

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 19, 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, Marie Allen, Christine Ruder, and Tiffany Henry

**Council Members Absent:** Daniel Jones and 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, Interim Centre Director Marci Fairbanks, and Fire Chief Ron Smith

**Other City Officials in Attendance:** City Counselor Lance Thurman, City Engineer Darin Pryor, and City Clerk Carol Daniels

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

**I. PUBLIC HEARINGS**

**(A) Ordinance Setting the 2019 Tax Rate:** Finance Director Steffanie Rogers referred the Council to the 2019 sales tax information contained in the agenda materials. She informed the Council the tax rates would remain the same as the 2018 rate. Ms. Rogers noted the revenue budgeted for the General Fund portion of the rate is estimated at \$1,023,729, an increase of \$91,078 over the previous year. Since the rates must be certified to the County by September 1, 2019, Ms. Rogers asked the Council to consider the first and final readings of the subject ordinance at this meeting.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed 2019 tax rate. No one present responded. Mayor Magdits closed the public hearing.

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance Setting the 2019 Tax Rate:** City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4508: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2019.** A motion was made by Henry and seconded by Eberly 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, zero nays, and two absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. 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; Henry, Allen, Murphey, Schneider, Rohter, Meusch, Eberly, Crowell, Schott, and Ruder. Nays; None. Absent; Williams and Jones. Motion carried. The ordinance passed.

**II. SPECIAL PRESENTATIONS**

**(A) Rolla Municipal Utilities (RMU) FY 2019 Third Quarter Report, FY 2020 Budget Review, & Board of Public Works Approved Rate Changes:** RMU General Manager Rodney Bourne provided an overview of RMU's FY 2019 Third Quarter Report. He noted the complete report is available on RMU's website. Additionally, Mr. Bourne summarized RMU's proposed budget for FY 2020 and the rate changes recently approved by the Rolla Board of Public Works.

**III. OLD BUSINESS**

**(A) Ordinance Considering "Use Tax" for November Election:** City Administrator John Butz stated that for some time the City has been talking about the "use tax" and staff is requesting the Council consider placing it on the November 5, 2019, ballot. He recalled the "use tax" has been adopted by about 263 Missouri cities and counties. Mr. Butz said the City is looking at the "use tax" as a way of leveling the playing field. If the voters are gracious enough to approve the "use tax", it takes the City sales tax rate and applies it out-of-state purchases. Mr. Butz recalled the first draft of the proposed ordinance, which had its first reading at the previous meeting stated, "for the purpose of improving public safety, and capital improvements." Over the past two weeks, City staff has been hearing from citizens and has met with the Finance/Audit Committee and has

**III. OLD BUSINESS (continued)**

**(A) Ordinance Considering “Use Tax” for November Election (continued):** concluded that the language is not clear enough. Mr. Butz referred the Council to an amended ordinance, recommended by the Finance/Audit Committee, to change the language from “...public safety and capital improvements...” to “...used to fully fund public safety needs with any additional funds being applied to other general fund needs....”

A motion was made by Henry and seconded by Meusch to amend the ordinance as recommended by the Finance/Audit Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4509: 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 TO BE USED TO FULLY FUND PUBLIC SAFETY NEEDS WITH ANY ADDITIONAL FUNDS BEING APPLIED TO OTHER GENERAL FUND NEEDS AND PRESCRIBING A FORM OF BALLOT THEREOF. A motion was made by Henry and seconded by Schneider to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Meusch, Schott, Ruder, Schneider, Allen, Murphey, Henry, Crowell, Rohter, and Eberly. Nays; None. Absent; Jones and Williams. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Motion Appointing Employer Delegate for the Annual LAGERS Meeting on Oct. 24 & 25, 2019:** City Administrator John Butz informed the Council the City has been a member of LAGERS (Local Government Employees Retirement System) for over 30 years. By law, an annual conference is held that requires both an employee and employer representative. Mr. Butz stated the employee representative is elected by the City employees and the employer representative is normally selected from the City Council. If interested, Mr. Butz said the conference is scheduled for October 24 and 25, 2019, in Springfield, Missouri. If Council does not have an appointment, Mr. Butz said

**IV. NEW BUSINESS (continued)**

**(A) Motion Appointing Employer Delegate for the Annual LAGERS Meeting on Oct. 24 & 25, 2019 (continued):** then typically, the Council would authorize him to make an appointment. A motion was made by Crowell and seconded by Eberly to appoint Councilwoman Ann Murphey as the Council's representative to the LAGERS Conference. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(B) Review of Proposed Budget for the Forum Plaza Community Improvement District (CID):** City Administrator John Butz stated that as part of the renovation of the Forum Plaza Shopping Center, the City adopted a Community Improvement District (CID). The ownership of the shopping center imposed on themselves a one-cent CID for purposes of the Forum Plaza renovation project. Mr. Butz explained that one of the requirements is to submit the proposed budget to the City Council, which has been included in the agenda materials for the Council's review.

**(C) Medical Marijuana Cultivation Facility Interested in Rolla Industrial Park West:** City Administrator John Butz reported the City has been approached from a company which is based out of Denver, Colorado interested in somewhere between ten and fourteen acres of the City's industrial park for a medical marijuana cultivation facility. He said it is the area that lies between Cantex and Twitty Drive. Mr. Butz said the City has reached a memorandum of understanding (MOU) that if the company receives a State license for the cultivation facility the City would sell them property. He noted the value of the property is about \$30,000/acre.

**(D) Resolution Authorizing the Mayor to Execute a Certain Commercial Ground Lease with USA Tours, Inc.:** City Administrator John Butz explained the City owns a surplus piece of property located just off Tenth Street at Oak Street, which sits between the ramps of the Tenth Street bridge and Central Security and Electric's (CSE) facility where USA Tours is located. He informed the Council that Mr. Nick Barrack with USA Tours contacted the City about purchasing the property. Rather than selling the property, Mr. Butz said staff recommends leasing the property. He told the Council that staff is recommending a lease for five years with a three-year extension at \$900 per year.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1954: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN COMMERCIAL GROUND LEASE BETWEEN

**IV. NEW BUSINESS (continued)**

**(D) Resolution Authorizing the Mayor to Execute a Certain Commercial Ground Lease with USA Tours, Inc. (continued):** THE CITY OF ROLLA, MISSOURI, AND USA TOURS, INC. A motion was made by Murphey and seconded by Schneider to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

**(E) Ordinance Amending Section 27-67 of the Code Relating to Speed in School Zones:** Public Works Director Steve Hargis reported that staff received a request from Mr. Richard Hockersmith with Discovery Schools of Rolla, to post a “school zone” along Bridge School Road. The school is located at 1530 Bridge School Road. Staff recommends approval.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: 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.

**(F) Ordinance Amending Section 27-92 of the Code Relating to Parking:** Public Works Director Steve Hargis recalled that a few weeks ago, the City received a petition from Ms. Debra Hutchings with the Rolla Senior Apartments requesting that parking be restricted in certain areas near the entrance/exits of the parking lot. He recalled the Council instructed staff to increase the “No Parking” area by forty feet on the west side of McCutchen Drive near the exit to provide better sight distant. Mr. Hargis said the residents of the Senior Apartments seem pleased with this change. Staff is recommending this change be placed in an ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: 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.

**(G) Ordinance Authorizing the Mayor to Enter into State Block Grant Agreement, Amendment #1, with the Missouri Highways & Transportation Commission:** Public Works Director Steve Hargis told the Council that the following three items are related. He said the City is proposing to do a rehabilitation project on Runway 4/22 at the Rolla National Airport. The subject block grant agreement is federal fund pass-through of

**IV. NEW BUSINESS (continued)**

**(G) Ordinance Authorizing the Mayor to Enter into State Block Grant Agreement, Amendment #1, with the Missouri Highways & Transportation Commission (continued):** about \$2.9 million, which would provide 90% of the cost of this project. Mr. Hargis said the next item, which is a state grant, would cover 5%, of the project and the City would be responsible for the remaining 5%. Mr. Hargis asked the Council to consider the first reading of an ordinance authorizing the Mayor to enter into a block grant agreement for \$2.9 million.

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 MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR AMENDMENT TO STATE BLOCK GRANT AGREEMENT, AMENDMENT #1.

**(H) Ordinance Authorizing the Mayor to Enter into a Missouri Highway & Transportation Airport Aid Agreement:** Public Works Director Steve Hargis said the subject ordinance is for 5% of Runway 4/22 project costs or \$162,689 reimbursed by the State.

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 MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO DESIGN AND CONSTRUCT RUNWAY 4/22 REHABILITATION AND EXHIBIT "A" UPDATE.

**V. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Motion Awarding Bid for the Rehabilitation of Runway 4/22 at the Rolla National Airport:** Public Works Director Steve Hargis reported bids were received for the rehabilitation of Runway 4/22 at the Rolla National Airport. He noted the City's consulting engineer, JViation, recommends the bid be awarded to the low bidder Capital

**V. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(A) Motion Awarding Bid for the Rehabilitation of Runway 4/22 at the Rolla National Airport (continued):** Paving & Construction, LLC for \$2,999,252.50. A motion was made by Henry and seconded by Murphey to award the bid for the rehabilitation of Runway 4/22 at the Rolla National Airport to the low bidder Capital Paving & Construction for \$2,999,252.50. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(B) Motion Awarding Bid for New Playground Structure for Coventry Park:** Parks Director Floyd Jernigan reported twelve bids from six different companies were received for a new playground structure for Coventry Park. He explained that staff, the parks board, and a vast majority of neighbors who attended a public meeting recommend accepting the bid from Hutchinson Recreation, Miracle Option A for \$90,000.

