

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JUNE 1, 2015; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor Louis J. Magdits, IV

**Council Members in Attendance:** Jonathan Hines, Monty Jordan, Matthew Crowell, Matthew Miller, Kelly Long, Susan J. Eudaly, Don Morris, John Meusch, Jim Williams, Brian Woolley, and Steven Jung

**Council Members Absent:** Walt Bowe

**Department Directors in Attendance:** Public Works Director Steve Hargis, Interim Police Chief Rick Williams, Community Development Director John Petersen, Finance Director Steffanie Rogers, and Interim Fire Chief Ron Smith

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor Lance Thurman, Parks Superintendent Stan Busch, and City Clerk Carol Daniels

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

Mayor Magdits then asked Mr. Thomas Antolak to lead in the Pledge of Allegiance.

## **I. CONSENT AGENDA**

A motion was made by Williams and seconded by Eudaly to approve the consent agenda as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The consent agenda consisted of the following:

### **(A) Approval of the Rolla City Council Minutes for the following:**

- 1) City Council Meeting – May 4, 2015
- 2) City Council Meeting – May 18, 2015
- 3) City Council Closed Session – May 18, 2015

## **II. PUBLIC HEARINGS**

None.

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**III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

**(A) The Kaleidoscope Discovery Center:** Ms. Laura Antolak updated the Council on the Discovery Center’s vision, which is to bring a Kaleidoscope Discovery Center to Rolla, Missouri. She explained it would be the combination of the city museum, Magic House, and Science Center in St. Louis and adding the relevance of our community and surrounding area. Ms. Antolak said the mission is still ESTEAM (Environment, Science, Technology, Engineering, Arts, and Math).

**(B) Presentations to Fire Chief Robert Williams and Parks and Recreation Director Scott Caron:** Mayor Magdits presented retiring Fire Chief Robert Williams with a “Certificate of Appreciation” for his fifteen years of service with the Rolla Fire Department.

Note: Parks and Recreation Director Scott Caron was unable to attend the meeting.

**IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS**

Mayor Magdits referred the Council to **(A)** the April 2015, Centre FY 2015 Financial Analysis; **(B)** the April 2015, Parks Department FY 2015 Financial Analysis; **(C)** the April 22, 2015, Parks and Recreation Commission Meeting Minutes; **(D)** the April 2015, Environmental Services Department Monthly Report; **(E)** the April 2015, Police Department Monthly Report; **(F)** the April 2015, Animal Control Division Monthly Report; **(G)** the April 30, 2015, Historic Preservation Commission Meeting Minutes; **(H)** the April 28, 2015, Development Review Committee Meeting Minutes; **(I)** the April 2015, Municipal Court Monthly Report; **(J)** the March 2015, Rolla Municipal Utilities Monthly Report, and; **(K)** the March 31, 2015, Rolla Board of Public Works Meeting Minutes.

**V. OLD BUSINESS**

**(A) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to the Definition of “Dwelling, Attached Single Family Dwelling, and Townhouse”:** Community Development Director John Petersen noted the subject ordinance pertains to the addition of a definition for an “Attached Single Family Dwelling, and Townhouse.”

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**V. OLD BUSINESS (continued)**

**(A) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to the Definition of “Dwelling, Attached Single Family Dwelling, and Townhouse” (continued):** Councilman Morris noted the proposed ordinance limits the attached single family or townhouse to two stories in height. He recalled the purpose for limiting to two stories is for safety reasons. Mr. Morris suggested requiring the installation of fire suppression and allowing the construction of a three-story structure.

A motion was made by Morris and seconded by Eudaly to amend the last sentence of the definition for “Attached Single Family or Townhouse” to read as follows: “Attached single family or townhouse shall be limited to 35 (thirty-five) feet in height (2 stories) or 45 (forty-five) feet in height (3 stories) with fire suppression per City Code.” A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

Since three stories are going to be allowed, Councilman Hines suggested requiring a secondary access.

Interim Fire Chief Ron Smith addressed the Council and indicated the fire service would prefer a secondary egress. He said the fire suppression system is adequate today, but not having a second exit, particularly in a three-story structure, would add a risk because of the materials used (polyurethane) in constructing furniture.

After discussion, a motion was made by Williams and seconded by Hines to further amend the proposed ordinance by adding the sentence, “a secondary means of egress shall be constructed on the third floor. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 42, OF THE ROLLA CITY CODE, KNOWN AS THE PLANNING AND ZONING CODE, ARTICLE III, ZONING DEALING WITH ATTACHED SINGLE FAMILY/TOWNHOUSE UNITS.

**(B) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to the Definition of “Family”:** Community Development Director John Petersen indicated the Planning and Zoning Commission recommend the definition of “family” be changed to allow up to eight unrelated persons in R-3 (Multi-Family) districts.

**V. OLD BUSINESS (continued)**

**(B) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to the Definition of “Family” (continued):** City Administrator John Butz added the City has an ordinance which states that up to eight occupants are permitted in R-2 (Two-Family) and R-3 (Multi-Family) zoned districts. However, in the definition of “family”, which defines occupancy in a unit, no more than four unrelated persons are permitted. Mr. Butz noted developer Mr. Dale Wands has a number of projects the University would like to lease. However, the University is not comfortable approaching the Board of Curators with a recommendation to lease the buildings that have seven or eight bedrooms, but by the definition of the unit, are only allowed four occupants. Mr. Butz said the suggestion is to match up the number of people per the R-3 (Multi-Family) District developments with eight, unrelated persons.

After some discussion, a motion was made by Miller and seconded by Long to strike the first sentence of Paragraph 4 that reads” Domestic servants, employed on the premises, may be housed on premises without being counted as part of a family.” A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE NO. 4211: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 42, OF THE ROLLA CITY CODE, KNOWN AS THE PLANNING AND ZONING CODE, ARTICLE III, ZONING, DEALING WITH DEFINITION OF “FAMILY”. A motion was made by Morris and seconded by Eudaly to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title, as amended. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Jung, Hines, Woolley, Miller, Crowell, Meusch, Long, Morris, and Eudaly. Nays; None. Absent; Bowe. Motion carried. The ordinance passed.

**(C) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to “Area Requirements” for Maximum Number of Bedrooms Permitted in R-2 & R-3 Districts:** Community Development Director John Petersen noted City Code stipulates in R-2 (Two-Family) and R-3 (Multi-Family) districts, no more than eight occupants are permitted per dwelling unit. However, it does not establish the

**V. OLD BUSINESS (continued)**

**(C) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to “Area Requirements” for Maximum Number of Bedrooms Permitted in R-2 & R-3 Districts (continued):** maximum number of bedrooms per unit. Mr. Petersen said the subject ordinance would amend the City Code to reflect a maximum of four bedrooms per unit in R-2 (Two Family) districts and a maximum of eight bedrooms per unit in R-3 or R-3b (Multi-Family) districts.

After a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 42, OF THE ROLLA CITY CODE, KNOWN AS THE PLANNING AND ZONING CODE, ARTICLE III, ZONING DEALING WITH NUMBER OF BEDROOMS.

**(D) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to Required Parking Spaces:** Community Development Director John Petersen indicated parking in and around Missouri S&T and downtown Rolla is an ongoing issue. The Planning and Zoning Commission voted to modify staff’s recommendation from 0.66 spaces per bedroom to one parking space per bedroom, which is contained in the subject ordinance.

City Administrator John Butz said the City’s current ordinance stipulates there shall be two, off-street parking spots per unit, although there are units with as many as eight bedrooms. The recommendation from the focus group, in trying to recognize we cannot solve the problems of off-street parking in and around the university, suggested 0.66 spaces per bedroom rather than per unit.

After discussion, a motion was made by Morris and seconded by Long to amend the subject ordinance by requiring 0.66 parking spaces per bedroom with a minimum of two parking spaces for two bedrooms and above. A voice vote on the motion showed eight ayes, three nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 42, OF THE ROLLA CITY CODE, KNOWN AS THE PLANNING AND ZONING CODE, ARTICLE III, ZONING.

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**VI. NEW BUSINESS**

**(A) Ordinance Amending Section 14-44(a) of the Rolla City Code Pertaining to Discharging of Fireworks:** City Administrator John Butz recalled during the Council's last meeting, the Council voted to consider amending the hours allowed for discharging fireworks. The proposed ordinance would amend the hours for discharging of fireworks on July 1, 2, 3 and 5 from 8 a.m. to midnight to 8 a.m. to 11 p.m. Discharging fireworks on July 4 would remain from 8 a.m. to midnight.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 14-44(a) 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 14-44(a) IN LIEU THEREOF RELATING TO DISCHARGE OF FIREWORKS.

**(B) Resolution Authorizing the Mayor to Execute a Sewer Use Agreement with Mr. Chad Guese:** Public Works Director Steve Hargis informed the Council a Sewer Use Agreement and annexation request was received from Mr. Chad Guese, d/b/a Guese Properties, LLC, for the property located at 10550 State Route E. He told the Council the subject property is not contiguous with the city limits and is located just outside the city limits in the center of a cluster of homes. Mr. Hargis said the property is adjacent to property owned by Ms. Sharon Sooter, who recently submitted a request for annexation and sewer service. Mr. Hargis indicated there are no easy ways for the area to be served, other than by City sewer. He said Mr. Guese would like to work with Ms. Sooter in completing this project. Both would be responsible for installing their own pumping system, the costs to connect to the City sewer, and required to pay a monthly sewer user fee to the City. Mr. Hargis said staff is not recommending annexation at this time, but staff is recommending the property be connected to the City's sewer system. He added the area is served by the Public Water Supply District and Intercounty Electric.

After some discussion, Mayor Magdits indicated Rolla Municipal Utilities General Manager Rodney Bourne has brought to the City's attention there is a water main that goes down the front of this property. Normally, if the property were in the city limits, the property owner would be charged a frontage fee. Mayor Magdits said the request is to charge the frontage costs at the time the property is annexed.

Mr. Bourne guesstimated the frontage costs to be between \$3,000 and \$6,000. He said it is based per foot and how wide the property is.

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**VI. NEW BUSINESS (continued)**

**(B) Resolution Authorizing the Mayor to Execute a Sewer Use Agreement with Mr. Chad Guese (continued):** A motion was made by Williams and seconded by Morris to amend the subject Sewer Use Agreement by adding the property owner would be required to pay the water main frontage costs upon annexation. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title, as amended. RESOLUTION NO. 1841: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND CHAD GUESE, D/B/A GUESE PROPERTIES, LLC. A motion was made by Williams and seconded by Morris to approve the proposed resolution, as amended. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

**(C) Discussion on “Event Center” Zoning Classification/Business License:** City Administrator John Butz recalled a few weeks ago, the Council and Mr. Nick Barrack, owner of the Highway 72 Event Center (former Fat Cats building), discussed the business license application for a new event center and the appropriate zoning. He mentioned the matter was referred to the Planning and Zoning Commission during their May 12 meeting. The Planning and Zoning Commission was asked whether a new zoning classification was needed or if they considered the FERC (Family Entertainment and Recreation Complex) was adopted for this type of activity. He said one suggestion was made that a “private event center” be added as a “by-right” use to a C-2 (General Retail District) zone or as a conditional use. Mr. Butz said the Planning and Zoning Commission did not make a formal recommendation, but by consensus, they did not feel an ordinance clarification was needed and a FERC was a reasonable classification.

Mr. Nick Barrack said he is comfortable with the concept of the FERC and as long as conditions are not restrictive, he said he is comfortable with a conditional use permit. He indicated during the few months he has been operating he has identified three cumbersome areas that are not addressed in the FERC. The first area is to make it easier to obtain a business license. Currently, anyone who rents the facility to conduct a business, for instance a gun show, needs to apply for a business license. Mr. Barrack said there is nothing in the FERC that addresses this. The second area is collection of sales tax. Mr. Barrack asked the Council whether he or the renter should be responsible for obtaining a sales tax license. He said the third area pertains to a liquor license. Mr. Barrack said he would prefer the renter apply for a liquor license.

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**VI. NEW BUSINESS (continued)**

**(C) Discussion on “Event Center” Zoning Classification/Business License (continued):** After discussion, Mayor Magdits asked the Council if it was permissible for staff to proceed along the line of a FERC with staff and Mr. Barrack discussing the concerns he addressed. No objections were noted.

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

**(A) Motion Awarding Bid for Project 367 – Osage, Longview, and Second Street Improvements, and; an Ordinance Authorizing the Mayor to Enter into a Contract with Don Maggi, Inc., for Same:** Public Works Director Steve Hargis indicated staff requested bids for concrete work on Osage, Longview and Second Street. Only one bid was received from Don Maggi, Inc. Mr. Hargis stated his bid was consistent with earlier bids received this year and is below estimate. Staff recommends the bid be awarded to Don Maggi, Inc., for \$228,745.

A motion was made by Williams and seconded by Morris to award the bid for Project 367, Osage, Longview, and Second Street Improvements to Don Maggi, Inc., for \$228,745. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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 DON MAGGI, INC. FOR PROJECT 367.

**(B) Motion Awarding Bid for Project 382 – 2015 Phase III Asphalt Improvements – Pine Street Overlay, and; an Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC for Same:** Public Works Director Steve Hargis indicated bids were received for an asphalt overlay on Pine Street. Only one bid was received and it was consistent with bids received earlier this year and is below estimate. Mr. Hargis said staff is recommending the bid be awarded to Rolla Asphalt, LLC for \$47,350.50.

