

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 7, 2019; 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, Jim Williams, Brian Woolley, Steven Jung, and Tiffany Henry

Council Members Absent: John Meusch

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, Finance Director Steffanie Rogers, 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

The invocation was given by a member of the Ministerial Alliance.

Mayor Magdits called the meeting to order at approximately 6:32 p.m. and asked Councilman Steven Jung 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 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 – December 3, 2018
- 2) City Council Closed Session Meeting – December 3, 2018
- 3) City Council Meeting – December 17, 2018

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Magdits referred the Council to **(A)** the November 2018, Environmental Services Department Monthly Report; **(B)** the November 2018, Police Department Monthly Report; **(C)** the November 2018, Animal Control Division Monthly Report; **(D)** the November 2018 Centre Financial Analysis; **(E)** the December 19, 2018, Centre Board Meeting Minutes; **(F)** the November and December 2018 Building Codes Division Monthly Report; **(G)** the November 2018, Rolla Municipal Utilities Monthly Report; **(H)** the November 27, 2018, Rolla Board of Public Works Meeting Minutes; **(I)** the November 27, 2018, Development Review Committee (DRC) Meeting Minutes; **(J)** the November 1 and December 6, 2018, Board of Adjustment Meeting Minutes; **(K)** the November 13, 2018, Planning and Zoning Commission Meeting Minutes; and **(L)** the October 2018, Municipal Court Monthly Report.

V. OLD BUSINESS

(A) Ordinance Annexing 1.68 Acre Parcel Located 150 Feet Northwest of the Intersection of Old Highway 66 and Hy Point Industrial Park Drive Intersection & Zone to Heavy Manufacturing District (M-2) (RCDC): City Planner James Shields explained the RCDC (Rolla Community Development Corporation) is requesting the annexation of property located approximately 150 feet northwest of the intersection of Old Highway 66 and Hy Point Industrial Park Drive. RCDC is requesting the property be zoned to M-2 (Heavy Manufacturing District) as are surrounding parcels. Mr. Shields reported the Planning and Zoning Commission unanimously recommends approval of this proposal request.

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V. OLD BUSINESS (continued)

(A) Ordinance Annexing 1.68 Acre Parcel Located 150 Feet Northwest of the Intersection of Old Highway 66 and Hy Point Industrial Park Drive Intersection & Zone to Heavy Manufacturing District (M-2) (RCDC) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4457: AN ORDINANCE APPROVING THE ANNEXATION OF THE 1.68-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 3356.03 AND THE DESIGNATION OF SAID PARCEL AS THE HEAVY MANUFACTURING DISTRICT (M-2) ON THE OFFICIAL ZONING MAP OF THE CITY OF ROLLA. (RCDC). 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; Eberly, Woolley, Murphey, Williams, Hines, Jung, Jones, Henry, Crowell, Schott, and Rohter. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(B) Ordinance Approving Final Plat of Hy Point West No. 2 (Hy Point West No. 2): City Planner James Shields said the subject proposal is to subdivide two lots into four lots. The subject lots are located to the west and south of the west end of Perrot Boulevard. Rolla Community Development Corporation (RCDC) is the applicant. Mr. Shields said the subdivision is being proposed in order to sell a piece of land to Ameren for the purpose of building a power station. Mr. Shields reported the Planning and Zoning Commission unanimously voted to approve the final plat.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO.: 4458: AN ORDINANCE APPROVING THE FINAL PLAT OF HY POINT WEST NO. 2, WHICH IS A MINOR SUBDIVISION PLAT THAT SUBDIVIDES LOT 5 AND LOT 6 OF THE FINAL PLAT OF HY POINT WEST NO. 1 INTO FOUR LOTS. (HY POINT WEST NO. 2). 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, Woolley, Eberly, and Henry. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(C) Ordinance Approving the Vacation of a Utility Easement (City of Rolla): City Planner James Shields noted the subject property is owned by the RCDC (Rolla Community Development Corporation) and the proposal is to vacate an easement that runs along Lot 6 of the Hy Point West Subdivision No. 1. Mr. Shields noted the

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V. OLD BUSINESS (continued)

