

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 16, 2018; 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, Daniel Jones, Ann Murphey, Matthew Crowell, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Brian Woolley, Jim Williams, Steven Jung, and Tiffany Henry

Council Members Absent: None.

Department Directors in Attendance: Interim Community Development Director Steve Flowers, Parks and Recreation Director Floyd Jernigan, Police Chief Sean Fagan, Public Works Director Steve Hargis, Finance Director Steffanie Rogers, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Planner James Shields, City Engineer Darin Pryor, City Counselor Lance Thurman, and City Clerk Carol Daniels

Others in Attendance: Rolla Municipal Utilities General Manager Rodney Bourne

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilwoman Tiffany Henry to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning a 0.99-Acre Portion of Tract A of the Joyner Estates Subdivision (aka 1335 Thomas Drive) from Rural Residential District (R-R) to Single-Family District (R-1) (Moutray): City Planner James Shields explained the subject parcels are located approximately 1,000 feet northeast of the intersection of Rolla Street and Little Oaks Road and the Joyners plan to convey approximately one acre to the Moutrays. He said the lot reconfiguration is being proposed with the rezoning, which is needed in order for Moutray's future lots to meet minimum lot width requirements. Mr. Shields stated that both the Moutray rezoning and the Moutray lot reconfiguration, which will be considered later in the meeting, are proposed with the following condition: "A condition of the approval of this ordinance is that a recorded deed conveyancing the above-described property to Norman A. & Dora E. Moutray shall be submitted to the

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning a 0.99-Acre Portion of Tract A of the Joyner Estates Subdivision (aka 1335 Thomas Drive) from Rural Residential District (R-R) to Single-Family District (R-1) (Moutray) (continued): Community Development Department within 60 days of the approval of this ordinance, a point in time after which this ordinance will become null and void if no such deed is submitted.” Mr. Shields indicated staff does not want the rezoning approved without the approval of the lot reconfiguration.

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

Mr. Norman Moutray, 313 Tracey Dawn Drive, Rolla, Missouri, stated he is the owner of the three lots. He said his intent is to extend the three lots to keep anyone from putting something adjacent to his back yard.

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

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE THAT REZONES A 0.99-ACRE PORTION OF TRACT A OF THE JOYNER ESTATES SUBDIVISION, WHICH IS ALSO KNOWN AS 1335 THOMAS DRIVE, FROM THE RURAL RESIDENTIAL DISTRICT (R-R) TO THE SINGLE-FAMILY DISTRICT (R-1). (MOUTRAY)

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

(A) Ordinance Amending Certain Provisions of the Planning & Zoning Code Pertaining to Nonconforming Uses, Exceptions: City Planner James Shields explained the proposed ordinance would revise the nonconforming conditions of the Code. He continued by providing an overview of the subject ordinance. Mr. Shields reported the Planning and Zoning Commission recommends approval of the subject ordinance.

III. OLD BUSINESS (continued)

(A) Ordinance Amending Certain Provisions of the Planning & Zoning Code Pertaining to Nonconforming Uses, Exceptions (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4428: AN ORDINANCE AMENDING DIVISIONS 1, 15, 17, 18, 19, AND 21 OF ARTICLE III, WHICH IS KNOWN AS THE ROLLA PLANNING AND ZONING CODE, OF CHAPTER 42 OF THE ROLLA CITY CODE BY DELETING, ADDING, AND AMENDING LANGUAGE THAT PERTAINS TO PROVISIONS RELATED TO NONCONFORMING USES AND OTHER EXCEPTIONS. (NONCONFORMING USES, EXCEPTIONS). A motion was made by Williams and seconded by Jung to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jones, Jung, Schott, Woolley, Murphey, Henry, Crowell, Meusch, Rohter, Eberly, and Hines. Nays; None. Absent; None. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Consolidating Lots 2 and 3 & North 35 Feet of Lot 4 of Block 5, Frisco Subdivision (Equinox): City Planner James Shields noted the subject parcels are located about 400 feet southwest of the intersection of Holloway and Eighteenth Streets. The applicant is Spring Properties, LLC, and Barbara Wilkins is the registered agent of the LLC. Mr. Shields pointed out the lots are currently vacant and do not meet minimum lot size. If the consolidation of the lots were approved, the future lot would be about 12,600 square feet. He told the Council the property is currently zoned R-3 (Multi-Family District) which would allow for up to five units.

Following Council discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO, THROUGH THE SUBDIVISION PROCESS, CONSOLIDATE LOT 2, LOT 3, AND THE NORTH 35 FEET OF LOT 4 OF BLOCK 5 OF THE FRISCO SUBDIVISION INTO ONE 0.29-ACRE LOT. (EQUINOX)

(B) Resolution Proposing to Change Name of Part of Eagleson Drive to Silverstone Drive: City Planner James Shields told the Council the subject street is located at the intersection of Vichy Road and Eagleson Drive. In order to ensure that first responders do not prolong their response time by taking a wrong turn and to ensure there is not more

IV. NEW BUSINESS (continued)

(B) Resolution Proposing to Change Name of Part of Eagleson Drive to Silverstone Drive (continued): traffic in the adjacent neighborhood, staff recommended to Mr. Greg Spence, applicant, to apply for a street name change. Mr. Shields indicated the Planning and Zoning Commission recommends approval. He informed the Council the subject resolution would initiate the process by which the Council would change the name of the street that begins at the intersection of Vichy Road.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1929: A RESOLUTION TO PROPOSE TO CHANGE THE NAME OF THE STREET THAT BEGINS AT THE INTERSECTION OF VICHY ROAD AND THE AREA BETWEEN THE NORTHEAST SIDES OF LOT 1 AND LOT 2 OF THE ARWOOD HILLS NO. 1 SUBDIVISION AND ENDS AT THE RIM OF THE CUL-DE-SAC THAT CONNECTS LOT 1, LOT 3, AND LOT 4 OF THE ROLLA SKILLED NURSING HOME FACILITY PLAT NO. 2 FROM EAGLESON DRIVE TO SILVERSTONE DRIVE. (EAGLESON TO SILVERSTONE DRIVE). A motion was made by Williams and seconded by Eberly to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

(C) Ordinance Amending Section 27-89 of the Rolla City Code Pertaining to Stop Intersections: City Engineer Darin Pryor began by pointing out that the map on page IV.C.5. was inadvertently placed in the agenda packet. He noted it is not reflected in the proposed ordinance.

Mr. Pryor indicated the engineering staff and the traffic division have been updating the GIS (geographic information system) to reflect changes in the field and the proposed ordinance incorporates these changes. Many of the changes are the result of new construction and streets.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO STOP INTERSECTIONS.

IV. NEW BUSINESS (continued)

(D) Ordinance Calling for Special Bond Election – Sewerage System Revenue

Bonds: City Administrator John Butz recalled that in 2011 the City entered into a Voluntary Compliance Agreement (VCA) with the Department of Natural Resources (DNR) for full treatment requirements of the City's peak flow. The City is currently in the due diligence phase of the DNR State Revolving Fund (SRF), which provides low interest financing for improvements. Mr. Butz said the City would be facing between \$22 million and \$27 million worth of improvements to two of the City's treatment plants. The City needs to have authorization to take advantage of the SRF program, which gives the City low interest for such an effort. The SRF requires a voter-approved revenue bond, which is planned for November 6, 2018, and would provide interest savings of approximately \$6.6 million over the twenty-year life of the bond. Staff recommends approval of the subject ordinance. Should the voters decide not to participate in the revenue bond issue, the City would need to do a lease/purchase financing, which would cost \$6.5 million more.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE CALLING A SPECIAL BOND ELECTION IN THE CITY OF ROLLA, MISSOURI, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE FOLLOWING PROPOSITION, TO-WIT: SHALL THE CITY OF ROLLA, MISSOURI, ISSUE ITS SEWERAGE SYSTEM REVENUE BONDS IN THE AMOUNT OF \$27,750,000 FOR THE PURPOSE OF EXTENDING AND IMPROVING THE SEWERAGE SYSTEM OF SAID CITY, INCLUDING IMPROVEMENTS TO THE SYSTEM'S WASTEWATER TREATMENT PLANTS, THE COST OF OPERATION AND MAINTENANCE OF SAID SEWERAGE SYSTEM AND THE PRINCIPAL OF AND INTEREST ON THE SEWERAGE SYSTEM REVENUE BONDS TO BE PAYABLE SOLELY FROM THE REVENUES DERIVED BY SAID CITY FROM THE OPERATION OF ITS SEWERAGE SYSTEM; DESIGNATING THE TIME OF HOLDING SAID ELECTION; PRESCRIBING THE FORM OF NOTICE OF SAID ELECTION AND THE FORM OF BALLOT TO BE USED THEREAT; AUTHORIZING THE CITY CLERK TO GIVE NOTICE OF SAID ELECTION; AND DECLARING THE INTENT OF THE CITY TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES IN CONNECTION WITH IMPROVEMENTS TO THE CITY'S SEWERAGE SYSTEM.**

IV. NEW BUSINESS (continued)

(E) Ordinance Authorizing the Mayor to Execute an Asset Purchase Agreement with Ameren Transmission Company of Illinois: Rolla Municipal Utilities (RMU) General Manager Rodney Bourne explained that about four years ago RMU began discussions about the possible sale of the 138kV transmission assets owned and operated by RMU. In 2014/2015, the Rolla Board of Public Works authorized a request for proposals and, at that time, one bidder responded. However, that did not work out because the company failed to obtain internal approval. In 2017, Mr. Bourne indicated RMU began negotiations with Ameren and in late fall 2017, the Board of Public Works issued a second request for proposals and four companies responded and was narrowed down to two proposals, including one from Ameren. Mr. Bourne told the Council the Board of Public Works authorized RMU staff to complete final negotiations with the Ameren Transmission Company of Illinois and on January 23, 2018, the Board of Public Works approved a term sheet with Ameren with the recommendation to the City Council to approve and authorize that document. Mr. Bourne said that on February 5, 2018, the Council concurred with the Board of Public Works and approved the term sheet.

Mr. Bourne stated the City Council would be asked to conduct a public hearing regarding the proposed sale during its August 6, 2018, meeting, and consider the final reading of the subject ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE AN ASSET PURCHASE AGREEMENT AND ANCILLARY AGREEMENTS NECESSARY TO COMPLETE THE TRANSACTION, BY AND BETWEEN THE CITY OF ROLLA, MISSOURI, ACTING BY AND THROUGH ITS BOARD OF PUBLIC WORKS (“SELLER”), AND AMEREN TRANSMISSION COMPANY OF ILLINOIS (“BUYER”).

(F) Ordinance Reconfiguring the Boundary Lines of Four Deeded Parcels Located in Joyner Estates Subdivision and the Wild Horse Run Plat No. 1 Subdivision (Moutray): City Planner James Shields noted the subject parcels are located approximately 1,000 feet northeast of the intersection of Rolla Street and Little Oaks Road. The applicants are Norman A. and Dora E. Moutray. The lot reconfiguration is being requested in order for Dr. Ginger D. Koller and Mr. Paul A. Joyner to sell about one acre of land to the Moutrays. Mr. Shields noted the Planning and Zoning Commission unanimously recommend approval with the condition stated during the rezoning item.

IV. NEW BUSINESS (continued)

(F) Ordinance Reconfiguring the Boundary Lines of Four Deeded Parcels Located in Joyner Estates Subdivision and the Wild Horse Run Plat No. 1 Subdivision (Moutray) (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO, THROUGH THE SUBDIVISION PROCESS, RECONFIGURE THE BOUNDARY LINES OF THE FOUR DEEDED PARCELS, ONE OF WHICH IS LOCATED IN JOYNER ESTATES SUBDIVISION AND TWO OF WHICH ARE WITHIN THE WILD HORSE RUN PLAT NO. 1 SUBDIVISION, THAT ARE IDENTIFIED BY THEIR PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 10954.01, 10654.47, 10954.20, AND 10954.19. (MOUTRAY)

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Councilman Steven Jung to the Finance Audit Committee: A motion was made by Williams and seconded by Schott to appoint Councilman Steven Jung to the Finance Audit Committee. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Election Signs: Mayor Magdits reported City Hall continues to receive comments about election signs being stolen. He first emphasized it is against the law, but more importantly, the people who are running for office are spending hard earned money, time and effort.

(C) Veterans Recognition: Mayor Magdits stated our community has always been supportive of veterans. He noted was a great turnout during the Memorial Day and Purple Heart events and there is very active participation in the VFW and the Korean War veterans. Additionally, Mayor Magdits stated the City has its own Veterans Park, which is entirely dedicated to veterans. Mayor Magdits said it looks like the City is going to be getting some outside recognition for Rolla's support. Since this idea was brought to the Council's attention by Councilman Matt Crowell, he asked him to tell about the POW/MIA City designation.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Veterans Recognition (continued): Mr. Crowell said he was surprised to learn from his sister, who resides in Fenton, Missouri, that Fenton was the first POW/MIA City in the nation and not Rolla. He reached out to the POW/MIA Committee based at Jefferson Barracks in St. Louis to see what it would take to get Rolla involved in that program and the recognition our Veterans deserve. Mr. Crowell gave a big shout out to those who have done the work at Veterans Park because the committee was very impressed with Rolla's Veterans Park and with those who have worked for this effort. He told the Council that Rolla is the eighth city to be designated as a POW/MIA City. What that means is that we as a community do things to help recognize and honor those who have fought, died, prisoners of war, and those who are still missing in action. Mr. Crowell thanked all the veterans and everyone else who made this designation happen.

Mr. Butz mentioned the POW/MIA Committee wish to present the POW/MIA City sign to the City sometime in September or October, preferably on a Monday, at the Veterans Park.

(D) High Grass at Oaklane and Adrian: Councilman Williams noted that something needs to be done about the high grass growing up to the windows on the lot at Oaklane and Adrian Avenue.

(E) Houses at Olive and Oak Streets: Councilman Williams asked about the status of the two dilapidated houses located at Olive and Oak Streets. He mentioned these houses were to have been demolished.

Mr. Butz indicated he would check into the matter.

VII. CITIZEN COMMUNICATIONS

(A) Sign Ordinance Concerns: Mr. Matthew Wick, Heavenly Divine Cakes, 1732 N. Bishop Avenue, Suite E, Rolla, Missouri, stated they are a small, humble, bakery on Bishop, which runs on a small shoestring budget and there is very little money for advertisement. He said they heavily rely on word of mouth to reach out to their customers. Mr. Wick indicated it would tremendously help his business if they could have a sidewalk sign and a swooper flag. He told the Council their business is located at the end of the building out of the main traffic area. Mr. Wick encouraged the Council to consider revisiting the sign ordinance.

VII. CITIZEN COMMUNICATIONS (continued)

(A) Sign Ordinance Concerns (continued): Mr. Cory Lawrence, owner of O'Doggy's at 1005 N. Rolla Street, showed the Council pictures of the signage they use for their business. He told the Council that the presence of the a-frame sign draws foot traffic inside the shop and the swooper flag helps people discover them on the one-way street. Mr. Lawrence said the signs are only displayed outside during business hours. Customers have mentioned to him that they did not know they were open except for the swooper flag. Mr. Lawrence asked the Council to consider leniency of the enforcement until the ordinance can be revisited.

Ms. Katy Langston Combs, owner of Red Door Gifts and Boutique, said she is also speaking on behalf of the Rolla Downtown Business Association. She said her business has been located in downtown Rolla for about thirteen years and has ten employees. Ms. Combs showed the Council pictures of signs that she uses and has used in her business. She relayed that until she received a letter from the City in December, she did not realize the signs were in violation of City code. Ms. Combs informed the Council that her sales declined after the signs were removed. With the lower sales, Ms. Combs stated she is generating much less sales tax revenue for the City and is unable to donate to local charities. She also mentioned several downtown businesses have signed a petition asking the City to revisit the sign ordinance.

Ms. Stevie Kearse, Executive Director, Rolla Area Chamber of Commerce, indicated several board members and volunteer ambassadors are in attendance. She said they definitely support revisiting the temporary sign ordinance. Ms. Kearse said the sandwich board signs captures your attention and you see there is a sale or special going on and it is beneficial to travelers. She suggested the Council meet with the business owners and come up with a tasteful solution. Ms. Kearse agreed there is a concern of having an abundance of signs that block traffic view.

Mr. John Hartley, Hartley's Climate Control, 11345 Twitty Drive, Rolla, Missouri, showed the Council an example of the sign he uses, which is similar to real estate signs. He informed the Council that last year he had 81 of those signs around Rolla last year. He said City Inspector Kathleen McMeen contacted him about removing the signs and indicated he was in violation of City ordinance. Mr. Hartley asked the Council to consider revisiting the ordinance about how long he can leave up his signs. With the signs around town, it has allowed him to bring in more revenue and allows their business

VII. CITIZEN COMMUNICATIONS (continued)

(A) Sign Ordinance Concerns (continued): to grow and have more employees, purchase more permits from the City, and to provide income to the City through tax generation. Mr. Hartley said the businesses are looking for an actual ruling on the type of signs and restrictions. He advised that since his signs have been removed, he has lost \$117,000 in customer acquisitions.

Ms. Amanda Finnell with Teagirl Esthetics, Rolla, Missouri, said she loves small business because these are the people who often donate the biggest amount to help the cheerleaders, soccer teams, Kiwanis Club, etc. With places like Vistaprint offering a \$20 sign, that is the cheapest form of advertising she is going to get. Ms. Finnell indicated the local newspapers charge money to do a spotlight on businesses. Radio ads and paper ads are too expensive. She said some people live where there businesses are located and you are saying they cannot put a sign in their yard.

Mr. David Black, Black Sewer Line Cleaning, 704 Highway 72, said two years ago when he purchased his business license he was told he could keep a sign up for 30 days. Approximately two months later he was told he could only leave it up for two days. Since that time, he reported his business inside the city limits has dropped by 80%. Mr. Black said he believes 30 days is enough time to leave up signs.

Ms. Jenny Ruth, addressed the Council, and announced that she and her husband Mr. Ted Ruth, recently purchased the property at 819 N. Pine Street, and are in the process of opening Soda and Scoops on Route 66. She told the Council that one of the marketing items discussed at a recent conference was signage outside the store, i.e., sandwich signs. Ms. Ruth noted that most people who are walking are looking ahead rather than up. She said she learned that 31.86% of your sales would fall without signage like this. Ms. Ruth said the sandwich type signs are what brings in business.

No one else present addressed the Council concerning the sign issue.

Mayor Magdits stated the group of business owners in attendance is not unexpected and has been on the radar at City Hall for at least a month or two. He noted the subject ordinance has been in effect for 14 years, so there has been no change that has occurred in the past two years. Mayor Magdits pointed out the current sign ordinance has some ambiguities and there are some nuances. He said he was on the Council 15 years ago and a lot of work went into this particular ordinance. Mayor Magdits stated that without a

VII. CITIZEN COMMUNICATIONS (continued)

(A) Sign Ordinance Concerns (continued): doubt all of the signs that were mentioned tonight (contractor, sandwich board, realtors, etc.), were never intended at that time to be captured in this particular ordinance. What drove that ordinance were signs that some perhaps would find a little more offensive (the yellow signs on two wheels with flashing lights, pulled next to the curb and letters falling out) – nothing what was shown tonight. Mayor Magdits emphasized it is on the City’s radar screen to recommend modifications to the City Council.

City Administrator John Butz said that in addition to the temporary sign the Mayor mentioned, the volume of temporary signs was a concern for both the Planning and Zoning Commission and the Council. Mr. Butz stated he believes there are some changes that can be made, which can be done by City staff looking at good examples from other communities or by a committee. He explained it would take at least 60 days to make a change to this ordinance.

Some of the Council members mentioned temporarily suspending enforcement of the sign ordinance until the ordinance could be amended.

Mayor Magdits asked the Council to consider not forming a formal committee, because it would take months to complete. He said residents are encouraged to come to City Hall and provide input.

Regarding suspending enforcement of the law, City Counselor Lance Thurman stated he did not know how a formal action from the City could suspend the ordinance. The ordinance can either be amended or remain in its current form. Mr. Thurman said he is never going to be able to make a recommendation to the Council to suspend the law. Approving a motion to not enforce a law that is already on the books is probably not good legal advice.

Mr. Butz suggested giving staff an opportunity to work on an amendment and they will do it as soon as possible.

Mayor Magdits again encouraged residents to provide feedback to staff within the next two weeks.

VII. CITIZEN COMMUNICATIONS (continued)

(A) Sign Ordinance Concerns (continued): Former councilman Matt Williams addressed the Council and indicated he was on the sign committee that amended Chapter 42. He explained the problems addressed were the flashing, temporary signs, which were lined up down the highway. Mr. Williams also noted the number of plastic type signs at convenience stores and gas stations was also a concern.

Mr. Andrew Combs, 1711 Palmer Court, Rolla, Missouri, advised that he worked close to a decade in federal and state regulations and wondered if there is any way to create a variance request particularly when a Statute or a regulation intent is not being achieved.

Mr. Butz responded the Statutes say if you have a Planning and Zoning Commission, you must also have a Board of Adjustment, which requires a four-fifths standard. The chance of a variance being granted is very restrictive. Mr. Butz said every single person would have to go through this process.

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

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:42 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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