

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 21, 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 Crowell, Matthew Miller, Kelly Long, Don Morris, John Meusch, Brian Woolley, Jim Williams, Steven Jung, and Walt Bowe

Council Members Absent: Susan J. Eudaly

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

Other City Officials in Attendance: City Administrator John Butz, 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 Brian Woolley led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning an 11.9 Acre Tract Located North of Wild Horse Run Plat No. 1 from R-1 (Single Family District) to RR (Rural Residential District) Zoning (Joyner): Community Development Director John Petersen indicated the subject property is located near the Wild Horse Run subdivision and consists of approximately 11.9 acres. The applicants have a contract to purchase the property and wish to rezone it from R-1 (Single Family District) to RR (Rural Residential District) zoning. Mr. Petersen said the applicants plan to construct a single family home. He pointed out the property will rely on a private, unpaved driveway. Additionally, he noted according to Rolla City Code, private driveways in R-1 (Single Family District) must be paved with a hard surface. However, properties located in RR (Rural Residential) zoned districts are not required to be paved. Mr. Petersen reported the Planning and Zoning Commission recommends approval of the rezoning request.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning an 11.9 Acre Tract Located North of Wild Horse Run Plat No. 1 from R-1 (Single Family District) to RR (Rural Residential District) Zoning (Joyner) (continued): Following a brief discussion, 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.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF AN 11.9 ACRE TRACT LOCATED IN A FRACTIONAL PART OF THE SW ¼ OF THE NW ¼ OF SECTION 24, T37N, R8W FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO RR (RURAL RESIDENTIAL DISTRICT) ZONING. (JOYNER).

(B) Ordinance Rezoning a Fractional Part of the Forum Plaza Shopping Center from C-1 (Neighborhood Business District) Zoning and C-2 (General Retail District) Zoning to C-3 (Highway Commercial District) Zoning (Super Market Developers): Community Development Director John Petersen explained the subject property, which consists of 4.56 acres, is the former Country Mart site, located in the Forum Plaza Shopping Center. The applicant, Super Market Developers, Inc., have requested the rezoning of the property from C-1 (Neighborhood Business District) and C-2 (General Retail District zoning) to C-3 (Highway Commercial District) zoning. The applicants requested the subject rezoning in order to be able to market merchandise outside of the building. Mr. Petersen explained the site currently has 191 parking spaces and by law, they are only required to have 160 parking spaces. He noted the merchandise would be displayed to the south of the building where there are about 24 parking spaces that would be lost. Mr. Petersen reported the Planning and Zoning Commission recommends approval of the rezoning request.

Mr. Joel Riggs, 5000 Kansas Avenue, Kansas City, Kansas, and representing Super Market Developers, Inc., stated they are the developers of the Forum Plaza. He informed the Council that for the past nine months he has been working with Dickey Bub Farm and Home that has five other locations in Missouri. Pending approval of the rezoning, Mr. Riggs said they are ready to sign a lease and they do need exterior sales limited to the side parking lot (adjacent to Tenth Street), which would be fenced. He pointed out no other parking spaces would be used. Dickey Bub Farm and Home would like the opportunity to have outdoor sales underneath the canopy that is on the current sidewalk. Mr. Riggs informed the Council that in speaking with City Administrator John Butz,

I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning a Fractional Part of the Forum Plaza Shopping Center from C-1 (Neighborhood Business District) Zoning and C-2 (General Retail District) Zoning to C-3 (Highway Commercial District) Zoning (Super Market Developers) (continued): Super Market Developers has agreed to include the stipulation in the ordinance, for its final reading, that the display or sale of merchandise outdoors would be limited to the area south of the building.

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.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF A 4.56 ACRE TRACT DESCRIBED AS A FRACTIONAL PART OF THE FORUM SHOPPING CENTER, TRACTS 2 & 3 FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING AND C-2 (GENERAL RETAIL DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (SUPER MARKET DEVELOPERS).

