

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 19, 2019; 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, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Jim Williams, Steven Jung, and Tiffany Henry

Council Members Absent: Brian Woolley

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Sean Fagan, Environmental Services Director Brady Wilson, Community Development Director Steve Flowers, Parks 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

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilman Jonathan Hines to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning Parcel Located on the Southeast Side of the Intersection of Lions Club Dr. & Highway O from Rural Residential District (R-R) to Highway Commercial District (C-3) (Intercounty Electric): City Planner James Shields noted the subject parcel is located in southeast Rolla on the southeast intersection of Lions Club Drive and Highway O. The applicant is Intercounty Electric Cooperative Association. The property is owned by John and Betsy Ponzer, but there is a sales contract between the applicant and the owner. Mr. Shields explained the proposal is to rezone the subject property from R-R (Rural Residential) to C-3 (Highway Commercial District) in order to establish an electrical service establishment to develop a storage warehouse and office on the site with an outdoor storage area.

Mr. Shields reported that during the February 12, 2019 Planning and Zoning Commission meeting, eight neighbors spoke to the issue with their main concerns about property value, noise pollution, light pollution, crime and the nature of the proposed development and other potential uses allowed in C-3 (Highway Commercial District).

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Parcel Located on the Southeast Side of the Intersection of Lions Club Dr. & Highway O from Rural Residential District (R-R) to Highway Commercial District (C-3) (Intercounty Electric) (continued): Mr. Shields stated the Planning and Zoning Commission unanimously voted to deny the request. The reasons for denial were the proposed use and C-3 (Highway Commercial District) zoning is not appropriate to abut against an R-1 (Single Family District) zone.

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

Mr. David Reynolds, 1511 Huntleigh Rolla, Missouri, spoke in opposition to the subject request and said he hopes the Council will give the Planning and Zoning Commission's recommendation full consideration. He noted Mr. Shields mentioned that to put an R-R (Rural Residential) zoning against an C-3 (Highway Commercial District) zoning is just not the prudent thing to do. Mr. Reynolds said he is concerned about the property values and does not believe this is something that should be in their backyards. He also expressed noise concerns with diesel engines and loading of equipment. Mr. Reynolds also noted concern with drainage issues, since his home sits at the bottom of the hill. He asked each of the Council to put themselves in his position when considering this issue.

Ms. Nicole Cummings, 1414 Huntleigh Drive, Rolla, Missouri, stated when she and her husband moved to Rolla they were looking for a nice neighborhood like Huntleigh Estates. We became concerned when we learned Intercounty Electric was requesting a rezoning because we were unaware of any chemicals that might be used.

Ms. Melissa Dillon, 1423 Huntleigh Drive, said the subject property is right in her back yard. She said she and her husband agree with everything Mr. Reynolds said. They do not want this in their back yard and they have five children. Ms. Dillon also expressed concern with the lighting from the development. She said they have lived in this home for two years and would never have purchased this property had they known of the subject development. She also expressed concerns with noise and traffic concerns and asked the Council to vote against the subject-rezoning request.

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

I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Parcel Located on the Southeast Side of the Intersection of Lions Club Dr. & Highway O from Rural Residential District (R-R) to Highway Commercial District (C-3) (Intercounty Electric) (continued): Mayor Magdits asked Councilman Matt Crowell, as the Council representative on the Planning and Zoning Commission, to give a sense of the discussion that occurred at the Commission meeting.

Mr. Crowell stated the Commission heard from more residents who all spoke against the rezoning request. He said there was not a lot of discussion from the commissioners, although he indicated he spoke a lot and is very much opposed to the rezoning for many of the reasons the Council has heard this evening and he believes many of the commissioners felt the same way.

Mr. Doug Lane, representing Intercounty Electric, stated that after listening to the privacy and lighting concerns at the Planning and Zoning Commission meeting, Intercounty has decided to move everything toward Lions Club Drive. The fencerow in the east/west direction that lays to the south next to the residential area, most of it is in the 40' wide range. Intercounty proposes to increase it another 30 feet and an additional 20' mow strip before the privacy fence is erected. That way we are pushing the 100' range. Regarding safety concerns, Mr. Lane said Intercounty's nine facilities have cameras, alarms, and monitoring systems, which are, monitored 24/7 by dispatchers. Regarding noise levels, Mr. Lane said they not 100% quiet but most activity is between 7:30 a.m. to 9 a.m. and from 3 p.m. to 5 p.m. Outages do occur at night, but they are not frequent. He said his proposal tonight is different from what was originally presented to Mr. Shields. Mr. Lane entertained several questions and comments from the Council.

