

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 21, 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, Matthew Miller, Matthew Crowell, Kelly Long, Susan J. Eudaly, Don Morris, John K. Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Monty Jordan

Department Directors in Attendance: Fire Chief Ron Smith, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Community Development Director John Petersen, and Finance Director Steffanie Rogers

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, City Engineer Darin Pryor, 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.

Councilman Matt Miller then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Approving the Annexation and Zoning of Property Located at 2600 N. Bishop Ave. from NZ (No Zone) to C-3 (Highway Commercial District) Zoning (Kingdom West): Community Development Director John Petersen indicated the applicant, Mr. Lawrence West, Jr., has requested the voluntary annexation and zoning of a 1.9 acre tract of land located in the north central Rolla area near Interstate 44 and Highway 63. Mr. West is requesting the property be zoned to C-3 (Highway Commercial District). Mr. Petersen reported the Planning and Zoning Commission recommend approval of the annexation and zoning request.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the requested annexation and zoning. No one present responded. Mayor Magdits closed the public hearing.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Approving the Annexation and Zoning of Property Located at 2600 N. Bishop Ave. from NZ (No Zone) to C-3 (Highway Commercial District) Zoning (Kingdom West) (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE ANNEXATION AND ZONING OF PROPERTY AT 2600 NORTH BISHOP AVENUE FROM NZ (NO ZONE) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (KINGDOM WEST).

II. SPECIAL PRESENTATIONS

(A) Recognition of Dr. Paul Stigall: Mayor Magdits announced that Dr. Paul Stigall, who has served on the Planning and Zoning Commission for twenty-two years and served as chair for most of the twenty-two years, is retiring from the Commission. He recognized Dr. Stigall and expressed his appreciation for the fantastic job he has done and thanked him for his untiring service to the City of Rolla.

III. OLD BUSINESS

(A) Ordinance Banning the Use of Lead Materials in Public and Private Drinking Water Plumbing: Rolla Municipal Utilities General Manager Rodney Bourne explained the subject ordinance is a joint project between the City of Rolla and Rolla Municipal Utilities (RMU). During a recent audit of the Rolla National Airport, it was identified that the City did not have an ordinance on file banning the use of lead materials in drinking water systems. Mr. Bourne noted this ordinance is required by the Safe Drinking Water Act. He continued by expanding on the requirements.

After some discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4248: AN ORDINANCE BANNING THE USE OF LEAD MATERIALS IN PUBLIC AND PRIVATE DRINKING WATER PLUMBING. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Miller, Bowe, Woolley, Williams, Hines, Jung, Meusch, Morris, Long, Eudaly, and Crowell. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

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IV. NEW BUSINESS

(A) Ordinance Approving the Minor Subdivision of Lot 6, Cedar Trail Planned Unit Development (PUD), Plat No. 2: Community Development Director John Petersen began by informing the Council that the applicant has requested the Council consider the first and final readings of the following three proposed ordinances.

Mr. Petersen explained the subject Planned Unit Development (PUD) is located at the northeast corner of Christy Drive and Rolla Street. The applicant proposes to revise the Cedar Trails Subdivision by renumbering Lot 6 and creating Lots 9,10,11, and 12, to allow the construction of not more than nine, two story, four-plex dwelling units.

Following some discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4249: AN ORDINANCE APPROVING A MINOR SUBDIVISION OF LOT 6, CEDAR TRAIL PLANNED UNIT DEVELOPMENT (PUD) PLAT NO. 2, ROLLA, MISSOURI. (CEDAR TRAIL PUD). 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 hand count on the motion showed six ayes, five nays, and one absent. Motion carried. Mr. Thurman 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: Williams, Jung, Eudaly, Woolley, Miller, Bowe, Crowell, Meusch, Long, Morris, and Hines. Nays: None. Absent: Jordan. Motion carried. The ordinance passed.

Mayor Magdits recalled the Council has previously discussed the issue of waiving the rules pertaining to the reading of ordinances. He suggested to Mr. Petersen that copies of the letters from the applicants requesting the final reading of the ordinances be provided in the agenda packet. This would give the Council an opportunity to consider the request before the Council meeting. Mayor Magdits suggested to Mr. Petersen that he explain to applicants that waiving the rules is the exception and not the rule.

(B) Ordinance Approving the Minor Plat of Huffman East No. 1, Consisting of New Lots 1 and 2: Community Development Director John Petersen pointed out the subject property is located on Highway 72 East and consists of 9.31 acres. The applicant requests the property be subdivided to create Lots 1 and 2. The property is zoned C-2 (General Retail District).

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IV. NEW BUSINESS (continued)

(B) Ordinance Approving the Minor Plat of Huffman East No. 1, Consisting of New Lots 1 and 2 (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE APPROVING THE MINOR PLAT OF HUFFMAN EAST NO. 1, CONSISTING OF NEW LOTS 1 AND 2. (HUFFMAN EAST NO. 1).** 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 hand count on the motion showed four ayes, seven nays, and one absent. Motion failed.

(C) Ordinance Approving the Vacation of a Utility Easement and Reduction of Building Setback Line Along the East Lines of Lots 16 and 17 Lexington Place PUD: Community Development Director John Petersen explained the applicant proposes to eliminate ten feet of a 20 foot wide utility easement to provide more building space to situate two, four-plex buildings units to be constructed on Lots 16 and 17. The Planning and Zoning Commission recommends approval.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4250: AN ORDINANCE APPROVING THE VACATION OF A UTILITY EASEMENT BEING A FRACTIONAL PART OF LOTS 16 AND 17 OF THE AMENDED FINAL PLAT OF LEXINGTON PLACE A PLANNED UNIT DEVELOPMENT (PUD) IN ROLLA, MISSOURI. (LEXINGTON PLACE).** A motion was made by Williams and seconded by Eudaly to suspend the rules and the ordinance be read for its final reading, by title. A hand count on the motion showed seven ayes, four nays, and one absent. Motion carried.

Council discussion followed concerning waiving the rules after the first reading of an ordinance.

Mr. Thurman 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; Bowe, Woolley, Miller, Williams, Hines, Long, Meusch, Morris, Crowell, Eudaly, and Jung. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Robert Tessaro to the RREC (Rolla Regional Economic Commission) Board of Directors (Dec. 2018): A motion was made by Long and seconded by Eudaly to reappoint Mr. Robert Tessaro to the RREC Board of Directors until December 2018. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Motion Appointing Mr. William S. Jenks, III to the RREC (Rolla Regional Economic Commission) Board of Directors to Complete the Unexpired Term of Ms. Candace Connell (Dec. 2016): A motion was made by Williams and seconded by Eudaly to appoint Mr. William S. Jenks, III, to the RREC Board of Directors until December 2016 to complete the unexpired term of Ms. Candace Connell. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) First and Final Readings of Ordinances: Councilman Kelly Long said for him it seems a little ambiguous that there has to be a compelling reason to request the first and final readings of an ordinance at the same meeting. He questioned whether the fact that the developer needs to start work as soon as possible is a compelling reason to consider the final reading at the same meeting.

Mayor Magdits said he agreed with Councilman Bowe, who earlier noted that sometimes residents are not aware of the issue until it is reported in the newspaper or they see it on television. There are also times when a councilmember calls a constituent and asks if they are aware of a certain issue. Mayor Magdits also pointed out these types of projects require several weeks of work. Yet, all of a sudden, two weeks seems to be the “end of the world” for the developer. Mayor Magdits said the Council needs to think about the neighbors and the impact of some of these. He added his comment to Community Development Director John Petersen about providing the applicant’s request to suspend the rules to the Council in advance of the meeting is to give the Council an opportunity think about it between the day the Council meeting packet is picked up and the meeting.

To be fair to the applicant, Councilman Morris stated a reason should be given by the Council when voting to wait until the next meeting to consider the final reading of an ordinance. He specifically commented about the one ordinance (Huffman East), which did not receive a final reading.

Councilwoman Sue Eudaly explained the reason she voted against having the final reading on the Huffman East ordinance is because the applicant has a trailer court where

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) First and Final Readings of Ordinances (continued): the trailers have not been secured and the area has not been cleaned up. She said she does not want to see another project started by the applicant until trailer park is finished.

Councilman Matt Miller suggested allowing discussion after the motion to suspend the rules and before the final vote, so Council members will know why some of the Council members might want to delay the final reading.

Mayor Magdits indicated Councilman Miller had a good point and, in the future, he said he would allow discussion before calling for the vote.

VII. 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, said he wanted to update the Council about the issue he mentioned during the Council's last meeting with Fidelity Communication.

Mr. Sager reported Fidelity Communications were in his back yard the day after the last Council meeting checking out his concerns. The following day, Fidelity came and moved the line. Mr. Sager thanked them for their fast service. Mr. Sager said there is one line remaining on the poles.

Mr. Sager indicated his second inquiry pertained to the videos of the Council meeting. He told the Council he was unable to locate them on the internet. Mr. Sager noted City Clerk Carol Daniels told him after the meeting that Fidelity Communications had moved the videos to a new website.

Mr. Sager added City Administrator John Butz asked him after the last meeting why he watched the videos. Mr. Sager explained he could hear the Council better on the videos than he could in the Council Chambers. He recalled he has been asking the City since 2006 to add a couple of speakers in the Chambers so the audience can hear better.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): 1) continued: Regarding the issue with speakers in the Council Chambers, Mr. Butz reminded the Council of the importance of speaking directly into the microphones.

Regarding Mr. Sager's comment about the lines on the utility pole, RMU General Manager Rodney Bourne explained that RMU recently went in the Johnson-Laird Subdivision and did a very extensive pole replacement. When RMU completes a project like this, there are two poles typically standing side by side. One pole has RMU's new facilities on it and the other pole typically contains cable television or telephone company. Mr. Bourne said RMU sends a notice to whoever might have a pole attachment and advises them RMU has completed their work and asks them to transfer their services to the new pole. As soon as the services have been transferred, RMU will remove the pole.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Hospital Sign: Councilman Steven Jung said he wanted to follow up about the hospital sign from the last meeting. He said he is aware the hospital has reduced the illumination at least two times in the past week and believes it is a much better level for the residents in those neighborhoods.

Councilman Jung asked Police Chief Sean Fagan if he would remind the public about the service the Police Department provides to individuals purchasing or buying items on Craig's List or any list.

Chief Fagan explained the Police Department's parking lot has been designated as a safe spot for someone wishing to conduct a transaction from Craig's List or any list. If the individual feels uncomfortable, they are asked to call the Police Department and a police officer will witness the transaction. Chief Fagan indicated this service was implemented at the recommendation of the local FBI office.

(B) Thanks: Councilman Jim Williams expressed his appreciation to the other Council members for their service. He also thanked them for putting up with him. Mr. Williams wished everyone a "Merry Christmas and a Happy New Year."

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IX. CLOSED SESSION

A motion was made by Eudaly and seconded by Long 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, Eudaly, Jung, Hines, Woolley, Miller, Bowe, Crowell, Long, Morris, and Williams. Nays; None. Absent; Jordan. Motion carried.

The Council adjourned into Closed Session at approximately 7:27 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 7:37 p.m.

City Counselor Lance Thurman reported that during Closed Session, the Council discussed a real estate transaction and no final action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 7:38 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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