

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 18, 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: Rachel Schneider, Monty Jordan, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Marie Allen, and Christine Ruder

Council Members in Physical Attendance: Carrolyn Bolin

Council Members Absent: None.

Department Directors in Attendance via Zoom Videoconferencing: Community Development Director Steve Flowers, Parks Director Floyd Jernigan, Public Works Director Steve Hargis, Interim Recreation Center Director Marci Fairbanks, and Environmental Services Director Brady Wilson

Department Directors in Physical Attendance: Police Chief Sean Fagan and Fire Chief Ron Smith

Other City Officials in Attendance via Zoom Videoconferencing: Rolla Municipal Utilities General Manager Rodney Bourne

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

The invocation was given by a member of the Rolla Ministerial Alliance.

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. PUBLIC HEARINGS

(A) Ordinance Rezoning 1800 E. Highway 72 from C-1 (Neighborhood Commercial District) to C-2 (General Retail District): City Planner Tom Coots stated the subject request is to rezone property at 1800 E. Highway 72 from C-1 (Neighborhood Commercial District) to C-2 (General Retail District). The property is located across the

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I. PUBLIC HEARINGS

(A) Ordinance Rezoning 1800 E. Highway 72 from C-1 (Neighborhood Commercial District) to C-2 (General Retail District): street from property currently zoned C-2 (General Retail District). Mr. Coots said the applicant purchased the property to open a business called Line-X, which sells and installs automobile accessories. He noted Line-X specializes in the installation of pickup bed liners and coatings. Mr. Coots reported the Planning and Zoning Commission recommends approval of the rezoning request by a vote of five 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 Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4556: AN ORDINANCE TO APPROVE THE REZONING OF 1800 E HWY 72 FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-2, GENERAL RETAIL DISTRICT (ZON20-02). A motion was made by Bolin and seconded by Murphey to suspend the rules and that the ordinance be read for its final reading, by title. A roll call vote on the motion showed the following: Rohter, Murphey, Schneider, Allen, Jordan, Eberly, Bolin, and Meusch. Nays; Crowell, Schott, and Ruder. Absent; None. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Bolin and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Jordan, Bolin, Ruder, Schneider, Allen, Murphey, Crowell, Meusch, Rohter, Eberly, and Schott. Nays; None. Absent; None. Motion carried. The ordinance passed.

II. SPECIAL PRESENTATIONS

(A) 2019 Tourism Audit Report: Ms. Amanda Wiggins, CPA with Kean, Wiggins & Company, Certified Public Accountants, Rolla, Missouri, provided an overview of the Rolla Area Chamber of Commerce's Tourism Fund Audit for fiscal year 2019. She reported no adverse findings were noted during the course of the audit.

(B) 2020 Second Quarter Rolla Municipal Utilities (RMU) Report: Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of RMU's 2020 Second Quarter report.

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II. SPECIAL PRESENTATIONS (continued)

(C) National Public Works Week: Mayor Magdits read the proclamation he issued proclaiming the week of May 17 through May 23, 2020, as “National Public Works Week” in Rolla, Missouri.

III. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Technical Service Agreement with the Phelps County Emergency Services Board (PCESB): Mayor Magdits noted the following three items are related and the final readings of the three ordinances would authorize him to enter into technical service agreements with the Phelps County Emergency Services Board, the Rolla Public Library, and the Rolla Rural Fire Protection District. Mayor Magdits recalled these agreements relate to providing accounting and administrative services.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4557: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PHELPS COUNTY EMERGENCY SERVICES BOARD. A motion was made by Murphey and seconded by Crowell to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Allen, Murphey, Bolin, Schneider, Ruder, Meusch, Rohter, Eberly, Crowell, Schott, and Jordan. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter into a Technical Service Agreement with the Rolla Public Library: City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4558: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE ROLLA PUBLIC LIBRARY. A motion was made by Crowell and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Ruder, Schneider, Jordan, Murphey, Bolin, Meusch, Rohter, Eberly, and Allen. Nays; None. Absent; None. Motion carried. The ordinance passed.

