

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 16, 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, Greg Sawyer, Kelly Long, Susan J. Eudaly, Don Morris, Stephen Bowles, Jim Williams, Brian Woolley, Tony Bahr, and Walt Bowe

Council Members Absent: Matthew Miller

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Interim Police Chief Rick Williams, Community Development Director John Petersen, and Parks and Recreation Director Scott Caron

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 a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Brian Woolley then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning Property at 621 Houston Road from R-1 (Single Family District) to R-3 (Multi-Family District) Zoning (Clayton): Community Development Director John Petersen noted the subject property is located at 621 Houston Road, consists of almost one-half acre, and is triangular in shape. He said the structure and the garage, currently located on the property, would be removed. Mr. Petersen explained the property owner has agreed to limit development to only one, four-plex structure, although up to ten units could be located on this site. Additionally, the applicant has agreed to increase the number of parking spaces from two to two and one-half per unit, rather than two. Mr. Petersen informed the Council the Planning and Zoning Commission unanimously recommend approval of the rezoning request.

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.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Property at 621 Houston Road from R-1 (Single Family District) to R-3 (Multi-Family District) Zoning (Clayton) (continued): After a brief Council discussion, City Counselor Lance Thurman read the following proposed ordinance for one reading, by title. ORDINANCE: AN ORDINANCE TO REZONE PROPERTY LOCATED AT 621 HOUSTON ROAD FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (CLAYTON).

II. SPECIAL PRESENTATIONS

(A) Humanitarian Engineering and Science Minor: Dr. Curt Elmore with Missouri S&T, explained the purpose of the Humanitarian Engineering and Science Minor is to provide Missouri S&T students the opportunity to help underserved groups or communities, in Rolla, outside Rolla, within our state and internationally. He said this is a degree program and students who successfully complete these requirements will receive the designation of Humanitarian Engineering and Science Minor on their diploma. Dr. Elmore continued by elaborating on the Minor.

Mayor Magdits reported staff has identified four potential projects in which the City could partner and it has since been narrowed down to two. One of the projects is similar to a neighbor helping neighbor program. He said the City is looking for someone to put together a program that is self-sustaining. Mayor Magdits indicated the second project involves Rolla Municipal Utilities (RMU). He said there is an underserved part of the community that may not know how to get some financial help with interrelated issues, i.e. how they can conserve energy.

(B) Fourth Quarter Tourism Report and 2015 Marketing Plan: Ms. Stevie Kearse, Rolla Area Chamber of Commerce Executive Director, provided an overview of the Fourth Quarter Tourism Report, year-end benchmarks report, and 2015 Marketing Plan.

III. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Execute an Agreement with Insituform Technologies, USA, for Sewer Line Rehabilitation: Public Works Director Steve Hargis explained the subject ordinance would authorize participation in the cooperative purchasing arrangement through a bid received by the City of Independence, Missouri with Insituform Technologies, USA, for \$142,510.64.

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III. OLD BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Execute an Agreement with Insituform Technologies, USA, for Sewer Line Rehabilitation (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4194: 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 INSITUFORM TECHNOLOGIES USA, LLC. A motion was made by Williams and seconded by Bowles to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Bahr, Hines, Woolley, Bowe, Sawyer, Bowles, Long, Morris, and Eudaly. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into an STP-Urban Program Agreement with the Missouri Highway and Transportation Commission for the Replacement of High Pressure Sodium Street Lights with Energy Efficient Light Emitting Diodes (LED): Public Works Director Steve Hargis explained the subject ordinance would authorize the Mayor to enter into an agreement with the Missouri Highway and Transportation Commission that would allow the City to use STP funds to purchase a portion of the street lights planned for conversion to LED. Rolla Municipal Utilities (RMU) would do the work and the materials would be purchased using Federal STP funds of \$129,500. Mr. Hargis said about \$200,000 would be used over the next two years to convert the balance of the City's lights to LEDs. He told the Council LED lights are more efficient than those currently used.

Some of the discussion, which followed, pertained to the status of the agreement with Siemens Building Technologies regarding energy conservation. Mayor Magdits asked staff to update the Council at a future meeting on this matter.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4195: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN STP-URBAN PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Eudaly and seconded by Morris to suspend the rules and the ordinance be read for its

IV. NEW BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Enter into an STP-Urban Program Agreement with the Missouri Highway and Transportation Commission for the Replacement of High Pressure Sodium Street Lights with Energy Efficient Light Emitting Diodes (LED) (continued): 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. 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; Woolley, Bowe, Williams, Hines, Bahr, Bowles, Long, Morris, Sawyer, Eudaly, and Jordan. Nays; None. Absent; Miller. Motion carried. The ordinance passed.

(B) Ordinance Amending Section 27-89 of the Rolla City Code Pertaining to Stop Intersections: Public Works Director Steve Hargis explained the following two agenda items and proposed ordinances pertain to the City's traffic code. The first ordinance reflects the changes and additions to the citywide stop and yield signs and the second reflects no parking zones, which have been made over the past several months. Mr. Hargis told the Council when changes are made to this section, the entire ordinance is repealed and a new ordinance is enacted.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 27-89 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 27-89 IN LIEU THEREOF RELATING TO STOP INTERSECTIONS.

(C) Ordinance Amending Section 27-92 of the Rolla City Code Pertaining to Parking: Public Works Director Steve Hargis noted the subject ordinance pertains to the City's no parking zones. He said yellow paint and/or signs denote these areas. Mr. Hargis informed the Council the no parking areas around the University will be repainted during spring break.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 27-92 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 27-92 IN LIEU THEREOF PERTAINING TO PARKING.

IV. NEW BUSINESS (continued)

(D) Resolution Authorizing the Mayor to Execute a Sewer Use Agreement with Ms. Sharon K. Sooter (continued): Public Works Director Steve Hargis informed the Council of a four-plex that is located just outside the city limits off Route E where the septic system on the property has failed. If the property owner is unable to get sewer service from the City, the apartment building would have to be closed. The property owner, Ms. Sharon Sooter, has approached the City and asked for the Council's consideration. Mr. Hargis said there is an existing easement that would allow the building to be connected to the sewer. He said the property owner would be responsible for all costs associated with connecting to the existing sewer. Mr. Hargis indicated Ms. Sooter has submitted a petition to annex her property, but he said he is not in favor of annexing the subject property because of the expense in providing sewer service to it.

After some discussion, City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1838: 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 SHARON K. SOOTER. A motion was made by Long and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Heavy Equipment Trailer for the Street Department: Public Works Director Steve Hargis informed the Council that bids were received for a trailer to transport an asphalt roller and Bobcat for patching. He said three bids were received and staff is recommending the bid be awarded to Rolls Rite Trailers for \$11,400, which was the only bid meeting the specifications. A motion was made by Williams and seconded by Eudaly to award the bid to Rolls Rite Trailers for \$11,400. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Pete Morse to the Industrial Development Authority (March 2021) to Replace Mr. Bob Stoltz: Mayor Magdits announced Mr. Bob Stoltz is not seeking reappointment to the Industrial Development Authority (IDA). He

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VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Motion Appointing Mr. Pete Morse to the Industrial Development Authority (March 2021) to Replace Mr. Bob Stoltz (continued): recommended the appointment of Mr. Pete Morse to fill this vacancy. A motion was made by Williams and seconded by Bowles to appoint Mr. Pete Morse to the Industrial Development Authority with his term expiring March 2021. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Motion Reappointing Ms. Adele Heller to the Rolla Historic Preservation Commission (April 2020): A motion was made by Long and seconded Bowles to reappoint Ms. Adele Heller to the Rolla Historic Preservation Commission until April 2020. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

1) Rev. Chuck Whitmire, Pastor of the First Assembly of God Church, 1608 N. Oak Street, Rolla, Missouri, told the Council this past Saturday night and past week has shown him that the St. Pat's week is somewhat bordering on being out of control. He explained that last Saturday afternoon and evening two of the four parking lots that surround the church, were like Mardi Gras was happening. He said people were burning their tires on the paved parking lots down to the gravel. The parking lots were strewn with beer cans, trash, and vomit; parking lots were filled with cars, trucks and drunken students and guests estimated at about 200 people. Rev. Whitmire explained the church had a yard sale Saturday morning, a wedding that afternoon, a prayer meeting at 6 p.m., and then an international student gathering. He said the Church's parking was taken and it was as if the whole north side of the church had been taken over. Rev. Whitmire informed the Council people became afraid to leave the church because they were afraid to pass by the revelers and afraid of being accosted. He said he finally phoned the police at about 6 p.m. The police were quick to respond, very professional and did a great job. Rev. Whitmire said the only problem is the students and guests from out of town, in particular, are not the typical 18 to 23 year old Missouri S&T students, but individuals who are older, which often brings more of the hardcore problems we have into our community. He said he is not trying to violate their civil rights, but when they

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VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): 1) continued: begin to violate the rights of others, he said he believes we have a problem. As the leadership and governing body of the City, Rev. Whitmire said he is curious who signs off on parts of this drunkenness and debauchery. He asked the Council to study this next year the problems with St. Pat's week. Rev. Whitmire asked the Council to 1) not grant permits for the use of public property, such as the band shell, to be used for purposes that we have seen for years that include drunkenness and debauchery; 2) enforce open container and public drunkenness ordinances in our city all year round, especially during this week and not turn our back to some degree, and; 3) do not allow the destruction of private property and make the University take this wantonness to their own land and provide their own policing of this event.

