

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 22, 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, John Meusch, Jim Williams, Steven Jung, and Tiffany Henry

Council Members Absent: Brian Woolley

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

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 Councilwoman Tiffany Henry to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Inserting a New Division into Article III of Chapter 42 of the Code, Division 22 – Wireless Communications Facilities Code (Wireless Facilities): City Planner James Shields stated that in order to protect neighborhood character and property values, staff is requesting that the proposed Division 22, the Wireless Communications Facility Code, be added to City Code. Mr. Shields noted Division 22 would regulate the placement, construction, and modification of such facilities. The purpose is to preserve the aesthetics and property values of the City and strive to achieve these goals by regulating the location, height, and appearance of these facilities and insure adequate camouflaging fencing and landscaping.

After some Council discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the addition of Division 22 into the Code. No one present responded. Mayor Magdits closed the public hearing.

JANUARY 22, 2019

**COUNCIL MEETING MINUTES
JANUARY 22, 2019
PAGE 2**

I. PUBLIC HEARINGS (continued)

(A) Ordinance Inserting a New Division into Article III of Chapter 42 of the Code, Division 22 – Wireless Communications Facilities Code (Wireless Facilities) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI AMENDING CHAPTER 42 OF THE ROLLA CITY CODE TO ADOPT REGULATIONS RELATING TO COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES AND RELATING TO PREEMPTION BY OR CHANGES IN FEDERAL OR STATE LAW.

City Administrator John Butz recalled that about a month ago the Council considered the first reading of the right-of-way ordinance, which is somewhat a complementary ordinance to the subject ordinance. He informed the Council that ordinance would also be on the next meeting agenda for its final reading.

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a License Agreement with St. Maria's LLC for Entrance Sign: City Engineer Darin Pryor said Mr. Mike Woessner of Saint Maria's LLC is requesting a license agreement to install an entrance sign in Saint Maria's development located in the right of way of Eighteenth Street on the east side of McCutchen Drive.

A motion was made by Crowell and seconded by Schott to amend Section 1.A. of the proposed Grant of License, to read, "Construct and maintain a non-commercial entrance sign with landscaping within the public right-of-way of Saint Maria's Street east of McCutchen Drive as shown in Exhibit A." A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4467: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF

JANUARY 22, 2019

III. OLD BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Execute a License Agreement with St. Maria's LLC for Entrance Sign (continued): THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND ST. MARIA'S, LLC. as amended. A motion was made by Schott and seconded by Crowell to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Hines, Rohter, Jung, Jones, Murphey, Schott, Crowell, and Henry. Nays; Williams, Meusch and Eberly. Absent; Woolley. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Execute a Sewer Use Agreement with Hartmann US: City Engineer Darin Pryor told the Council the subject sewer use agreement with Hartmann US, the egg carton manufacturer, is very similar to the current agreement. Staff is asking the Council to consider renewing the subject agreement for another year.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4468: 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. 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, Meusch, Jones, Williams, Hines, Jung, Rohter, Henry, Crowell, Eberly, and Murphey. Nays; None. Absent; Woolley. Motion carried. The ordinance passed.

IV. NEW BUSINESS

None.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Resolution Authorizing Financing of Zuercher CAD System through PCESB: Police Chief Sean Fagan asked the Council to consider approval of a resolution for the Rolla Police Department to allow the Phelps County Emergency Services Board

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Resolution Authorizing Financing of Zuercher CAD System through PCESB (continued): (PCESB) to finance the City's portion of the new records management software system. The PCESB has agreed to finance it at 2% interest over a five-year period.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1943: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN AGREEMENT FOR PURCHASE AND FINANCING OF ZUERCHER SOFTWARE WITH THE PHELPS COUNTY EMERGENCY SERVICES BOARD (PCESB). 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.

VI. MAYOR/CITY COUNCIL COMMENTS

(A Motion Reappointing Mr. Chris Beaugard as the City's Representative to the Phelps County University Extension Council for a Two-Year Term (January 2021): A motion was made by Williams and seconded by Eberly to reappoint Mr. Chris Beaugard as the City's representative to the Phelps County University Extension Council. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) University Extension Council Election: Mayor Magdits encouraged the Council and citizens to participate in the Extension Council's election on January 22 – 25, which can either be done online or in person at the City Clerk's Offices in Newburg and St. James.

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

(B) Government Shutdown: Councilman Williams applauded the local banks and financial institutions for what they are doing for those affected by the government shutdown.

(C) Inclement Weather: Councilman Jones thanked the school crossing guards and everyone required to work in the inclement weather.

(D) Notification in Zoning Situation: Councilman Crowell reported a man approached the Planning and Zoning Commission regarding notification in zoning situations. The man relayed he built a house and Ameren UE came in to do the gas line work for the new home across the street and they tore up his newly landscaped yard. Some of the work was in the right-of-way, but they did trespass on his property. Mr. Crowell said the issue was more of one of just notice. He told the Council the man did not receive any notice that Ameren UE would be there and there is no requirement under the City's ordinances that they provide notice. Mr. Crowell asked if there is a way we can require that those entities that have easements that they provide notice to the adjacent landowners before they do any substantial improvement or connections.

City Administrator John Butz said he reached out to special counsel and he said his concern is trying to add a requirement the law does not prescribe. In other words, if you require a notification and the utility does not notify the landowner, there is no context or any enforcement that can come as a result. There is nothing in a City ordinance that would supersede their legal right to be in a right-of-way that is granted through an easement or right-of-way conveyance.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:11 p.m.

**COUNCIL MEETING MINUTES
JANUARY 22, 2019
PAGE 6**

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:30 p.m.

City Counselor Carolyn Buschjost reported the Council discussed two personnel matters.

XI. ADJOURNMENT

The Council reconvened into open session at approximately 8:30 p.m. and adjourned.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JANUARY 22, 2019