III. OLD BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Enter into a Technical Service Agreement with the Rolla Rural Fire Protection District: City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4559: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE ROLLA RURAL FIRE PROTECTION DISTRICT. A motion was made by Jordan and seconded by Eberly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Bolin, Schneider, Ruder, Meusch, Jordan, Crowell, Schott, and Rohter. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Ordinance Authorizing the Mayor to Enter into a Contract with McClanahan Construction Co. for Southeast WWTP Improvements: Public Works Director Steve Hargis asked the Council to consider the final reading of the subject ordinance, which would authorize the Mayor to enter into a contract with McClanahan Construction Company for improvements to the Southeast Wastewater Treatment Plant for \$14,156,988.99.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4560: 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 MCCLANAHAN CONSTRUCTION CO., FOR IMPROVEMENTS TO OUR SOUTHEAST WASTEWATER TREATMENT PLANT, PROJECT #473. A motion was made by Bolin and seconded by Schneider to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schneider, Rohter, Ruder, Bolin, Jordan, Murphey, Schott, Crowell, Meusch, Allen, and Eberly. Nays; None. Absent: None. Motion carried. The ordinance passed.

(E) Ordinance Authorizing the Mayor to Enter into a Contract with Mid-State Pipeline Maintenance for Vichy Road WWTP Improvements: Public Works Director Steve Hargis asked the Council to consider the final reading of the proposed ordinance that would authorize the Mayor to enter into a contract with Mid-State Pipeline Maintenance for the Vichy Road Wastewater Treatment Plan improvements. The improvements total \$6,208,000.00.

III. OLD BUSINESS (continued)

(E) Ordinance Authorizing the Mayor to Enter into a Contract with Mid-State Pipeline Maintenance for Vichy Road WWTP Improvements (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE No. 4561: 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 MID-STATE PIPELINE MAINTENANCE LLC, FOR IMPROVEMENTS TO OUR VICHY ROAD WASTEWATER TREATMENT PLANT, PROJECT #473. A motion was made by Bolin and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Jordan, Bolin, Schneider, Ruder, Allen, Murphey, Crowell, Eberly, and Rohter. Nays; None. Absent; None. Motion carried. The ordinance passed.

(F) Ordinance Authorizing the Mayor to Enter into an Agreement with Donald Maggi, Inc. for Project #359–Kingshighway & Route 72/Bishop Intersection & Approving Change Order #1: Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance that would authorize the Mayor to enter into an agreement with Donald Maggi, Inc., for the Kingshighway and Route 72/Bishop Intersection and approving change order #1.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4562: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT AND CHANGE ORDER BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI INC., FOR KINGSHIGHWAY IMPROVEMENTS & ROUTE 72 AND BISHOP INTERSECTION IMPROVEMENTS, PROJECT #359. A motion was made by Bolin and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Ruder, Murphey, Jordan, Schneider, Allen, Bolin, Crowell, Rohter, Schott, and Eberly. Nays; None. Absent; Meusch (Councilman Meusch temporarily lost Zoom connection during discussion of this item). Motion carried. The ordinance passed.

(G) Ordinance Authorizing the Mayor to Execute Change Order #3 for Project 500-FY 2020 Phase I Asphalt Improvements: Public Works Director Steve Hargis asked the Council to consider the final reading of an ordinance that would authorize the Mayor to execute Change Order #3 for Project 500 – FY 2020 Phase I Asphalt improvements with Pierce Asphalt.

III. OLD BUSINESS (continued)

(G) Ordinance Authorizing the Mayor to Execute Change Order #3 for Project 500-FY 2020 Phase I Asphalt Improvements (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4563: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN CHANGE ORDER BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT, LLC, FOR FY 2020 PHASE I ASPHALT IMPROVEMENTS, PROJECT #500. A motion was made by Eberly and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Murphey, Allen, Bolin, Schneider, Ruder, Meusch, Jordan, Eberly, Rohter, Schott, and Crowell. Nays; None. Absent; None. Motion carried. The ordinance passed.

(H) Ordinance Regarding Series 2020 Sewer Revenue Bond – SRF: City Administrator John Butz explained this is the financing mechanism approved by the voters in November 2018, for the financing of about \$21 million of construction improvements for the sewer treatment plants. He reported the closing on the funding is scheduled for May 28, 2020. Mr. Butz asked the Council to consider the final reading of the subject ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4564: AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$27,240,000 PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REFUNDING AND IMPROVEMENT REVENUE BONDS (STATE OF MISSOURI – DIRECT LOAN PROGRAM) SERIES 2020 OF THE CITY OF ROLLA, MISSOURI, FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY’S SEWERAGE SYSTEM; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THEIR PAYMENT; AND PRESCRIBING OTHER RELATED MATTERS. A motion was made by Bolin and seconded by Allen to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bolin, Jordan, Ruder, Schott, Allen, Murphey, Crowell, Meusch, Rohter, Eberly, and Schneider. Nays; None. Absent; None. Motion carried. The ordinance passed.

