

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 5, 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, Daniel Jones, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott (via videoconferencing), Jody Eberly, John Meusch, Marie Allen, Christine Ruder, and Tiffany Henry

Council Members Absent: Jim Williams

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, 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

Mayor Magdits called the meeting to order at approximately 6:30 p.m. asked Councilwoman Christine Ruder to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Eberly and seconded by Schneider 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 – July 1, 2019
- 2) City Council Closed Session Meeting – July 1, 2019
- 3) City Council Meeting – July 15, 2019
- 4) City Council Closed Session Meeting – July 15, 2019

II. PUBLIC HEARINGS

None.

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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 June 2019, Environmental Services Department Monthly Report; **(B)** the June 2019 Parks Department Financial Analysis; **(C)** the May 8, 2019, Parks Advisory Commission Meeting Minutes; **(D)** the June 2019, Building Codes Division Monthly Report; **(E)** the June 2019 Rolla Municipal Court Monthly Report; **(F)** the June 2019 Rolla Municipal Utilities Monthly Report; **(G)** the June 25, 2019 Rolla Board of Public Works Meeting Minutes; **(H)** the June 25, 2019, Development Review Committee Meeting Minutes; **(I)** the July 9, 2019, Planning and Zoning Commission Preliminary Minutes; and **(J)** the June 2019 Centre Financial Analysis.

V. OLD BUSINESS

(A) Ordinance Rezoning Lot #2, Municipal Acres No. 2, from C-1 (Neighborhood Business District) to R-2 (Two-Family District) Zoning (Rolla Municipal Utilities):

City Planner Tom Coots told the Council the subject-rezoning request is from Rolla Municipal Utilities (RMU), who owns the property. The property is currently zoned C-1 (Neighborhood Business District) and the request is to rezone the property to R-2 (Two-Family District). Mr. Coots said the property is located at the southwest corner of Lions Club Drive and Highway O and consists of approximately two acres and is undeveloped. He indicated the property has been listed for sale for some time. He noted the requested zoning would allow for the planned duplex development. Mr. Coots reported the Planning and Zoning Commission unanimously recommends approval of the rezoning request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4502: AN ORDINANCE TO APPROVE THE REZONING OF LOT #2, MUNICIPAL ACRES NO. 2, THE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR ACCOUNT NUMBER OF 10259.01 AT THE SOUTHWEST CORNER OF LIONS CLUB DRIVE AND STATE HWY O,

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V. OLD BUSINESS (continued)

(A) Ordinance Rezoning Lot #2, Municipal Acres No. 2, from C-1 (Neighborhood Business District) to R-2 (Two-Family District) Zoning (Rolla Municipal Utilities): FROM THE NEIGHBORHOOD BUSINESS (ZONING) DISTRICT (C-1) TO THE TWO FAMILY (ZONING) DISTRICT (R-2), CITY OF ROLLA, PHELPS COUNTY, MISSOURI. (ROLLA MUNICIPAL UTILITIES). A motion was made by Meusch and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Rohter, Crowell, Murphey, Schott, Schneider, Ruder, Allen, Jones, Eberly, Henry, and Meusch. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

(B) Ordinance Approving the Final Plat of Martin Subdivision (SED Investments, Inc.): City Planner Tom Coots informed the Council that the subject property is located at the corner of Rolla Street and Highway 72, between Rolla and Elm Streets on the north side. The property is currently vacant. Mr. Coots indicated the property is zoned C-2 (General Retail District) and the request is to subdivide the property into two lots and to voluntarily dedicate a portion of the property to the City, which is mostly located in the floodplain. Mr. Coots told the Council that Taco Bell has submitted plans to the City for review. He stated the Planning and Zoning Commission unanimously recommends approval of this request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4503: AN ORDINANCE TO APPROVE THE FINAL PLAT OF THE PARCELS THAT ARE KNOWN AS MARTIN SUBDIVISION THROUGH THE MINOR SUBDIVISION PROCESS. (MARTIN SUBDIVISION). A motion was made by Eberly and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jones, Ruder, Schneider, Allen, Murphey, Henry, Crowell, Meusch, Rohter, Eberly, and Schott. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

(C) Ordinance Authorizing the Mayor to Enter into An Agreement with All-Type Fence, Inc., for Bayless Field Fencing (Project 495): Parks Director Floyd Jernigan recalled that during the Council's July 15, 2019, meeting the Council awarded the bid for the Bayless Field fencing to All-Type Fence Company and conducted the first reading of an ordinance authorizing the Mayor to enter into an agreement with All-Type Fence for this project. Mr. Jernigan asked the Council to consider the final reading of the subject ordinance.

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V. OLD BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Enter into An Agreement with All-Type Fence, Inc., for Bayless Field Fencing (Project 495) (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4504: 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 ALL-TYPE FENCE, INC., FOR BER JUAN PARK FENCING, PROJECT #495. A motion was made by Murphey and seconded by Schneider to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Allen, Henry, Murphey, Schneider, Ruder, Meusch, Rohter, Eberly, Crowell, Schott, and Jones. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

(D) Ordinance Amending Sec. 27-67 of the Code Relating to Speed in School Zones: Public Works Director Steve Hargis stated the subject ordinance was prompted at the request of Municipal Judge Crump. He said the Judge indicated the ordinance needed clarification. Additionally, Mr. Hargis noted it was brought to City staff's attention today, that the Lutheran School is no longer having classes. Therefore, the portion of the proposed ordinance pertaining to the school zone on Eleventh Street could be omitted.

