

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 1, 2019; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Rachel Schneider, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Jim Williams, Marie Allen, Christine Ruder, and Tiffany Henry

Council Members Absent: Daniel Jones

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

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

A member of the Rolla Ministerial Alliance gave the invocation.

Mayor Magdits called the meeting to order at approximately 6:31 p.m. asked Councilman Jim Williams to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Henry 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 – June 3, 2019
- 2) City Council Closed Session Meeting – June 3, 2019
- 3) City Council Meeting – June 17, 2019
- 4) City Council Closed Session Meeting – June 17, 2019

JULY 1, 2019

**COUNCIL MEETING MINUTES
JULY 1, 2019
PAGE 2**

II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Senior Center Project Update: Mr. Greg Stratman updated the Council regarding the effort to construct a senior center. He informed the Council a steering committee was formed comprising of representatives from the ABLE Commission, Nutrition Site, home health agencies, and nursing homes – people who work and know the needs of seniors. Mr. Stratman told the Council the Committee visited multiple sites and concluded that the prime site for a senior center is the southwest corner of Ber Juan Park. He recalled the last time he addressed the Council, permission was given to the Committee to mention that site in any grant applications. Mr. Stratman said a few months ago a board was formed and, during the last six months, the Board has visited over two dozen senior centers throughout Missouri and a couple in Oklahoma. The Board has compiled a good list of suggestions and obtained advice from other senior centers. Mr. Stratman asked the Council if they would formally reaffirm that the southwest corner of Ber Juan Park is an acceptable one for the proposed senior center. He said this would allow the architects to prepare their plan with this site in mind.

A motion was made by Murphy and seconded by Henry to reaffirm to the senior center Board to continue to progress with fundraising and grant applications for the proposed senior center. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

Mayor Magdits referred the Council to **(A)** the May 2019, Environmental Services Department Monthly Report; **(B)** the May 2019, Police Department Monthly Report; **(C)** the May 2019, Animal Control Division Monthly Report; **(D)** the May 2019 Parks Department Financial Analysis; **(E)** the May 2019 Building Codes Division Monthly Report; **(F)** the May 2019, Municipal Court Monthly Report; **(G)** the May 2019 Rolla Municipal Utilities Monthly Reports **(H)** the May 28, 2019, Rolla Board of Public Works

JULY 1, 2019

COUNCIL MEETING MINUTES
JULY 1, 2019
PAGE 3

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

Meeting Minutes; **(I)** the June 11, 2019, Development Review Committee Meeting Minutes; **(J)** the May 14, 2019, Planning and Zoning Commission Preliminary Minutes; **(K)** the June 6, 2019, Board of Adjustment Meeting Minutes; and, **(L)** the May 2019 Centre Financial Analysis.

V. OLD BUSINESS

(A) Ordinance Amending Sections 31-23 and 31-24 of the Code Pertaining to the Parks Advisory Commission: Parks Director Floyd Jernigan told the Council the proposed revision adds the duties of the Tree Board to the Parks Advisory Commission and expands that board from five to six members. Mr. Jernigan asked the Council to consider the final reading of the subject ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4498: AN ORDINANCE AMENDING ARTICLE IV. PARKS AND RECREATION COMMISSION, SECTIONS 31-23 AND 31-24 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO THE PARKS ADVISORY COMMISSION. 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; Crowell, Schott, Ruder, Schneider, Murphey, Henry, Williams, Meusch, Rohter, Eberly, and Allen. Nays; None. Absent; Jones. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter into a Ground Lease with Sullivan Airport, LLC: City Administrator John Butz informed the Council that Sullivan Airport, LLC, is interested in constructing a corporate hangar at the Rolla National Airport. They have an arrangement with Air Methods who is providing helicopter services to the hospital. The hangar would be used to house the medical helicopter. Mr. Butz said staff is proposing a 40-year lease. At the end of the 40-year term, the building would revert to the City. He noted the annual lease starts at \$1,200 a year and would be indexed annually.

V. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Ground Lease with Sullivan Airport, LLC, (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4499: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN HANGAR GROUND LEASE BETWEEN THE CITY OF ROLLA, MISSOURI, AND SULLIVAN AIRPORT, LLC. A motion was made by Williams and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Williams, Schneider, Ruder, Meusch, Henry, Crowell, Schott, and Rohter. Nays; None. Absent; Jones. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Amending “Measurement” Pertaining to Ch. 42 of City Code – Medical Marijuana Facilities: City Administrator John Butz recalled the Council recently unanimously approved an ordinance that established 500-foot spacing between medical marijuana dispensaries and churches, schools, and daycares. The definition, which is referenced in State law dealing with liquor license, was used. The City specifically added the language in its distance definition in a method consistent with the City’s existing liquor license measurement standard, which is not specifically spelled out anywhere in City Code or State Statute. However, the City had traditionally defined it as being from building to building (a straight line between two buildings). Mr. Butz explained that on the same date the ordinance was approved, the City later learned the Missouri Department of Health and Senior Services announced new emergency rules on all things dispensary related and stated that measurements should be made along the shortest path between the demarcation points that can be lawfully traveled by foot. He said that, in effect, the State’s definition of “measurement” would reduce the effect of the City’s 500-foot spacing in some instances. Mr. Butz noted this new definition would now open up some areas, particularly between the sixth and seventh block of Pine Street, and the block of Alex’s Pizza on Eighth Stree. He told the Council staff has prepared an ordinance that adopts an amendment to what the Council adopted on June 3 that uses the State’s definition and allows the Council to consider whether they want to enlarge the 500-foot spacing. Mayor Magdits then outlined the Council’s options on this issue and City Counselor Lance Thurman gave his opinion on some of the legalities. In the Council discussion that followed, the Council’s consensus was to stand behind the ordinance approved during the June 3 meeting.

VI. NEW BUSINESS (continued)

(A) Ordinance Amending “Measurement” Pertaining to Ch. 42 of City Code – Medical Marijuana Facilities (continued): City Administrator John Butz added that neither the City nor the State has a good definition of how spacing is determined. He suggested that if the Council plans to follow the ordinance approved on June 3, then the City’s liquor license requirements should be clarified.

After further discussion, a show of hands indicated the Council’s concurrence to prepare an ordinance amending the City’s liquor license ordinance as suggested.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 463 – 10th Street Concrete; and, an Ordinance Authorizing the Mayor to Enter into a Contract for Same: City Engineer Darin Pryor reported that bids were recently received for Project 463 for concrete work on Tenth Street. The low bid was received from Donald Maggi, Inc., for \$251,367.75. He explained this project would consist of curb and gutter, driveways and sidewalks on Tenth Street from approximately Bishop Avenue west to Phelps Health. Staff recommends the bid be awarded to Donald Maggi, Inc. He also asked the Council to consider the first reading of an ordinance authorizing the Mayor to enter into an agreement with Donald Maggi, Inc. for this project.

A motion was made by Williams and seconded by Meusch to award the bid for Project 463 – Tenth Street Concrete to Donald Maggi, Inc., for \$251,367.75. 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 DONALD MAGGI, INC. FOR 10TH STREET CONCRETE, PROJECT #463.

VIII. CITIZEN COMMUNICATION

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

(1) Holiday Trash/Recycling Schedule: Environmental Services Director Brady Wilson announced that due to the Thursday, July 4 holiday, the trash/recycling collection day would occur on Wednesday, July 3.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Rolla National Airport Staff: Mayor Magdits reported that a few weeks ago he went to a small airport in Lewiston, Idaho and told the manager he was from Rolla. For the next twenty minutes, the manager raved about the friendliness, professionalism, and accommodations our staff demonstrated to people out of town. Mayor Magdits explained this individual had the contract with forestry service to do prescribed burns and once a year he bases helicopters at the Rolla National Airport. He said it was nice to hear from someone so far away that spoke so highly of Rolla. Mayor Magdits thanked the Airport staff for a job well done.

(B) Introduction of New City Planner: Community Development Director Steve Flowers introduced Mr. Tom Coots, who will be serving as the City's Planner. Mr. Flowers pointed out that Mr. Coots has over fourteen years' experience in planning and zoning, and a wealth of knowledge.

(C) Ford Tri-Motor Event: Mayor Magdits commented the Ford Tri-Motor event, which was organized by the Experimental Aircraft Association at the Rolla National Airport, was well attended.

(D) Highway 63 Traffic: Councilwoman Jody Eberly noted there would be increased traffic and pedestrians on Highway 63 because of the Rolla Lions Club Carnival. She reminded motorists to be cautious in the area of the Lions Club Park during the carnival.

**COUNCIL MEETING MINUTES
JULY 1, 2019
PAGE 7**

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(E) Sonic Drive-In Update: Councilman Jim Williams asked about the status of the Sonic Drive-In construction.