(C) Ordinance Rezoning Tract A of Lost Acres Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Goldberg): Community Development Director John Petersen explained the subject rezoning request involves four structures located at the corner of Old St. James Road and Farrar Drive. The applicants are requesting the rezoning from C-3 (Highway Commercial District) to R-3 (Multi-Family District) zoning. He said the reason the applicants are pursuing the rezoning is because the current C-3 (Highway Commercial District) zoning is considered a legal non-conforming use. Mr. Petersen noted the property consists of .95 acres. The Planning and Zoning Commission recommends 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.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF A .95 ACRE PARCEL LOCATED IN THE LOST ACRES SUBDIVISION, LOT "A", TO BE REZONED FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (GOLDBERG)

II. SPECIAL PRESENTATIONS

(A) Limited Deer Hunts in Rolla – Missouri Conservation Agent Mr. Darrin Wood:

City Administrator John Butz recalled that during its last meeting the Council discussed whether it wanted to expand the provision for limited bow or archery hunting inside the city limits. He explained hunting is permitted inside the city limits under the State requirements as long as it is in a properly zoned Rural Residential (RR) zone. Mr. Butz told the Council the request came from property owners near the Rolla Middle School who own a couple of large tracks and want to control or limit potential problems.

Mr. Wood said his proposal is if the City allows a hunt, it will “get ahead of the curve.” By letting it go too far, you will get sick deer and an extreme amount of deer/vehicle accidents. Rolla is going to reach a potential number where the population is going to be a problem. Mr. Wood entertained questions and comments from the Council.

Mr. Butz indicated he would ask staff to prepare a map on the five and seven acre tracks inside the city limits.

Mayor Magdits asked the Council how they wish to proceed. He suggested having a proposed ordinance prepared for the next meeting or think about it for a couple of weeks and then have a discussion.

After further discussion, Mayor Magdits asked the Council to contact Mr. Butz if they have any additional thoughts within the next two weeks.

III. OLD BUSINESS

(A) 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 the subject project will use the City’s STP funds up to 2017. He noted the City is allocated about \$60,000 a year in STP funds and can only bank about five years. Mr. Hargis said the subject ordinance would authorize the Mayor to enter into an agreement with the Missouri Highways and Transportation Commission for improvements to Salem Avenue. The amount of federal funds for this project is \$96,000.00 with an estimated total of \$145,000.00 for the project.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4263: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF

III. OLD BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Execute a Missouri Highways and Transportation Commission STP-Urban Program Agreement for Salem Avenue Improvements (continued): THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI DEPARTMENT OF TRANSPORTATION. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Jung, Hines, Woolley, Miller, Bowe, Crowell, Meusch, Long, and Morris. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Approving the Final Plat of HyPoint West Plat No. 1 (HyPoint West): Community Development Director John Petersen explained the applicant is proposing to subdivide one lot into six lots. He noted Lot 1 is where the Federal Express Warehouse will be located and the remaining lots will be available for future commercial expansion. Mr. Petersen reported the Planning and Zoning Commission recommends approval of the final plat. Additionally, he pointed out during the review process, it was noted the streets in the proposed subdivision layout exceeded the maximum distance allowed for streets in excess of 600 feet in length before a cul-de-sac or turnaround would be required. The applicants submitted a request to approve a variance for this subdivision requirement in accordance with Rolla City Code. Mr. Petersen said it was the feeling of the Planning and Zoning Commission that it was an unreasonable and unnecessary requirement. They noted this is in a rural area and there is plenty of room to turnaround. He reported the Planning and Zoning Commission also approved this variance.

Fire Chief Ron Smith addressed the Council regarding the cul-de-sacs and turnarounds as it pertains to fire apparatus. He said the Fire Department is agreeable with the project, but reserves the right to have cul-de-sacs constructed on Perrot Road, if needed for the development in the future.

Mr. Matt Williams with the Rolla Community Development Corporation (RCDC) said RCDC has two subdivisions being considered at this meeting. The first subdivision is HyPoint West and the former Rolla airport area is HyPoint East, which is close to becoming full. About ten years ago, Mr. Williams told the Council the RCDC acquired what was called the Cunningham farm on the other side of Highway V, which is now

IV. NEW BUSINESS (continued)

(A) Ordinance Approving the Final Plat of HyPoint West Plat No. 1 (HyPoint West) (continued): called HyPoint West. RCDC has begun installing infrastructure for the development of manufacturing property and the first major tenant is getting ready to begin construction. Now that a tenant is using almost half of the available land, RCDC would like to have HyPoint West subdivided to accommodate the tenant. Mr. Williams asked the Council to consider the first and final readings of the subject ordinance at this meeting because they would like to close on the property on April 8, 2016.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4264: AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE HYPOINT WEST PLAT NO. 1, A MAJOR SUBDIVISION, BEING A FRACTIONAL PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTH HALF OF LOT 1, NORTHWEST QUARTER, ALL IN SECTION 30, T38N, R7W, ROLLA, PHELPS COUNTY, MISSOURI. (HYPOINT WEST). A motion was made by Morris 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 eleven ayes, zero nays, and one 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 Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Williams, Hines, Jung, Meusch, Long, Morris, Crowell, and Jordan. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

(B) Ordinance Approving the Final Plat of HyPoint East Plat No. 1 (HyPoint East): Mr. Matt Williams with RCDC, informed the Council the other subdivision they are requesting, is HyPoint East. He said RCDC wants to subdivide the property into Lots 1, 2, and 3. Mr. Williams said the solar farm is being constructed on Lot 3 and MoSci will own Lot 1.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4266: AN ORDINANCE APPROVING THE FINAL PLAT OF HYPOINT EAST NO. 1 BEING A MINOR SUBDIVISION IN A FRACTIONAL PART OF THE S ½ NW ¼, NE ¼, AND SW 1/4 ALL IN SECTION 29, T38N, R7W, ROLLA, PHELPS COUNTY, MISSOURI. (HYPOINT EAST). A motion was made by Williams and seconded by Morris 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, and one absent. Motion carried. City Counselor Carolyn Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and

IV. NEW BUSINESS (continued)

(B) Ordinance Approving the Final Plat of HyPoint East Plat No. 1 (HyPoint East) (continued): seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Jung, Hines, Jordan, Miller, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

(C) Ordinance Approving the Final Plat of Rolla Property, LLC, No. 1 (Rolla Property): Community Development Director John Petersen the subject property is the former Briggs and Stratton site. The applicant is requesting the property be subdivided into three lots. Lot 1 is the location of a 40,000 square foot warehouse. Lot 2 is undeveloped and Lot 3 is the location of the primary building. Mr. Petersen noted the property currently has 540 parking spaces available. He pointed out a request has been made for the Council to consider the first and final readings of the subject ordinance at this meeting.

City Administrator John Butz reported the tentative closing on the property is scheduled for March 10, 2016, but could be delayed as late as April 10, 2016.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4266: AN ORDINANCE APPROVING THE FINAL PLAT OF THE ROLLA PROPERTY LLC, NO. 1, BEING A MINOR SUBDIVISION IN A FRACTIONAL PART OF the W ½, SW ¼, SECTION 29, BEING A FRACTIONAL PART OF E ½, SE ¼ OF SECTION 30, ALL IN T38N, R7W ROLLA, PHELPS COUNTY, MISSOURI (ROLLA PROPERTY). A motion was made by Morris and seconded by Meusch to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one 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 Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Miller, Williams, Hines, Jung, Meusch, Jordan, Bowe, Crowell, and Long. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

City Administrator John Butz mentioned in the middle of Lot 3, is an abandoned/vacated utility easement from a telephone company, which was vacated many years ago. When it was vacated, it was vacated to the City of Rolla. He said the City has been asked to do a quitclaim deed to relinquish any rights. Mr. Butz informed the Council that staff plans

IV. NEW BUSINESS (continued)

(C) Ordinance Approving the Final Plat of Rolla Property, LLC, No. 1 (Rolla Property) (continued): to place the subject quit claim deed for consideration on the next Council agenda. Unless the Council has any concerns with it, Mr. Butz said he is going to let Hartmann US know the Council plans approve it.

(D) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Refuse Containers: Environmental Services Director Brady Wilson asked the Council to consider the first reading of an ordinance amending Chapter 18 of the Rolla City Code that would change the definitions of a residential refuse customer and a commercial refuse customer. Additionally, he said the proposed ordinance would rescind part of the time-consuming enforcement procedures and establish wording that would allow the neighborhood standard to dictate what occurs from neighborhood to neighborhood. Mr. Wilson said the proposed ordinance establishes language that would require future developments to plan on and account for a central collection area for their trash, in what would be called commercial developments.

After a lengthy discussion, particularly about enforcement concerns, City Administrator John Butz suggested referring this issue back to the Refuse Service Review Committee. He also suggested possibly adding a couple of other Council members to the Committee to try to arrive at a solution. Councilman Matthew Crowell volunteered to serve on the committee.

A motion was made by Miller and seconded by Long to set aside consideration of this item. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for a Half-Ton Pickup Truck for Environmental Services Dept.: Environmental Services Director Brady Wilson stated bids were recently accepted for the scheduled replacement of a pickup truck in the Environmental Services Department. Five bids were received and the apparent low bidder is Hutcheson Ford, St. James, Missouri, for a 2016 Ford F150 for \$23,132.00. After a brief discussion, a motion was made by Crowell and seconded by Hines to award the bid for a 2016 Ford F150 to the low bidder Hutcheson Ford, St. James, Missouri for \$23,132.00. A hand count on the motion showed seven ayes, four nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

None.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council. No one present responded.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Teenage Seatbelt Enforcement: Mayor Magdits reported about a third of Missouri teenagers are not wearing seatbelts, which is a surprising statistic. Eight out of ten teenage fatalities are the result of them not wearing seatbelts. Mayor Magdits noted the Rolla Police Department is joining with others in some targeted enforcement between March 15 and 31, 2016. He said teenagers could be pulled over solely for a seatbelt violation.

Police Chief Sean Fagan explained the Rolla Police Department has received a grant through the State of Missouri for seatbelt enforcement and the Police Department is doing a stepped up enforcement of teenagers driving without their seatbelts. Chief Fagan said if you are a teenager without your seatbelt, the Police could stop you for that violation. However, if you are an adult without your seatbelt, the Police cannot stop you just for that violation. Chief Fagan indicated the adult could be cited for no seatbelt usage if stopped for another violation. He said the Police Department is trying to educate teenagers on wearing seatbelts. If in doing this enforcement one teenager's life is saved, it is worth the effort.

(B) St. Patrick's Day Weekend Activities: Mayor Magdits noted this week, especially on Saturday afternoon and evening, many were out partying and our public service departments were very busy. In the case of the Police Department, there were additional officers on duty.

Chief Fagan added there were three Missouri State Highway Patrol Officers specifically assigned to Rolla, as well as assistance from the Phelps County Sheriff's Department and the Missouri S&T Police Department.

Mayor Magdits complimented both the Rolla Police and Fire Departments for their work.

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

(C) Flint, Michigan Water Situation: City Administrator John Butz mentioned the question came up Friday about the Flint, Michigan water situation and he asked Rolla Municipal Utilities General Manager Rodney Bourne to comment on why this situation would not happen in Rolla.

Mr. Bourne said it is his understanding Flint, Michigan had been getting its water from Detroit, Michigan and then made a decision to switch their supply from treated water coming from Detroit to more untreated water from the Flint River, which happened to be fairly corrosive water. Mr. Bourne stated when the water got into the Flint, Michigan system, it attacked the metals that were in their distribution system, primarily lead service lines, which had not been replaced and which caused lead to leach out. Mr. Bourne said Rolla Municipal Utilities has no plans of switching from well water to anything else.

IX. CLOSED SESSION

A motion was made by Williams and seconded by Long to adjourn into Closed Session pursuant to RSMo. 610.021(12) to discuss contract negotiations. A roll call vote on the motion showed the following: Ayes; Hines, Long, Jung, Williams, Jordan, Miller, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Eudaly. Motion carried.

X. CLOSED SESSION ACTION

City Counselor Carolyn Buschjost reported that during closed session, the Council discussed contract negotiations, but no final decision was made.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:36 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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