

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 7, 2016; 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, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: None.

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Community Development Director John Petersen, Finance Director Steffanie Rogers, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Police Lieutenant Jim Macormic, 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 Jim Williams led 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 twelve 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 – February 1, 2016
- 2) City Council Meeting – February 16, 2016

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Rolla Apartments MHDC Application for Substantial Renovation: Mr. Tim Sansone, Sansone Group, St. Louis, Missouri, informed the Council that Sansone Group was the original developers in 1979 of Rolla Apartments, which is located on McCutchen Drive. Since that time, Sansone Group has provided property management services. Mr. Sansone pointed out the building is getting old and it is time to do some renovations. He said Sansone Group contacted developer Mr. Robin Salomon to handle the renovations.

Mr. Salomon told the Council some of the mechanicals on the property are from 1979, such as the elevators. The roof needs to be replaced, the kitchen and baths are vintage, and there are quite a number of systems and amenities that need a lot of work. Mr. Salomon explained millions of dollars are needed to bring the facility up to 2015 standards. He told the Council that Sansone Group applied on March 1 to Missouri Housing Development Commission (MHDC) for tax-exempt bonds and low-income housing tax credits. Mr. Salomon indicated currently, they are projecting about \$5.3 million including a contingency of expenditures on the property (bricks and sticks). Mr. Salomon entertained several questions and comments from the Council.

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

Mayor Magdits referred the Council to **(A)** the January 2016 Environmental Services Department Monthly Report; **(B)** the January 2016, Police Department Monthly Report; **(C)** the January 2016 Animal Control Division Monthly Report; **(D)** the January 2016 Rolla Municipal Utilities Monthly Report; **(E)** the January 26, 2016, Rolla Board of Public Works Meeting Minutes; **(F)** the February 23, 2016, Development Review Committee Meeting Minutes; **(G)** the February 9, 2016, Planning and Zoning Commission Preliminary Meeting Minutes; **(H)** the January and February 2016 Rolla Municipal Court Reports; **(I)** the February 2016, Building Codes Division Monthly Report, and; **(J)** the January 2016, Fire and Rescue Department Monthly Report.

V. OLD BUSINESS

(A) Ordinance Approving a Conditional Use Permit for the Operation of a Nursing Home Facility in an R-1 (Single Family District) Zoned Area at 1000 Lions Club Drive (Clearpath): Community Development Director John Petersen explained the applicant is requesting a conditional use permit (CUP) for the establishment of an

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V. OLD BUSINESS (continued)

(A) Ordinance Approving a Conditional Use Permit for the Operation of a Nursing Home Facility in an R-1 (Single Family District) Zoned Area at 1000 Lions Club Drive (Clearpath) (continued): assisted living facility in an R-1 (Single-Family District) zoned area. The subject property is located at 1000 Lions Club Drive. Because there have been some concerns expressed, Mr. Petersen pointed out there is a heavy vegetation line that provides ample opportunities for securing the area and eliminating any potential problems. He noted the property consists of 7.7 acres. Mr. Petersen said the facility would have 50 beds in 46 units and approximately 30 employees. The Planning and Zoning Commission recommends approval of the conditional use permit.

Representatives from Clearpath Senior Holdings, LLC, addressed the Council and clarified they plan to construct an assisted living facility and not a skilled nursing facility. They indicated they have been working on this project for several years. In order to obtain a license for the facility, it was necessary to obtain support from the City and other individuals in the community. When asked about the request from an adjoining property owner regarding the installation of a privacy fence, they said the buffer provided by the landscaping should be sufficient and a privacy fence would not be necessary.

Mr. Bill Wiggins, 594 Sycamore Drive, Rolla, Missouri, said that with the large vacant area to the west, the worry is the developers will want to build additional units.

Mr. Petersen explained if a separate building were constructed, the property would need to be subdivided.

With no inclusion of their current site plan to the CUP, Mr. Wiggins said there would be nothing preventing them from building additional units.

City Counselor Lance Thurman responded the CUP would dictate what could be done on that property.

A motion was made by Eudaly and seconded by Long to amend the ordinance by adding contingency No. 5 to read, "Project is detailed and limited as referenced in the Site Plan attached herein as Exhibit A."

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title, as amended. **ORDINANCE NO. 4260: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE**

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V. OLD BUSINESS (continued)

(A) Ordinance Approving a Conditional Use Permit for the Operation of a Nursing Home Facility in an R-1 (Single Family District) Zoned Area at 1000 Lions Club Drive (Clearpath) (continued): OPERATION OF A NURSING HOME FACILITY IN AN R-1 (SINGLE-FAMILY DISTRICT) ZONED AREA AT 1000 LIONS CLUB DRIVE. (CLEARPATH). A motion was made by Eudaly and seconded by Morris to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Eudaly, Meusch, Jordan, Williams, Hines, Jung, Woolley, Long, Bowe, Crowell, Morris, and Miller. Nays; None. Absent; None. Motion carried. The ordinance passed.

Councilman Williams expressed his concern with CUPs. He said they always seem to be controversial. If the Council is going to continue using CUPs, then it needs to make them absolutely clear what is required.

Mayor Magdits said the same could be said of Planned Unit Developments (PUDs).

City Administrator John Butz stated CUPs are fairly common, but it allows a higher level of scrutiny if the Council is going to allow it in a lower zone. He agreed that every time Council considers them, CUPs are controversial because you are going outside of the traditional zoning classification. Mr. Butz said he does not know if there is an easy answer or solution to them, but by their nature, they are going to be controversial because you are taking a specific site and trying to see how a use will work. However, it does allow the Council to grant the CUP with conditions.

(B) Ordinance Authorizing the Mayor to Execute an Airport Aid Agreement with MoDOT: City Administrator John Butz recalled the next two agenda items are tied together. He pointed out this is the first time the State has allowed the Missouri Department of Transportation (MoDOT) Aviation Trust to put funds into a business plan development and Rolla is the first community to receive the grant. Mr. Butz said it is about a \$53,000 grant with a 10% match or \$5,361 and the grant would cover about \$48,242.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4261: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, AN AIRPORT AID AGREEMENT FOR PROJECT NO. AIR 166-056A BETWEEN THE CITY OF ROLLA, MISSOURI, AND

V. OLD BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Execute an Airport Aid Agreement with MoDOT (continued): THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. 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; Jung, Miller, Jordan, Hines, Woolley, Williams, Bowe, Crowell, Meusch, Long, Eudaly, and Morris. Nays; None. Absent; None. Motion carried. The ordinance passed.

(C) Ordinance Authorizing the Mayor to Execute a State Aviation Trust Fund Project Consultant Agreement with Jviation, Inc.: City Administrator John Butz explained the grant funds, just approved by the Council, would be used to enter into a contract with Jviation, Inc., using the consultant Blane Canada, who will be using a sub consultant, RCI, that will be assisting in a target industry effort. Mr. Butz noted the plan would address the following objectives: 1) Craft a focused 5-year marketing strategy; 2) Identify target industries and a list of company prospects; 3) Audit past planning efforts of the Airport, City, and RREC (Rolla Regional Economic Commission), 4) Map messages for electronic and print communications, and; 5) Create a tactical marketing strategy.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4262: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A STATE AVIATION TRUST FUND PROJECT CONSULTANT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND JVIATION, INC. 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, Jordan, Morris, Long, Eudaly, and Crowell. Nays; None. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Discussion Pertaining to Removal of Trash Containers from Street Edge: Environmental Services Director Brady Wilson explained the City has an ordinance requiring residents to remove their trash container(s) from the street edge within 24 hours of their collection day. However, enforcing the issue of carts left at the curb has proved difficult. Mr. Wilson said his department attempts to enforce it on a complaint basis, typically with marginal success at best. He added that many hours and resources are spent doing this.

VI. NEW BUSINESS (continued)

(A) Discussion Pertaining to Removal of Trash Containers from Street Edge (continued): In doing a review of the current process, Mr. Wilson indicated he asked the Refuse Service Review Committee to meet and discuss different options. Because of those discussions, he told the Council he is presenting some suggested/proposed changes to Chapter 18 of the Rolla City Code. Mr. Wilson then provided an overview of the proposed changes to Chapter 18, which he indicated would hopefully improve things going forward.

After a lengthy discussion, the Council consensus was to bring the proposed changes to Chapter 18 of the Rolla City Code to the Council in the form of an ordinance for a first reading at its next meeting.