A motion was made by Williams and seconded by Jordan to award the bid for Project 382, 2015 Phase III Asphalt Improvements, to Rolla Asphalt, LLC for \$47,350.50. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.



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

**(B) Motion Awarding Bid for Project 382 – 2015 Phase III Asphalt Improvements – Pine Street Overlay, and; an Ordinance Authorizing the Mayor to Enter into a Contract with Rolla Asphalt, LLC 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 ROLLA ASPHALT, LLC, FOR PROJECT 382.

**(C) Motion Awarding Bid for Parks Department Mower:** Park Superintendent Stan Busch explained bids were opened on May 26, 2015, for a new mower to replace a 2004 Kubota. He said three bids were received, with one bid not meeting specifications. Mr. Busch said staff recommends the bid be awarded to Schaeperkoetter Sales & Service, Owensville, Missouri for a 2015 Kubota, zero turning radius diesel mower, for \$12,989. He informed the Council the 2004 Kubota mower would be transferred to the Rolla National Airport.

A motion was made by Williams and seconded by Eudaly to award the bid for a 2015 Kubota, zero turning radius diesel mower to Schaeperkoetter Sales and Service, Owensville, Missouri, for \$12,989. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VIII. CITIZEN COMMUNICATION**

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

(1) Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, read from a prepared tribute in memoriam of Mr. Robert Wesley Nash. He then asked that a minute of silence be observed in his honor.

Mr. Sager especially encouraged the attorneys serving on the City Council to read former Municipal Judge Joanne Mayberry's tribute, which can be accessed on the "No Standing News" website.

No one else present addressed the Council.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A)** Councilman Don Morris indicated he received a phone call from a constituent regarding the high grass on an undeveloped lot adjacent to his property. Mr. Morris said he was unable to respond to the constituent because he either lost his phone number or failed to ask for it. Because it is an undeveloped lot, Mr. Morris said City ordinance only requires the property owner to mow a five-foot strip adjacent to the road.

City Administrator John Butz added it depends on what development is occurring around the undeveloped lot. The ordinance stipulates if there is development on two sides of the property and the road being one side, the entire lot needs to be cut. Mr. Butz said City staff would need to inspect the property to determine whether it would apply.

Mr. Morris informed Mr. Butz there is a house on either side of the undeveloped lot.

Mr. Butz stated staff would verify this information.

**(B)** Councilman Williams commented on a recent article written by Rolla Daily News reporter R.D. Hohenfeldt. In his article, Mr. Hohenfeldt asked, “Who in the Sam Hill is going to want the job of Rolla Parks and Recreation Director?” Directed to Mr. Hohenfeldt, Mr. Williams emphasized he felt this was a slam to current Parks and Recreation Director Scott Caron and that he was making a joke of it. Mr. Williams said Mr. Caron did everything he could to bring the City into compliance. He asked Mr. Hohenfeldt to say something good next time around.

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

**(A)** City Administrator John Butz pointed out the three dates proposed for a Council tour did not seem to fit everyone’s schedule. He said City staff would be providing the Council with a few more possible dates.

**(B)** Councilman Crowell reported he recently took a tour of the Rolla Municipal Utilities (RMU) facilities with RMU General Manager Rodney Bourne. He highly recommended other Council members take a tour if they have not already done so.

**(C)** Mayor Magdits mentioned that Phelps County is hosting a presentation from the State on the use tax on June 24 at 6 p.m. He encouraged the Council to attend this presentation and indicated staff would send a reminder to the Council closer to the event.

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**X. COMMENTS FOR THE GOOD OF THE ORDER (continued)**

**(D)** Councilman Jung invited everyone to attend MoSci Corporation's 30<sup>th</sup> Anniversary Celebration on Wednesday, June 3 at 3 p.m. He said there would also be a ribbon cutting for the new Precision Materials business and tours of the facility.

**(E)** Mayor Magdits reminded the Council that the Vietnam Memorial Wall would be coming to the Lions Club Park on Thursday.

**XI. CLOSED SESSION**

A motion was made by Williams and seconded by Eudaly adjourn into Closed Session pursuant to RSMo. 610.021 to discuss legal and personnel. A roll call vote on the motion showed the following: Ayes; Woolley, Miller, Williams, Hines, Jung, Meusch, Long, Morris, Crowell, Eudaly, and Jordan. Nays; None. Absent; Bowe. Motion carried.

The Council adjourned into Closed Session at approximately 8:34 p.m.

**XII. CLOSED SESSION ACTION**

The Council reconvened into open session at approximately 9:11 p.m.

City Counselor Lance Thurman reported that during Closed Session the Council discussed matters of litigation and personnel, but no final action was taken.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 9:12 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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