Community Development Director Steve Flowers said the building permit is good for three years. He said they still have not submitted a set of drawings.

Mr. Williams stated the weeds need to be cut and the debris in the area removed. Mayor Magdits expressed his concern with the runoff.

(F) 1207 Elliott Drive Update: Mayor Magdits asked Community Development Director Steve Flowers about the status of the 1207 Elliott Drive nuisance.

Mr. Flowers reported the judge granted the owner 30 days to clean up the property.

(G) Friday, July 5: Councilman Jim Williams mentioned he received a couple of calls from City employees asking if Friday, July 5, 2019, could be declared a City holiday because County and the State offices have announced they would be closed.

City Administrator John Butz said the City does not plan to be closed.

(H) High Grass: Councilman Jim Williams thanked residents for doing a good job in keeping their lawns mowed.

(I) Friday, July 5: Councilman David Schott mentioned he also received a couple of calls about declaring July 5 a holiday this year.

(J) Keeney Court Micro Surfacing: Councilman David Schott said he received a call from a constituent asking why Keeney Court was not micro surfaced along with the other streets in the Johnson/Laird Addition.

City Engineer Darin Pryor responded it might be because Keeney Court was not due for micro surfacing in this cycle. He said he would check and report to Mr. Schott.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(K) Holloway Street Concern: Councilman David Schott mentioned he received a call about Holloway Street in the area between the tennis courts and Eighteenth Street. He said a constituent apparently was almost run off the road at this location and a police report was made. Mr. Schott noted that since this occurred the street was striped, which he said would probably help the situation. Additionally, he suggested possibly erecting a sign at this location indicating no truck traffic so trucks would take a different route.

(L) Sidewalk Width: Councilman Jim Williams commented on the excessive width size of the sidewalks being constructed in town. He asked if the ones now being constructed along Tenth Street would be the “normal size.”

City Engineer Darin Pryor responded the sidewalks would match about the size of the current sidewalks.

Mr. Williams expressed his dissatisfaction with the excessive width of the new sidewalks and emphasized, “Bicycles were not meant to drive on the sidewalks.”

(M) Teleconferencing Council Meetings: Councilman David Schott asked if City staff could look into what it would take to allow an absent council member to participate in a Council meeting via teleconferencing.

City Administrator John Butz said staff is looking into ways of tying it into the Fidelity system. Additionally, Mr. Butz said a policy laying out expectations should be drafted as well.

Councilman Schott also reminded the Council to speak into the microphones.

(N) Car Wash Noise: Councilman Schott noted relayed complaints were received about the noise emanating from the new car wash located on Fairgrounds Road adjacent to Buehler Park. He reported the car wash owners have made some changes and he thanked them for their immediate attention to this issue.

(O) Tobacco Products: Councilman Matt Crowell said he saw in the news where Illinois passed the “Tobacco 21” law, which increases the age limit on tobacco purchases to 21. What is interesting about this is the fact that in Missouri you must be at least 21 to

**COUNCIL MEETING MINUTES
JULY 1, 2019
PAGE 9**

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(O) Tobacco Products (continued): purchase marijuana but only 18 to purchase tobacco products. Mr. Crowell asked what Rolla is doing to enforce the under 18 purchase of tobacco and tobacco products. He said it is his understanding that in Missouri vaping is not considered a tobacco product. Mr. Crowell said he does not know if there is an age restriction on vaping, but if not, is that something we can change locally. In addition, he asked how often does the City enforce the buying of tobacco by minors.

Police Chief Sean Fagan stated you must be 18 to purchase tobacco products. He said the Police Department had been using radical enforcement using Police Explorers who were 17 years old. However, the Explorers are operated through the Boy Scouts and the Police Department was told they could not use them any longer for this type of enforcement. Chief Fagan said staff is researching to see if the Explorers could be used in a capacity of a citizen helping the Police Department. Chief Fagan said it has been at least a year since an enforcement was conducted because the person being used must be underage.

Councilman Meusch commented that Prevention Consultants has a program where they will get high school students to volunteer to go into different stores and make a sweep.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:40 p.m.

JULY 1, 2019

**COUNCIL MEETING MINUTES
JULY 1, 2019
PAGE 10**

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:59 p.m.

City Counselor Lance Thurman reported the Council met in closed session to discuss three real estate matters. No final actions were taken.

XIII. ADJOURNMENT

The meeting adjourned at approximately 8:59 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JULY 1, 2019