

Please Note: The Council Meeting will be conducted at Rolla City Hall. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSQqtuhOAVkCCyieA>

COUNCIL PRAYER
Ministerial Alliance

AGENDA OF THE ROLLA CITY COUNCIL
Monday, June 19th, 2023; 6:30 P.M.
City Hall Council Chambers
901 North Elm Street

PRESIDING: Mayor Louis J. Magdits IV

COUNCIL ROLL: JOSHUA VROMAN, TERRY HIGGINS, MEGAN JOHNSON, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIREED HALL, ROBERT KESSINGER, STANLEY MAYBERRY, VICTORIA STEEN, AND TINA BALCH

PLEDGE OF ALLEGIANCE
Councilman Stanley Mayberry

I. Mayoral Appointment-

A. Motion to approve the appointment of Kevin Greven to the vacant Ward 5 Council position for the unfulfilled term ending April 2024; Swearing in Ceremony.

II. PUBLIC HEARINGS –

A. **Public Hearing and Ordinance** to rezoning 71 Rose Ct. From the R-1, Single-family district to the R-2, Two family district. (City Planner Tom Coots) Public Hearing and First Reading

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – none

IV. OLD BUSINESS – none

V. NEW BUSINESS –

A. **Ordinance** to amend Section 41-2 of the City Code – Concealed Weapons. (Police Chief Sean Fagan)

B. **Discussion** about conducting a neighborhood plan, to be known as the Old Town Neighborhood Plan. (City Planner Tom Coots)

C. **Ordinance** adopting final version of proposed Chapter 42 – Planning and Zoning. (City Planner Tom Coots) **First Reading**

VI. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Resolution** to award Financing Bids for a 2023 Pierce Rescue Pumper Truck to Town & Country Bank. (Finance Director Steffanie Rogers)
- B. **Review** of the Proposed Budget for the Forum Plaza Community Improvement District (CID). (City Administrator John Butz)
- C. **Motion** to ratify emergency change order for asbestos removal on Ransdall building Demolition. (City Administrator John Butz)
- D. **Motion** to approve the purchase of Genesis Extrication equipment from Fire Master Equipment. (Fire Chief Jeff Breen)

VII. CITIZEN COMMUNICATION

- A. Terris Cates: Regarding recent events at the band shell.
- B. Ron Sluder: Regarding recent events at the band shell.
- C. Darren Facen: Regarding recent events at the band shell.

VIII. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman Josh Vroman – Offenses concerning pornography.

IX. COMMENTS FOR THE GOOD OF THE ORDER

X. CLOSED SESSION –

Closed Session per RSMo 610.021- None

XI. ADJOURNMENT -

From: Kevin Greven <dgrpromotions@gmail.com>
Sent: Monday, June 5, 2023 8:40 AM
To: lmagdits@rollacity.org <lmagdits@rollacity.org>
Subject: Kevin Greven

Good Morning Lou,

Here are some quick bullets. Hopefully this is what you need.

June 28th of this month will mark Tonya and myselfs 8th wedding anniversary. Between the 2 of us we have 6 children and 4 grandchildren. Daulton is married and has 4 children in Springfield. Payton is taking her assessment tests this week with plans to join the Air Force in the coming months. Ashley and Jacob are mentioned below. Gregory is going into 2nd grade at Wyman and Cooper into kindergarten this year. Both of those boys started summer school this week.

Foster Care - In 2020 Tonya and I were asked to become an Emergency Placement Home for our now, daughter within the Foster Care System. The next year the same for her younger brother who is now our son. Ashley is now 19 and is a para at Wyman Elementary. Jacob just graduated from Rolla High School and will start college at Missouri State University in August.

We moved my mom here to Rolla to be closer after my father passed a couple of years ago.

O'Reilly Auto Parts - I worked for O'Reilly's for 17 years. Started off in the stores on the counter selling parts. They asked me to take a manager position at an underperforming store, 2 years later we were store of the year for the company. Had a good team but just needed leadership. After being top 3 in the company for 3 years I was asked to come to the corporate office in Springfield and develop the marketing and sales programs for the company during my last 12 years. My final 8 years I also managed all of the event marketing for O'Reilly's company wide. At that time we averaged opening a new store every other day. My travel around the country became extensive and I decided it was time to be home more to be a dad.

Chamber of Commerce - Past President in both Lebanon and El Dorado Springs where I also sat on and chaired several committees. Currently chair for Phelps for the Fort and set on other planning committees within Rolla Chamber of Commerce.

AUSA - Past President of AUSA (Association of the United States Army) Fort Leonard Wood / Mid-Missouri and current board member.

SOP - Board Member for Sustainable Ozarks Partnership

CASA - Tonya and I became CASA's (Court Appointed Special Advocates) for the Phelps County region in 2019

OARF - President of the Ozarks Area Racers Foundation and the Ozarks Area Racers Hall of Fame.

I.A.I

Owned, developed and managed some large events and facilities across the country in the last 20 plus years.

I could throw more into this but it becomes boring after a while.

I have decided in the last year to concentrate more on home and my local community so I have pulled back on some of the other organizations, committees and responsibilities that I had larger involvement in.

Thank you,

Kevin Greven
(417) 399-5756

I.A.2



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Public Hearing/First Reading
(Final Reading Requested)

SUBJECT: Map Amendment (rezoning): 71 Rose Ct from the R-1, Single-family district to the R-2, Two-family district

(ZON23-04)

MEETING DATE: June 19, 2023

Application and Notice:

Applicant/Owner - Jonathan Thompson
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

Background:

The applicant recently purchased the subject property and has commenced remodeling the existing structure. The semi-attached garage structure has been removed. The applicant seeks to construct an addition in the place of the former garage with a garage and dwelling unit above. Doing so would in effect convert the existing single-family dwelling into a duplex.