(C) Ordinance Approving the Vacation of a Utility Easement (City of Rolla) (continued): easement was acquired in 2010 by RMU (Rolla Municipal Utilities) through an electric asset purchase. Currently, RMU does not have any assets located in this portion of the easement and it must be vacated for Ameren to have full use of the subject parcel and to construct their future improvement.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4459: AN ORDINANCE APPROVING THE VACATION OF A UTILITY EASEMENT BEING A FRACTIONAL PART OF THE SOUTH HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 7 WEST OF THE 5th P.M., ROLLA, PHELPS COUNTY, MISSOURI. (CITY OF ROLLA). 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, Jones, Williams, Hines, Jung, Woolley, Rohter, Henry, Crowell, Eberly, and Murphey. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(D) Ordinance Approving Technical Service Agreement with Phelps County Emergency Services Board (PCESB): Finance Director Steffanie Rogers asked the Council to consider the final reading of the ordinance approving an agreement with the Phelps County Emergency Services Board (PCESB). She pointed out the subject agreement was amended to reflect the contract expiration date of December 31, 2019, pending further review for future contracts.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4460: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PHELPS COUNTY EMERGENCY SERVICES BOARD. 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, Rohter, Schott, and Eberly. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

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V. OLD BUSINESS (continued)

(E) Ordinance Approving Technical Service Agreement with the Edgar Springs Rural Fire Protection District: Finance Director Steffanie Rogers asked the Council to consider the final reading of an ordinance approving an agreement with the Edgar Springs Rural Fire Protection District. She noted the contract expiration date of the proposed agreement was amended at the direction of Council to December 31, 2019.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4461: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE EDGAR SPRINGS RURAL FIRE PROTECTION DISTRICT. 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; Murphey, Henry, Woolley, Williams, Hines, Jung, Jones, Eberly, Rohter, Schott, and Crowell. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(F) Ordinance Amending Sec. 27-92 of the Code Relating to Parking on North Side of 10th St.: City Engineer Darin Pryor informed the Council the subject property owner of 910 W. 10th Street, Missouri S&T, has requested a no parking zone be added on the north side of their property for safety concerns when pulling out of driveways.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4462: AN ORDINANCE AMENDING SECTION 27-92 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING. 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, Rohter, Eberly, and Hines. Nays; Woolley. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(G) Ordinance Amending Sec. 27-118 of the Code Relating to Parking on 8th St.: City Engineer Darin Pryor recalled the Council, during its last meeting, amended the subject ordinance to provide one parking spot for a loading zone.

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V. OLD BUSINESS (continued)

(G) Ordinance Amending Sec. 27-118 of the Code Relating to Parking on 8th St. (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4463: AN ORDINANCE AMENDING SECTION 27-118 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING. 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, Hines, Rohter, Jones, Eberly, Crowell, and Schott. Nays; Woolley, Murphey, Williams, and Jung. Absent; Meusch. Motion carried. The ordinance passed.

(H) Ordinance Amending Sec. 27-118 of the Code Relating to Parking on 11th St. Between Elm & Oak Street: City Engineer Darin Pryor said Mr. Nick Barrack, the property owner of 104 E. 11th Street, has requested changes to the two-hour parking on Eleventh Street between Elm and Oak Streets. This change would provide for one, two-hour parking spot, and two unrestricted parking spots.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4464: AN ORDINANCE AMENDING SECTION 27-118 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING. 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, Jung, Hines, Woolley, Murphey, Henry, Crowell, Rohter, Jones, Eberly, and Williams. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(I) Ordinance Authorizing the Mayor to Enter into an Agreement with Donald Maggi, Inc. for Project 448-STP ADA Accessibility Improvements (6th & Holloway): Public Works Director Steve Hargis recalled the Council, during its last meeting, awarded the bid for the subject project to Donald Maggi, Inc., Rolla, Missouri, for \$446,994.35. The first reading of the ordinance that would authorize the Mayor to enter into an agreement with Donald Maggi, Inc., was also conducted. As outlined in the agenda materials, Mr. Hargis explained why this project is over budget.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4465: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF

V. OLD BUSINESS (continued)

(I) Ordinance Authorizing the Mayor to Enter into an Agreement with Donald Maggi, Inc. for Project 448-STP ADA Accessibility Improvements (6th & Holloway) (continued): THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI, INC., FOR STP 5200(919), PROJECT #448 – ADA Accessibility Improvements (6th & Holloway). 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, Jones, Eberly, Henry, and Williams. Nays; Woolley. Absent; Meusch. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a License Agreement with St. Maria's LLC for Entrance Sign: Mayor Magdits referred the Council to an “amended” license agreement that was provided to them at the onset of the meeting. He said he asked City Administrator John Butz to speak with the applicant and address a couple of issues.

