

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 18, 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 Miller, Matthew Crowell, Kelly Long, Susan J. Eudaly, Don Morris (left at approximately 8:15 p.m.), John K. Meusch, Jim Williams, Brian Woolley, and Walt Bowe

Council Members Absent: Steven Jung

Department Directors in Attendance: Public Works Director Steve Hargis, Fire Chief Robert Williams, Environmental Services Director Brady Wilson, Interim Police Chief Rick Williams, Community Development Director John Petersen, and Finance Director Steffanie Rogers

Other City Officials in Attendance: City Counselor Carolyn Buschjost, 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.

Mayor Magdits announced Item IV.C. “Discussion on “Event Center” Zoning Classification/Business License,” would be postponed until the next Council meeting.

I. PUBLIC HEARINGS

(A) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to Zoning: Mayor Magdits noted there are several component parts to this item. He asked Community Development Director John Petersen to explain each component separately.

Mr. Petersen explained the City Council asked the Planning and Zoning Commission to consider some changes to Chapter 42 of the Rolla City Code, pertaining to zoning. The first amendment pertains to the addition of a definition for an “attached single family/townhouse,” which would distinguish it from an apartment building.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Certain Provisions of Chapter 42 of the Rolla City Code Pertaining to Zoning: Mr. Petersen noted the next proposed change is an amendment to the building design standards by requiring developers to make each townhouse unit in a building have a distinct appearance by using setbacks, different building materials, and other architectural methods.

Mr. Petersen pointed out the third proposed amendment pertains to the new definition of “family”, which only pertains to R-3 (Multi-Family District).

Mr. Petersen noted another proposed change is the number of parking spaces per unit.

After much discussion, Mayor Magdits opened the floor to anyone wishing to address the Council concerning the subject issue.

Mr. Jim Larson, Larson Construction, informed the Council he currently installs a sprinkler system on three story structures. He said when you say “single-family townhouse” it is really not “single-family.” Mr. Larson said the Council might want to consider removing that term and using “townhouse housing unit.” Regarding parking, he noted there are students who drive from Cuba, Sullivan, etc., who do not necessarily live in Rolla who use the parking spaces. Mr. Larson said the focus group came up with the 0.66 recommended parking spaces per bedroom. He indicated he has used this on his projects and it seems to work.

Mr. Dale Wands, 606 Penny Lane, Rolla, Missouri, questioned the need for the City to get into imposing building designs. He asked the Council how they could say the townhouses he constructed at 1706 and 1708 North Oak Street are not attractive. Mr. Wands said there are times when he comes through there late at night and it is all lit up and says, “It’s a nice building.” He added he understands that what he has done has created some of the parking problems. Mr. Wands entertained questions and comments from the Council.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

Mayor Magdits suggested to the Council the ordinance not be read for its first reading at this meeting, since it appears there will be several modifications. No opposition was noted.

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II. SPECIAL PRESENTATIONS

(A) Rolla Municipal Utilities (RMU) FY 2015 Second Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of the Rolla Municipal Utilities' (RMU) FY 2015 Second Quarter Report. He mentioned the complete report is available for review at www.rollamunicipalutilities.org.

Councilman Morris left the meeting at approximately 8:15 p.m.

III. OLD BUSINESS

(A) Ordinance Authorizing an Agreement Between the City of Rolla and the Rolla Housing Authority: Interim Police Chief Rick Williams noted that for the past four and one-half years the Rolla Police Department has entered into a contract with the Rolla Housing Authority to provide a housing officer for Section 8 HUD housing. He said it was a measure to try to get a handle on the crime that was occurring in those areas. Chief Williams indicated it has worked well for both entities and staff recommends approval of the final reading of the proposed ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4208: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE ROLLA HOUSING AUTHORITY.** 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, Meusch, Jordan, Long, Eudaly, and Crowell. Nays; None. Absent; Jung and Morris. Motion carried. The ordinance passed.

(B) Ordinance Enabling the One-Quarter Cent Sales Tax for Local Parks: Mayor Magdits stated this is the ordinance that will authorize the implementation of the parks sales tax, recently approved by the voters. He mentioned the tax would start to be collected in October 2015.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 4209: AN ORDINANCE REPEALING SECTION 37-23 OF THE ROLLA CITY CODE AND ENACTING A NEW SECTION IN LIEU THEREOF ENACTING A ONE QUARTER CENT SALES TAX (REDUCED TO THREE-SIXTEENTHS CENT IN 2023) FOR LOCAL PARKS TO MAINTAIN,**

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III. OLD BUSINESS (continued)

(B) Ordinance Enabling the One-Quarter Cent Sales Tax for Local Parks (continued): IMPROVE AND MANAGE PARKS, TRAILS, PLAYGROUNDS, PARKING LOTS, BATHROOMS, CEMETERY AND NATURAL LANDS FOR RECREATIONAL PURPOSES. THESE FUNDS ARE PROHIBITED FOR SUPPORT OF THE CENTRE. A motion was made by Eudaly and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Eudaly, Woolley, Miller, Bowe, Crowell, Meusch, Long, and Hines. Nays; None. Absent; Jung and Morris. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Amending Sections 27-101 and 27-107 of the Rolla City Code Pertaining to Parking: Public Works Director Steve Hargis explained the subject ordinance reflects any recent changes in one hour and ten hour parking restrictions. He noted a couple of minor amendments to the proposed ordinance, since inclusion in the agenda materials.

Councilman Meusch left the meeting at approximately 8:23 p.m.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4210: AN ORDINANCE REPEALING SECTIONS 27-101 AND 27-107 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS 27-101 AND 27-107, IN LIEU THEREOF RELATING TO PARKING. A motion was made by Williams and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eight ayes, one nay, and three 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 Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Miller, Williams, Hines, Long, Jordan, Crowell, and Eudaly. Nays; None. Absent; Meusch, Morris, and Jung. Motion carried. The ordinance passed.

Councilman Meusch returned to the meeting at approximately 8:27 p.m.

IV. NEW BUSINESS (continued)

(B) Motion Authorizing the Extension of Sanitary Sewer Service to Riback

Holdings: Public Works Director Steve Hargis explained the subject property is a vacant lot located in the Twitty Industrial Park, which is located outside the city limits, but is completely surrounded by the city of Rolla. He said the City has a sanitary sewer main that runs along the east property line of the subject lot. Since the property is located outside the city limits, they are not allowed to connect to City sewer unless there is an agreement with the City or the property is annexed. Mr. Hargis told the Council the business that wants to locate there is Riback, a plumbing supply business, which is held under Riback Holdings. He indicated they plan to expand by constructing a new store at this location. Mr. Hargis noted Riback has submitted a draft Sewer Use Agreement that they composed, which says they would like to annex, but only if the entire park annexes. He explained their reason for this is three of their competitors are also located in the Twitty Industrial Park and there would be about a 2% differential in sales tax. Mr. Hargis informed the Council there is plenty of capacity in the City's sewer. If the Council is interested, Mr. Hargis said he would prepare the documents and ordinance and bring back to the Council for formal action at a future meeting.

Following some discussion, Rolla Municipal Utilities (RMU) General Manager Rodney Bourne added the Public Water Supply District already serves this area. From the electric side, unless the property is annexed into the city limits, RMU cannot serve electricity to this property.

After a lengthy discussion, a motion was made by Williams and seconded by Woolley to not provide sewer service to Riback Holdings. Councilman Jordan informed the Council he would be abstaining from voting because he has relatives who work at Riback's. A hand count on the motion showed seven ayes, two nays, one abstention (Councilman Jordan), and two absent. Motion carried.

