

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 19, 2016; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Monty Jordan, Jonathan Hines, Matthew Crowell, Matthew Miller, 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: Environmental Services Director Brady Wilson, Community Development Director John Petersen, Public Works Director Steve Hargis, Police Chief Sean Fagan, 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 asked a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Monty Jordan led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning 508 W. 8th Street from C-1 (Neighborhood Business District) to R-3 (Multi-Family District) Zoning (Hurst): Community Development Director John Petersen explained the subject property, which is located at 508 W. 8th Street, is in the process of being purchased by the adjacent Sigma Phi Epsilon Fraternity. He said they wish to acquire the property to expand their holdings in the area. Mr. Petersen noted the project involves the rezoning from C-1 (Neighborhood Business District) to R-3 (Multi-Family District) and the redevelopment of the subject property. The redevelopment would allow up to eight additional residents plus a small kitchenette. He pointed out this project would require an additional four parking spaces Mr. Petersen reported the Planning and Zoning Commission recommend approval of the rezoning.

Mayor Magdits opened the public hearing to anyone wishing to address the Council regarding the subject-rezoning request. No one present addressed the Council. Mayor Magdits closed the public hearing.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning 508 W. 8th Street from C-1 (Neighborhood Business District) to R-3 (Multi-Family District) Zoning (Hurst) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE REZONING OF A .285 ACRE PARCEL LOCATED AT 508 WEST 8TH STREET FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (HURST).

(B) Ordinance Amending Section 42-227 of the Rolla City Code Pertaining to Screening and Fencing in Commercial/Industrial Areas: Community Development Director John Petersen explained in speaking with Menards' officials, they have indicated the need for a minimum fourteen-foot tall fence around their storage area for security purposes. He told the Council City Code currently allows a maximum of eight feet in commercial areas. Mr. Petersen then provided an overview of the proposed changes as outlined in the draft ordinance.

Council asked if staff would provide a list of properties over 50,000 square feet.

After Council discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed ordinance.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, indicated there is a fence near his home that has not been maintained and is in very bad shape. While the Council is discussing this matter, he encouraged the Council to make some kind of standards maintaining fences.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

Within the next two weeks, Mayor Magdits encouraged the Council to voice their questions and comments to City Administrator John Butz regarding this matter.

Mr. Butz asked the Council to consider whether the fourteen-foot fence should be allowed on a minimum acreage or lot size.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 42 OF THE ROLLA CITY CODE, ARTICLE III, KNOWN AS THE PLANNING ZONING CODE, BY AMENDING CERTAIN PROVISIONS AND BY ENACTING NEW REGULATIONS.

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II. SPECIAL PRESENTATIONS

(A) 2016 Third Quarter Tourism Report: Rolla Area Chamber of Commerce Executive Director Ms. Stevie Kearsse provided an overview of the 2016 Third Quarter/Year End Tourism Report.

(B) Year End Report of S.A.V.E. Animal Shelter Project: Mr. Wayne Parry, Chair of the S.A.V.E. Animal Shelter Committee along with Ms. Shelby O’Keefe provided an update on the fundraising for the construction of a new animal shelter. Mr. Parry informed the Council that donations and pledges currently total \$556,413.84, which is about one-third of what is needed. This amount includes the donation from the late Mr. Bob Eck, who left \$441,000 for a shelter.

(C) National Society of the Sons of the American Revolution – Ozarks Patriot Chapter 225th Anniversary Presentation of the Ratification of the Bill of Rights: Mr. Bill Catts and Mr. Frank Furman, secretary of the Ozarks Patriot Chapter of the National Society of the Sons of the American Revolution briefed the Council on the history of the Bill of Rights. In observance of the 225th anniversary of the Bill of Rights (December 15, 2016), Mr. Furman presented Mayor Magdits with a framed copy of the document.

III. OLD BUSINESS

(A) Motion Awarding Legal Services (City Counselor): City Administrator John Butz explained the process used for obtaining requests for proposals (RFPs) for legal services. He said responses were received from the firms of Williams, Robinson, Rigler, and Buschjost and from Marxkors and Kelsaw. He referred the Council to a copy of the Rolla City Code, which prescribes the qualifications for city counselor. Mr. Butz stated as long as someone is an attorney in good standing and recognized in Missouri, they would be qualified to be city counselor. He emphasized by no means is staff attempting to say that either firm is not qualified to do the job. One of the things staff was looking for is experience and familiarity with municipal law. Subsequent to their initial submittals, both firms have provided additional information regarding their respective firms. Mr. Butz stated staff would work with whomever the Council feels is appropriate, but staff believes years of experience, familiarity with other municipal operations, and public sector type work is unique. He concluded by stating Williams, Robinson, Rigler, and Buschjost provides the City a lot of advantage with their experience.

III. OLD BUSINESS (continued)

(A) Motion Awarding Legal Services (City Counselor) (continued): After some discussion, a motion was made by Woolley and seconded by Miller to award the contract for legal services to the law firm of Marxkors and Kelsaw from 2017-2019. A hand count on the motion showed two ayes, ten nays, and zero absent. Motion failed.

A motion was then made by Crowell and seconded by Eudaly to award the contract to the law firm of Williams, Robinson, Rigler and Buschjost from 2017-2019. A voice vote on the motion showed eleven ayes, one nay, and zero absent. Motion carried.

IV. NEW BUSINESS

(A) Motion and Report on the MoveRolla TDD Election and Process: City Administrator John Butz reported the MoveRolla TDD (Transportation Development District) election results were announced on December 14 and the votes were overwhelmingly in support (86.6%). He informed the Council the TDD becomes a separate political subdivision from the City of Rolla and Phelps County. Mr. Butz said State Statutes dictates there is a four-member board of directors which shall consist of Mayor Louis J. Magdits, IV, Phelps County Presiding Commissioner Randy Verkamp and one person designated by the City and one by the County. He told the Council Mayor Magdits is nominating Mr. Walt Branson, Missouri S&T Vice Chancellor to serve as the City's designee. A motion was made by Eudaly and seconded by Long to appoint Mr. Walt Branson, Missouri S&T Vice Chancellor, to the MoveRolla TDD Board as the City's representative. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Consideration of Alternate Site of New Animal Shelter: City Administrator John Butz noted the City recently had an opportunity to purchase an additional five acres adjoining an existing two-acre parcel owed by the City at the corner of Lions Club Drive and Highway 72. He said staff is not requesting action from the Council at this meeting, but he asked them to give this property some consideration for a new animal shelter site. Mr. Butz indicated this property would also work well for a dog park. Discussion followed.

(C) Ordinance Amending Section 27-92 of the Rolla City Code Relating to Parking Along Portions of Vichy and Vienna Roads: Public Works Director Steve Hargis indicated the proposed ordinance would restrict parking on Vichy and Vienna Roads. He said Vienna Road had been signed "no parking" on both sides before improvements.

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IV. NEW BUSINESS (continued)

(C) Ordinance Amending Section 27-92 of the Rolla City Code Relating to Parking Along Portions of Vichy and Vienna Roads: During a recent code update, a portion was eliminated from the City Code. Mr. Hargis noted the proposed ordinance would re-establish the no parking restriction on both sides. He added Vichy Road has been signed “No Parking” on both sides from Highway 63 to Vienna Road and on the west side for the remainder of Vichy Road north to the city limits.

Mr. Bob McLaughlin, 2201 Vichy Road, Rolla, Missouri, told the Council he has lived at this address for the past 15 years. He stated there has not been a parking problem on Vichy Road. Mr. McLaughlin said he could understand eliminating parking on one side of the road, primarily because of the ambulances travelling to the new nursing facility. He added he has not seen any accidents and it just does not make sense to eliminate parking on both sides when there has not been a problem.

Mr. Hargis mentioned the City offers a cost-share program, if a property owner wishes to add parking at their house. Under this program, the property owners only pay for the concrete. The City could do either an additional width driveway or a bump out area for parking parallel with the street.

Additionally, Mr. Hargis suggested residents needing additional parking for a special event/guests, could obtain an obstruction permit at no charge from the City.

After discussion, the Council consensus was to enforce the current ordinance and remove the signs on the east side to see how it works before considering no parking on both sides of the streets.

A motion was made by Long and seconded by Eudaly to set aside consideration of this matter. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

The Council asked Mr. Hargis to provide a report on this matter in six months. Additionally, the Council asked Mr. Hargis to bring an ordinance back in two weeks just addressing Vienna Road.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

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VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Robert Anderson to the Planning and Zoning Commission: A motion was made by Williams and seconded by Long to reappoint Mr. Robert Anderson to the Planning and Zoning Commission until October 2020. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Reappointing Mr. Bill Lindgren to the Planning and Zoning Commission: A motion was made by Eudaly and seconded by Jordan to reappoint Mr. Bill Lindgren to the Planning and Zoning Commission until January 2021. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion Appointing Mr. Dan James to the Board of Adjustment: A motion was made by Williams and seconded by Eudaly to appoint Mr. Dan James to the Board of Adjustment until October 2021. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Grave Opening Costs: Councilman Jim Williams suggested the Council possibly reconsider the \$1,200 weekend grave opening costs at the Rolla City Cemetery. Staff indicated they would look into this matter.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, told the Council he believes the property near the Rolla Rural Fire Protection District at Highway 72 and Lions Club Drive is a nice piece of property. He said he believes this would make a much nicer animal shelter than any of the places the City has considered. He commended the City for acquiring this property.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) January Council Meeting: City Administrator John Butz reminded the Council the next Council meeting would be held on Tuesday, January 3, 2017, due to the commemoration of New Year's Day on Monday.

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

(B) Lioness Club Light Display: Councilwoman Eudaly encouraged residents to attend the Lioness Club Christmas light display at the Lions Club Park.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:27 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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