ayes, six nays, zero absent. Mayor Magdits broke the tie by voting "nay." The motion failed.

Mayor Magdits suggested staff approach the local market with one opportunity within a reasonably short timeframe and see what we get.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(D) Motion Awarding Bid for Buehler Park Restroom (continued): City Administrator John Butz said it would probably be a sealed design project, which will need to be bid out for comparison purposes. He suggested seeing what is involved with this before the next meeting. Mr. Butz estimated it might take \$5,000 to \$10,000 to do a design close to what has been bid.

After further discussion, a motion was made by Crowell and seconded by Rohter to reconsider the motion. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

A motion was made by Schott and seconded by Henry to award the Buehler Park restroom bid to CXT, Inc., Spokane, Washington for \$52,415. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) 2018 Small Business Saturday Proclamation: Mayor Magdits announced he issued a proclamation earlier today in recognition of “Small Business Saturday”, which is November 24. He asked residents to consider local, small business, during the holiday shopping season.

(B) Motion Appointing Ms. Alex Blackwell to the Rolla Regional Economic Commission (RREC) to Replace Mr. Robert Tessaro: A motion was made by Williams and seconded by Jung to appoint Ms. Alex Blackwell to the RREC. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

Mayor Magdits expressed his appreciation to Mr. Robert Tessaro for his service on the RREC.

(C) Highway 63/72 Intersection: Councilman Meusch asked Public Works Director Steve Hargis if the City has been studying patterns at the Highway 63/72 intersection.

Mr. Hargis informed the Council the TDD (Transportation Development District) authorized the City to enter into a contract with HNTB for several projects. One of those projects is intersection improvements at Highway 63 and Highway 72, and Highway 63 and Kingshighway. He said the study would also look at how we are accessing the entire neighborhood, including Wal-Mart and the residential area around it. Staff plans to request bids in summer.

VII. CITIZEN COMMUNICATION

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

Ms. Elaine Grover, 1203 Vista Drive, addressed the Council regarding the letter she and her neighbors recently received from the City informing them the TDD (Transportation Development District) had purchased one of their neighbor's houses at the end of their dead end street. She expressed her concern about the City's plans to destroy their neighborhood by taking several houses and opening up Vista Drive. Ms. Grover said the residents of Vista Drive worry that opening it would increase safety risks from traffic and non-residents in the area as well as affect property values. She said the residents were assured by the City there was neither money nor intentions to make these changes for many years to come, possibly 20 years if ever pursued. Now that a house has been purchased, Ms. Grover stated they are once again left to worry and wonder what will come next. If the plans are so far in the future, she asked why would the City get involved in this land acquisition at this point. Ms. Grover asked the Council to consider these issues before approving any further actions that cause unwanted changes in this close-knit neighborhood.

Ms. Charlotte Wiggins, 1001 Bluebird Lane, recalled she served on the city council from 1999 to 2007 in Ward VI, which is now Ward V. She stated she is here to answer Council's questions as well as make sure she and the Council both have the same information. Ms. Wiggins said she is here to talk about the public involvement process, which she sees the City improving on, but still struggling. She said if you made a decision about acquiring the property because you did not hear from the neighbors, it is not correct. Ms. Wiggins said the reason her neighbor offered his house to the City was because his wife was concerned about how close the bike path would be to their home. Ms. Wiggins said her bottom line is the City needs to continue working on its public involvement process. If the City were planning a bike path through this neighborhood and they wanted to consider where to place it, the neighbors did not know that.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Thanksgiving Holiday Sanitation Schedule and Leaf Pickup: Environmental Services Director Brady Wilson announced with the upcoming holiday, the normal Thursday collection route would be done on Wednesday. Friday's collection will not be affected.

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VIII. COMMENTS FOR THE GOOD OF THE ORDER (continued)

(A) Thanksgiving Holiday Sanitation Schedule and Leaf Pickup (continued): City Administrator John Butz asked Mr. Wilson to look into using the Everbridge System for making similar announcements.

Mr. Wilson also announced the City is still collecting leaves in the brown paper bags through December 14. After that, the collection will be suspended until March. The compost site remains open year round.

IX. CLOSED SESSION

A motion was made by Meusch and seconded by Jones to adjourn into Closed Session pursuant to RSMo. 610.021, to discuss legal product. 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 Council adjourned into Closed Session at approximately 9:02 p.m.

X. ADJOURNMENT

The Council reconvened into open session at approximately 9:02 p.m. and adjourned.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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