(C) Discussion on "Event Center" Zoning Classification/Business License: Mayor Magdits indicated at the onset of the meeting this item would be postponed until the next Council meeting.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Councilmen Walt Bowe, Monty Jordan, and John Meusch to the Audit Committee: A motion was made by Long and seconded by Eudaly to appoint Councilmen Walt Bowe, Monty Jordan, and John Meusch to the Audit Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Fireworks Regulation: Councilman Long recalled the Council discussed this issue after July 4, 2014, and he asked that it be discussed again. He reminded the Council the City Code currently allows the discharging of fireworks in the city limits on July 1,2,3,4, and 5. Mr. Long indicated his family only celebrates on July 4. He reminded everyone that fireworks could be discharged until midnight on Wednesday, Thursday, Friday, and Sunday nights, all four of which are not July 4. He pointed out fireworks cannot be discharged in the public parks because there is a safety issue along with the debris left behind, but you can discharge fireworks on public streets. Mr. Long said it is an issue for him and his neighbors. It was specifically brought to his attention by his neighbor who works for a package delivery service and who leaves for work at 4 a.m. His neighbor said he is not against fireworks, but it is difficult for him to sleep when the fireworks are discharged on a weekday evening (not July 4) and he must leave the house at 4 a.m. for work. Mr. Long suggested limiting the discharge of fireworks on the other days to 10 p.m.

After much discussion, a motion was made by Long and seconded by Woolley to amend the City Code by limiting the discharge of fireworks on July 1,2,3, and 5, until 10 p.m. leaving July 4 unchanged. A hand count on the motion showed five ayes, five nays, and two absent. Mayor Magdits voted “nay”. Motion failed.

A motion was then made by Long and seconded by Eudaly to amend the City Code by limiting the discharge of fireworks on July 1,2,3, and 5, until 11 p.m. and leaving July 4 unchanged. A hand count on the motion showed seven ayes, three nays, and two absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

(1) Mr. Ray Schweikhardt, 1342 S. Rolla Street, Rolla, Missouri, asked the Council if the 11 p.m. deadline includes the Lions Club fireworks' display. He indicated their display keeps him awake.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(1) continued: City Counselor Carolyn Buschjost responded this ordinance change would not apply to anyone with a special permit to discharge fireworks.

Fire Chief Robert Williams said a special permit is strictly for commercial use and they are permitted to discharge fireworks past 11 p.m. Missouri S & T's displays are usually over by 8:30 p.m.

Councilman Long said he would be happy to distribute an article he read about a Gulf War Veteran who suffers from PTSD (Post Traumatic Stress Disorder) who said it is the most horrific time of the year for him. In the article, the Veteran said he could go to a fireworks display because he knows what is going on and can enjoy it. The Veteran said it is being in his home and random fireworks being set off that puts him literally under the table or in the closet with his PTSD.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Best Commuter City: Mayor Magdits stated an organization called Obrella recently ranked cities in Missouri as to the best and the worst commuter cities in Missouri. He reported Rolla ranks number five. Mayor Magdits read the following from the report: "The county seat of Phelps County, Rolla is consistently showered with kudos. In addition to being honored as one of the most livable and desirable communities in America, Rolla boasts Blue Ribbon Schools and is home to Missouri University of Science and Technology, which is ranked as one of the best technological research universities in the nation. If you're headed to Rolla for school or for a new job, there's a 75 percent chance your drive to work will take less than 15 minutes."

(B) Grass Clippings in Street: Councilman Williams reported he has received comments about residents mowing grass clippings into the street. He noted yard waste clogs the storm sewers. Mr. Williams also reminded residents to keep their lawns mowed.

Mayor Magdits added City staff has been asked to stop mowing grass into the street.

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IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 9:08 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into Open Session at approximately 9:26 p.m.

City Counselor Carolyn Buschjost reported that during Closed Session, the Council discussed a personnel matter and no final decision was made.

Mayor Magdits thanked the Council for hanging in there on the first issue. He said it does have some unintended consequences and we just needed to work through it.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:27 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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