

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 18, 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, Monty Jordan, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Carrolyn Bolin, Marie Allen, Christine Ruder, and Tiffany Henry

Council Members Absent: None.

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

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 6:31 p.m. and asked Councilman David Schott to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

(A) Appointment to Fill the Vacancy in Ward V (until the April 2020 Election): With the recent passing of Ward V Councilman Jim Williams, Mayor Magdits requested the appointment of Ms. Carrolyn Bolin to fill Mr. Williams' unexpired term. A motion was made by Eberly and seconded by Jordan to accept the appointment of Ms. Carrolyn Bolin for the unexpired term in Ward V. After a brief discussion, a voice vote on the motion showed nine ayes and two nays. Motion carried.

City Clerk Carol Daniels then administered the Oath of Office to Ms. Bolin.

II. PUBLIC HEARINGS

(A) Resolution Approving the Major Subdivision Preliminary Plat of South Meadow: City Planner Tom Coots explained the subject property is located at the southwest corner of Highway O and Lions Club Drive. He recalled this property was

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II. PUBLIC HEARINGS (continued)

(A) Resolution Approving the Major Subdivision Preliminary Plat of South Meadow (continued): recently surplusd by Rolla Municipal Utilities and sold to the applicant. Mr. Coats said the property is zoned R-2 (Two-Family District) and is currently undeveloped. He noted the proposed preliminary plat includes five residential lots for duplexes and one lot is proposed to be dedicated back to the City, which is impacted by the floodplain. Mr. Coats reported the Planning and Zoning Commission voted four to two to approve the request.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject preliminary plat.

Mr. Gene Bingham, 816 Highway O, Rolla, Missouri, informed the Council that he has owned his home since 1958 and the subject property is located about 300 feet from his property. He expressed privacy concerns with the proposed development and asked if the proposed duplexes would be one or two stories. Mr. Bingham also mentioned concerns with declining property value and security concerns.

Mr. John Brown, petitioner, told Mr. Bingham that he plans to construct one story, all brick duplexes. He said all the driveways will be concrete and he will try to preserve as many trees as possible. Additionally, he plans to have a twenty-foot setback.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1956: A RESOLUTION TO APPROVE THE MAJOR SUBDIVISION PRELIMINARY PLAT OF SOUTH MEADOW. (SUB19-05). A motion was made by Crowell and seconded by Schott to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

(B) Ordinance Approving the Rezoning of 2050 Old St. James Road from GI (Governmental & Institutional) to M-1 (Light Manufacturing): City Planner Tom Coats told the Council the subject property is currently undeveloped. He said this property was recently declared surplusd by Rolla Municipal Utilities and sold. Mr. Coats indicated the applicant is requesting the property be rezoned from GI

II. PUBLIC HEARINGS (continued)

(B) Ordinance Approving the Rezoning of 2050 Old St. James Road from GI (Governmental & Institutional) to M-1 (Light Manufacturing) (continued): (Governmental & Institutional) to M-1 (Light Manufacturing). He noted the future land use plan designates the entire area as being appropriate for industrial type uses. Mr. Coots informed the Council that the Planning and Zoning Commission recommended approval of this request by a vote of six to zero.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE RE-ZONING OF 2050 OLD ST. JAMES ROAD FROM GI, GOVERNMENTAL AND INSTITUTIONAL TO M-1, LIGHT MANUFACTURING.

(C) Ordinance Approving the Rezoning of 4001 Enterprise Drive from M-2 (Heavy Manufacturing) to C-3 (Highway Commercial): City Planner Tom Coots said the applicant for the subject property is QuikTrip and they are requesting the rezoning of the property, located at 4001 Enterprise Drive, from M-2 (Heavy Manufacturing) District to C-3 (Highway Commercial) District. He mentioned the subject property is currently undeveloped. Mr. Coots told the Council the property is located across the street from Love's Travel Center, which is zoned C-3 (Highway Commercial) District. Mr. Coots reported the Planning and Zoning Commission voted six to zero to recommend approval of the rezoning request.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Greg Rogers, QuikTrip Real Estate Manager, 2255 Bluestone Drive, St. Charles, Missouri, addressed the Council and said QuikTrip plans to construct a convenience store that also services trucks. He said their facility is similar to Love's, but focuses on the convenience store and local trucks who leave early morning and come back every night. Mr. Rogers indicated there would be eight truck pumps and sixteen car pumps.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