At the request of Mayor Magdits, Mr. Shields said the Council could place a 100-foot distance from any residential property and/or require Intercounty to provide specific landscaping.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE THAT REZONES THE PARCEL IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR ACCOUNT NUMBER OF 12849 FROM THE RURAL RESIDENTIAL (ZONING) DISTRICT (R-R) TO THE HIGHWAY COMMERCIAL (ZONING) DISTRICT (C-3). (INTERCOUNTY ELECTRIC).**

II. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Rolla Municipal Utilities (RMU) FY 2019 First Quarter Report: RMU General Manager Rodney Bourne provided an overview of RMU's FY 2019 First Quarter Report. He noted the entire report is available on RMU's website.

III. OLD BUSINESS

(A) Ordinance Renaming West End of Twelfth Street to Fitch Street: City Planner James Shields asked the Council to consider the final reading of an ordinance that would rename the street situated between Fourteenth Street and the vacated section of Twelfth Street near the hospital. The applicants are Mark and Stephanie Fitch. Mr. Shields reported that the City Clerk has received no written protests.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4471: AN ORDINANCE THAT CHANGES THE NAME OF THE WEST END OF 12TH STREET THAT IS SITUATED BETWEEN 14TH STREET AND THE VACATED SECTION OF 12TH STREET, WHICH IS CURRENTLY PART OF THE PARCEL THAT IS IDENTIFIED BY THE PHELPS COUNTY ASSESSOR ACCOUNT NUMBER OF 7071, TO FITCH STREET. (12TH TO FITCH STREET). A motion was made by Williams and seconded by Jones to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eberly, Murphey, Williams, Hines, Jung, Meusch, Jones, Henry, Schott, and Rohter. Nays; Crowell. Absent; Woolley. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Approving Final Plat of Cottonwood Dr. Addition (Cottonwood Dr. Add.): City Planner James Shields explained the subject lots are located on the northwest side of the intersection of Cottonwood Drive and North Bishop Avenue in southwest Rolla. The subject ordinance would approve the consolidation of five lots and part of another lot. The applicants for this request are William, Robert, & Suzanne Stoltz. Mr. Shields informed the Council that Mr. Rusty Doss of the Overland Group, LLC, which is an umbrella LLC that builds and owns the buildings in which Dollar General Retail stores operate, is acting as the agent for this project. The Overland Group has executed a Purchase and Sale contract with the applicants to purchase the subject lots in order to build a Dollar General Store. Mr. Shields reported the Planning and Zoning Commission unanimously recommends approval.

IV. NEW BUSINESS (continued)

(A) Ordinance Approving Final Plat of Cottonwood Dr. Addition (Cottonwood Dr. Add.) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE FINAL PLAT OF COTTONWOOD DRIVE ADDITION, WHICH IS A PLAT THAT WILL, THROUGH THE MINOR SUBDIVISION PROCESS, CONSOLIDATE THE PARCELS IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR ACCOUNT NUMBERS OF 10731, 10732, 10733, 10734, 10735, AND PART OF 10725 INTO A 1.53-ACRE LOT. (COTTONWOOD DR. ADD.)

(B) Ordinance Approving Final Plat of Joyner Acres (Joyner): City Planner James Shields explained the subject plat is located north of the intersection of Thomas Drive and Traci Dawn Drive. In October 2018 Moutray Acres was approved which was the reconfiguration of four lots. The subject lot is currently Lot 4 of Moutray Acres. Mr. Shields said the applicant is requesting that it be replatted in order to ensure there is a smooth conveyance of property when it sells. Mr. Shields indicated the Planning and Zoning Commission unanimously recommends approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE FINAL PLAT OF JOYNER ACRES, WHICH IS CURRENTLY PLATTED AS LOT 4 OF THE FINAL PLAT OF MOUTRAY ACRES. (JOYNER ACRES)

(C) Ordinance Vacating the Alley that Connects Rolla Street to the End of Houston Road (Houston/Rolla Alley Vacation): City Planner James Shields said the subject property is located between Rolla Street and the northeastern end of Houston Road. He stated the City recommends vacating the subject alley to facilitate the conveyance of property. He added there is no evidence the alley was properly dedicated to the City. Mr. Shields reported the Planning and Zoning Commission unanimously recommends approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE VACATION OF THE ENTIRE ALLEY THAT CONNECTS ROLLA STREET TO THE NORTHEASTERN END OF HOUSTON ROAD. (HOUSTON/ROLLA ALLEY VACATION).

IV. NEW BUSINESS (continued)

(D) Ordinance Amending Section 27-92 of the Code Relating to Parking on Holloway Street: City Engineer Darin Pryor stated staff is proposing to remove the on-street parking on Holloway Street on the west side from Fourteenth Street to Eighteenth Street. After the installation of the sidewalk in this area, there will not be enough room for parking.

