

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JULY 18, 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, and Walt Bowe

**Council Members Absent:** Steven Jung

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

**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 said he wanted to begin this meeting differently. He explained the events of Dallas, Texas and Baton Rouge, Louisiana, have the safety of our law enforcement personnel in the forefront of everyone's mind. Although Rolla may not have the type or frequency of violent crimes these other areas have, Mayor Magdits stated it does not mean our officers are not ever put in harm's way. He said following the Dallas events last week, Police Chief Sean Fagan presented a prayer to the officers. He then asked Chief Fagan to present that prayer this evening.

Following the prayer, Councilman Kelly Long led in the Pledge of Allegiance.

## **I. PUBLIC HEARINGS**

**(A) Ordinance Approving the Rezoning of 1805, 1807, and 1809 N. Bishop Avenue from C-2 (General Retail District) to C-3 (Highway Commercial District) (Vessell):** Community Development Director John Petersen said rezoning the subject property from C-2 (General Retail District) to C-3 (Highway Commercial District) would be consistent with the character of the area and how it has changed. The property consists of 1.1 acres and the proposed use of the property is the MFA Break Time Convenience Store. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the rezoning request.

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance Approving the Rezoning of 1805, 1807, and 1809 N. Bishop Avenue from C-2 (General Retail District) to C-3 (Highway Commercial District) (Vessell) (continued):** After some Council discussion, Mr. Tim Crockett, Crockett Engineering Consultants, Columbia, Missouri, and Mr. Curtis Cheney, Vice President of Operations for MFA Break Time, Columbia, Missouri, addressed the Council. Mr. Crockett informed the Council the underground tanks would be located on the property and the fuel tanker would access the site internally. He assured the Council the tanker would not overhang into the right-of-way or roadway. Regarding the Missouri Department of Transportation's (MoDOT) concerns, Mr. Crockett said the traffic is already there and this business is not a major traffic generator.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Dale Wands, 606 Penny Lane, Rolla, Missouri, encouraged the Council to vote for this rezoning request because a business was located there previously. He said he understands there is a concern about traffic, but there is always going to be traffic concerns. Mr. Wands pointed out the property owner is a person who has a substantial amount of money invested in land. If he cannot use the land, it is useless. Mr. Wands said his opinion is to approve the rezoning request and let MoDOT and the City figure out the traffic concerns.

Mr. Mike Woessner, 1703 N. Bishop, Rolla, Missouri, representing the Vessells in this endeavor, said there are many people who come through town who turn left into the Mobil station to get fuel and then have to turn left again to get out, which requires them to cross traffic. However, with the MFA Break Time, traffic would have a right turn in and a right turn out. He explained people coming to town will see a gas station/convenience store on the right hand side and they will naturally take that first store instead of trying to cross traffic. Mr. Woessner stated he believes this will reduce some of the traffic congestion, especially in front of his office.

No one else present addressed the Council. 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 THREE PARCELS LOCATED AT 1805, 1807, AND 1809 NORTH BISHOP AVENUE FROM C-2 (GENERAL RETAIL DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (VESSELL).**

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## **II. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS**

**(a) Rolla Dog Park:** Mr. Kent Bagnall and Ms. Crystal Watson presented a proposal to the Council about a possible dog park in Buehler Park.

Mayor Magdits encouraged citizens to provide feedback to their Council representatives regarding the dog park.

## **III. OLD BUSINESS**

**(A) Ordinance Amending Chapter 18 of the Rolla City Code Pertaining to Garbage, Trash, and Refuse:** Mayor Magdits requested that this item be set aside for a few weeks.

City Administrator John Butz indicated the Council Committee has had several meetings discussing the issue of trash containers at the curb. He noted the major change in the ordinance is to make the property owners responsible. While recently discussing how to do the enforcement mechanism and in discussions with City Prosecutor Brad Neckermann and City Counselor Lance Thurman, it was suggested staff meet with a number of the property owners and managers about the problem. Mr. Butz said the Council could then enact the ordinance within the next month.

After discussion, a motion was made by Williams and seconded by Bowe to set aside consideration of the subject ordinance until the August 15, 2016, meeting. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Ordinance Amending Sections 27-92, 27-98, and 27-118 of the Rolla City Code Pertaining to Parking:** Public Works Director Steve Hargis provided an overview of the recommended changes to the traffic code pertaining to parking.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4289: AN ORDINANCE AMENDING SECTIONS 27-92, 27-98 AND 27-118 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING. A motion was made by Jordan and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Miller, Hines, Meusch, Jordan, Bowe, Crowell, Eudaly, and Long. Nays; Williams. Absent; Jung. Motion carried. The ordinance passed.

**III. OLD BUSINESS (continued)**

**(C) Ordinance Amending Sections 33-54 Through 33-63 of the Rolla City Code Pertaining to Pawnbrokers:** Police Chief Sean Fagan noted based on the advice of City Counselor Lance Thurman at the last meeting, the definition of a “Person of Good Moral Character” was amended to read as follows: “A person who has no findings of guilt involving any felony offense or offense where range of punishment exceeds one year, within a five (5) year period.”

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4290: AN ORDINANCE REPEALING ARTICLE VI. PAWNBROKERS, SECTIONS 33-54 THROUGH 33-63 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW ARTICLE VI. PAWN BROKERS, SECOND HAND DEALERS, SCRAP METAL DEALERS, PRECIOUS METALS DEALERS, PAWN SHOPS AND ANY OTHER BUSINESS THAT DEALS IN PRE-OWNED ITEMS ON A REGULAR BASIS, NEW SECTIONS 33-54 THROUGH 33-63, IN LIEU THEREOF. 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, Williams, Jordan, Miller, Eudaly, Crowell, Meusch, Woolley, Morris, and Bowe. Nays; None. Absent; Jung. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Ordinance Approving the Final Plat of Wands Second Addition (Wands Second):** Community Development Director John Petersen pointed out the subject property is located near the intersection of North Oak Street and 12<sup>th</sup> Street. The request is to remove the interior lot lines to support the redevelopment of substandard buildings.

Following discussion concerning future on-street parking concerns, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE PLAT OF WANDS SECOND SUBDIVISION, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 8 WEST, ROLLA, MISSOURI, THIS PLAT BEING A MINOR SUBDIVISION, TO CONSOLIDATE EXISTING INTERIOR PROPERTY LINES AND TO ESTABLISH A SINGLE LOT 1 (.81 ACRE) FOR FUTURE DEVELOPMENT IN ROLLA, PHELPS COUNTY, MISSOURI. (WANDS SECOND).

**IV. NEW BUSINESS (continued)**

**(B) Ordinance Approving the Replat of Lot 11 of the Cedar Trail Planned Unit Development (PUD) (Cedar Trails LLC 4):** Community Development Director John Petersen informed the Council the applicant is requesting the renumbering of Lot 11 and creating Lots 13 through 18. He emphasized the PUD is not impacted by this change. Mr. Petersen said this would allow the individual sale of the lots.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE RESUBDIVISION OF LOT 11 OF THE CEDAR TRAILS PLANNED UNIT DEVELOPMENT (PUD), PLAT NUMBER 3, (AMENDED) BEING A MINOR RESUBDIVISION TO ESTABLISH SIX NEW LOTS (LOT 13 TO LOT 18), TO ALLOW THE CONSTRUCTION OF NOT MORE THAN SIX, TWO STORY, FOUR-PLEX DWELLING UNITS IN THE CITY OF ROLLA, PHELPS COUNTY, MISSOURI (CEDAR TRAILS LLC 4).

Mr. Petersen noted the applicant has requested the Council consider the final reading of the subject ordinance at this meeting. The Council did not act on this request.

**V. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Motion Approving the Sold Surplus Assets Through GovDeals and Purple Wave Auctions:** City Administrator John Butz recalled the Council previously authorized City staff to sell surplus items through GovDeals, Ebay, etc. and to periodically report to Council. For the first time, the City sold an item on Purple Wave, which specializes in more heavy equipment. Mr. Butz asked the Council to consider a motion to ratify the first half of 2016 listing of online surplus sales. A motion was made by Williams and seconded by Eudaly to ratify the online surplus sales on GovDeals and Purple Wave from January 12, 2016 through June 27, 2016. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion Reappointing Mr. Don Brown to the Planning and Zoning Commission (May 2020):** A motion was made by Jordan and seconded by Eudaly to reappoint Mr. Don Brown to the Planning and Zoning Commission. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(B) Motion Reappointing Dr. Delbert Day, Mr. Don Morris and Mr. William E. Hoertel to the Airport Advisory Committee (July 2018):** A motion was made by Williams and seconded by Hines to reappoint Dr. Delbert Day, Mr. Don Morris, and Mr. William E. Hoertel to the Airport Advisory Committee. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(C) Motion Appointing Mr. Chris Beaugard as the City's Representative to the Phelps County University Extension Council:** A motion was made by Long and seconded by Eudaly to appoint Mr. Chris Beaugard as the City's Representative to the Phelps County University Extension Council. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VII. CITIZEN COMMUNICATION**

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

(1) Tom Sager, 8 Laird Avenue, Rolla, Missouri and representing the Citizens for the Preservation of Buehler Park, stated Buehler Park is one of Rolla's great success stories. While he is not against having a dog park in Rolla, he said he is against putting a dog park in Buehler Park. Mr. Sager said he does not think a dog park would be a fitting memorial to Rolla's first citizen, Dr. Henry Buehler, and does not believe it is what the Chamber of Commerce in 1958 had in mind when they dedicated this park to the City. While he has no problems with the rest of the dog park proposal, he asked the Council to reject the part about putting it in Buehler Park.

Mayor Magdits stated the City Council wants to see what the capital expenditures and the vision for Buehler Park is down the road. The citizens will hear about this tonight and provide feedback to the Council. He suggested letting the matter set for a few weeks.

(2) Dale Wands, 606 Penny Lane, Rolla, Missouri, stated he almost feels the need to apologize. He told the Council he purchased two old buildings on Oak Street, they are not much to talk about and probably need to be taken down. Mr. Wands said he was blindsided when he learned he would be required to dedicate part of his subdivision as a park or pay cash to the City and to provide a detention pond or pay cash. He told the Council it would cost him \$1,900 to do this. Mr. Wands informed the Council he could just build across property lot lines and it would not be an issue.

**VIII. COMMENTS FOR THE GOOD OF THE ORDER**

None.

**IX. CLOSED SESSION**

None.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:11 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR