

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 15, 2013; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Don Morris, Lou Magdits, Jim Williams, Brian Woolley, Tony Bahr, and Fran Mazanec

Council Members Absent: Rhonda Sue Myers and Susan J. Eudaly

Department Directors in Attendance: Parks and Recreation Director Scott Caron, Community Development Director John Petersen, Fire Chief Robert Williams, Police Chief Mark Kearse, Environmental Services Director Brady Wilson, Public Works Director Steve Hargis, and Finance Director Steffanie Rogers

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

Mayor William S. Jenks, III called the meeting to order at approximately 6:30 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation.

Councilwoman Fran Mazanec then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Public Hearing to Rezone Property Located at 201 Through 205 N. Elm Street from C-1 to C-2 (Daniels): Community Development Director John Petersen explained the subject rezoning request consists of three lots and the property is currently zoned C-1 (Neighborhood Business District). The applicants, Leroy and Nora Daniels, are requesting the property be rezoned to C-2 (General Retail District) to allow for the construction of storage units on Lots 10 and 11. Mr. Petersen indicated there is a structure located on Lot 12 and it is currently being renovated by the applicants. He reported the Planning and Zoning Commission unanimously recommend approval of the rezoning request.

Mr. Leroy Daniels, applicant, was present to address any questions from the Council.

I. PUBLIC HEARINGS (continued)

(A) Public Hearing to Rezone Property Located at 201 Through 205 N. Elm Street from C-1 to C-2 (Daniels) (continued): Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Jenks closed the public hearing.

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Mr. Petersen indicated the applicant has asked the Council to consider the first and final readings of the subject ordinance at this meeting.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4100: AN ORDINANCE TO REZONE PROPERTY AT 201 AND 205 NORTH ELM STREET (LOTS 10, 11 AND 12, JAMES ADDITION) FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING (DANIELS). A motion was made by Williams and seconded by Morris to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Bahr, Woolley, Leonard, Mazanec, Sawyer, Magdits, Long, and Morris. Nays; None. Absent; Myers and Eudaly. Motion carried. The ordinance passed.

(B) Public Hearing to Approve a Conditional Use Permit to Allow the Establishment of a Family Entertainment & Recreation Complex at 1100 Highway 72 East (Noe): Community Development Director John Petersen reported Mr. Josh Noe, owner of Fat Cats Entertainment Complex, has applied for a conditional use permit (CUP) to allow the establishment of a Family Entertainment and Recreation Complex (FERC) at 1100 Highway East. He told the Council the subject business consists of putt-putt golf, video games, pool tables, remote controlled racetrack, snack bar, and a stage for live entertainment. Mr. Petersen noted it also allows for the sale and consumption of alcoholic beverages.

Mr. Petersen reported the Planning and Zoning Commission voted to recommend approval of the CUP provided the following conditions are satisfied: (1) The south exterior wall shall be insulated so that sound emanating from the building will not be heard. (Mr. Petersen noted this condition has been completed). (2) No other access point, other than the driveway that connects Highway 72, will be used to access the property. (3) The existing wooden fence shall be extended to the north property line then

I. PUBLIC HEARINGS (continued)

(B) Public Hearing to Approve a Conditional Use Permit to Allow the Establishment of a Family Entertainment & Recreation Complex at 1100 Highway 72 East (Noe) (continued): to the west of the driveway. (4) The CUP shall expire if the business so designated as a CUP becomes inactive for a period of nine months. (5) The CUP is only valid for the current business occupant and does not follow the business to a new location.

Mr. Petersen noted the major concern with this property has been noise. He referred the Council to an e-mail from the Rolla Police Department indicating the loud music complaints from this property.

Following Council discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject CUP request.

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Mr. Josh Noe, 65 Rose Court, applicant, and owner of Fat Cats Entertainment Complex, reported to the Council the soundproofing of the building was completed on July 3, 2013. He said the kid's side of the facility has been completed and is entirely separate from the bar area. If the CUP is approved, Mr. Noe said the parking lot would be asphalted. Mr. Noe asked the Council to give him an opportunity to continue his business at this location. He apologized for anything that may have looked like it was "back doored."

Councilman Magdits told Mr. Noe that probably the only way he could support the CUP is with the stipulation the music end at a certain time.

No one else present addressed the Council concerning the subject CUP. Mayor Jenks closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 1100 HWY 72 EAST, TO PERMIT THE ESTABLISHMENT OF A FAMILY RECREATION AND ENTERTAINMENT COMPLEX (FERC) (NOE).**

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

(A) Ordinance Repealing Chapter 14 of the Rolla City Code and Enacting a New Chapter 14 Pertaining to Fire Protection: Fire Chief Robert Williams began by stating Chapter 14 of the Rolla City Code pertaining to fire protection needs to be updated. He said the proposed ordinance is not designed to restrict anyone's recreational privileges; rather the ordinance is designed to make Rolla a fire safe community. Chief Williams then touched on specific areas of the subject ordinance of which the Council expressed concern during its last meeting.

A motion was made by Magdits and seconded by Sawyer to amend the definition of "open burning" in the proposed ordinance by adding the sentence "Fire pits are not considered open burning as herein defined." A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

Chief Williams informed the Council that "Section 14-4, Bowling alleys, etc., to be on ground floor; exception," is contained within the International Fire Code and does not need to be duplicated in the City Code. If the Council wishes, this section could be removed from the proposed ordinance.

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A motion was made by Morris and seconded by Bahr to amend the subject ordinance by removing Section 14-4, "Bowling alleys, etc., to be on ground floor; exception", from the proposed ordinance. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

Chief Williams reported the Rolla Fire Department began issuing on-line burning permits last week. He informed the Council the requirement to apply for a burning permit at least ten days before the date of the fire has been eliminated from the proposed ordinance.

A motion was made by Bahr and seconded by Morris to amend the proposed ordinance by removing Section 14-6.1(c), which requires written or verbal permission from the Fire Department before using a fire pit. A voice vote on the motion showed seven ayes, three nays, and two absent. Motion carried.

A motion was made by Magdits and seconded by Woolley to amend Section 14-6.1(d) of the proposed ordinance by adding "propane and natural gas." A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

A motion was made by Woolley and seconded by Magdits to amend Section 14-6.1(k) to 1 a.m. A voice vote on the motion showed eight ayes, two nays, and two absent. Motion carried.

III. OLD BUSINESS (continued)

(A) Ordinance Repealing Chapter 14 of the Rolla City Code and Enacting a New Chapter 14 Pertaining to Fire Protection (continued): A motion was made by Morris and seconded by Bahr to amend Section 14-25. Composition., of the proposed ordinance to read "The department shall consist of a Fire Chief, Assistant Fire Chief, Firefighters, and other administrative personnel deemed necessary and prudent as the Council may from time to time determine." A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

A motion was made by Morris and seconded by Leonard to amend Section 14-28, Regulation of use, housing, etc., of equipment; mutual aid agreements., to read as follows: The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire; all equipment of the department shall be safely and conveniently housed and no person shall use any fire apparatus or equipment for any purely private purpose and while such equipment is in charge and control of a regular member of the department, and no person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department. No fire calls will be answered outside the corporate limits of the city; provided however, that calls for assistance of mutual aid may be answered when the absence of such equipment from the city will not jeopardize protection of property within the corporate limits of the city. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

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A motion was made by Leonard and seconded by Morris to amend Section 14-73. Key Box., of the proposed ordinance to make it voluntary rather than mandatory to have the key box system installed on all existing structures. The key box system would be mandatory on new constructions. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

A motion was made by Morris and seconded by Leonard to retain the paragraph in Section 14-73. Key Box., which reads "Owners and operators of controlled vehicle parking areas which use mechanical parking gates to control motor vehicle ingress and egress shall install and maintain an emergency override control on each gate. Said emergency override control devices shall contain a master key-operated type switch approved by the proper official of the local fire department." A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

III. OLD BUSINESS (continued)

(A) Ordinance Repealing Chapter 14 of the Rolla City Code and Enacting a New Chapter 14 Pertaining to Fire Protection (continued): City Administrator John Butz indicated staff would make the approved amendments and the ordinance would be placed on the Council's next regular meeting agenda for consideration of its final reading.

