

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 17, 2018; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Daniel Jones, Ann Murphey, Matthew Crowell, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Jim Williams, Brian Woolley, Steven Jung, and Tiffany Henry

Council Members Absent: Jonathan Hines

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

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

A member of the Rolla Ministerial Alliance opened the meeting with prayer.

Mayor Magdits then called the meeting to order at approximately 6:31 p.m. and asked Councilman Brian Woolley to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Annexing 1.68 Acre Parcel Located 150 Feet Northwest of the Intersection of Old Highway 66 and Hy Point Industrial Park Drive Intersection & Zone to Heavy Manufacturing District (M-2) (RCDC): City Planner James Shields explained the proposal is to annex the property located approximately 150 feet northwest of the intersection of Old Highway 66 and Hy Point Industrial Park Drive. Additionally, the request includes zoning the property to M-2 (Heavy Manufacturing District). Mr. Shields said the Rolla Community Development Corporation (RCDC) owns the subject parcel and has stated that if this proposal is approved it would clean up an overlooked parcel and bring it under City jurisdiction consistent with other RCDC properties adjoining the subject parcel. Mr. Shields reported the Planning and Zoning Commission unanimously recommends approval of the request.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Annexing 1.68 Acre Parcel Located 150 Feet Northwest of the Intersection of Old Highway 66 and Hy Point Industrial Park Drive Intersection & Zone to Heavy Manufacturing District (M-2) (RCDC) (continued): Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject annexation/zoning request. No one 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 ANNEXATION OF THE 1.68-ACRE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBER OF 3356.03 AND THE DESIGNATION OF SAID PARCEL AS THE HEAVY MANUFACTURING DISTRICT (M-2) ON THE OFFICIAL ZONING MAP OF THE CITY OF ROLLA. (RCDC).

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

(A) Ordinance Amending Article III of Chapter 42 of the Code Pertaining to the Permitting of Temporary and Portable Signage: City Planner James Shields provided an overview of the subject ordinance process. He reported that last Monday, staff conducted a question and answer session with about ten business owners and it was a productive meeting.

Since the first reading of the subject ordinance, Mr. Shields said staff is recommending a couple of changes. Staff is proposing that Section 42-244.5(a) – Sign Regulations for Residential Zoning Districts, be amended to read, “Sign standards for properties within residential zoning districts that are vacant or contain single-family houses and duplexes, even if business is being conducted in the building.”

Secondly, staff is recommending Section 42-244.7(a) – Temporary and Portable Signs, be amended to read “Each independently occupied tenant space on a property in a

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III. OLD BUSINESS (continued)

(A) Ordinance Amending Article III of Chapter 42 of the Code Pertaining to the Permitting of Temporary and Portable Signage (continued): nonresidential district is permitted to locate two temporary signs on such a property, except that when a tenant locates a balloon sign or inflatable sign on the property, the tenant shall not locate any other temporary or portable sign on the property. Off-premise temporary signage shall not be posted for more than 15 consecutive days in any given quarter of a year and such signage shall be removed within 14 days of receiving notice from the City of Rolla. A vacant parcel will be permitted the same amount of temporary signage as one occupied tenant space.”

Mr. Shields reported the Planning and Zoning Commission recommends denying the proposal.

A motion was made by Woolley and seconded by Murphey to amend Section 42-244.5(a) of the proposed ordinance to read, “Sign standards for properties within residential zoning districts **that are vacant or** contain single-family houses and duplexes, even if business is being conducted in the building.” A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

A motion was made by Jung and seconded by Crowell to amend Section 42-244.7(a) of the proposed ordinance to read, “Each **independently occupied** tenant space on a property in a nonresidential district is permitted to locate two temporary signs on such a property, except that when a tenant locates a balloon sign or inflatable sign on the property, the tenant shall not locate any other temporary or portable sign on the property. Off-premise temporary signage shall not be posted for more than 15 consecutive days in any given quarter of a year and such signage shall be removed within 14 days of receiving notice from the City of Rolla. **A vacant parcel shall be permitted an unlimited number of temporary freestanding signs only, but the total sign area of such signs shall not exceed 96 square feet.** A voice vote on the motion showed eight ayes, three nays, and one absent. Motion carried.

A motion was made by Woolley and seconded by Jones to amend the proposed ordinance by deleting Section 42-244.2(j) regarding Exempt Signs, Decorations. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

III. OLD BUSINESS (continued)

(A) Ordinance Amending Article III of Chapter 42 of the Code Pertaining to the Permitting of Temporary and Portable Signage (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title, as amended. ORDINANCE NO. 4453: AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 42, WHICH IS KNOWN AS THE ROLLA PLANNING AND ZONING CODE, BY DELETING AND ADDING LANGUAGE TO DIVISION 18 OF SAID ARTICLE, WHICH IS KNOWN AS SIGNS, FOR THE PARTICULAR PURPOSE OF PERMITTING TEMPORARY AND PORTABLE SIGNAGE. (SIGN ORDINANCE). A motion was made by Eberly and seconded by Jung to approve the proposed ordinance as amended. A roll call vote on the motion showed the following: Ayes; Rohter, Crowell, Murphey, Schott, Jung, Woolley, Jones, Eberly, Henry, and Meusch. Nays; Williams. Absent; Hines. Motion carried. The ordinance passed.

(B) Ordinance Adopting 2018 International Code: Interim Community Development Director/Codes Administrator Steve Flowers recalled the Council conducted the first reading of the subject ordinance during its last meeting. He asked the Council to consider the final reading of the ordinance, which would adopt the 2018 ICC building codes.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4454: AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III, SECTIONS 6-16 AND 6-17 RELATING TO BUILDING REGULATIONS AND ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE AND 2018 INTERNATIONAL EXISTING BUILDING CODE CHAPTER 6, ARTICLE IV, SECTIONS 6-40 AND 6-41, RELATING TO MECHANICAL CODE AND ADOPTION OF THE 2018 INTERNATIONAL MECHANICAL CODE; CHAPTER 6 ARTICLE V, SECTIONS 6-47 AND 6-48, RELATING TO PLUMBING CODE AND ADOPTION OF THE 2018 INTERNATIONAL PLUMBING CODE; CHAPTER 6 ARTICLE VI, SECTIONS 6-55 AND 6-56 RELATING TO RESIDENTIAL CODE AND THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE AND THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE; CHAPTER 10, ARTICLE I SECTION 10-9 RELATING TO IN GENERAL, AND CHAPTER 10, ARTICLE II SECTIONS 10-20, 10-22, AND 10-23, RELATING TO STANDARDS AND SPECIFICATIONS AND THE ADOPTION OF THE 2017 NATIONAL ELECTRICAL CODE; CHAPTER 14, ARTICLE I, SECTIONS 14-1 AND 14-2, RELATING TO THE FIRE PROTECTION AND THE ADOPTION OF THE 2018 INTERNATIONAL FIRE CODE; AND CHAPTER 20, ARTICLE I,

III. OLD BUSINESS (continued)

(B) Ordinance Adopting 2018 International Code (continued): SECTIONS 20-1 AND 20-2, RELATING TO PROPERTY MAINTENANCE CODE AND THE ADOPTION OF THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE ALL OF THE CODE OF THE CITY OF ROLLA, MISSOURI. A motion was made by Williams and seconded by Jung to approve the proposed ordinance. A voice vote on the motion showed the following: Ayes; Jones, Williams, Jung, Woolley, Murphey, Henry, Crowell, Meusch, Rohter, Eberly, and Schott. Nays; None. Absent; Hines. Motion carried. The ordinance passed.

(C) Ordinance Approving Technical Service Agreement with Rolla Public Library: Finance Director Steffanie Rogers asked the Council to consider the final reading of the ordinance that would approve a contract with the Rolla Public Library. She said the changes noted during the Council's last meeting and which are outlined in the agenda materials pertain to Sections 2 and 7. Ms. Rogers indicated these changes are to provide clarification on reimbursements and compensation between the City and Library.

City Administrator John Butz added the City provides these types of services to thirteen other entities and the workload becomes extensive. At this point, staff is not prepared to determine what contracts it might discontinue. However, he is suggesting extending this agreement and the other related contracts on the agenda only through 2019, rather than for four years. This would give staff an opportunity to revisit all agreements to see if it makes sense for the City to be doing this type of work.

A motion was made by Schott and seconded by Jones to amend Section 6 of the proposed contract to terminate on December 31, 2019. 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 final reading, by title. ORDINANCE NO. 4455: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE ROLLA PUBLIC LIBRARY, as amended. 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; Woolley, Henry, Murphey, Williams, Jung, Meusch, Rohter, Eberly, Crowell, Schott, and Jones. Nays; None. Absent; Hines. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Approving Technical Service Agreement with Phelps County Emergency Services Board (PCESB): Finance Director Steffanie Rogers asked the Council to consider the first reading of the ordinance approving an agreement with the Phelps County Emergency Services Board (PCESB). She noted that Section 7 of the subject contract includes \$6,500, which is billed for Rolla Police Department activity in addition to the Finance Department's time.

A motion was made by Schott and seconded by Woolley to amend Sections 6 and 8 of the proposed contract to reflect that the contract would terminate December 31, 2019. 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 AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PHELPS COUNTY EMERGENCY SERVICES BOARD, as amended.

(B) Ordinance Approving Technical Service Agreement with the Edgar Springs Rural Fire Protection District: Finance Director Steffanie Rogers indicated the subject contract is for similar services as the Library Board and the Phelps County Emergency Services Board (PCESB).

A motion was made by Woolley and seconded by Jung to amend Section 8 of the proposed contract to reflect that it would terminate December 31, 2019. 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 AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE EDGAR SPRINGS RURAL FIRE PROTECTION DISTRICT, as amended.

(C) Ordinance Approving Final Plat of Hy Point West No. 2 (Hy Point West No. 2): City Planner James Shields said Lots 5 and 6 are located to the west and south of the west end of Perrot Boulevard and are owned by the Rolla Community Development Corporation (RCDC). The proposal is for the two lots to be subdivided into four lots.

IV. NEW BUSINESS

(C) Ordinance Approving Final Plat of Hy Point West No. 2 (Hy Point West No. 2) **(continued):** Mr. Shields explained that Ameren and the RCDC are negotiating a contract to buy Lot 1 of the final plat, which is subject to the approval. Ameren plans to build a power station on Lot 1. Mr. Shields reported the Planning and Zoning Commission unanimously voted to approve the final plat.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE FINAL PLAT OF HY POINT WEST NO. 2, WHICH IS A MINOR SUBDIVISION PLAT THAT SUBDIVIDES LOT 5 AND LOT 6 OF THE FINAL PLAT OF HY POINT WEST NO. 1 INTO FOUR LOTS. (HY POINT WEST NO. 2).

(D) Ordinance Approving the Vacation of a Utility Easement (City of Rolla): City Planner James Shields noted this is on the same property as mentioned in the previous item (Hy Point West No. 2). Rolla Municipal Utilities (RMU) is requesting that the utility easement be vacated. Mr. Shields noted this was secured in 2010 by RMU through an electric asset purchase. He added the property must be vacated for Ameren to have full use of the subject parcel and construct their future improvement.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE VACATION OF A UTILITY EASEMENT BEING A FRACTIONAL PART OF THE SOUTH HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 7 WEST OF THE 5th P.M., ROLLA, PHELPS COUNTY, MISSOURI. (CITY OF ROLLA).

(E) Ordinance Amending Sec. 27-92 of the Code Relating to Parking on North Side of 10th St.: City Engineer Darin Pryor informed the Council that the subject property owner of 910 W. 10th Street is Missouri S&T. They are requesting a no parking zone be added on the north side of their property. He noted that approximately three spaces would be eliminated. Mr. Pryor said the current parking interferes when plowing the lot.

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)

(F) Ordinance Amending Sec. 27-118 of the Code Relating to Parking on 8th St.:

City Engineer Darin Pryor told the Council that the Executive Director of the Mission has requested that the three, two-hour parking spaces be removed and a loading zone be installed in front of the Mission property.

Ms. Marie Allen, 1111 Lynwood Drive, Rolla, Missouri, and chair of the Mission board, told the Council the loading zone would benefit the people who use their services such as dropping off laundry, assisting disabled patrons, and people dropping off donations.

After discussion, a motion was made by Woolley and seconded by Williams to amend the proposed ordinance to allow one no parking spot in front of the door and west of the existing “no parking zone” which is marked with yellow paint. A hand count on the motion showed seven ayes, four nays, and one absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE AMENDING SECTION 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.

(G) Ordinance Amending Sec. 27-118 of the Code Relating to Parking on 11th St.

Between Elm & Oak Streets: City Engineer Darin Pryor said Mr. Nick Barrack, the property owner at 104 E. 11th Street, has requested changes to the two-hour parking on Eleventh Street between Elm and Oak Streets. This change would provide for one, two-hour parking spot, and two unrestricted parking spots. Mr. Barrack said he would like to have at least one two-hour parking spot in front of his business for customers.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 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.

(H) Ordinance Authorizing the Mayor to Enter into an Agreement with the

Missouri Department of Corrections: Public Works Director Steve Hargis explained the subject ordinance would authorize the Mayor to enter into a renewal of the City’s supervised work release program with the Missouri Department of Corrections. He told

IV. NEW BUSINESS (continued)

(H) Ordinance Authorizing the Mayor to Enter into an Agreement with the Missouri Department of Corrections (continued): the Council the City currently employs eight individuals who work in both the public works and parks departments. Mr. Hargis said the City has been participating in this program since 2005 and have been pleased with the program. Since the Department of Corrections has requested the agreement be returned by the end of the year, he asked the Council to consider the first and final readings of the ordinance at this meeting.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4456: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI DEPARTMENT OF CORRECTIONS. A motion was made by Williams and seconded by Eberly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, 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 Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Jung, Murphey, Henry, Williams, Meusch, Rohter, Eberly, and Woolley. Nays; Jones. Absent; Hines. Motion carried. The ordinance passed.

(I) Ordinance Amending Ch. 36 of City Code Pertaining to Right-of-Way Management and Telecommunication Wireless Facilities: City Administrator John Butz explained this item is a part of a complex issue of dealing with changing State and Federal regulations as it pertains to accessing the City's right-of-way. City staff has been working on two ordinances simultaneously for about the last six months and the subject ordinance deals with just the City's management of the right-of-way. The parallel ordinance, which is more complicated, deals with the zoning application of these wireless facilities as they find their way into the right-of-way. Mr. Butz said the latter ordinance is going to the Planning and Zoning Commission. Mr. Butz asked the Council to consider the first reading of the subject ordinance at this meeting. He indicated the earliest it would be brought to Council for final consideration would be at the Council's January 22, 2019 meeting.

IV. NEW BUSINESS (continued)

(I) Ordinance Amending Ch. 36 of City Code Pertaining to Right-of-Way Management and Telecommunication Wireless Facilities (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. AN ORDINANCE AMENDING ARTICLES III-VI OF CHAPTER 36 AND REPEALING SECTIONS 25-42, 25-44, AND 25-45 OF THE ROLLA CITY CODE RELATED TO REGULATIONS FOR RIGHT-OF-WAY MANAGEMENT AND TELECOMMUNICATION WIRELESS FACILITIES.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 448-STP ADA Accessibility Improvements (6th & Holloway); & an Ordinance Authorizing the Mayor to Enter into an Agreement with Donald Maggi, Inc., for Same: City Engineer Darin Pryor noted bids were received for Project 448, which are the ADA accessibility improvements on Sixth Street and Holloway. This project would provide for new ADA compliant curb ramps and sidewalks on Holloway from Salem Avenue to Eighteenth Street and on Sixth Street from the railroad tracks to Bishop Avenue. Mr. Pryor noted this project is Federal funded for \$251,270. He said six bids were received and staff is recommending award to the low bidder Donald Maggi, Inc., Rolla, Missouri, for \$446,994.35. Mr. Pryor asked the Council to consider awarding the bid to Donald Maggi, Inc., and the first reading of an ordinance that would authorize the Mayor to enter into an agreement with Donald Maggi, Inc., for this project.

A motion was made by Williams and seconded by Jung to award the bid for Project 448 to Donald Maggi, Inc., Rolla, Missouri, for \$446,994.35. 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 AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI, INC., FOR STP 5200(919), PROJECT #448 – ADA Accessibility Improvements (6th & Holloway).

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Department of Corrections Vote: Councilman Daniel Jones clarified that he voted against the Department of Corrections agreement or the services as a whole. He said he is against folks who are prosecuted unjustly for cannabis and are involved in those programs. That is why he cannot support them.

(B) Department of Corrections Comment: Councilman Woolley pointed out that everyone in that program is a volunteer.

(C) College Hills Sewer District Issue: Councilman Crowell asked if staff could comment on an issue with the College Hills Sewer District contract and at least one of the individuals who may not be is not a party to that contract.

City Administrator John Butz explained that last week staff met with a man who is disagreeing that he should have to pay the \$3,000 per person hookup because his sewer lateral is in good shape. Mr. Butz indicated his waste goes into the rest of the system that was replaced throughout the College Hills Sewer District. The City's suggestion was that he take this matter up with the District Board who chose to assess the \$3,000 per property within their District and which they have the legal right to do. The District Board will take up this matter at their meeting scheduled for late December.

(D) Brush Pile: Councilman Williams asked City Administrator John Butz if something could be done about the brush pile on 801 E. 10th Street.

Mr. Butz said the City would get it picked up. He said it is a result of brush that had fallen over the sidewalks.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council. No one present addressed Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

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IX. CLOSED SESSION

None.

X. ADJOURNMENT

The meeting adjourned at approximately 8:37 p.m. and adjourned.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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