The current zoning regulations require a minimum lot size of 9,000 SF for building a duplex structure in the R-2 district. However, the zoning codes are currently being revised. At this moment, the proposed revisions include a reduction of the minimum lot size in the R-2 district from 9,000 SF to 5,000 SF. The lot is about 8,200 SF. The applicant intends to wait until the zoning code revisions are adopted or will seek a variance to allow for the construction of the duplex. Rezoning is the first step.

Property Details:

Current zoning - R-1, Single-family to be rezoned to R-2, Two-family
Current use - Single-family
Proposed use - Two-family
Land area - About 8,200 Sq. Ft.

Public Facilities/Improvements:

Streets - The subject property has frontage on Hwy 72, a major arterial road; and Rose Ct, a local street.
Sidewalks - Sidewalks are located adjacent to the property along Hwy 72. No sidewalk is required on Rose Ct due to the length of the cul-de-sac.
Utilities - The subject property should have access to all needed public utilities.

Comprehensive Plan: The Comprehensive Plan designates the property as being appropriate for low-density residential uses.

II. A. 1

Discussion: The subject property is located adjacent to Hwy 72, a major arterial road. Single-family uses may not be appropriate adjacent to a major roadway. The lot just west is already zoned R-2; the lot just east is zoned C-O, Commercial Office; however, the commercial lot is still being used for a single-family residence.

Planning and Zoning Commission Recommendation: The Rolla Planning and Zoning Commission conducted a public hearing on June 13, 2023 and voted 5-0 to recommend the City Council approve the request.

Prepared by: Tom Coots, City Planner

Attachments: Public Notice Letter; Ordinance; Request for Final Reading of Ordinance



Project Information:

Case No: ZON23-04
 Location: 71 Rose Ct
 Applicant: Jonathon Thompson
 Request:
 Rezoning from R-1, Single-family Residential to
 R-2, Two-family Residential



Public Hearings:

Planning and Zoning
 Commission
June 13, 2023
5:30 PM
 City Hall: 1st Floor

 City Council
June 19, 2023
6:30 PM
 City Hall: 1st Floor



For More Information Contact:

Tom Coots, City Planner
 tcoots@rollacity.org

 (573) 426-6974
 901 North Elm Street
 City Hall: 2nd Floor
 8:00 – 5:00 P.M.
 Monday - Friday

II.A.3



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

Lot 71, Rolla Gardens,
Rolla, Phelps County,
Missouri



ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE RE-ZONING OF PROPERTY ADDRESSED AS 71 ROSE COURT FROM THE R-1, SINGLE-FAMILY DISTRICT TO THE R-2, TWO-FAMILY DISTRICT

(ZON23-04)

WHEREAS, an application for a rezoning was duly filed with the Community Development Department requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

WHEREAS, a public notice was duly published in the Phelps County Focus for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

WHEREAS, the City of Rolla Planning and Zoning Commission met on June 13, 2023 and recommended the City Council approve the rezoning of the subject property; and

WHEREAS, the Rolla City Council, during its June 19, 2023 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

WHEREAS, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring the said change of zoning and by those citizens opposing said change, the City Council found the proposed rezoning would promote public health, safety, morals and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

SECTION 1: That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from R-1 (Single-family Residential) to R-2 (Two-family Residential) Zoning described as follows:

Lot 71, Rolla Gardens, Rolla, Phelps County, Missouri

SECTION 2: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

II. A. 5

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 19th DAY OF JUNE, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

II.A.6

Johnathan Thompson
41 Laird Ave.
Rolla, MO 65401

June 8, 2023

Rolla City Council
901 N Elm St
Rolla, MO 65401

Members of City Council:

Thank You for your consideration in the rezoning of 71 Rose Court, Rolla, MO 65401.

Upon learning that the July 3rd City Council meeting will be cancelled, we are submitting a request to have the first and final reading for the rezoning of 71 Rose Court held at the June 19th council meeting.

We are in the process of completing the remodel of the main house and would like to move forward quickly to our next project at this address. This project will be to build the two car garage, alleviating some of the on-street parking on Rose Court, as well as building an apartment above the garage.

It has been brought to our attention that the City Council has allowed a first and final reading in the past and we would be very grateful if it would consider again on our behalf. Allowing this would help us to keep on schedule for this project and help us to keep our other projects in progress without a delay.

Sincerely,



John Thompson

Afford A Pro Construction

II.A.7

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Police Chief Sean Fagan

ACTION REQUESTED: First Reading

ITEM/SUBJECT: Ordinance to Amend Section 41-2 of City Code – Concealed Weapons

TOTAL BUDGET APPROPRIATION: NA DATE: June 19, 2023

COMMENTARY:

The current section 41-2 of the Rolla City code prohibited “conceal carry” despite a 2017 Missouri Law that now allows (almost) anyone over 19 years of age to carry without a permit. There are minor exceptions to where weapons are not allowed (i.e. posted public buildings, public transit, polling places, posted private businesses, etc.). We’ve also amended Section 41-2(b) to be consistent with State Law (allows churches & schools to allow with consent of authorized personnel/governing bodies). This amendment brings City Code into compliance with state law.

Recommendation: First Reading

ITEM NO. V. A. 1

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTIONS 41-2 (a) OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING NEW SECTIONS 41-2(a) IN LIEU THEREOF PERTAINING TO CARRYING CONCEALED WEAPONS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, TO BE AMENDED AS FOLLOWS:

Section 1: That Section ~~41-2(a)~~ 41-2 of the General Ordinances of the City of Rolla, Missouri, known as the code of the City of Rolla, Missouri is hereby repealed and new Section ~~41-2(a)~~ 41-2 is hereby enacted in lieu thereof as follows:

Sec. 41-2. Concealed weapons – Carrying, etc., prohibited.

- a) No person under the age of 19 (18 if serving in the military or honorably discharged) shall knowingly carry concealed on or about his person, any firearm, knife, blackjack or other weapon readily capable of lethal use. ~~provided, however, that legally qualified sheriffs, police officers, and other law enforcement officers, persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace may carry concealed weapons in the performance of their duties; persons traveling in a continuous journey peaceably through the city may carry a weapon in their automobile as well as instructors or students of the martial arts traveling to or from classes of instruction, or demonstration, so long as the travel to or from the classes of instruction or demonstration are that of a continuous trip peacefully through the city, nor shall this Section apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, Revised Statutes of Missouri, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.~~
- b) No person shall possess or discharge any firearm while intoxicated. ~~nor shall any~~ No person shall carry a firearm or other weapon readily capable of lethal use in any church or any school building or ~~on any school grounds~~ without the consent of the pastor, authorized representative or governing body, ~~or~~ No person shall carry a firearm or other weapon readily capable of lethal use to any election precinct or in any agency of the federal, state or local government, ~~or to any public assemblage of any persons for any lawful purpose except a~~ legally qualified sheriff, police officer or other law enforcement officer in the performance of their duty are exempt from this provision.
- c) For the purpose of this Section, the term "firearm" means any weapon that is designed or adapted to expel or eject a projectile by the action of an explosive.
- d) For the purpose of this Section, "knife" means any dagger, dirk, stiletto, butterfly knife, throwing darts, knuckle knife or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For the purpose of this Section, "knife" does not include any ordinary pocket knife with a blade less than three and one-half (3 ½) inches in length.

V.A.2

Section 3: This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 17th DAY OF JULY 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

V.A.3



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: Discussion

SUBJECT: Discussion about conducting a neighborhood plan, to be known as the Old Town Neighborhood Plan

MEETING DATE: June 19, 2023

Discussion: The Old Town Neighborhood is one of the oldest parts of Rolla, including the original town plats from 1860. The area has a few historic structures and many older homes. The area is also adjacent to the downtown and is still walkable to the university campus. The location and zoning may make the area a desirable location for redevelopment in the near future.

The neighborhood is generally located south of the downtown at 5th and 6th Streets; east of Hwy63/Bishop Ave; north of Hwy 72; and west of Walnut Street.

A neighborhood plan would allow for neighborhood residents to assist in deciding how they would like to see their neighborhood change in the future, help build consensus, and create "ownership" of the area. The plan would help identify opportunities for redevelopment and preservation in the area. City staff would work across many departments to identify any issues that will need to be addressed in the area.

Neighborhood plans are useful to provide detailed hyper-local action items that would be too time consuming to identify when preparing a city-wide comprehensive plan.

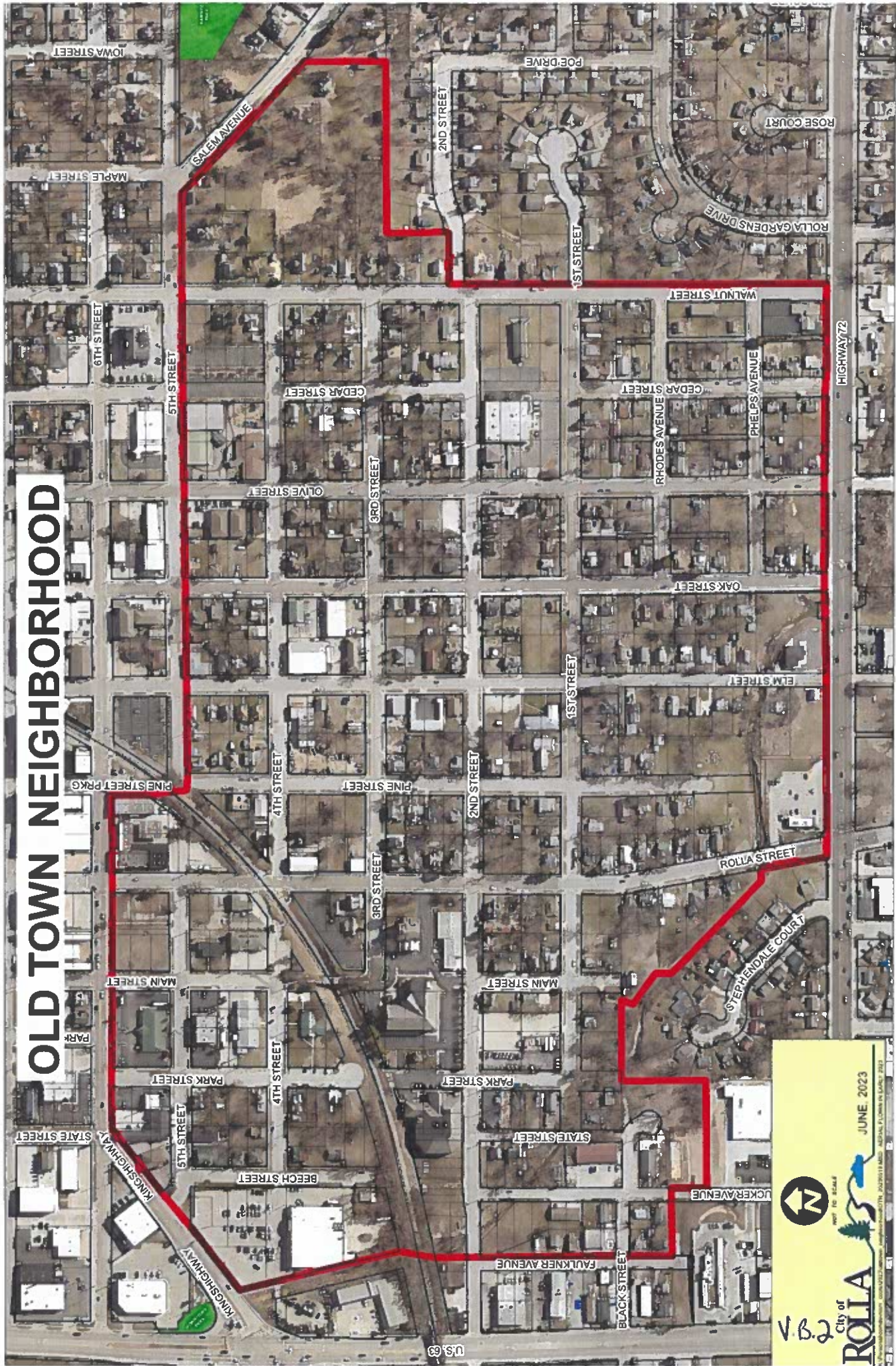
The planning effort is expected to last until late summer/early fall 2023. The project has already begun with a neighborhood meeting and online survey to identify issues. The final draft of the plan will be presented to the Planning and Zoning Commission and City Council for adoption.

Prepared by: Tom Coots, City Planner

Attachments: Old Town Neighborhood Map

V.B.1

OLD TOWN NEIGHBORHOOD



City of **ROLLA** MISSOURI
JUNE 2023
NOT TO SCALE
V.B.2



1000 W. MAIN STREET, ROLLA, MO 65701
PH: 660.845.3100 FAX: 660.845.3101
WWW.ROLLA-MO.GOV



**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT: Community Development

ACTION REQUESTED: First Reading

SUBJECT: Re-adoption and revisions to Chapter 42 (Planning and Zoning) of the City of Rolla Ordinances for a complete overhaul of the zoning and subdivision codes; Re-adoption of the Zoning Map with necessary revisions for corrections and to account for changes to the zoning codes and zoning districts; and Amendments to sections pertaining to land use and zoning in Chapters 15, 20, 28, 29, 39, 40, and 41 of the City of Rolla Ordinances

MEETING DATE: June 19, 2023

Application and Notice:

Applicant - City of Rolla
Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>

Background: The City Council conducted a public hearing at the June 5, 2023 City Council meeting. The ordinance and final version of the proposed Zoning and Subdivision Regulations and a the proposed Official Zoning Map are presented for adoption by the City Council. The text of the proposed Zoning and Subdivision Regulations has been revised to be in a final format, add clarification for notice for large-scale rezoning/text amendment actions, and to correct a few typos.

Planning and Zoning Commission:

The Planning and Zoning Commission held a public hearings on December 13, 2022, January 10, 2023, March 14, 2023, and April 11, 2023. The Commission heard input from several citizens. At the May 9, 2023 meeting the Commission voted 6-0 to find the proposed changes to the zoning code and zoning map are necessary and recommend the City Council approve the proposed zoning code and map.

Discussion:

The Zoning and Subdivision Code should periodically be reviewed and revised. Since the current ordinance was adopted more than 30 years ago, with a major review over 20 years ago, another major review and update is long overdue.

Most of the revisions are housekeeping/administrative corrections. Some proposed changes, especially to the zoning district regulations themselves, are more visible. The effort to revise the zoning and subdivision regulations (and any other ordinances related to land use and zoning) is intended to:

- Bring more order to the ordinance
- Correct errors, typos, conflicts, and unnecessary requirements

v.c.l

- Address issues which have caused the need for repeated variances or unnecessary approvals
- Ease the processes for gaining approvals
- Achieve/ensure compliance with state laws
- Address deficiencies in the ordinance which have caused issues in the community

Staff Recommendation:

Staff recommends that the City Council conduct the first reading of the ordinance. The public hearing may be re-opened until the Council is satisfied all input has been received. City Council may direct any changes be made prior to the second reading of the ordinance.

Prepared by: Tom Coots, City Planner

Attachments: Ordinance; Final version of proposed Zoning and Subdivision Regulations; Final version of proposed Official Zoning Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 42, OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE PLANNING AND ZONING CODE, BY REPEALING THE CHAPTER IN ITS ENTIRETY, AND ENACTING IN LIEU THEREOF A NEW CHAPTER, ZONING AND SUBDIVISION REGULATIONS; AND REPEALING IN ITS ENTIRETY CHAPTER 29, EXPLICIT SEXUAL MATERIALS DISPLAY, SEXUALLY ORIENTED BUSINESS; AND REPEALING IN ITS ENTIRETY CHAPTER 39, TRAILERS AND MOBILE HOMES; AND REPEALING IN ITS ENTIRETY CHAPTER 40, URBAN RENEWAL; AND AMENDING CHAPTER 15, STORMWATER AND FLOOD CONTROL; AND AMENDING CHAPTER 20, HOUSING; AND AMENDING CHAPTER 28, NUISANCES; AND AMENDING CHAPTER 41, WEAPONS; AND RE-ADOPTING THE OFFICIAL ZONING MAP.

WHEREAS, changes to the zoning code and city ordinances are needed to ensure well-planned growth and development; and

WHEREAS, the revisions should improve clarity and understanding of the zoning codes by the general public; and

WHEREAS, the revisions should increase flexibility and allow additional development in the city while retaining adequate provisions for preservation of existing properties; and

WHEREAS, the revisions were extensively reviewed by an ad-hoc committee created by the City Council consisting of citizens and representatives from the Board of Adjustment, Planning and Zoning Commission, City Council, and city staff; and

WHEREAS, the public was engaged for review and comment through a variety of means beyond the statutory and city ordinance requirements; and

WHEREAS, the Rolla Planning and Zoning Commission did hold a public hearing following the provision of public notice pursuant to Section 42-143 and applicable state statutes; and

WHEREAS, the Rolla City Council did hold a public hearing(s); and

WHEREAS, based on the information received, including comments from the public, reports from city staff, review of the proceedings of the Planning and Zoning Commission, the Rolla City Council did find that the revisions to the city ordinances are in the best interest of the city:

NOW, THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

SECTION 1: Chapter 42 of the City of Rolla Ordinances, known as the Planning and Zoning Code, is hereby amended by repealing Chapter 42 in its entirety, and enacting in lieu thereof, a new Chapter 42, Zoning and Subdivision Regulations. A copy of said new Chapter 42 is designated as EXHIBIT A and is on file in the office of the City Clerk, City Hall, Rolla, Missouri, and the same is hereby adopted and incorporated by reference as if set out at length herein.

SECTION 2: The Official Zoning Map, which divides the City of Rolla into zoning districts to control the regulation and restriction of the erection, construction, reconstruction, alteration, or use of buildings, structures, or land within such district; and controls the number, shape, and area of such zoning districts on the Official Zoning Map; is hereby amended by adopting a new Official Zoning Map, attached to this ordinance as EXHIBIT B.

SECTION 3: Chapter 29 of the City of Rolla Ordinances, Explicit Sexual Materials Display, Sexually Oriented Business, is hereby repealed in its entirety.

SECTION 4: Chapter 39 of the City of Rolla Ordinances, Trailers and Mobile Homes, is hereby repealed in its entirety.

SECTION 5: Chapter 40 of the City of Rolla Ordinances, Urban Renewal, is hereby repealed in its entirety.

SECTION 6: Chapter 15 of the City of Rolla Ordinances, Stormwater and Flood Control, Section 15-75, Authority and Scope, is hereby amended to read as follows:

Sec. 15-75. Authority and Scope.

- (a) This Chapter shall apply to all proposed development except for that development which meets waiver or variance criteria as outlined in Section 15-80 of this Chapter.
- (b) This Chapter shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with the regulations of the buffer Ordinance and has received approval from the Missouri Department of Conservation.
- (c) This Chapter shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved state or federal surface mining permit issued by the appropriate governing agency.
- (d) Article V of this Chapter shall not apply to agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of BMPs.
- (e) Article V of this Chapter shall not apply to streams with a tributary drainage area of less than one hundred (100) acres.
- (f) This Chapter shall apply to all parcels of land, structures, and activities that are causing or contributing to:
 - (1) Pollution, including nonpoint source pollution, of the waters within the City of Rolla;
 - (2) Erosion or sedimentation of stream channels;
 - (3) Degradation of aquatic or riparian habitat.

SECTION 7: Chapter 20 of the City of Rolla Ordinances, Housing, Article 1, Property Maintenance Code, is hereby repealed.

SECTION 8: Chapter 28 of the City of Rolla Ordinances, Nuisances, is hereby renamed to Chapter 28, Nuisances and Property Maintenance; and is hereby amended to read as follows:

Sec. 28-1. Maintenance, etc., of nuisances prohibited.

No person shall cause, maintain or permit, on premises owned or controlled by him, a nuisance, as defined by the laws of this State or by this Chapter.

Sec. 28-2. Nuisances enumerated.

The following things are hereby declared to be nuisances; provided, that such listing shall not be deemed exclusive:

- a. Shrubs, hedges and limbs of trees projecting over a sidewalk or street at a height of less than seven (7) feet.
- b. All substances or things which cause an odor disagreeable to the surrounding neighborhood.
- c. Nuisances listed in the adopted International Property Maintenance Code.

Sec. 28-3 Abatement of Nuisances

1. If the person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice, the codes administrator or designated officer shall abate such nuisance upon receiving an order to do so from a court.
2. If the estimated cost of abatement of the nuisance is in excess of \$1,000.00, the codes administrator or designated officer shall report the same to the council of the city. Thereupon the council shall call and have a full and adequate hearing upon the matter, giving the affected parties at least fourteen days written notice of the hearing. At such hearing, any party may be represented by counsel, and all parties shall have an opportunity to be heard.
3. After the hearing, if the evidence supports a finding based upon competent and substantial evidence that a nuisance exists, that the person having an interest was notified, and that the person failed to abate the nuisance, the city council shall issue an order based upon its findings of fact to the codes administrator or its designated officer to proceed to abate the nuisance.

Sec. 28-4 Liens from Abatements

If the codes administrator or its designated official causes the nuisance to be abated by the city, the costs of the abatement and a reasonable charge for administering the abatement not less than one hundred dollars, shall be certified to the city clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

Sec. 28-5 City council or designated officer to determine when weeds, etc., constitute public nuisance.

The growth of weeds, brush or rank vegetation shall constitute a public nuisance with the following exceptions:

- a. All lots or parcels or portions thereof not within one hundred (100) feet of any residence or street.
- b. All undeveloped lots, parcels or right-of-way owned by the City of Rolla and dedicated for park and open space use, as bird sanctuaries, riparian corridors, detention basins, or as dedicated but undeveloped public right-of-way.
- c. Undeveloped lots which do not abut development on at least three (3) sides (Including developed streets); however, in such case, areas within five (5) feet of an abutting residential lot or within ten (10) feet of a street or within five (5) feet from a sidewalk must be maintained free from high weeds and grass.

- d. Undeveloped future phases of subdivisions that have been cleared or "brush hogged" shall be maintained in that condition until further development occurs.

Sec. 28-6 Weeds, etc., over ten inches in height declared nuisance per se.

The growth of weeds, brush or other rank vegetation in excess of ten (10) inches in height is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public.

Sec. 28-7 Notice to owner to abate weeds, etc.

The Codes Administrator, or its designated official, must provide notice to any property owner of a property on which a nuisance of weeds, brush, or other vegetation is located. Such notice may be either by mail or by posting notice on the property. Such notice must allow for not less than fifteen (15) days for the property owner to appeal the determination. If the property owner does not appeal the determination, or if the appeal is denied, the property owner must be given an additional five (5) days to correct the violation(s) before the city may abate the violation(s).

Sec. 28-8 Owner of land liable for cost of cutting weeds.

If the Codes Administrator or its designated official abates a property by the cutting and removing weeds, brush and other rank vegetation is, the costs of the abatement and a reasonable charge for administering the abatement not less than one-hundred dollars, shall be certified to the City Clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

Sec. 28-9. Reserved.

Sec. 28-10 2018 International Property Maintenance Code - Adopted.

That for the purpose of establishing minimum standards governing the condition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as "International Property Maintenance Code, 2018 Edition" of the City of Rolla, Missouri, and each and all of the regulations of the International Property Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set out at length herein.

Sec. 28-11 Amendments to adopted International Property Maintenance Code.

101.1 Title, City of Rolla, Missouri.

103.5 Fees. Delete.

106.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply therewith, or with any requirements thereof, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.1 Applications for appeal. Any person directly affected by a decision of the code official or a notice or order issues under this code shall have the right to appeal to the board of appeals,

provided that a written application for appeal is filed within thirty (30) days after the day the decision, notice, or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. The board of adjustment shall serve as the board of appeals.

111.2.1 – 111.2.5. Alternate members. Chairman. Disqualification of member. Secretary. Compensation of members. Delete

111.3 – 111.6. Notice of meeting. Open hearing. Procedure. Postponed hearing. Board decision. Records and copies. Administration. Delete

112.4 Failure to comply. \$50.00; \$500.00.

302.4 Weeds. Ten (10) inches (Add: Premises and exterior property specifically includes adjacent streets. The property owner is required to maintain those areas between the street pavement and the property line.)

304.14 Insect screens. (Year round)

602.3 Heat supply. (Year round)

602.4 Occupiable work spaces. (Year round)

SECTION 9: Chapter 41 of the City of Rolla Ordinances, Weapons, Section 41-6, Discharge of bows and arrows and crossbows prohibited within the City Limits of Rolla, Missouri; exceptions, subsection (d), is hereby amended to read as follows:

- (d) The use of longbow, recurve and/or compound bows, or crossbows, and the discharge of broadhead or other hunting arrows or bolts is permitted within Rolla's City Limits for the purpose of taking game as regulated by the Missouri Department of Conservation and with the written permission of the property owner. Hunting using bows and arrows or crossbows shall only be permitted on land three (3) acres in size or larger, and subject to the provisions of subsection 41-6 (b).

SECTION 10: The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted the ordinance and exhibits hereto attached and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one section or sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 11: This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 12: For a period of six (6) months after the passage and approval, the Community Development Director is authorized to issue building permits and allow uses of land which were permitted by city ordinance prior to adoption of this ordinance; with the provision that all portions of the

review of said permit or approval be consistent with the previous codes. Such review and approval shall be at the request of the applicant and with the agreement of the Community Development Director. Any decision pertaining to this section of the ordinance may be appealed to the Board of Adjustment.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 17TH DAY OF JULY, 2023.

APPROVED:

ATTEST:

Mayor

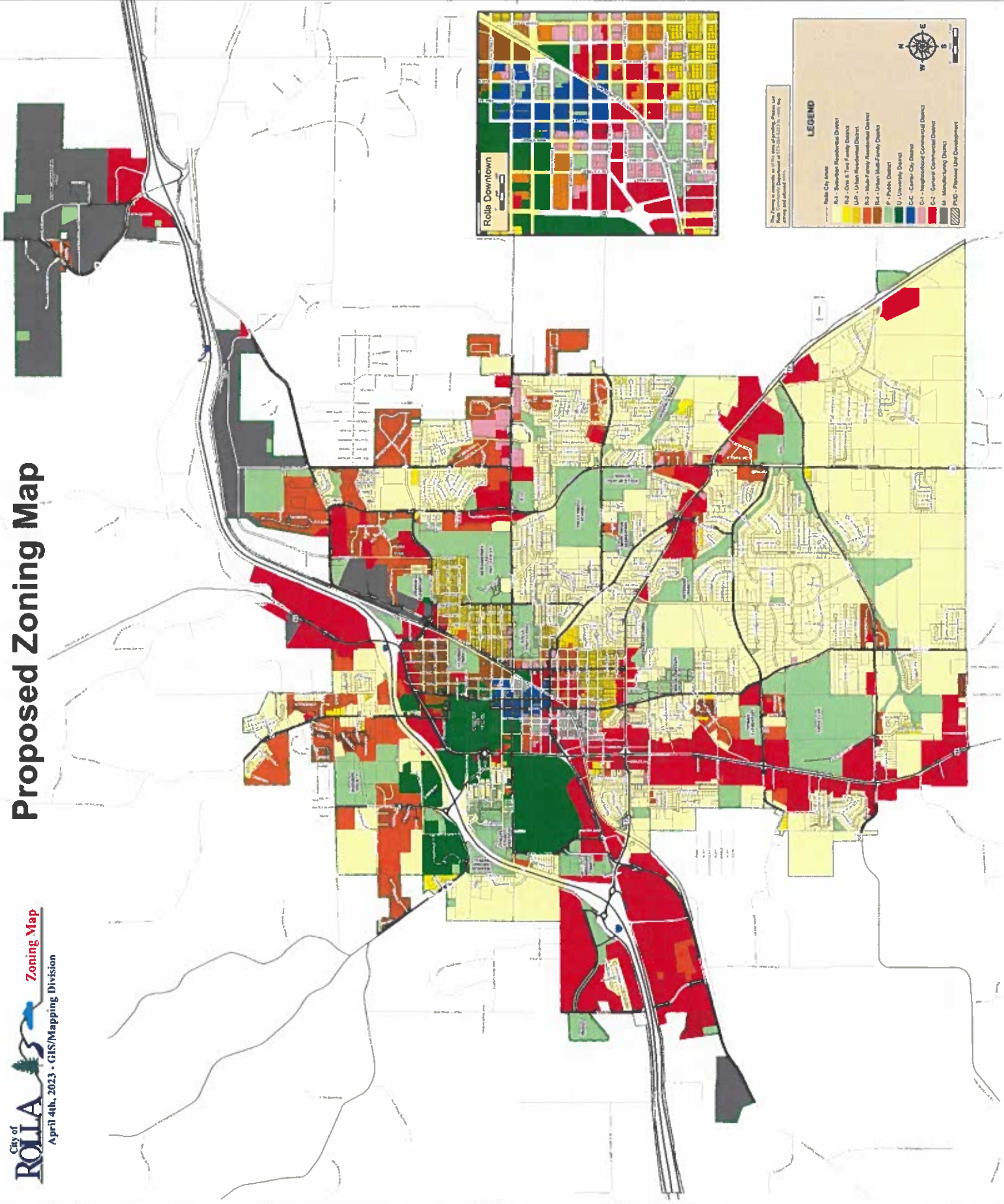
City Clerk

APPROVED AS TO FORM:

City Counselor

V.C.8

Proposed Zoning Map



V.C.9

CITY OF ROLLA
CITY COUNCIL AGENDA

DEPARTMENT: Steffanie D. Rogers **ACTION REQUESTED:** Resolution
Finance Director

DATE: June 19, 2023 **BUDGET APPROPRIATION:** \$975,000

SUBJECT: A Motion to Award Financing Bids

COMMENTARY:

At the June 5, 2023 meeting, Council authorized the Fire Department to purchase a 2023 Rescue Pumper Truck from the Pierce/MacQueen dealership utilizing the HGAC program. This capital expenditure was included in the FY23 budget with a purchase price \$875,000 and the lease payments were budgeted in FY24 for an estimated ten (10) year payment schedule.

On June 9, 2023, the Finance Department opened the financing bids received and the bid results are as follows:

	10 Years		12 Years	
Alliance Funding Group	No Bid		No Bid	
Commerce Bank – Clayton Holdings	5.66%	\$130,345.63	No Bid	
First Community National Bank	No Bid		No Bid	
First State Community Bank	5.24%	\$128,222.08	5.40%	\$113,001.16
Jefferson Bank	4.95%	\$125,961.00	5.25%	\$111,562.00
MPUA	No Bid		No Bid	
Phelps County Bank	No Bid		No Bid	
Southern Bank	6.10%	\$133,668.90	No Bid	
Town & Country Bank	4.74%	\$124,677.62	4.87%	\$108,397.58
US Bank – US Bancorp	4.99%	\$126,205.65	5.04%	\$110,253.08

It is the recommendation of staff to award financing to Town & Country Bank with an interest rate of 4.74% and annual payments of \$124,677.62 for a ten (10) year term.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, PHELPS COUNTY AND TOWN & COUNTRY BANK OF ROLLA, MISSOURI.

NOW, THEREFORE, BE IT resolved by the City Council of the City of Rolla, Missouri, as follows:

Section 1: That the Mayor of the City of Rolla, Missouri, is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri, a Contract between the City of Rolla, Missouri, Phelps County and Town & Country Bank of Rolla, Missouri. This signed resolution will serve as the contract between the City of Rolla and Town & Country Bank for equipment funding.

Section 2: That the Governing Board of the City of Rolla, MO authorizes the Finance Director to finalize the financing of One (1) Fire Ladder Truck with Town & Country Bank of Rolla, MO, Its Agents or Assignee. The proposal was approved at a rate of 4.74%, which is fixed for thirty (30) days. The Finance Director of the City of Rolla, MO is hereby authorized to execute any and all legal documents necessary to conclude the financing of the lease purchase agreement, subject to the approving opinion by the City's Attorney, Williams, Robinson, Rigler & Buschjost.

Section 3: That this resolution be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS JUNE 19, 2023.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Counselor

V.I.A.2

**FORUM PLAZA COMMUNITY IMPROVEMENT DISTRICT
OCTOBER 1, 2023 – SEPTEMBER 30, 2024 BUDGET (FY-2024)**

BUDGET MESSAGE:

The Forum Plaza Community Improvement District (the “District”) was formed as a political subdivision of the State of Missouri on December 15, 2014, by virtue of an ordinance approved by the City Council of Rolla, Missouri. The stated purpose of the District is to provide funds for building construction of public improvements within the District, cleaning and maintenance services to public areas in order to improve the appearance and image within the District. The District adopted a fiscal year of October 1 to September 30.

Major Changes: None.

	<u>FYE 2024*</u>	<u>FYE 2023*</u>	<u>FYE 2022**</u>
FUNDS AVAILABLE:			
- Cash on Hand (Beginning of Fiscal Year)	\$109,692.00	\$ 66,892.00	\$ 90,445.00
ESTIMATED REVENUE:			
- Sales/Use Tax (1.0%)	\$250,000.00	\$250,000.00	\$253,143.00
TOTAL ESTIMATED FUNDS AVAILABLE & REVENUE:	\$359,692.00	\$316,892.00	\$353,588.00
ESTIMATED EXPENDITURES:			
-Operating Expenses	\$ 5,000.00	\$ 4,000.00	\$ 5,496.00
-City Administrative Fee	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
-Insurance	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
- Developer Reimbursement	\$300,000.00	\$200,000.00	\$270,000.00
TOTAL ESTIMATED EXPENDITURES	\$308,200.00	\$207,200.00	\$276,696.00
FUNDS AVAILABLE:			
- Cash on Hand End of Fiscal Year	\$ 51,492.00	\$109,692.00	\$ 66,892.00

*Estimated values.