IV. NEW BUSINESS

(A) Resolution Supporting MHDC's Country Hills Development Project: Community Development Director John Petersen recalled that about this time last year staff requested a resolution of support for the application of a 34-unit, single-family detached affordable housing project located off Rolla Street. Mr. Petersen then introduced Ms. Debra Shantz Hart, President of Housing Plus, LLC, the developers who are pursuing the subject project.

Ms. Shantz Hart mentioned she has been before the Council at least two other times to try to get the subject project passed. She pointed out it is not the fault of the Council, rather Housing Plus, LLC, has not been successful in obtaining MHDC (Missouri Housing and Development Commission) funding. In discussion recently with MHDC, Ms. Shantz Hart said she has had strong encouragement from them to resubmit this application.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1807: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, (PHELPS COUNTY) STATING SUPPORT FOR THE DEVELOPMENT OF THE PROPOSED 34 UNIT SINGLE-FAMILY AFFORDABLE HOUSING DEVELOPMENT KNOWN AS COUNTRY HILLS LOCATED OFF SOUTH ROLLA STREET IN ROLLA, MISSOURI. A motion was made by Bahr and

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seconded by Long to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

(B) Ordinance Approving the Final Subdivision Plat of Pathways Addition, Plat No. 2, a Resubdivision of Pathways Addition (Pathways): Community Development Director John Petersen recalled a few months ago the Council approved a plat for Pathways Addition, which involved space set aside for a new building. He informed the Council that during some geological work on the site a large rock outcropping was discovered, thus creating the need to amend the final plat of the Pathways Addition subdivision in order to relocate the building. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the revised subdivision plat.

IV. NEW BUSINESS (continued)

(B) Ordinance Approving the Final Subdivision Plat of Pathways Addition, Plat No. 2, a Resubdivision of Pathways Addition (Pathways) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4101: AN ORDINANCE TO AMEND A MINOR SUBDIVISION OF LOT 2, POPE ADDITION, PATHWAYS ADDITION, PLAT NO. 2 (PATHWAYS). A motion was made by Williams and seconded by Bahr to suspend the rules and 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. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Mazanec, Leonard, Williams, Bahr, Magdits, Long, Morris, Sawyer, and Jordan. Nays; None. Absent; Myers and Eudaly. The ordinance passed.

(C) Ordinance Establishing a Rolla Historic Preservation Commission: Community Development Director John Petersen indicated he was directed to draft an ordinance establishing an historic commission. He said the Phelps County Historical Society and the State Historic Preservation Commission have reviewed the proposed ordinance. Mr. Petersen highlighted the contents of the subject ordinance and then entertained questions from the Council. Mr. Mark Stauter with the Phelps County Historical Society also entertained questions from the Council.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 40 OF THE ROLLA CITY CODE ENTITLED "URBAN RENEWAL", BY INCLUDING A NEW CHAPTER HEADING ENTITLED "ROLLA HISTORIC PRESERVATION COMMISSION" AND BY ADDING CERTAIN SECTIONS TO CHAPTER 40 PERTAINING TO THE ESTABLISHMENT OF AN HISTORIC PRESERVATION COMMISSION FOR ROLLA.

(D) Ordinance Repealing Sections 18-7(i) and 18-14(c) of the Rolla City Code and Enacting New Sections 18-7(i) and 18-14(c) Pertaining to Annual Refuse Collections: Environmental Services Director Brady Wilson noted there are two sections of the Rolla City Code which references the semi-annual city-wide cleanup. The proposed ordinance would amend the Code reflecting the recent change to an annual event.

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City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4102: AN ORDINANCE REPEALING SECTIONS 18-7(i) AND 18-14(c) OF THE CODE OF THE CITY OF ROLLA,

IV. NEW BUSINESS (continued)

(D) Ordinance Repealing Sections 18-7(i) and 18-14(c) of the Rolla City Code and Enacting New Sections 18-7(i) and 18-14(c) Pertaining to Annual Refuse Collections (continued): MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO ANNUAL REFUSE COLLECTIONS. A motion was made by Morris and seconded by Jordan to suspend the rules and 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. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sawyer, Bahr, Jordan, Leonard, Mazanec, Williams, Magdits, Long, Morris, and Woolley. Nays; None. Absent; Eudaly and Myers. Motion carried. The ordinance passed.

(E) Ordinance Amending Chapter 28 of the Rolla City Code Regarding High Grass: City Administrator John Butz recalled a motion was made by the Council during its last meeting to amend the twelve-inch requirement in Chapter 28 of the Rolla City Code regarding high grass, to nine inches. He pointed out this is inconsistent by an inch to the Property Maintenance Code, but indicated it is not a problem having them dissimilar. Mr. Butz also said some proposed wording clarification is suggested pertaining to undeveloped parcels. He said the City Code currently states these parcels should be cut at least fifteen feet from the curb, but noted ten feet appears to be more common. Mr. Butz also suggested the boundary requirement be changed to five feet.

After a brief discussion, a motion was made by Jordan and seconded by Woolley to amend the proposed ordinance to stipulate that it is unlawful for any property owner, lessee, or agent in control of any lot or piece of land where developed to allow weeds, brush, or rank vegetation to attain a height greater than ten inches. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE REPEALING ARTICLE II, SECTIONS 28-11 THROUGH 28-22 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO WEEDS AND OTHER RANK VEGETATION.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Councilmen Monty Jordan, Kelly Long, and Tony Bahr to the Audit/Finance Committee: A motion was made by Williams and seconded by Morris to reappoint Councilmen Monty Jordan, Kelly Long, and Tony Bahr to the Audit/Finance Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Resignation of Ward VI Councilwoman Fran Mazanec: Mayor Jenks presented Councilwoman Fran Mazanec with a certificate of appreciation for her service to the City of Rolla. He noted Ms. Mazanec has sold her home and has moved from Ward VI.

(C) Appointment to City Administrator's Review Committee: A motion was made by Williams and seconded by Morris to appoint Councilman Kelly Long to the City Administrator's Review Committee to replace Councilwoman Fran Mazanec who resigned from the Council. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone in the audience wishing to address the Council. No one present responded.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Ward VI Vacancy: Councilman Bahr asked Mayor Jenks if he has appointed someone to fill the vacancy in Ward VI created by the resignation of Councilwoman Mazanec.

Mayor Jenks indicated he plans to recommend a replacement during the next Council meeting. He added Councilwoman Mazanec would still function as a Council representative until her replacement.

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

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(B) Highway 63 Improvements: Regarding the rough edge of North Highway 63 from Fourteenth Street, Councilman Williams stated he is disappointed to learn it might be two years before the Missouri Department of Transportation (MoDOT) improves this area.

City Administrator John Butz said he spoke with Mr. Preston Kramer, Meramec Area Engineer with MoDOT, and he indicated MoDOT would like to do something more than just the patching. Due to funding issues, Mr. Kramer said it would take at least two years before the rough edge would be removed and properly repaired.

(C) Frisco Railroad Steam Engine 1501: In response to a question from Councilman Magdits about the picture of the Frisco Railroad Steam Engine 1501 provided to the Council, City Administrator John Butz stated a man, who has returned to the Rolla area, planned to make a plug to support Frisco Railroad Steam Engine 1501, which is currently located in Schuman Park. Mr. Butz said he would like the Engine to be relocated to the downtown area. The man had planned to address the Council during discussion of the Historic Preservation ordinance.

(D) Environmental Services Department: Councilwoman Mazanec asked Environmental Services Director Brady Wilson to express her appreciation to the Environmental Services Department for doing a good job, particularly at her house, during the past few weeks.

(E) Council Workshop: Mayor Jenks reminded the Council of the Council Workshop scheduled for July 29, 2013, at 5 p.m. to discuss park funding and sustainability.

IX. EXECUTIVE SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 9:18 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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