II. PUBLIC HEARINGS (continued)

(C) Ordinance Approving the Rezoning of 4001 Enterprise Drive from M-2 (Heavy Manufacturing) to C-3 (Highway Commercial) (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE RE-ZONING OF 4001 ENTERPRISE DRIVE FROM M-2, HEAVY MANUFACTURING TO C-3, HIGHWAY COMMERCIAL.

III. SPECIAL PRESENTATIONS

None.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

(A) Motion Accepting the November 5, 2019, Special Election Results: City Administrator John Butz pointed out the Use Tax passed in all six city wards. A motion was made by Rohter and seconded by Schott to accept the November 5, 2019, Special Election results as submitted by Phelps County Clerk and Election Authority Pamela K. Grow. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Ordinance Amending Chapter 37 of the Code Enacting a Local Use Tax: City Administrator John Butz explained the next action regarding the Use Tax is for the City Council to approve an ordinance that puts the Use Tax into effect. He said the Use Tax would take effect April 1, 2020 and the City should see revenues from the tax as early as June 2020.

Mayor Magdits said staff plans to have a “rough” plan as to how the money is going to be spent at the December 16, 2019, meeting. He said this would give the Council and the community a sense of what is needed.

V. NEW BUSINESS (continued)

(B) Ordinance Amending Chapter 37 of the Code Enacting a Local Use Tax (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 37 OF THE ROLLA CITY CODE AND ENACTING A NEW SECTION ENACTING A USE TAX AT THE SAME RATE AS THE TOTAL LOCAL SALES TAX RATE TO FULLY FUND PUBLIC SAFETY NEEDS WITH ANY ADDITIONAL FUNDS BEING APPLIED TO OTHER GENERAL FUND NEEDS.

(C) Ordinance Amending Sec. 7-9, Sec. 7-26 & Sec. 7-27 of the Code Pertaining to Cemeteries and Burials: Parks Director Floyd Jernigan said staff initiated a review of the pricing and the rules of the cemetery. He noted the proposed ordinance includes the price increases for burial fees and lot sales. Mr. Jernigan informed the Council that the last time the pricing was changed was in early 2012. He added the proposed fee structure and the and rules and regulations were approved by the Parks Advisory Commission.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTIONS 7-9, 7-26, AND 7-27 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO CEMETERIES AND BURIALS.

(D) Ordinance Approving the Minor Subdivision Final Plat of QuikTrip #7067 Subdivision & Vacating Certain Easements: City Planner Tom Coots informed the Council that the subject minor subdivision is a portion of the same property discussed previously in the meeting. The property is currently zoned M-2 (Heavy Manufacturing) although a portion of the property is being rezoned to C-3 (Highway Commercial) district. Mr. Coots explained the subject property is currently comprised of two platted lots and an unplatted area. The proposed plat would combine the areas together and create two commercial lots. One lot is proposed to be sold to QuikTrip and the other lot would be retained by the Rolla Community Development (RCDC). Mr. Coots reported the Planning and Zoning Commission voted six to zero to recommend approval.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF QUIKTRIP #7067 SUBDIVISION AND VACATING CERTAIN EASEMENTS. (SUB19-06)

V. NEW BUSINESS (continued)

(E) Ordinance Approving the Minor Subdivision Final Plat of Miner Alumni Addition (continued): City Planner Tom Coots told the Council the Miner Alumni Association has purchased an additional property, which is located to the north of their building on Pine Street. The plans are to demolish the building and possibly construct a parking lot. The combination would allow for the parking lot. Mr. Coots added the Planning and Zoning Commission recommend approval.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF MINER ALUMNI ADDITION. (SUB19-07)

(F) Ordinance Approving the Minor Subdivision Final Plat of Old Wire Road Plat #1: City Planner Tom Coots told the Council the subject property consists of three platted lots and a hotel has been constructed on two of the lots. The request is to reorganize these properties from three lots to two lots. Mr. Coots indicated the Planning and Zoning Commission recommends approval.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF OLD WIRE ROAD PLAT #1. (SUB19-08)

VI. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 501 – Centre Basketball Court Refinishing; and, an Ordinance Authorizing the Mayor to Enter into an Agreement for Same: City Engineer Darin Pryor informed the Council that three bids were received for the refinishing of the Centre basketball court. The low bidder was Lankford Enterprises, Inc., Bucyrus, Kansas, for \$23,800. Staff recommends the bid be awarded to Lankford Enterprises, Inc., and the first reading of an ordinance that would authorize the Mayor to enter into a contract with Lankford Enterprises.

A motion was made by Murphey and seconded by Crowell to award the bid for the Centre basketball Court refinishing to the low bidder, Lankford Enterprises, Inc., Bucyrus, Kansas for \$23,800. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VI. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Bid for Project 501 – Centre Basketball Court Refinishing; and, an Ordinance Authorizing the Mayor to Enter into an Agreement for Same (continued): 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 LANKFORD ENTERPRISES INC., FOR CENTRE BASKETBALL COURT REFINISHING, PROJECT #501.

VII. MAYOR/CITY COUNCIL COMMENTS

(A) 2019 Small Business Saturday (November 30, 2019) Proclamation: Mayor Magdits pointed out that small businesses in the aggregate represent a huge part of Rolla's economic base. He announced he would be presenting the subject proclamation in downtown Rolla on November 26, which recognizes Small Business Saturday on November 30, 2019. Mayor Magdits then read the proclamation in its entirety. He encouraged residents to consider local, small business, during the holiday shopping season.

(B) Motion Appointing Mr. Ray Schweikhardt to the Planning and Zoning Commission to Complete the Unexpired Term of Mr. Monty Jordan (June 2022): Mayor Magdits indicated he would prefer deferring consideration of this item until Mr. Schweikhardt's bio could be included in the agenda materials.

(C) Motion Appointing Mr. Mike Fleischhauer to the Park Advisory Commission (November 2022): Mayor Magdits indicated he would prefer deferring consideration of this item until Mr. Fleischhauer's bio could be included in the agenda materials.

(D) Schuman/Ber Juan Neighborhood: Councilwoman Schneider expressed her appreciation to City staff who attended the first Schuman/Ber Juan Neighborhood meeting and the City Council members who attended. She said it was a learning opportunity hearing some of the concerns from people who live and own property in the neighborhood and she is excited to learn more about what we can do to help them.

Councilman Schott also thanked City Planner Tom Coots for his efforts in this project.

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VII. MAYOR/CITY COUNCIL COMMENTS (continued)

(E) School Shooting Threat: Councilman Crowell asked Police Chief Sean Fagan to update the Council on the recent school shooting threat.

Chief Fagan relayed the details of the threat and the investigation that ensued. He informed the Council that three students were taken into custody and turned over to the juvenile authorities. To be safe, officers were in every school this morning and when school was dismissed this afternoon.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication

Mr. Frank Furman, 403 Hutchinson, encouraged citizens to support the Library by attending the Friends of the Library Book Sale which will be held from Thursday, November 21, 2019, through Saturday, November 23, 2019.

IX. COMMENTS FOR THE GOOD OF THE ORDER

None.

X. CLOSED SESSION

A motion was made by Schneider and seconded by Murphey to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss real estate/sealed proposals. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Bolin, Schneider, Ruder, Meusch, Jordan, Henry, Crowell, Schott, and Rohter. Nays; None. Absent; None. Motion carried.

The Council adjourned into Closed Session at approximately 7:48 p.m.

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XI. ADJOURNMENT

The Council reconvened into open session at approximately 8:41 p.m. and adjourned.

CITY CLERK

MAYOR

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