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.

(E) Ordinance Amending Section 27-5 of the Code Relating to Right Turns: City Engineer Darin Pryor indicated staff is proposing to remove the “right turn only” restriction at the intersection of Strobach Street and South Bishop Avenue. In the past staff has received requests to remove the “right turn only” restriction and staff suggested waiting until the Route 72 extension was complete. Mr. Pryor noted this intersection would continue to be monitored for safety.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-5 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO RIGHT TURNS.

(F) Information Regarding Integrated Management Plan: Public Works Director Steve Hargis referred the Council to a draft of the City’s proposed Integrated Management Plan. He said the plan was developed by the City’s consultant according to EPA (Environmental Protection Agency) guidelines. He told the Council a formal presentation of the plan would be given to during the March 4 meeting. Once this plan is adopted, it will replace the Voluntary Compliance Agreement with the Department of Natural Resources (DNR), which is scheduled to expire on May 3, 2021.

(G) Motion to Accept the Cost for the Improvements of the College Hills Sewer District & Consider 8-Plex Annexation Into the Shady Oaks Sewer District: Public Works Director Steve Hargis updated the Council on the status of the sewer districts as outlined in the agenda packets. He asked the Council to consider approving the substantial completion cost of the College Hills Sewer system with final resolution cost not to exceed the reserve balance of the College Hills Sewer District.

IV. NEW BUSINESS (continued)

(G) Motion to Accept the Cost for the Improvements of the College Hills Sewer District & Consider 8-Plex Annexation Into the Shady Oaks Sewer District (continued): Mr. Hargis also informed the Council the City was approached by the Phelps County Commission to consider bringing sewer service to the area next to the fairgrounds. The eight-plex on County Road 5030 has problems with raw sewage running in the drainage ditches. Mr. Hargis indicated he met with the Shady Oaks Sewer District Board and they approved the annexation into the sewer district. City staff plans to bring the annexation request to the County commission for their approval.

A motion was made by Schott and seconded by Hines to approve the substantial completion costs of the College Hills Sewer system with final resolution cost not to exceed the reserve balance of the College Hills Sewer District. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Schott and seconded by Murphey to support the annexation of the eight-plex on County Road 5030 into the Shady Oaks Sewer District. A voice vote on the motion ten ayes, one nay, and one absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Firefighter Physicals: Fire Chief Ron Smith asked the Council to consider awarding the yearly medical physicals for all fire personnel to SiteMed for \$20,980. These physicals are used to reduce the threat of cardiac arrest, exposure to hazardous chemicals, blood borne pathogens and cancer causing carcinogens.

A motion was made by Williams and seconded by Jones to approve a two-year contract with SiteMed for \$20,980 annually. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Fort Leonard Wood Airport – Contour Airlines (commercial jet services): Councilman Jonathan Hines stated that last Tuesday he had the opportunity to ride a flight from Fort Leonard Wood to St. Louis on Contour Airlines. He said it is the new airline providing services to Fort Leonard Wood. Mr. Hines noted it is 28-seat passenger

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VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Fort Leonard Wood Airport – Contour Airlines (commercial jet services) (continued): jet with legroom. He said if you plan ahead, all you need to get onto Fort Leonard Wood, is a printed ticket and government issued photo ID. He added there is free long-term parking across from the airport. Mr. Hines highly recommended using this service and said it is the best way to get to St. Louis, Missouri.

VII. CITIZEN COMMUNICATION

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

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Television Volume: Councilman Schott noted that in the past two weeks he has had a few people mention to him that they have trouble hearing the Council on television. He encouraged the Council to speak up and into the microphones.

(B) City Planner James Shields: Mayor Magdits announced this is Mr. Shields' last meeting. He is going on to bigger and better things in the Washington D.C. area and we wish him the best.

IX. CLOSED SESSION

A motion was made by Williams and seconded by Jung to adjourn into Closed Session pursuant to RSMo. 610.021, to discuss contract negotiations and personnel. A roll call vote on the motion showed the following: Ayes; Hines, Rohter, Jung, Williams, Jones, Murphey, Schott, Crowell, Meusch, Eberly, and Henry. Nays; None. Absent; Woolley. Motion carried.

The Council adjourned into Closed Session at approximately 8:24 p.m.

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X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:54 p.m.

City Counselor Carolyn Buschjost reported that during closed session, the Council discussed one matter of contract negotiations and a personnel matter.

XI. ADJOURNMENT

The meeting adjourned at approximately 8:55 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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