A motion was made by Allen and seconded by Murphey to award the bid for the Coventry Park new playground structure to Hutchinson Recreation, Miracle Option A for \$90,000. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) FY 2019 Budget Workshop, Monday, August 26, 2019, 5:30 p.m., City Council Chambers:** City Administrator John Butz informed the Council that the FY 2019 budget workshop would be held in the City Council Chambers on Monday, August 26, 2019. He said a light meal would be served before the meeting in the Third Floor Conference Room beginning at 4:45 p.m.

**(B) Holloway and Eighteenth Street:** Councilwoman Ruder said she recently witnessed a tractor-trailer trying to negotiate the turn from Eighteenth Street onto Holloway. She said the vehicle drove up on the curb. Ms. Ruder said this was not the first time a tractor-trailer tried to negotiate a turn because a huge rut was in the yard by the new curbing.

City Administrator John Butz said the City could somewhat widen the corner, but we are at a loss why a tractor-trailer would be using Holloway. The City intentionally made it difficult so large vehicles would find another route. Mr. Butz said staff would evaluate it and possibly make a change.

**VI. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(C) Constituent E-Mail Request:** Councilwoman Rachel Schneider explained that Ward I citizen Michael D Dowdy, 1502 Martin Street, sent her an e-mail and the other Council members asking her to relay some community issues he has identified. Ms. Schneider summarized that Mr. Dowdy expressed his concerns about opioid addictions, illegal drug activities, and drug-related crime in our area. He states that Missouri ranks among the worst five in opioid addictions and legal drug addictions/overdoses and we must act now. Mr. Dowdy also wanted to bring to the Council's attention the poverty and homeless rates in the Eighth Congressional District, which includes Phelps County. They are some of the worst poverty and homeless rates in the state of Missouri. Mr. Dowdy expressed his concern about marginalized populations, diversity outreach, and the epidemic of suicide on the rise in Missouri in terms of bullying or cyber bullying in schools, raising suicide rates among seniors, veterans, and LGBTQ adults. Ms. Schneider noted Mr. Dowdy is interested in the decriminalization of cannabis and non-violent, low level, first time drug offenders, wanting to divert out of jail and into treatment options. Mr. Dowdy offered an urgent call for city and county unity, harmony, peace and stability.

**VII. CITIZEN COMMUNICATION**

**(A) Mr. Lee Buhr – Use Tax Proposal:** Mr. Lee Buhr, 507 Greenbriar, Rolla, Missouri, and a current member of the S.A.V.E. Animal Shelter Committee, which was formed to help raise funds for a new Rolla animal shelter, addressed the Council. He stated he supports the proposed “use tax.” However, he said he does not believe this tax should include the new animal shelter. Mr. Buhr said he thinks the animal shelter would have a better chance of happening in November if it stands on its own. He said he believes there is just too much verbiage in the current proposal because of all the other items and feels the animal shelter will get buried in that particular verbiage. Mr. Buhr said and he and other members of the Animal Shelter Committee are very passionate about this and hope there is some way to help fund the animal shelter and believes it has a better chance of passing when it stands on its own.

Mayor Magdits clarified to Mr. Buhr that the funding of a new animal shelter is not included in the “use tax” ballot. He said the “animal care” noted in the “use tax” ordinance refers to operating the current animal shelter.

Mr. Buhr indicated he was under the impression the new animal shelter was part of the tax.



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**VII. CITIZEN COMMUNICATION (continued)**

**(B) Mr. Alfred Chapman (continued):** In response to Mr. Buhr's comments, Mr. Alfred Chapman suggested charging a dog tax of fifty cents a day for each dog and the money would be dedicated to the animal shelter and the dog park in Buehler Park. He said to not put it on the back of the elderly and people who are striving to make a living on low incomes. Mr. Chapman suggested charging bicyclists a \$1 day or \$365/year dedicated to bicycle paths. Let the people demanding these services, pay for them. Regarding the City's recreation center, Mr. Chapman told the Council the people who are demanding these services should be the ones paying for them. Mr. Chapman also said he wanted more information on the county for a new internet tax.

Mayor Magdits recommended to Mr. Chapman that he address the new internet tax with the County Commission.

No one else present addressed.

**VIII. COMMENTS FOR THE GOOD OF THE ORDER**

**(A) Use Tax Public Forum:** City Administrator John Butz said a "use tax" public forum is tentatively scheduled for 5:30 p.m., Thursday, September 5, 2019, in the Phelps County Courthouse, Multipurpose Room.

**(B) Kingshighway Corridor/Highway 72 Public Information Open House:** City Administrator John Butz announced that an open house on the Kingshighway Corridor/Highway 72, would be held on Wednesday, August 28, 2019, from 5 p.m. to 7 p.m. at The Centre.

**IX. CLOSED SESSION**

None.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at 7:51 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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