After much discussion, Mayor Magdits indicated the City would get back with Rev. Whitmire about the parking issue and the City will have some dialogue with Missouri S&T and the St. Pat's group.

2) Mr. Nick Barrack, 1297 Highway O, Rolla, Missouri, spoke to the Council about the building, which housed Fat Cats for about two years and was operated by Mr. Josh Noe. He told the Council that Mr. Noe closed Fat Cats in November 2014 and bought into another nightclub. Since that time, Mr. Barrack said he has completely renovated the entire building to make it into an event center. He informed the Council that in his discussions with Community Development Director John Petersen, they concluded that as long as any event in the building fits in the C-2 (General Retail District) zoning, it is permissible. More recently, Mr. Barrack said they came to the conclusion that as a building owner, he can rent the building and then whoever rents it would get an appropriate license for whatever they are going to do, which is typical, except for in this case, which may only be for a weekend. Mr. Barrack told the Council the first event scheduled for the building is a gun show. Mr. Petersen suggested Mr. Barrack address the Council about this matter because it is gray in that it is okay to rent a building to someone and for them to obtain a license to do something that is acceptable in a C-2 (General Retail District) area, but is unusual in that this might happen 50 times a year. Mr. Barrack asked the Council if they want him to operate under that mode or does the Council want to develop something different.

City Administrator John Butz noted he has been polling other cities and very few have any kind of regulations on what in essence would be a private event center. He informed the Council he does not believe this falls under the City's existing definition of a C-2 (General Retail District) and he issued an order to not issue a business license for a

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VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): 1) continued: private event center. Mr. Butz said there are many uses under C-2 (General Retail District) that talk about it, but not in the nature of this multi-faceted kind of thing. He stated it is similar to what the FERC (Family Entertainment and Recreation Complex) was designed for as a conditional use. Mr. Butz told the Council the City is not issuing a merchant's license for the private event center, but have spoken with the gun show operators and indicated the City is not going to stop this event. However, the City is not committed to do this on a regular basis until the bigger issues of the zoning are addressed and how it can apply with a merchant's license. Mr. Butz indicated the Council could clarify it by adding either in the ordinance that a private event center is a by right or a permitted use in C-2 (General Retail District), which staff does not recommend. The Council could put it as a by right or permitted use in C-3 (Highway Commercial District), but it is not really what this area is designed for. Mr. Butz said the better place is comparable to the FERC, which would be the conditional use under C-2 (General Retail District) that gives the Council the right to put some reasonable limitations on this. He said he believes the City needs to step back and figure out a solution for it. He added Mr. Barrack has the right to appeal to the City Council the City's lack of granting a merchant's license and the City Council ultimately calls for a hearing to weigh in on the denial of a merchant's license. Mr. Butz pointed out the City could step back and either look at it from an amendment to the zoning ordinance or he suggested to Mr. Barrack he could also pursue an application under a FERC and it would be considered through the Planning and Zoning Commission and the City Council.

After Council discussion, Mayor Magdits asked Mr. Barrack to give the City an opportunity work on it.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Letter to the Editor: Councilman Jim Williams stated he was upset when he read the letter in the Rolla Daily News from Mr. David Nenninger that called the Council crooks and liars pertaining to Proposition P and the Centre. He said Mr. Nenninger is not hearing what is being said in that no funds from Proposition P tax would go to The Centre or any funds from the General Fund. Mr. Williams said he does not like to be called a thief and a liar. He encouraged Mr. Nenninger to come to City Hall and review the City's records.

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

(B) Recreation Center: Councilman Long said he believes it is important for folks to understand The Centre has never received General Fund money. In fact, he pointed out The Centre has annually made a payment to the General Fund since its existence.

Parks and Recreation Director Scott Caron stated when the ordinance pertaining to Proposition P was developed staff tried to provide as much clarification as a possible. He then read two of the recitals, as follows, which are contained in the Proposition P ordinance, specifically pertaining to Councilman Williams' comment: 1) The 1998 park sales tax that expired in 2013 funded the construction and operations of The Centre and SplashZone. During its existence, the City of Rolla did not subsidize or transfer any funds to support The Centre. Operations at The Centre will continue to be separate and not receive funds from the General Fund. 2) The General Fund has annually subsidized the Parks Fund. A parks only sales tax will provide savings to the General Fund, which will provide additional resources for public safety and employee compensation.

Councilman Morris said it is important for residents to understand there has never been any General Fund money go into The Centre and there is not going to be any. Proposition P will strictly be used for the parks.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:49 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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