

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 5, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Monty Jordan, Matthew Miller, Matthew Crowell, Kelly Long, Susan J. Eudaly, Don Morris, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Jonathan Hines and John Meusch

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Community Development Director John Petersen, Parks and Recreation Director Floyd Jernigan, Police Chief Sean Fagan, Finance Director Steffanie Rogers, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

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

I. CONSENT AGENDA

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

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

- 1) Joint City Council/Phelps County Commission Meeting – June 6, 2016
- 2) Joint City Council/Phelps County Commission Closed Session Meeting – June 6, 2016
- 3) City Council Meeting- June 6, 2016
- 4) City Council Closed Session Meeting – June 6, 2016
- 5) City Council Meeting – June 20, 2016

II. PUBLIC HEARINGS

None.

JULY 5, 2016

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Magdits referred the Council to (A) the May 2016, Environmental Services Department Monthly Report; (B) the May 2016, Police Department Monthly Report; (C) the May 2016, Animal Control Division Monthly Report; (D) the June 14, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; (E) the May 31, 2016, Development Review Committee Meeting Minutes; (F) the May 2016, Fire and Rescue Department Monthly Report; (G) the May 2016, Building Codes Monthly Report, (H) the April 20, May 25, and June 15, 2016, Health and Recreation Center Board Meeting Minutes.

V. OLD BUSINESS

(A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential, LLC): Community Development Director John Petersen noted this is a rezoning case involving property located at Forum Drive and Old St. James Road. He pointed out the property is currently zoned C-3 (Highway Commercial District) and consists of 18.60 acres. Mr. Petersen said the proposed use of the property is an assisted living facility.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4285: AN ORDINANCE TO APPROVE THE REZONING OF LOT 1, COUNTRY HILLS SUBDIVISION, FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (ROLLA RESIDENTIAL, LLC). 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; Long, Crowell, Miller, Eudaly, Jung, Woolley, Jordan, Morris, Bowe, and Williams. Nays; None. Absent; Hines and Meusch. Motion carried. The ordinance passed.

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane & County Road 3000 & Zone the Property to R-1 (Single-Family District) Zoning (Ismail): Community Development Director John Petersen explained the

V. OLD BUSINESS (continued)

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane & County Road 3000 & Zone the Property to R-1 (Single-Family District) Zoning (Ismail) (continued): applicant, Mr. Maher Ismail is requesting the annexation and zoning of the property located at the northeast corner of Lovers Lane and Soest Road. He noted the subject property consists of 2.02 acres. Mr. Petersen recalled the Council, during their last meeting, voted to amend the proposed rezoning from R-3 (Multi-Family District) to R-1 (Single Family District).

Following some discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4286: AN ORDINANCE REQUESTING THE ANNEXATION OF A 2.02 ACRE TRACT AT 100 LOVERS LANE AND ZONE THE PROPERTY FROM NZ (NO ZONE) TO R-1 (SINGLE-FAMILY DISTRICT) ZONING. (ISMAIL). 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; Jordan, Williams, Jung, Woolley, Miller, Bowe, Crowell, Long, Morris, and Eudaly. Nays; None. Absent; Hines and Meusch. Motion carried. The ordinance passed.

(C) Ordinance Vacating State Street Right-of-Way Between the North Right-of-Way of 11th St. & the South Right-of-Way of Miner Circle (Missouri S&T): Community Development Director John Petersen explained Missouri S&T has requested the right-of-way vacations of the subject properties primarily to allow the University to enforce its tobacco free campus, which begins on August 1, 2016.

After discussion, a motion was made by Long and seconded by Eudaly to amend the subject ordinance to address the 14th Street vacation and remove consideration of the State Street vacation. A voice vote on the motion showed eight ayes, two nays, and two absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4287: AN ORDINANCE APPROVING THE VACATION OF 14TH STREET WEST OF PINE STREET COMPRISING A 493' X 60' PARCEL TO THE MISSOURI UNIVERSITY OF SCIENCE & TECHNOLOGY. THE VACATED RIGHT-OF-WAY SHALL BE RETAINED AS A UTILITY EASEMENT. (MISSOURI S&T). A motion was made by Williams and seconded by Long to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Bowe, Williams, Jung, Long, Morris, Eudaly, and Jordan. Nays; Woolley, Miller, and Crowell. Absent; Hines and Meusch. Motion carried. The ordinance passed.

V. OLD BUSINESS (continued)

(C) Ordinance Vacating State Street Right-of-Way Between the North Right-of-Way of 11th St. & the South Right-of-Way of Miner Circle (Missouri S&T) (continued): City Administrator John Butz said staff would report to the University that the Council approved an amendment to the ordinance, which approved the vacation of 14th Street, but had reservations on the vacation of State Street.

Mayor Magdits suggested telling the University the Council's concern is having another ingress and egress to the Havener Center.

(D) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Garbage, Trash, and Refuse: Environmental Services Director Brady Wilson informed the Council that the Council Committee met since this issue was first presented and recommends using Sections 36-2 and 36-10 of the Rolla City Code to enforce removal of containers from the sidewalk and gutters. Additionally, the Committee is recommending amendments to Chapter 18 by changing the definitions of residential and commercial customers so that any residential dwellings above a duplex are treated as commercial customers. Mr. Wilson also noted Sec. 18-7 of the Code would be amended by making the property owners responsible for seeing this is enforced on their property as opposed to gain compliance through the tenants.

After much discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. AN ORDINANCE REPEALING CHAPTER 18, GARBAGE, TRASH AND REFUSE, OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW CHAPTER 18, GARBAGE, TRASH AND REFUSE, IN LIEU THEREOF.

VI. NEW BUSINESS

(A) Ordinance Amending Sections 27-92, 27-98, and 27-118 of the Rolla City Code Pertaining to Parking: Public Works Director Steve Hargis commented on the proposed changes to the traffic code and entertained questions from the Council.

City Administrator John Butz added staff would include maps and more information on the requested at its next meeting.

VI. NEW BUSINESS (continued)

(A) Ordinance Amending Sections 27-92, 27-98, and 27-118 of the Rolla City Code Pertaining to Parking (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTIONS 27-92, 27-98 AND 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.

(B) Ordinance Amending Sections 33-54 Through 33-63 of the Rolla City Code Pertaining to Pawnbrokers: Police Chief Sean Fagan recalled that during the Council's last meeting, several recommended changes were made to the proposed pawnshop ordinance. He noted they have been incorporated in the draft provided in the agenda packets. Chief Fagan asked the Council to consider approving the proposed ordinance.

City Counselor Lance Thurman said he believed the Council's intent for the definition of a "Person of Good Moral Character" to be only felony offenses. He suggested the ordinance be amended to reflect this before its final reading.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO.: AN ORDINANCE REPEALING ARTICLE VI. PAWNBROKERS, SECTIONS 33-54 THROUGH 33-63 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW ARTICLE VI. PAWN BROKERS, SECOND HAND DEALERS, SCRAP METAL DEALERS, PRECIOUS METALS DEALERS, PAWN SHOPS AND ANY OTHER BUSINESS THAT DEALS IN PRE-OWNED ITEMS ON A REGULAR BASIS, NEW SECTIONS 33-54 THROUGH 33-63, IN LIEU THEREOF.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Authorizing the Purchase and Installation of an Evidence Storage System: Police Chief Sean Fagan asked the Council to consider authorizing the purchase of a space saver mobile shelving storage system for the Police Department's evidence room. He recommended the use of drug asset forfeiture money to make this purchase. Chief Fagan also recommended purchasing the system from Bradford Systems of St. Louis, Missouri, who was awarded the Missouri State Bid at a cost of \$23,315.00.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Authorizing the Purchase and Installation of an Evidence Storage System (continued): A motion was made by Williams and seconded by Eudaly to authorize the purchase and installation of an evidence storage system from Bradford Systems, St. Louis, Missouri for \$23,315.00. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion Authorizing the Mayor to Execute a Change Order with Donald Maggi, Inc., for Project 388 – 2016 Street Improvements: Public Works Director Steve Hargis explained that during a reconstruction job on Fairground Road, some rotten storm sewer was discovered and the storm sewer was replaced. He informed the Council he received permission from City Administrator John Butz to change order an existing contract with Donald Maggi, Inc. for this project. A motion was made by Williams and seconded by Morris authorizing the Mayor to execute a change order with Donald Maggi, Inc., for Project 388 – 2016 Street Improvements (Keeton Road, Shady Lane, and Fairgrounds Road) for \$57,564.90. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(C) Ordinance Authorizing the Mayor to Execute a Grant Award of Contract with the State of Missouri Emergency Management Agency (SEMA): Fire Chief Ron Smith explained the Fire Department has applied for a 50/50 grant of \$10,100 through the State of Missouri. He informed the Council this grant could be used for personnel, supplies, and benefits for Emergency Management Director Matt Griggs. Due to the deadline of July 15, 2016, Chief Smith asked the Council to consider the first and final readings of the subject ordinance at this meeting.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4288: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A GRANT AWARD OF CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE STATE OF MISSOURI EMERGENCY MANAGEMENT AGENCY (SEMA). 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. 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: Crowell, Eudaly, Jung, Jordan, Miller, Bowe, Williams, Long, Morris, and Woolley. Nays; None. Absent; Hines and Meusch. Motion carried. The ordinance passed.

VIII. CITIZEN COMMUNICATION

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

No one present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Ms. Sue Arnold (June 2019), Mr. Andrew Meggett (June 2019), Mr. Larry Thomas (June 2018), Mr. Ken Kwantes (June 2018), and Ms. Susan Wrassman (June 2017) to the Parks Advisory Commission: A motion was made by Long and seconded by Eudaly to appoint Ms. Sue Arnold, Mr. Andrew Meggett, Mr. Larry Thomas, Mr. Ken Kwantes, and Ms. Susan Wrassman to the Parks Advisory Commission. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion Reappointing Mr. Keith Strassner to the Rolla Enhanced Enterprise Zone Board (June 2021): A motion was made by Long and seconded by Eudaly to reappoint Mr. Keith Strassner to the Rolla Enhanced Enterprise Zone Board. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(C) Motion Reappointing Mr. Bill Marshall to the Tax Increment Financing Commission (TIF) (Feb. 2020): A motion was made by Long and seconded by Eudaly to reappoint Mr. Bill Marshall to the Tax Increment Financing Commission. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) High Grass: Councilman Williams commented on the areas in town where residents and property owners are not mowing their grass. He said the City looks so much better when the grass is mowed. Mr. Williams specifically encouraged property managers to make sure the grass is cut. He said he is disgusted with the people who own property and do not take care of it. Council discussion followed.

**COUNCIL MEETING MINUTES
JULY 5, 2016
PAGE 8**

XI. CLOSED SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:44 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JULY 5, 2016