Public Works Director Steve Hargis explained the subject license agreement would allow the developer of St. Maria's Tatandra to construct a sign in front of the development as planned in the island off the roundabout. Once the homeowner's association is established, this license agreement will be transferred to them.

Following discussion, City Counselor Carolyn Buschjost 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 ST. MARIA'S, LLC.

(B) Ordinance Authorizing the Mayor to Execute a Sewer Use Agreement with Hartmann US: Public Works Director Steve Hargis explained the subject agreement allows Hartmann US to improve their volume measurement of water entering into the City's wastewater stream. Staff has negotiated another year's contract with Hartmann US. Mr. Hargis stated the annual charge has been increased by \$2,200 to adjust for the rate increase and the City would be testing Hartmann's discharge once a month.

VI. NEW BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Execute a Sewer Use Agreement with Hartmann US (continued): City Counselor Carolyn Buschjost 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 HARTMANN US.

(C) Resolution Authorizing the Mayor to Enter into an Intergovernmental Cooperation Agreement with Other Phelps County Agencies for the Purchase of Computer Aided Dispatch and Records Management Software: Police Chief Sean Fagan asked the Council to consider a resolution that would authorize the Phelps County Emergency Services Board (PCESB) to be the liaison for the participating departments/agencies. He said the agreement confirms each agency's financial commitment to the software purchase.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO: 1941: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH OTHER PHELPS COUNTY AGENCIES FOR THE PURCHASE AND USE OF COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SOFTWARE. A motion was made by Schott and seconded by Eberly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Transferring Funds from the Park and Recreation Sales Tax Account to Cover the Recreation Operating Deficit: Finance Director Steffanie Rogers explained staff is recommending the transfer of funds from the Depreciation Reserve and Equipment Replacement account to cover the projected operating deficit, capital

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Transferring Funds from the Park and Recreation Sales Tax Account to Cover the Recreation Operating Deficit (continued): expenditures and General Fund administrative transfer. She said staff is requesting a motion to authorize the transfer of \$427,500 from the Depreciation Reserve and Equipment Replacement account to cover the estimated operating deficit, capital expenditures and General Fund transfer for fiscal year 2018.

A motion was made by Murphey and seconded by Jung to authorize to authorize the transfer of \$427,500 from the Depreciation Reserve and Equipment Replacement account to cover the estimated operating deficit, capital expenditures and General Fund transfer for fiscal year 2018. A voice vote on the motion showed nine ayes, two nays, and one absent. Motion carried.

(B) Resolution Revising Fiscal Year 2018 Budget: Finance Director Steffanie Rogers referred the Council to the recommended budget adjustments and explained the reason for the adjustments.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1942: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2017, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Williams and seconded by Woolley to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council. No one present responded.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) New Sign Ordinance: Mayor Magdits said he has seen a few remnant election signs still up. He noted there is a rather large election sign near Benton Square. Mayor Magdits asked Interim Community Development Director Steve Flowers if he would ask the property owner to remove it.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) New Sign Ordinance (continued): City Administrator John Butz mentioned he e-mailed Representative Mayhew today and asked if he had any objection to the sign being removed. Once a response is received from Representative Mayhew, the City can reach out to the property owner.

(B) Buehler Park: Councilwoman Eberly indicated she drove by Buehler Park and saw the new dog park fence, which she said, looked very nice.

(C) Update on Dog Park: Parks and Recreation Director Floyd Jernigan reported the fence on the dog park has been completed, the benches have been ordered, and the signs are being worked on. The ribbon cutting is expected to be in the spring.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Missouri House of Representatives: Councilwoman Murphey announced the Missouri House of Representatives would be sworn into office tomorrow in Jefferson City, Missouri.

City Administrator John Butz reminded the Council they have been invited to the event.

(B) Shop with a Cop: Councilman Williams thanked everyone who donated to the “Shop with a Cop” program this year. He reported it was another successful year.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:31 p.m.

XII. CLOSED SESSION ACTION

City Counselor Carolyn Buschjost reported the Council discussed two real estate matters. No final action was taken. However, an ordinance was passed.

XIII. ADJOURNMENT

The Council reconvened into open session at approximately 7:52 p.m. and adjourned.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR