

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 20, 2016; 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 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, Parks and Recreation Director Floyd Jernigan, Police Chief Sean Fagan, and Fire Chief Ron Smith

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

Mayor Pro-Tempore 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. Following the invocation, Councilman Matt Miller led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential LLC): Community Development Director John Petersen noted the subject property is located near the entrance of Forum Drive and Old St. James Road. The applicant is requesting the property, which consists of 18.6 acres, be rezoned to R-3 (Multi-Family District). The proposed project for this property consists of a single-story assisted living facility and four duplexes, two triplexes and a clubhouse for use by residents. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the requested rezoning of R-3 (Multi-Family District).

Mr. Neal Slattery, Staff Engineer, Americare Senior Living, 915 East Ash, Columbia, Missouri, informed the Council they plan to construct one large 19,000 square foot assisted living building and seven separate independent buildings on the north side of the project. Plans are to begin construction on the facility as soon as approval is obtained from the City.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Approving the Rezoning of Lot 1 Country Hills Subdivision from C-3 (Highway Commercial District) Zoning to R-3 (Multi-Family District) Zoning (Rolla Residential LLC) (continued): Mayor Pro-Tempore Jordan opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Pro-Tempore Jordan closed the public hearing.

Following a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE REZONING OF LOT 1, COUNTRY HILLS SUBDIVISION, FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING. (ROLLA RESIDENTIAL, LLC)

Councilman Crowell entered the meeting at approximately 6:40 p.m.

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane and County Road 3000 and Zone the Property to R-3 (Multi-Family District) Zoning (Ismail): Community Development Director John Petersen said the subject property consists of 2.02 acres and is located in what is referred to in the Comprehensive Plan as an urban growth area. The subject property currently contains three new single-family units. The proposed use of this property could sustain a maximum number of 48 units. Mr. Petersen informed the Council that this request has been controversial and the Planning and Zoning Commission recommend denial of the request.

After Council discussion, Mayor Pro-Tempore Jordan opened the public hearing to anyone wishing to address the Council concerning the subject annexation and zoning request.

Mr. Dan Oerther, 200 Lovers Lane, said he is opposed to the rezoning request, but does not have a problem with the annexation. He expressed concerns with what could be constructed and which could possibly deteriorate the character of the neighborhood. Mr. Oerther stated he is not opposed to a reasonable plan for some property owner to be able to use their property. He pointed out he is opposed to a “blank check” as an R-3 (Multi-Family District) zoning.

Mr. Calvin Meyer, 107 Lovers Lane, stated he does not have a problem with the annexation, but if the property is classified as an R-3 (Multi-Family District) zoned area, it would change the character of Lovers Lane. He pointed out R-3 (Multi-Family

I. PUBLIC HEARINGS (continued)

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane and County Road 3000 and Zone the Property to R-3 (Multi-Family District) Zoning (Ismail) (continued): District) could mean multiple apartments and possibly 48 units per acre. Mr. Meyer indicated this would cause his property value to decrease. Additionally, he expressed concern with increased traffic and security. Mr. Meyer said he does not have a problem with an R-1 (Single Family District) or R-2 (Two Family District) zoning.

Rolla Municipal Utilities (RMU) General Manager Rodney Bourne asked if he could address the Council regarding water and power information. He stated in general, RMU is always in favor of annexation because RMU is unable to provide power to properties located outside the city limits. Mr. Bourne said there are no statutory provisions preventing RMU from providing water service outside the city limits. However, the Board of Public Works has reaffirmed their policy to not serve properties outside the Rolla city limits. Mr. Bourne informed the Council the subject property is located inside the water district and that creates more problems in that RMU has a federal consent stipulation judgment that says how the water district and RMU would work together on properties. He explained if the property is annexed, then RMU has the first right of refusal to provide service to this property.

Ms. Paula Volkmer, 300 Lovers Lane, explained that she and her husband are opposed to the zoning of the subject property to R-3 (Multi-Family District). She emphasized their opposition is not to the annexation, but to the zoning. Ms. Volkmer pointed out their neighborhood was established as a single-family home neighborhood and they would like to see it remain that way. The possibility their neighbor could host an apartment complex of 48 units gives them considerable concern. She noted Lovers Lane and Soest Road are already busy thoroughfares and they are not alone in their belief that the addition of a unit of that size would have an impact on their street, property values, and safety.

Ms. Barbara Hunt, 610 Lovers Lane, stated she is not opposed to the annexation but is opposed to the requested zoning of R-3 (Multi-Family District). She said she purchased this property because of the view. If R-3 (Multi-Family District) is allowed at the corner, property values will decline and it will ruin the whole looks of the neighborhood. Ms. Hunt also expressed concern with both vehicular and pedestrian traffic.

No one else present addressed the Council. Mayor Pro-Tempore Jordan closed the public hearing.

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I. PUBLIC HEARINGS (continued)

(B) Ordinance Annexing Two Tracts Located at the Intersection of 100 Lovers Lane and County Road 3000 and Zone the Property to R-3 (Multi-Family District) Zoning (Ismail) (continued): After Council discussion, a motion was made by Long and seconded by Williams to amend the proposed ordinance by changing the zoning from R-3 (Multi-Family District) to R-1 (Single Family District). A voice vote on the motion showed unanimous approval. Motion carried.

City Counselor Lance Thurman then read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE REQUESTING THE ANNEXATION OF A 2.02 ACRE TRACT AT 100 LOVERS LANE AND ZONE THE PROPERTY FROM NZ (NO ZONE) TO R-1 (SINGLE-FAMILY DISTRICT) ZONING. (ISMAIL)

II. SPECIAL PRESENTATIONS

(A) Celebration of Nations: Mr. Richie Myers, Program Coordinator for International and Cultural Affairs at Missouri S&T, showed the Council a video of a previous Missouri S&T Celebration of Nations. He said the University could not do this event without the support of the community. Mr. Myers reported they are still looking for volunteers to work at this year's event, which is scheduled for September 24, 2016.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Approving the Resubdivision of KDs Gardens No. 2 (KDs Gardens): Community Development Director John Petersen informed the Council the request is to consolidate Lots 1 and 2 thereby establishing Lot 3. The property is located off Vichy Road at the Vienna Road intersection. Mr. Petersen reported the Planning and Zoning Commission recommend approval.

IV. NEW BUSINESS (continued)

(A) Ordinance Approving the Resubdivision of KDs Gardens No. 2 (KDs Gardens) (continued): After a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4283: AN ORDINANCE APPROVING THE RE-SUBDIVISION OF KDs GARDENS, BEING A MINOR SUBDIVISION TO ELIMINATE THE INTERIOR LOT LINES FOR LOTS 1 AND 2 OF THE KDs GARDENS SUBDIVISION No. 2, THEREBY CREATING A THIRD LOT ENCOMPASSING 3.36 ACRES IN TOTAL AREA. (KDs GARDENS NO. 2 SUBDIVISION). A motion was made by Eudaly 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 nine ayes, three nays, and zero 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; Bowe, Woolley, Miller, Williams, Hines, Long, Meusch, Jordan, Morris, Crowell, Eudaly, and Jung. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Vacating State Street Right-of-Way Between the North Right-of Way of 11th Street and the South Right-of-Way of Miner Circle (Missouri S&T): Community Development Director John Petersen explained the request from Missouri S&T is to vacate a portion of Fourteenth Street and State Street. He noted the vacated right-of-way would be maintained as a utility easement.

Fire Chief Ron Smith pointed out the subject ordinance stipulates a fire apparatus access road shall be provided and maintained per International Fire Code 2000 Sections 502 and 503. Should a new fire code be adopted, the section numbers may not be the same. Chief Smith asked if the ordinance should be amended to allow for any future updates.

Mr. Ted Ruth, Director of Design and Construction Management with Missouri S&T, told the Council the primary reason for the vacation request is that as of August 1, 2016, the University will become a tobacco free campus. This would allow the University to enforce the tobacco free campus in these locations. Mr. Ruth said the University could not enforce this in any City right-of-way or public property.

A motion was made by Eudaly and seconded by Long to amend the proposed ordinance to read as follows: "A fire apparatus access road shall be provided and maintained per International Fire Code 2000 Section 502 and 503 or any update of that Code or its equivalent." A voice vote on the motion showed ten ayes, two nays, and zero absent. Motion carried.

IV. NEW BUSINESS (continued)

(B) Ordinance Vacating State Street Right-of-Way Between the North Right-of Way of 11th Street and the South Right-of-Way of Miner Circle (Missouri S&T)

(continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE APPROVING THE VACATION OF STATE STREET RIGHT-OF-WAY BETWEEN THE NORTH RIGHT-OF-WAY OF 11TH STREET AND THE SOUTH RIGHT-OF-WAY OF MINER CIRCLE, COMPRISING A 444'X60' PARCEL AND ALSO TO VACATE 14TH STREET WEST OF PINE STREET COMPRISING A 493' X 60' PARCEL TO THE MISSOURI UNIVERSITY OF SCIENCE & TECHNOLOGY. THE VACATED RIGHT-OF-WAY SHALL BE RETAINED AS A UTILITY EASEMENT. (MISSOURI S&T).

(C) Ordinance Re-adopting Public Officials Personal Financial Disclosure

Ordinance: City Administrator John Butz explained State Statute requires the adoption of the subject ordinance every two years. He said if the Council would choose to not adopt this ordinance and follow State law, the Council members would be required to complete the report. With the approval of this ordinance, only the Mayor, City Administrator, Finance Director, and Rolla Municipal Utilities General Manager would be required to submit a report.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4284: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF. A motion was made by Long and seconded by Williams to suspend the rules and the ordinance be read for its final reading, by title A voice vote on the motion showed ten ayes, two nays, and zero 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: Meusch, Eudaly, Jung, Hines, Woolley, Miller, Bowe, Crowell, Long, Jordan, Morris, and Williams. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Motion Authorizing the Closing of Rolla Street from 6th to 7th Streets on Sept. 24, 2016, from 10 a.m. to 7 p.m.:

Public Works Director Steve Hargis informed the Council that Public House Brewing Company has requested the closing of a portion of Rolla Street on September 24, 2016, during the Celebration of Nations.

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IV. NEW BUSINESS (continued)

(D) Motion Authorizing the Closing of Rolla Street from 6th to 7th Streets on Sept. 24, 2016, from 10 a.m. to 7 p.m. (continued): A motion was made by Eudaly and seconded by Long to authorize the closing of Rolla Street from Sixth Street to Seventh Street on Saturday, September 24, 2016. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

None.

VII. CITIZEN COMMENTS

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

(1) Ms. Sara Effner told the Council about her connection with China and the persecution of the Falun Gong meditation. She said she is here to share some good news. Last Monday the U.S. House of Representatives unanimously passed Resolution 343 condemning China's state sanctioned, forced organ harvesting from Falun Gong practitioners and other prisoners of conscience. Ms. Effner explained that Congressman Jason Smith and five other Missouri representatives were among the 185 co-sponsors. She told the Council that Falun Gong is an ancient practice to improve the mind and body. She encouraged everyone to visit the website www.stoporganharvesting.org to find out more and to support the global effort to stop this crime against humanity.

(2) Mr. Tom Sager, 8 Laird Avenue, showed the Council photos of Ber Juan pond last year and this year with the scum. He suggested the City install a fountain in the pond because it is an eyesore in the center of Rolla where there are many visitors.

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VII. CITIZEN COMMENTS (continued)

(A) Open Citizen Communication (continued):

City Administrator John Butz informed the Council and the public there is an open house tomorrow, Tuesday, June 21, 2016, at The Centre to obtain input from the citizens about the parks. He said this would be the ideal time to express the need for the proposed fountain along with other amenities.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Hines: Councilman Hines pointed out that what is being called “scum” is not what people would think as “scum.” He said it is growth of the weeds from the bottom. Mr. Hines stated aerators would not remedy it, but several grass carp could.

(B) Councilman Jung: Councilman Jung noted it is extremely dry and cautioned residents to not start any fires with fireworks.

Fire Chief Ron Smith indicated his department receives a drought meter from the Department of Agriculture every week that informs them about the drought conditions.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:15 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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