

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 7, 2015; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Pro-Tempore Monty Jordan

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, Police Chief Sean Fagan, Finance Director Steffanie Rogers, Environmental Services Director Brady Wilson, Interim Parks and Recreation Director Ken Kwantes, and Community Development Director John Petersen

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

Mayor Pro-Tempore Monty Jordan 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 Pro-Tempore Jordan then asked Councilman Matthew Crowell 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 – November 2, 2015
- 2) City Council Closed Session – November 2, 2015
- 2) City Council Meeting – November 16, 2015

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Recognition of Parks and Recreation Staff for ASA National Softball Tournament Award: Interim Parks and Recreation Director Ken Kwantes explained the James Farrell Award of Excellence is the highest award the ASA (Amateur Softball Association) offers its tournament sites. He informed the Council the Rolla Parks and Recreation Staff was awarded this prestigious award during the Wilson Sporting Goods sponsored luncheon at the ASA's 84th annual meeting on November 4 in Louisville, Kentucky. Mr. Kwantes pointed out the Parks and Recreation Department received an overall rating of 99%. He recognized members of the Parks and Recreation Department staff who were instrumental in receiving this award.

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

Mayor Pro-Tempore Monty Jordan referred the Council to (A) the October 2015 Environmental Services Department Monthly Report; (B) the October 2015, Police Department Monthly Report; (C) the October 2015 Animal Control Division Monthly Report; (D) the October 2015 Rolla Municipal Utilities Monthly Report; (E) the October 27, 2015, Rolla Board of Public Works Meeting Minutes; (F) the November 24, 2015, Development Review Committee Meeting Minutes; (G) the November 10, 2015, Planning and Zoning Commission Preliminary Meeting Minutes; (H) the November 2015 Fire Department Monthly Report; (I) the October and November 2015, Municipal Court Monthly Reports, and; (J) the November 2015 Building Codes Division Monthly Report.

V. OLD BUSINESS

(A) (B) Ordinance Rezoning Property Located at 1621 Martin Springs Drive from C-2 (General Retail District), R-1 (Single Family District), and C-3 (Highway Commercial District) Zoning to All C-3 (Highway Commercial District) Zoning (Sakelaris): Community Development Director John Petersen explained the subject property is the former Zeno's Restaurant and Motel site. The applicant, Sakelaris Ford, plans to relocate its dealership to this property. Mr. Petersen reported the Planning and Zoning Commission recommend approval.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4242: AN ORDINANCE REZONING PROPERTY AT 1621 MARTIN SPRINGS DRIVE FROM C-2 (GENERAL RETAIL

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V. OLD BUSINESS (continued)

(A) (B) Ordinance Rezoning Property Located at 1621 Martin Springs Drive from C-2 (General Retail District), R-1 (Single Family District), and C-3 (Highway Commercial District) Zoning to All C-3 (Highway Commercial District) Zoning (Sakelaris) (continued): DISTRICT) ZONING, R-1 (SINGLE FAMILY DISTRICT) ZONING, AND C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO ALL C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (SAKELARIS). A motion was made by Eudaly and seconded by Woolley to approve the proposed ordinance. 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 ordinance passed.

(B) Ordinance Rezoning Property Located at Lot 2, RSBK Subdivision from M-2 (Heavy Manufacturing District) Zoning to C-3 (Highway Commercial District) Zoning (West): Community Development Director John Petersen indicated the subject property is located off North Bishop Avenue. The property is currently zoned M-2 (Heavy Manufacturing District) and the applicant is requesting it be rezoned to C-3 (Highway Commercial District) to accommodate a J.D. Byrider franchise. He informed the Council the Planning and Zoning Commission recommend approval of the requested rezoning.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4243: AN ORDINANCE APPROVING THE REZONING OF LOT 2, RSBK SUBDIVISION FROM M-2 (HEAVY MANUFACTURING DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (WEST). A motion was made by Williams and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Eudaly, Jung, Hines, Jordan, Miller, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; Bowe. Motion carried. The ordinance passed.

(C) Ordinance Rezoning All of Lots 1 and 2 of Vienna Hills Subdivision from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) Zoning (Brown-Vienna Hills): Community Development Director John Petersen informed the Council the applicant is requesting the subject property be rezoned from R-1 (Single Family District) to R-3 (Multi-Family District) in order to accommodate two, four-plexes. He noted the property is currently not subdivided. However, the subdivision would be considered with the next agenda item.

V. OLD BUSINESS (continued)

(C) Ordinance Rezoning All of Lots 1 and 2 of Vienna Hills Subdivision from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) Zoning (Brown-Vienna Hills) (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4244: AN ORDINANCE APPROVING THE REZONING OF LOTS 1 AND 2 OF VIENNA HILLS SUBDIVISION FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (BROWN – VIENNA HILLS). 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; Morris, Woolley, Miller, Williams, Hines, Jung, Meusch, Jordan, Crowell, Eudaly, and Long. Nays; None. Absent; Bowe. Motion carried. The ordinance passed.

(D) Ordinance Approving the Final Plat of Vienna Hills Subdivision (Brown): Community Development Director John Petersen explained the subject property is being split into two lots (Lots 1 & 2). No opposition was received regarding the proposed subdivision request.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4245: AN ORDINANCE APPROVING THE FINAL PLAT OF VIENNA HILLS, A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 8 WEST, ROLLA, MISSOURI. (VIENNA HILLS SUBDIVISION). 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; Hines, Long, Jung, Williams, Jordan, Miller, Eudaly, Crowell, Meusch, Woolley, and Morris. Nays; None. Absent; Bowe. Motion carried. The ordinance passed.

(E) Ordinance Approving the Replat of Lots 73, 74, and 75 of Block 3, James Addition (Woolf): Community Development Director John Petersen indicated the applicant wishes to consolidate Lots 73, 74, and 75 into one lot to allow greater development flexibility. The subject property is located at 407 North Olive Street. Mr. Petersen noted the applicant has met all parking requirements. He told the Council plans are to construct two, sixteen unit structures. Mr. Petersen reported the Planning and Zoning Commission recommends approval.

V. OLD BUSINESS (continued)

(E) Ordinance Approving the Replat of Lots 73, 74, and 75 of Block 3, James Addition (Woolf) (continued): Some of the Council expressed concerns with the parking by making sure the developer is aware that no parking is permitted on the Olive Street sidewalk. City Administrator John Butz said staff would work with the developer during construction to make sure this area is marked as an area that is not available for parking.

Following discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4246: AN ORDINANCE APPROVING THE REPLAT OF A FRACTIONAL PART OF LOTS 73, 74, AND 75, BLOCK 3, JAMES ADDITION INTO LOT 1, TO THE CITY OF ROLLA, MISSOURI (407 NORTH OLIVE STREET) (WOOLF'S SECOND ADDITION). 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; Eudaly, Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Crowell, Morris, and Miller. Nays; None. Absent; Bowe. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Authorizing the Mayor and Police Chief to Enter Into a Mutual Aid Agreement with the Pulaski County Sheriff's Department: Police Chief Sean Fagan asked the Council to consider authorizing the Rolla Police Department to enter into a mutual aid agreement with the Pulaski County Sheriff's Department. He explained this agreement is for emergency situations by either party. Chief Fagan said it gives the Rolla Police Department jurisdiction and authority to work in each other's counties. Although there is currently an agreement with the Pulaski County Sheriff's Department in place, Pulaski County has a new sheriff.

After a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4247: 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 THE PULASKI COUNTY SHERIFF'S DEPARTMENT PERTAINING TO MUTUAL AID. 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 voice vote on the motion showed ten ayes, one nay,

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VI. NEW BUSINESS (continued)

(A) Ordinance Authorizing the Mayor and Police Chief to Enter Into a Mutual Aid Agreement with the Pulaski County Sheriff's Department (continued): 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 Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jung, Miller, Jordan, Hines, Woolley, Williams, Crowell, Meusch, Long, Eudaly, and Morris. Nays; None. Absent; Bowe. Motion carried. The ordinance passed.

(B) Ordinance Banning the Use of Lead Materials in Public and Private Drinking Water Plumbing: Public Works Director Steve Hargis explained the subject ordinance is being required by the Department of Natural Resources (DNR) as part of a recent inspection of the new water system at the Rolla National Airport. He said Rolla Municipal Utilities General Manager Rodney Bourne would be available during the December 21, 2015, meeting to provide additional information. Mr. Hargis added DNR is requiring a standby chief operator. He told the Council two of the City's Wastewater Department crewmembers have offered to obtain their water license to meet DNR's requirement.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE BANNING THE USE OF LEAD MATERIALS IN PUBLIC AND PRIVATE DRINKING WATER PLUMBING.

(C) Motion Authorizing New Hangar Rental Rates at Rolla National Airport: City Administrator John Butz informed the Council the City owns and leases about 26 separate hangar spaces at the Rolla National Airport. He said these rates have not been adjusted since 2007, when the newest 10 unit T-hangar was constructed. Mr. Butz indicated staff is proposing an across the board increase from 7% to 12%, which would generate about \$3,500 for the airport. He told the Council the agreement with the renters provides a 30-day notice for an increase in fees. Since an increase has not been done for some time, Mr. Butz suggested giving the renters a 60-day notice.

A motion was made by Williams and seconded by Eudaly to approve the new hangar rental rates at the Rolla National Airport with a 60-day notice. After some discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

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VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Pro-Tempore Monty Jordan opened the floor to anyone wishing to address the Council.

1) Ms. Diane Block, 1004 Vista Drive, Rolla, Missouri, expressed her concerns about the new hospital sign, which she said is really bright, obnoxious, and very disruptive to the neighborhood. She told the Council she contacted the hospital and received an e-mail from Mr. Clayton, who said he understood the concerns, but the sign was donated, they are proud of it, they are going to keep it like it is, but he might look into lowering the brightness. Ms. Block also noted she contacted City Administrator John Butz who told her institutions like Missouri S&T, the hospital, and schools have somewhat free reign about the signage they want without any consideration for the neighborhood or drivers on Interstate 44 being blinded by the light. Ms. Block said she wants the Council to know the sign is very intrusive and very detrimental to people on their street who are trying to sleep. She added it is not only bright, but it pulsates. She concluded by stating she hopes there is something the Council can do about the sign.

Councilman Williams told Ms. Block he agrees the sign is extremely bright. He said the hospital and Mr. Clayton are wrong if they refuse to reduce the brightness.

City Administrator John Butz reported he has had at least a couple of e-mails and phone calls from Dr. James regarding the sign. He pointed out the reason the hospital is independent is because it is a political subdivision, it is part of the County, and operates under its elected board. Mr. Butz said Dr. James was adamant the hospital board is very much aware of the situation and is looking at all kinds of remedies even if it means a static display in the evenings with a lesser resolution. He assured Mr. Butz they want to be good neighbors and they will be working with those folks and will be addressing it.

Following discussion, a motion was made by Crowell and seconded by Morris that the Council encourages the hospital to take action necessary to reduce the excessive lighting of their new sign. After additional discussion, a voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

Councilman Woolley asked that this issue be put on the next agenda for an update.

2) Ms. Diana Howard, 1008 Vista Drive, Rolla, Missouri, stated the sign is obnoxious and ridiculous and has significant impacts on the Vista Drive residents. She relayed she was driving home in the rain on Thanksgiving weekend and was about a mile from the 185 exit and saw a flash. Ms. Howard said she thought there was going to be a thunderstorm. However, she soon realized it was the hospital sign and not lightning. She

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): (2) continued: told the Council it lights up her entire front yard and side of her home. On a cloudy, foggy night, it is extremely bad and makes it difficult to sleep. Ms. Howard stated she feels like she is living by the Lumiere Casino in downtown St. Louis. She said the hospital is primarily located in a residential section and the sign should somehow be regulated. As the elected officials who were elected to represent the taxpayers of Rolla, she urgently requested the Council to look into this matter and come up with a resolution to force the hospital to recognize they are members of the community and they should care about the citizens on Vista Drive and all the others around the hospital. Ms. Howard added this obnoxious sign is yet another torpedo aimed at their property values and their ability to sell their home. She concluded by asking the Council what type of signs would be allowed at the Westside Market Place.

Councilman Jung explained to Ms. Block and Ms. Howard that he too lives in their neighborhood. He told them the reason he voted “no” on the motion to encourage the hospital to take the necessary action to reduce the lighting, is if you really want your voices heard, you need to speak to the hospital board. While the Council agrees with you, the hospital board needs to hear it from you since there is not a lot the Council can do. Mr. Jung encouraged the women to keep working with the hospital.

3) Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, said he noticed the Council would be hearing an update on Fidelity Communications. He said the City Council meeting videos have not been posted on the Channel 16 website since the beginning of October.

Mr. Sager noted Rolla Municipal Utilities (RMU) did a great job in his neighborhood of putting in new poles and moving the lines from the old poles to the new poles. When he asked RMU what they were going to do about the old poles, RMU cut them off right above Fidelity’s lines and said they could not take them out until after Fidelity moves their lines. Mr. Sager asked if the Fidelity representative could also address this point.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Appointment of Councilman Kelly Long to the Tax Increment Financing Commission (TIF): A motion was made by Eudaly and seconded by Hines to appoint Councilman Kelly Long as the City's representative to the Phelps County Tax Increment Financing (TIF) Commission. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Administrator John Butz added the TIF Commission consists of nine members with six members being appointed by the County, two by the School District, and one by the other taxing jurisdictions. He said the City was in touch with both the Library and the Phelps County Disabilities Board and they both sent an e-mail of consent deferring to the City for an appointment. Mr. Butz told the Council that Councilman Long is not only representing the City but the other taxing jurisdictions.

Mr. Butz informed the Council the first TIF Commission meeting is scheduled for Wednesday at 5:30 p.m. in the Phelps County Courthouse Multi-Purpose room. The public is encouraged to attend.

(B) Bagged Leaf Pickup: Councilwoman Susan Eudaly asked when the City would be discontinuing the picking up of bagged leaves at the curb this year.

Environmental Services Director Brady Wilson responded that leaves/yard waste would be picked up at the curb in the brown paper bags until December 18 on the regular refuse collection day. He informed the Council the City's compost site remains open year round, so citizens have the option of hauling their yard waste to the compost site, which is located at the dead end of North McCutchen.

(C) Tractor Correspondence: Councilman Kelly Long asked City Administrator John Butz if he would comment on the correspondence from a citizen regarding a surplus tractor owned by the City.

Mr. Butz explained the subject 1993 John Deere 5400 tractor is being stored in the former Ransdall Building, the City's warehouse facility. He said this is where the City stores items until they are placed on GovDeals.com. Mr. Butz explained the history regarding the tractor and said it was ultimately determined to be too expensive to repair. He said the tractor should have been put on GovDeals.com in spring of 2015 and staff apologizes for not doing so. However, he indicated it would be placed on GovDeals.com for bidding within the next few days.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Fidelity Communications Update: Mr. Craig Montgomery, Public Relations Manager, Fidelity Communications, indicated he spoke with Mr. Sager regarding his inquiries and stated he would get back with him after researching his questions.

Mr. Montgomery then provided an overview of Fidelity's rate increases, which will go into effect in January 2016. Of the two increases, one is a \$5 technology advancement fee, which is to help pay for network enhancements, speed upgrades, and technology changes. The second increase is a \$2 broadcast recovery fee for cable television customers. Mr. Montgomery also informed the Council that Fidelity has changed e-mail providers.

(B) Price Chopper Ribbon Cutting Ceremony: City Administrator John Butz reminded the Council of Price Chopper's ribbon cutting ceremony, which would be held tomorrow at 4 p.m.

(C) John Denbo Community Reception: City Administrator John Butz indicated the Council has been invited to Mr. John Denbo's community reception, which will be held in Benton Square. The drop-in will be held from 5 p.m. to 8 p.m. Mr. Butz pointed out Mr. Denbo has worked for the Phelps County Regional Medical Center for 28 years.

(D) Paul Stigall Reception: City Administrator John Butz reported Mr. Paul Stigall, who has been the chair of the City's Planning and Zoning Commission for 22 years, is retiring. Mr. Butz invited the Council to a reception for him, which would be held before tomorrow's Planning and Zoning Commission beginning at 5 p.m. in the City Council Chambers.

XI. CLOSED SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:48 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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