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IV. NEW BUSINESS

None.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Don Brown to the Planning and Zoning Commission (May 2024): A motion was made by Meusch and seconded by Jordan to reappoint Mr. Don Brown to the Planning and Zoning Commission (May 2024). A roll call vote on the motion showed the following: Ayes; Allen, Murphey, Bolin, Schneider, Rohter, Meusch, Jordan, Eberly, Crowell, Schott, and Ruder. Nays; None. Absent; None. Motion carried.

(B) COVID-19 Return-to-Work Status/Compliance: Mayor Magdits first asked Fire Chief Ron Smith who has been visiting on a regular basis with many of the facilities and businesses around town. The idea is to help, educate, and work with the businesses. Mayor Magdits said he would then be speaking about the City-owned facilities.

Chief Smith addressed the Council and said he has been working for the past two weeks to implement the City's ordinance and to also work with the Governor's executive order. The first week, he noticed many of the businesses were working very hard to open, but the public was not quite ready to start moving into the open areas. Chief Smith said during the past week, he noted an uptick in the number of people who are out. During the entire crisis, the big box stores have been busy at a maximum. He said Wal-Mart's maximum number is 418 and they have been consistently full. He also noted Academy Sports has also been having maximum numbers. Chief Smith reported 90% of the businesses visited/inspected want to do the very best for the city. There are a few businesses that have had struggles, but City staff continues to work with them to overcome those issues.

Regarding a question about the enforcement provision of the ordinance, City Counselor Carolyn Buschjost said a violation as it is stated is a repeated failure to comply with the order. It can be a misdemeanor crime punishable by fine, imprisonment, or both that would be prosecuted in the City by the prosecutor.

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VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) COVID-19 Return-to-Work Status/Compliance (continued): Mayor Magdits emphasized the City's intention was not to go around and hand out tickets. The two men from the Fire Department that are acting on the City's behalf have very good personalities and soft skills. The City is trying to leverage those and generally sees good compliance.

Mayor Magdits then addressed the public facilities such as city hall, parks, and The Centre. He said the City is going through the reopening process very carefully and methodically. Mayor Magdits emphasized the City has to lead by example.

Mayor Magdits informed the Council that all points of service counters have had some nice glass barriers installed. Another high interaction area is the Community Development Department where contractors and citizens need to come in. Since the current space that is used is rather confined, those types of activities, which would be driven by appointment only, will be handled in a slightly larger conference room.

Mayor Magdits said probably the most challenging area is the court. When court resumes (probably in June), which is held in the Council Chambers, our plan is to have a limited number of people in and have the chairs located at a specific area. A bailiff would be stationed at the entryway to the Council Chambers and once the area is full, people will have to wait in the lobby. The bailiff would control that physical area as well to maintain the social distancing and the number of people allowed in that room.

With respect to the Parks and The Centre, a lot of work going on. Because of the wide variety of users, staff in both areas is looking at best practice. They are speaking regularly with both advisory boards, industry peers, and industry experts. The City is developing for each of those areas what we call "the health plan" which is something that is based on best practices that are known and being done today.

(C) Councilman Schott: Councilman Schott thanked Chief Smith and his staff for their extra work.

(D) Councilman Schott: Councilman Schott noted a lot more people are using the Acorn Trail. He said he noted the "reflective men" in the street that are taken down during the winter were not out. He asked if they were going to be reinstalled during the warmer weather.

Public Works Director Steve Hargis indicated he plans to reinstall them.

VII. CITIZEN COMMUNICATION

Mayor Magdits opened the floor to anyone wishing to address the Council. No one present responded.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilwoman Ruder: Councilwoman Ruder noted this is the last week of the 2019-2020 school year. She said she wanted to say “thank you” to the parents of the students. As teachers, she said it has been rough on them, but she knows it has been a challenge for the parents during the past eight weeks. Ms. Ruder thanked the parents for everything they have done for the kids and the community.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 7:39 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:17 p.m.

City Counselor Carolyn Buschjost reported that during Closed Session the Council discussed two real estate matters. However, no final action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:18 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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