A motion was made by Murphey and seconded by Schneider to amend the subject ordinance by removing the Eleventh Street school zone. 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 final reading, by title, as amended. ORDINANCE NO. 4505: AN ORDINANCE AMENDING SECTION 27-67 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO MAXIMUM LIMITS ESTABLISHED ON CERTAIN STREETS DURING SCHOOL PERIODS. A motion was made by Eberly and seconded by Henry to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Ruder, Schneider, Jones, Murphey, Henry, Meusch, Rohter, Eberly, and Allen. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

V. OLD BUSINESS (continued)

(E) Ordinance Authorizing the Mayor to Execute a Contract with the Burlington Northern Santa Fe Railway Company for 18th Street Sidewalk Improvements:

Public Works Director Steve Hargis explained the subject contract is in conjunction with the Burlington Northern Santa Fe Railway Company for curb and gutter, sidewalk and storm sewer improvements across the 18th Street railroad grade crossing.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4506: 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 BURLINGTON NORTHERN SANTA FE (BNSF) FOR 18TH STREET SIDEWALK IMPROVEMENTS. A motion was made by Meusch and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Schneider, Ruder, Meusch, Jones, Henry, Crowell, Schott, and Rohter. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Discussion Regarding Parking Concerns Adjacent to Rolla Senior Apartments (1101 McCutchen Drive):

Public Works Director Steve Hargis explained he received a petition from Ms. Debra Hutchings with the Rolla Senior Apartments at 1101 McCutchen Drive, to restrict parking in certain areas near the entrance/exits to cars only. He agreed it is a little difficult to see oncoming vehicles on McCutchen. However, erecting a “cars only” sign would be very difficult to enforce.

After discussion, a motion was made by Eberly and seconded by Murphey to authorize Mr. Hargis to increase the “no parking” area on the west side of McCutchen Drive near the exit to provide better sight distance for a 90-day period and to speak with the management of the Senior Apartments of the Council’s decision. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Ordinance Considering “Use Tax” for November Election:

City Administrator John Butz told the Council that more than 260 Missouri cities and counties have successfully gone to their voters and passed a “use tax”. He said this is a sales tax

VI. NEW BUSINESS (continued)

(B) Ordinance Considering “Use Tax” for November Election (continued):

application to out-of-state merchants. Mr. Butz said the loss of local purchases affects local businesses and reduces the general sales taxes used to provide public safety services. He told the Council that Rolla is having trouble competing in salaries today on public safety because of a number of counties around Rolla and throughout Missouri who have enacted a specific law enforcement sales tax. Mr. Butz said there are cities as close as 50 miles away that are paying 30% more in starting wages than what Rolla is able to pay for its public safety positions. He told the Council it is estimated that 10-12% of Rolla’s sales tax receipts would be captured under a use tax, depending on how much residents are spending on out-of-state purchases. The November 5, 2019, election is the soonest the “use tax” issue could be placed on the ballot if the Council is so inclined. The ordinance must be certified to the County by August 27. Mr. Butz said staff is recommending the first reading of an ordinance that would place a “use tax” on the November 5, 2019, ballot.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF ROLLA, MISSOURI, AT A SPECIAL ELECTION ON TUESDAY, NOVEMBER 5, 2019, THE QUESTION OF WHETHER THE CITY SHALL IMPOSE A LOCAL USE TAX AT THE SAME RATE AS THE MUNICIPAL SALES TAX FOR THE PURPOSE OF IMPROVING PUBLIC SAFETY, AND CAPITAL IMPROVEMENTS AND PRESCRIBING A FORM OF BALLOT THEREOF.**

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 496 – Rolla Fire Station Roof #2; and, an Ordinance Authorizing the Mayor to Enter into a Contract for Same:

City Engineer Darin Pryor reported that two bids were received for the replacement of the roof on Eugene E. Northern Community Hall/Fire Station #2. The project was bid in two pieces. The base bid was just to replace the roof, remove the cupola, and shingle over it. The alternate bid entailed replacing the cupola. Mr. Pryor told the Council the alternate bid to replace the cupola was bid at an additional \$3865 by the low bidder Just in Time Roofing. Staff is recommending the bid be awarded to Just in Time Roofing for \$22,705 and to not replace the cupola. Mr. Pryor also noted that Just in Time Roofing has asked the Council to consider the final reading of the subject ordinance at this meeting.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for Project 496 – Rolla Fire Station Roof #2; and, an Ordinance Authorizing the Mayor to Enter into a Contract for Same (continued): A motion was made by Eberly and seconded by Meusch to award the bid for the Eugene E. Northern Community Hall/Fire Station #2 roof to Just in Time Roofing, for the base bid at \$22,705.00 and to not replace the cupola. 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 NO. 4507: 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 JUST IN TIME ROOFING FOR REPLACING THE ROOF ON ROLLA FIRE STATION #2 AT 400 WEST 4TH STREET. A motion was made by Henry and seconded by Allen to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Allen and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schneider, Rohter, Ruder, Jones, Murphey, Schott, Crowell, Meusch, Allen, Eberly, and Henry. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

VIII. CITIZEN COMMUNICATION

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

No one present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Thomas Sutton to the Board of Adjustment to Replace Ms. Robin K. Bunch (July 2024): A motion was made by Meusch and seconded by Murphey to approve the appointment of Mr. Thomas Sutton to the Board of Adjustment (July 2024). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS

(B) Motion Appointing Mr. Ted Read to the Board of Public Works to Replace Mr. Matt Williams (August 2023): A motion was made by Meusch and seconded by Schneider to appoint Mr. Ted Read to the Board of Public Works (August 2023). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Motion Appointing Mr. Steven Jung to the Rolla Regional Economic Commission (RREC): A motion was made by Henry and seconded by Crowell to appoint Mr. Steven Jung to the Rolla Regional Economic Commission. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:29 p.m.

XII. ADJOURNMENT

The Council reconvened into open session at approximately 8:26 p.m. and adjourned.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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