(B) Ordinance Authorizing the Mayor to Execute a Missouri Highways and Transportation Commission STP-Urban Program Agreement for Salem Avenue Improvements: Public Works Director Steve Hargis explained staff is proposing to do an overlay project on Salem Avenue along with improvements to the handicapped ramps. The cost of the project is about \$145,000 and staff would request reimbursement of about \$96,000 from the STP funds. Mr. Hargis informed the Council that STP is an entitlement the City receives from the State and the City receives about \$63,000 a year and is allowed to accumulate about five years of these funds.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: 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 MISSOURI DEPARTMENT OF TRANSPORTATION.

Mayor Magdits asked Mr. Hargis to circulate to the City Council a list of the streets that will be constructed/reconstructed this year.

(C) Discussion of Limited Deer Hunts in Rolla: City Administrator John Butz recalled this issue surfaced a few years ago and more recently, some information was submitted from Dr. Robert Tucker who lives off Soest Road. He explained the Rolla City Code currently allows bow hunting in RR (Rural Residential) zoned areas, which is primarily located in the southern boundary of Rolla. Bow hunting is allowed in these areas under the Missouri Department of Conservation requirements. In particular, Mr. Butz noted

VI. NEW BUSINESS (continued)

(C) Discussion of Limited Deer Hunts in Rolla (continued): there are pockets north of the area where there are larger areas of much undeveloped property that can host a healthy population of animals. Mr. Butz noted that Dr. Tucker's property, located next to the Middle School, is one of those examples where you can have a small herd of five to ten deer. When the Council discussed this issue a few years ago, the Council decided at that time not to expand the hunting opportunities. Mr. Butz said one suggestion was to expand the area where bow hunting is allowed to large tract areas of a certain size. He indicated that Police Lieutenant Jim Macormic attended a wildlife summit in Columbia, Missouri, a couple of years ago, where this issue was discussed.

Lieutenant Macormic addressed the Council and said according to Missouri Conservation Agent, Mr. Darrin Wood, the City has three options if we believe we have a problem. Mr. Wood believes that if we do not get ahead of the problem, we could have a problem in the near future. Lieutenant Macormic noted one option is sharp shooting, which the Police Department does not recommend. A second option would be hiring a full-time employee to manage a hunt. This option would require someone to monitor the deer herd. The third option would be to open it up to tract size, etc., and let the Conservation Department manage it as they do the rest of the state. Lieutenant Macormic added that Mr. Wood stated he does not believe the ten deer vehicular accidents in Rolla is a realistic number. He told him he has received several calls from citizens who have had an accident with a deer, but did not contact the Police Department.

After Council discussion, Mayor Magdits asked Dr. Robert Tucker to address the Council. Dr. Tucker told the Council the deer herd on his property has been there for three years. He said these deer are tiny and it is almost as if they are being inbred. Dr. Tucker said he is concerned about the number and the quality of the habitat that is in the approximate 20 acres. The real concern he has is ensuring that this little island of wildlife is sustainable.

Following further discussion, the Council agreed to invite Missouri Conservation Agent Darrin Wood to the next Council meeting to discuss this issue further.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

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VIII. CITIZEN COMMUNICATION

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

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, said he listened with interest the discussion of trash. He told the Council you want to make it easy for people to properly dispose of trash. Mr. Sager stated when you take away their dumpsters and make it difficult, you will find more trash in vacant lots, trash stuffed in the storm drains, and trash in other areas.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

None.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Prayer for Peace Officers: City Administrator John Butz invited everyone to participate in the “Prayer for Peace Officers,” that will be held on Wednesday, March 9, 2016, at a variety of churches in the area. He explained the idea of this event is to recognize how violent much of this country has become and has sadly affected peace officers. Mr. Butz noted a local group along with VIPS (Volunteers in Police Service) was instrumental in organizing a coordinated effort for this event.

XI. CLOSED SESSION

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

The Council adjourned into Closed session at approximately 8:43 p.m.

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XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:45 p.m.

City Counselor Lance Thurman reported that during Closed Session the City Council discussed one personnel matter. Final action regarding this matter will be announced within 72 hours.

Mr. Thurman stated the Council also discussed two matters of real estate with no final action taken on either item.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 9:46 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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