

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JULY 17, 2017; 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, Don Morris, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

**Council Members Absent:** David Schott

**Department Directors in Attendance:** Interim Community Development Director Steve Flowers, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, and Fire Chief Ron Smith

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor Carolyn Buschjost, Police Captain Rick Williams and City Clerk Carol Daniels

Mayor Magdits called the meeting to order at approximately 6:30 p.m.

Councilman Matthew Crowell led in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Ordinance Rezoning All of Lots 3,5, & 6, Block 7 Cowan's Addition and the West Half of Lot 4 Block 7 Cowan's Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) (Sonic Complex):** Interim Community Development Director Steve Flowers explained the applicant is requesting the rezoning of Lots 3, 5 and 6 and the west half of Lot 4, Block 7, Cowan's Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District). The purpose of the subject request is to construct an enhanced Sonic Restaurant. Mr. Flowers pointed out the applicant is also requesting the vacation of 186 feet of Faulkner Avenue, which will require separate action. He reported the Planning and Zoning Commission voted to recommend the requested rezoning.

After discussion, Mr. Michael Calkins, local partner with D.L. Rogers Corporation, addressed questions from the Council.

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

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance Rezoning All of Lots 3,5, & 6, Block 7 Cowan's Addition and the West Half of Lot 4 Block 7 Cowan's Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) (Sonic Complex) (continued):** Mr. Williams Bowles, owners of Bowles Aquarium and the subject property, stated he is in favor of the development. He noted this area is adjacent to Hillcrest, which has been in need of development for thirty years. Mr. Bowles told the Council they have a proposal here and people are ready to spend money. Regarding access concerns, Mr. Bowles pointed out Sonic is going to close the access to the Bowles Aquarium parking lot on the south, which reduces the number of accesses from three to two.

Ms. Virginia Dean Wetterau stated she is in favor of the rezoning. She agreed the Hillcrest property has been sitting for a very long time, but the new generation is here and has been at work. Through meetings with City Administrator John Butz and other members of the City, she indicated a lot of time has been spent looking at different possibilities. Ms. Wetterau showed renderings of ideas they are considering. She said Rolla needs fresh innovation, cooperation with the University and all kinds of businesses. Ms. Wetterau told the Sonic officials she welcomes them across the street if the Council denies the rezoning request. She said she believes there is a traffic issue.

Ms. Kathy Jaeger, co-owner of Zane's Garage, 101 S. Bishop, explained there were many unknowns at the Planning and Zoning Commission. She said they are concerned about the utilities and how their business will be impacted. Ms. Jaeger said they have mixed feelings about Faulkner Street being vacated because they use the street to travel south. Although they are not totally opposed to the rezoning, they would like more answers before it is approved. Mayor Magdits suggested to Ms. Jaeger that she write her questions and concerns so Council and staff can address them. Ms. Jaeger added she was surprised there was no idea how the sewer and water lines would be impacted or how the curb and guttering would be changed. She expressed concern with the water flow when the property will be completely pavement. Ms. Jaeger concluded by stating she would like to see more information before the Council considers it.

Mr. Tom Lin, 103 and 105 S. Bishop Avenue, noted he owns two lots located north of Bowles Aquarium. He told the Council vacating Faulkner Street would turn Faulkner into a private driveway for Sonic and would create unnecessary traffic in the back. Mr. Lin mentioned he has rental houses in the back and their tenant wants to have privacy and quietness. By vacating Faulkner, the tenant would not be able to access Highway 72 from Faulkner and would only be able to get to his home from Black Street. He said he does not think it is fair for Zane's Garage and them to have Faulkner vacated.

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance Rezoning All of Lots 3,5, & 6, Block 7 Cowan's Addition and the West Half of Lot 4 Block 7 Cowan's Addition from C-1 (Neighborhood Business District) to C-3 (Highway Commercial District) (Sonic Complex) (continued):** Ms. Sandra Lin, 103 and 105 S. Bishop Avenue, expressed her opposition to the vacation of Faulkner. She told the Council once they approve the vacation they will find out it will be a big issue and will regret it because the vacation part of the street is the center of Sonic and there will be nothing to fix the problem.

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 ALL OF LOTS 3, 5, & 6 BLOCK 7 OF COWAN'S ADDITION AND THE WEST ½ OF LOT 4, BLOCK 7 OF COWAN'S ADDITION FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING. (Sonic Complex).

**II. SPECIAL PRESENTATIONS**

**(A) Presentation of Life Saving Award:** Fire Chief Ron Smith presented City of Rolla Fire and Rescue Department Firefighter Dillon Barnes and Rolla Rural Fire Protection District Firefighter Dalton Hayes each with a "Life Saving Award" for their actions in saving Mr. Kent Summers' life. Chief Smith explained Mr. Summers experienced a health emergency that was caused by a hotdog, which became lodged in his airway during the hotdog-eating contest during Summerfest on June 3, 2017.

**(B) Ms. Brenda Gustafson (FEMA, Region 7) – Disaster Support:** Ms. Brenda Gustafson with the Federal Emergency Management Agency (FEMA) reported the public assistance people would be housed in Rolla. She reminded Rolla residents they still have two weeks to apply for assistance. To date, 3,813 people have received individual housing and assistance and FEMA has paid out almost \$22 million in assistance.

**III. OLD BUSINESS**

**(A) Ordinance Authorizing the Mayor to Enter into an Agreement with the College Hills West Sewer District:** Mayor Magdits asked the Council to consider setting aside consideration of this item to give staff more time to define the business aspects of the

**III. OLD BUSINESS**

**(A) Ordinance Authorizing the Mayor to Enter into an Agreement with the College Hills West Sewer District (continued):** agreement. A motion was made by Long and seconded by Jordan to set aside consideration of this matter. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Resolution Approving a Complete Streets Policy for the City of Rolla:** Public Works Director Steve Hargis recalled the proposed Complete Streets Policy was discussed during the Council's last meeting. The subject resolution would formalize the adoption of the subject Complete Streets Policy. In summary, the policy is a set of guidelines when improvements are done on new and existing streets where all users (pedestrians, bicyclists, and cars) are taken into consideration.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1901: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A COMPLETE STREETS POLICY FOR THE CITY OF ROLLA, MISSOURI. A motion was made by Jordan and seconded by Long to approve the proposed resolution. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

**IV. NEW BUSINESS**

**(A) Ordinance Authorizing the Mayor to Execute a Certain Airport Aid Agreement Amendment for Business Plan Development (Project 166-056A) with the Missouri Highways and Transportation Commission:** Public Works Director Steve Hargis explained this is an amendment to an existing agreement, which primarily extends the deadline to December 2017.

City Administrator John Butz added this agreement pertains to the marketing plan at the Rolla National Airport.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4352: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AIRPORT AID AGREEMENT AMENDMENT FOR BUSINESS PLAN DEVELOPMENT PROJECT AIR 166-056A

**IV. NEW BUSINESS (continued)**

**(A) Ordinance Authorizing the Mayor to Execute a Certain Airport Aid Agreement Amendment for Business Plan Development (Project 166-056A) with the Missouri Highways and Transportation Commission (continued):** BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Williams and seconded by Morris to suspend the rules and that 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. 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; Crowell, Jung, Hines, Jordan, Miller, Bowe, Williams, Meusch, Long, Morris, and Woolley. Nays; None. Absent; Schott. Motion carried. The ordinance passed.

**(B) Ordinance Amending Sec. 27-92 of the Rolla City Code Pertaining to Parking on Eleventh Street:** Public Works Director Steve Hargis informed the Council he received a request from Mr. Shawn Moore, area manager for Jimmy John's to consider removing parking on one side of Eleventh Street, particularly the south side. Patrons enter and exit on Eleventh Street to access the restaurant and when cars are parked full on both sides, it is difficult to see exiting the driveway. Additionally, Mr. Hargis pointed out Infuze Credit Union will be moving to this location at the end of the month. The Credit Union has a drive-through that will exit just west of Jimmy John's driveway. In speaking with Credit Union officials, they concurred with the proposal to remove parking as shown on the map. Mr. Hargis told the Council staff is recommending the parking be eliminated on the south side of Eleventh Street from Spring Avenue to Highway 63.

After discussion, a motion was made by Williams and seconded by Woolley to amend the subject ordinance by eliminating parking on the north side of Eleventh Street and on the south side of Eleventh Street east of Jimmy Johns and retain two parking spaces west of Jimmy Johns on the south side of Eleventh Street. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-92 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING.

**IV. NEW BUSINESS (continued)**

**(C) Ordinance Vacating South Faulkner Ave. Between 106 and 111 S. Faulkner Ave. (Sonic Complex):** Interim Community Development Director Steve Flowers noted this is a request to vacate Faulkner Avenue between 106 and 111 S. Faulkner Avenue, subject to final plat approval. The elimination of Faulkner Avenue is to provide development space for the necessary component of the Sonic Restaurant. Mr. Flowers reported the Planning and Zoning Commission voted to approve the vacation request.

After Council discussion, Mr. Michael Calkins, local partner with D.L. Rogers Corporation, commented there would be no need to move utilities or complete contracts to purchase the Sonic Restaurant unless the Council agrees to vacate the street.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE VACATION OF FAULKNER AVE. BETWEEN 106 AND 111 FAULKNER AVE. SUBJECT TO FINAL PLAT APPROVAL. (Sonic Complex)

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

**(A) Motion Authorizing Contract Change Order with Pierce Asphalt for Meriweather Court Repair:** Public Works Director Steve Hargis reported that over the weekend of July 8 and 9, 2017, a water line failed on Meriweather Court and severely damaged the pavement. He explained the City was required to remove about 400 feet of pavement and curb and gutter. Instead of repairing the waterline immediately, Mr. Hargis said Rolla Municipal Utilities (RMU) plans to wait until they complete the work on Tenth Street and completely replace the Meriweather Court waterline this fall. He said staff proposes to change order the contract with Pierce Asphalt and they will complete a portion of the work adjacent to the homes later this week. Mr. Hargis told the Council the only problem with doing the work in two phases is the contractor wants an additional \$2,800 for a short day to cover their mobilization costs. The change order for this contract will ultimately be \$27,709.60. A motion was made by Williams and seconded by Woolley to authorize the subject change order with Pierce Asphalt for Meriweather Court repair for \$27,709.60. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Discharging of Fireworks:** Councilman Kelly Long said Rolla currently celebrates our nation's birthday by allowing the discharge of fireworks in the city limits on July 1, 2, 3, 4, and 5 and we know Independence Day is July 4. He pointed out every year he asks why Rolla also allows the discharge of fireworks on July 1, 2, 3, and 5. Mr. Long noted his neighbor points out to him about every year that July 5 is not Independence Day, but just a Wednesday. He said it is disturbing to his neighbor who goes to work at 3 a.m. Mr. Long said he is all for limiting fireworks to July 3 and 4. He indicated he also receives complaints from pet owners and combat service veterans. After much discussion, a motion was made by Long and seconded by Jordan to prepare an ordinance to limit the discharge of fireworks to July 3 and 4 only. A voice vote on the motion showed four ayes, seven nays, and one absent. Motion failed.

A motion was made by Jordan and seconded by Long to limit the sale of fireworks from June 30 through July 5. A voice vote on the motion showed three ayes, eight nays, and one absent. Motion failed.

**(B) Hotdog Eating Contest:** Councilman Woolley suggested the Council seriously consider whether it wants a hotdog-eating contest at Summerfest next year considering a man nearly died.

**(C) Fireworks:** Councilman Jung said he wanted the Council to know he despises fireworks. However, he said he does not think we should have our law enforcement personnel running around after fireworks complaints when they should be doing things that are more important.

**VII. CITIZEN COMMUNICATION**

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

No one present responded.

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

None.

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**IX. CLOSED SESSION**

None.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:24 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels

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CITY CLERK

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MAYOR

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