

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 21, 2020; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance via Zoom Videoconferencing: Christine Ruder

Council Members in Physical Attendance: Rachel Schneider, Terry Higgins, Matthew Crowell, Ann Murphey, Lister B. Florence, Jr., David Schott, Jody Eberly, John Meusch, Carrolyn Bolin, Marie Allen and Deanne Lyons

Council Members Absent: None.

Department Directors in Attendance via Zoom Videoconferencing: Interim Recreation Center Director Marci Fairbanks and Community Development Director Steve Flowers

Department Directors in Physical Attendance: Environmental Services Director Brady Wilson, Parks Director Floyd Jernigan, Fire Chief Ron Smith, and Police Chief Sean Fagan

Other City Officials in Attendance via Zoom Videoconferencing: City Engineer Darin Pryor

Other City Officials in Physical Attendance: City Counselor Carolyn Buschjost, City Planner Tom Coots, and City Clerk Carol Daniels

Before calling the meeting to order, Mayor Louis J. Magdits, IV, noted we recently saw the passing of Mr. Ted Day. He said Ted was a giant of a man who gave so much to his fellow citizens and one who often shied away from public recognition. His civic leadership was extensive as was his philanthropy and charity. Mayor Magdits said he is sure that Mr. Day and his wife Kim have done so much more anonymously. He ask that Mr. Day and his family be kept in our thoughts and our prayers that we are about to have.

A member of the Rolla Ministerial Alliance then offered the invocation.

Mayor Louis J. Magdits, IV called the meeting to order at approximately 6:30 p.m. and asked Councilman Matthew Crowell to lead in the Pledge of Allegiance.

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I. PUBLIC HEARINGS

(A) Ordinance Authorizing the MRTDD to Utilize Eminent Domain for University Drive Realignment: City Administrator John Butz mentioned the City has been working on a series of transportation projects over the last few years and one of the Move Rolla Transportation Development District (MRTDD) projects is the relocation of University Drive. He said the City has had great success working with the Transportation Development District (TDD) on acquiring properties and to date, seventeen properties have been acquired. He noted the last parcel to acquire is the Hardee's Restaurant. He indicated there is no disagreement in the need of the property, but for the timing and the amount of money. By law, Mr. Butz informed the Council the City could initiate eminent domain action themselves. In this case, the proposal would delegate that authority to MRTDD and they would pursue eminent domain action.

Mayor Magdits opened the public hearing to anyone wishing to address the Council regarding the proposed ordinance. No one present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4575: AN ORDINANCE FINDING AND DECLARING THAT IT IS NECESSARY TO ACQUIRE CERTAIN PROPERTY FOR THE MOVE ROLLA TRANSPORTATION PROJECT AND AUTHORIZING THE MOVE ROLLA TRANSPORTATION DEVELOPMENT DISTRICT TO EXERCISE EMINENT DOMAIN PURSUANT TO SECTION 238.247 OF THE REVISED STATUTES OF MISSOURI TO ACQUIRE SUCH PROPERTY. A motion was made by Meusch and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Higgins, Bolin, Schneider, Ruder, Allen, Murphey, Lyons, Crowell, Eberly, and Florence. Nays; None. Absent; None. Motion carried. The ordinance passed.**

(B) Ordinance Rezoning a Portion of 124 W. Lions Club Drive from M-2 (Heavy Manufacturing District) and R-R (Rural Residential) Districts to C-3 District (Highway Commercial District): City Planner Tom Coots explained the original request from the applicant was to rezone the property from R-R (Rural Residential District) to C-3 (Highway Commercial District). However, he reported the Planning and Zoning Commission voted during its recent meeting to approve the rezoning request, contingent on the M-2 (Heavy Manufacturing District) portion of the property being rezoned to C-3 (Highway Commercial District).

I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning a Portion of 124 W. Lions Club Drive from M-2 (Heavy Manufacturing District) and R-R (Rural Residential) Districts to C-3 District (Highway Commercial District (continued)): Mr. Coots reported the applicant wants to begin operation of a landscaping/agricultural supply business that would sell fertilized soils and related products for farming or gardening. He informed the Council that following a public hearing, by a vote of five to zero, the Planning and Zoning Commission recommends approval of the request

After Council discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council regarding the proposed rezoning request.

Mr. Nick Frost, 124 W. Lions Club Drive, Rolla, Missouri, told the Council he lives on this property with his wife and father-in-law and his grandfather-in-law owns the property. He said his wife has purchased some organic certified compost and it has turned into her having compost for sale. Mr. Frost indicated the compost has been stockpiled where the 18-wheelers were previously located. He said they have a small-scale farm and plan to primarily sell flowers.

Councilwoman Murphey noted the ordinance contains the incorrect day of the Planning and Zoning Commission public hearing. Mr. Coots added the legal description would also be amended before the final reading of the ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE TO APPROVE THE RE-ZONING A PORTION OF 124 W LIONS CLUB DRIVE FROM THE M-2, HEAVY MANUFACTURING AND R-R, RURAL RESIDENTIAL DISTRICTS TO THE C-3, HIGHWAY COMMERCIAL DISTRICT. (ZON20-03).

II. SPECIAL PRESENTATIONS

(A) Tree City USA Presentation: Parks Director Floyd Jernigan reported the City was fortunate to be apprised that the City had been designated a “Tree City USA.” He introduced former City parks director and Parks Advisory Commission chair Ken Kwantes, and Mr. Mike Fleischhauer, a Parks Advisory Commission member, a member of the Missouri Department of Conservation (MDC) and resident forester on the

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I. SPECIAL PRESENTATIONS (continued)

(A) Tree City USA Presentation (continued): Parks Advisory Commission. On behalf of the MDC, Mr. Fleischhauer presented Mayor Magdits and Mr. Jernigan with signs, a flag, and a plaque in honor of Rolla's designation by the Arbor Day Foundation as a "Tree City USA." Mr. Kwantes said this designation was something that had been long sought for Rolla.

III. OLD BUSINESS

(A) Ordinance Approving FY 2021 Budget: City Administrator John Butz said the proposed budget is \$55,230,366, which is double the typical size because of three current major projects. He noted the budget includes the \$475,000 estimated revenue from the Use Tax, which the voters approved in November 2019 to be used specifically for public safety purposes. Mr. Butz indicated almost all of the Use Tax revenues have been allocated. He pointed out the budget includes a 6% increase across the board for public safety officers and a 1% cost-of-living adjustment (COLA) for all full-time employees. Additionally, the proposed budget includes a sewer fee increase and a slight increase in building permit fees. Mr. Butz said staff is prepared to submit to Council for final consideration the ordinance approving the FY 2021 budget.

A motion was made by Schott and seconded by Lyons to allocate \$44,588 from the FY 2020 budget to be able to purchase body cameras for FY 2021 and to reallocate the \$45,000 for the fourth police car out of the use tax in FY 2021. A roll call vote on the motion showed the following: Ayes; Allen, Lyons, and Schott. Nays; Ruder, Murphey, Higgins, Schneider, Bolin, Crowell, Meusch, Florence, and Eberly. Motion failed.

Councilwoman Murphey pointed out the date in the proposed ordinance is incorrect and should be October 1, 2020.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4576: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020 AND APPROPRIATING FUNDS PURSUANT THERETO.** A motion was then made by Eberly and seconded by Crowell to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Murphey, Allen, Bolin, Schneider, Ruder, Meusch, Higgins, Eberly, Florence, and Crowell. Nays; Lyons and Schott. Motion carried. The ordinance passed.

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IV. NEW BUSINESS

(A) Motion Authorizing the Closing of Certain Streets for the 42nd Annual Arts and Crafts Festival on October 17, 2020: City Engineer Darin Pryor reported the Rolla Downtown Business Association has requested the closing of Pine Street from Sixth Street to Tenth Street on Saturday, October 17, 2020, for the Annual Arts and Crafts Festival.

A motion was made by Schneider and seconded by Murphey to authorize the closing of certain streets for the annual arts and crafts festival on October 17, 2020. A roll call vote on the motion showed the following: Ayes; Bolin, Higgins, Ruder, Schott, Allen, Murphey, Lyons, Crowell, Meusch, Florence, Eberly, and Schneider. Nays; None. Absent; None. Motion carried.

(B) Ordinance Amending Section 27-118 of the Code Relating to Two-Hour Parking: City Engineer Darin Pryor said the subject ordinance would bring the City's Code in compliance with what is currently in the field.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-118 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING.

(C) Ordinance Amending Section 27-93 of the Code Relating to Parking: City Engineer Darin Pryor said staff proposes to remove the "No Parking" during school days on Eleventh Street between Poole and Spring Avenues. He reported the Lutheran Church no longer has school at this location. Additionally, staff is recommending the "No Parking" on Maple Street between Tenth and Eleventh Streets be removed.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-93 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION 27-93 IN LIEU THEREOF RELATING TO PARKING.

(D) Ordinance Amending Section 27-89 of the Code Relating to Stop Intersections: City Engineer Darin Pryor said staff proposes to add a stop sign at Old English Road at Whitehall Road. Additionally, staff recommends adding a stop sign at Whitehall Road at Fox Creek Road.

IV. NEW BUSINESS (continued)

(D) Ordinance Amending Section 27-89 of the Code Relating to Stop Intersections (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO STOP INTERSECTIONS.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding the Bid for Project #506 – FY 2020 Phase III Asphalt Improvements; and, an Ordinance Authorizing the Mayor to Enter into an Agreement for Same: City Engineer Darin Pryor explained the subject project would overlay Rolla Street from approximately the railroad tracks to First Street as well as the Larry May Park parking lot. Staff recommends the bid be awarded to the low bidder, Pierce Asphalt, LLC, Rolla, Missouri, for \$57,285.45. A motion was made by Schott and seconded by Eberly to award for the FY 2020 Phase III Asphalt Improvements, Project 506, to the low bidder, Pierce Asphalt, LLC, Rolla, Missouri, for \$57,285.45. A roll call vote on the motion showed the following: Ayes; Lyons, Allen, Murphey, Bolin, Schneider, Florence, Meusch, Higgins, Eberly, Crowell, Schott, and Ruder. Nays; None. Absent; None. Motion carried.

City Counselor Carolyn Buschjost 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 PIERCE ASPHALT, LLC, FOR FY 2020 PHASE III ASPHALT IMPROVEMENTS, PROJECT #506.

VI. MAYOR/CITY COUNCIL COMMENTS

(1) COVID-19 Update: Mayor Magdits reported that as of 3:30 p.m. today, the total number of confirmed COVID-19 cases in Phelps County is now 414 of which 70 are considered active. One individual is hospitalized in intensive care and sadly, we now have six deaths. Mayor Magdits said he could not stress enough the need for social distancing, personal hygiene, and the use of masks when social distancing is not possible.

VI. MAYOR/CITY COUNCIL COMMENTS

(1) COVID-19 Update (continued): Councilman Florence relayed he recently witnessed Environmental Services Director Brady Wilson riding on the back of a sanitation truck during the early morning hours. He said he knows the Department has had difficulties in staffing associated with COVID-19. Mr. Florence said this is a primary example of someone leading by example.

(2) Police Officer Promotions: Councilman Schott congratulated the police officers who were recently promoted. He thanked everyone on the force who protects and serves our community.

VII. CITIZEN COMMUNICATION

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

(1) Mr. Don Morris, 208 Victoria Lane, Rolla, Missouri, said he had the pleasure of serving on this City Council for ten years and when he retired from working for the public school system, he taught for five years in the drug rehabilitation program at Pathways. Mr. Morris explained he worked with twenty to twenty-five young people for three months at a time. He said he never met a young person during that time who was there because of marijuana addiction. Mr. Morris told the Council a majority of those young people were there because marijuana had not been enough for them and they had moved on to something stronger. He emphasized that these were good kids. Of all the kids that he came across during those five years, he said he could count on one hand the ones that did not have much of a future, and the remainder were good kids who had made a mistake and that mistake started with marijuana. Mr. Morris asked the Council to think about that when they make future decisions.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Trick or Treating: Councilwoman Bolin said she was contacted by a couple of downtown business owners who indicated there are a number of downtown businesses who want to participate in trick or treating this year. She said they would like to schedule the event between either 3 p.m. and 5 p.m. or 4 p.m. and 6 p.m. Ms. Bolin added they would not need to have Pine Street closed during this time.

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

(A) Trick or Treating: Mayor Magdits responded the downtown merchants need to come to a consensus before the City can take the next step.

(B) Bicycles: Councilwoman Bolin reported a constituent informed her that due to the bushes and hedges in her neighborhood she has problems seeing folks on bicycles approach when exiting her driveway. The constituent suggested that maybe a requirement to have bright colored orange flags might be required on all bicycles.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:41 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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