**Actual values.

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPARTMENT HEAD: John Butz

ACTION REQUESTED: Motion

ITEM/SUBJECT: Emergency Change Order

BUDGET APPROPRIATION (IF APPLICABLE) - \$80,000

DATE: 6/19/2023

COMMENTARY:

During the demotion of the Ransdall building the contractor encountered suspect asbestos containing materials. The suspect materials were some caulking and roof tar that we were unaware of when we originally tested. The material was tested and does contain asbestos. Staff is negotiating a change order for the asbestos removal. The removal is estimated between \$25,000 and \$30,000. Administration will be approving the emergency change order prior to the 6-19-23 City Council Meeting to expedite this work.

The demo contract was awarded by council on 4-3-23 for \$35,500. A bid tabulation from the council meeting is included in the packet for reference.

ITEM NO. VI.C.1

Ransdall Building Asbestos Testing Summary

On November 21, 2022, Brady Wilson and Jim Fels (both certified Missouri Asbestos Inspectors) inspected the facility to identify different functional spaces and homogenous areas. The building consists largely of warehouse space constructed of concrete and steel and is in generally good condition. Suspect asbestos containing materials (ACM) were identified throughout the interior of the building. Twenty six (26) bulk samples from the interior were collected, sealed and labeled and then sent to a private laboratory for analysis. There was an open storage above the east office space that was not accessible but appeared to be just a wooden platform that would not contain ACM. The roof was a metal roof, similar to the rest of the structure. No suspect ACM was identified on the metal walls and the roof appeared to be of similar construction materials and design. Since the roof construction appeared to be similar to the wall construction, roof samples were considered unnecessary.

Sample results from the asbestos inspection, all of the 26 samples, came back non-detect, or negative for the presence of asbestos. Therefore the building could be demolished or removed without asbestos related concerns. The MDNR was notified of the planned demolition with the results of the asbestos sampling results and approved the demolition activity.

The City sent out an invitation for bids to demolish the Ransdall Building and the winning contractor was Tubbs & Sons Construction. They started to demo the building during the week of June 4th with intent of reselling parts of the structure to a third party for rebuilding and reuse. Once the roof structure was being removed, a tar like material was discovered on the top side of the metal siding where two sheets overlap. More of the tar like material was discovered in flashing areas of the exterior roof as well as caulking and wedge shaped material between sheets. This material was not discovered during the initial site inspection. Discovery of unidentified ACM is not uncommon in demolition projects and as such the MDNR has an addendum form to their demolition permit to address ACM discovered during the demolition activities not found during the initial inspection.

V1.C.2

Tubbs & Sons Construction notified the City on Saturday June 10th of the tar like material and said they had an asbestos contractor come out and sample the material. Their results came back positive for ACM as we were notified on Sunday the 11th. Jim Fels and Darin Pryor went to the site on Monday morning, June 12th, and collected eight (8) samples of four different suspect materials similar to what Tubbs & Sons Construction collected. We received sample results later that day after a rush analysis and all samples tested positive for ACM.

The site is on hold during discussions and negotiations with asbestos abatement contractors and Tubbs & Sons Construction.

VI.C.3



DEPARTMENT OF PUBLIC WORKS
 901 North Elm
 P.O. Box 979
 Rolla, MO 65402

Phone: (573) 364-8659

FAX: (573) 364-8602

e-mail: dpnyor@rollacity.org

www.rollacity.org

Ransdall Building Demo PROJECT 561 March 9th, 2023			
Skyscraper Marine LLC, dba- Tubbs & Son Construction Nichole Harvath PO Box 107 Lonedell, MO 63060 Ph: 314-574-5403 tubbs_son_const@yahoo.com	Bales Construction Company Brandon Bales 1901 Historic Rt 66 Waynesville, MO 65583 Ph: 573-774-2003 brandon_bales@earthlink.com	Courtney Construction, LLC Carter Courtney PO Box 590 Mountain Grove, MO 65711 Ph: 417-926-1479 tony@courtneyconstructionllc.net	Donald Maggi Inc. Dennis Spurgeon PO Box 66 Rolla, MO 65402 Ph: 573-364-7733 maggiconst@gmail.com
Total	\$35,000.00	Total	\$50,500.00
Total	\$101,400.00	Total	\$184,200.00
Cahills Construction Tonnie Cahill 14208 East State Hwy 72 Rolla, MO 65401 Ph: 573-426-5305 bids@cahillsconstruction.com	Cody Martin Excavating LLC Cody Martin Excavating LLC 510 Ryan St Boonville, MO 65233 Ph: 573-489-9547 cmexcavating@gmail.com	S. Shafer Excavating Inc. Sammy J. Shafer Jr 4212 Sam's Road Pontoon Beach, IL 62040 Ph: 618-931-6237 shaferexcinc@att.net	
Total	\$101,400.00	Total	\$119,375.00
Total	\$101,086.00	Total	\$101,086.00

V.I.C.Y



ABATEMENT PROPOSAL

DATE: June 14, 2023

TO: Attn: James Fels
City of Rolla
Public Works Department
901 N. Elm St.
PO Box 979
Rolla, MO 65402

PROJECT: 505 East. 18th Street
Rolla, MO 65402

SCOPE OF WORK:

- 1) **Removal/cleanup/disposal of all Identified ACM on site.**
 - A) Removal/disposal of asbestos containing roofing material still in place. (approx. 2000sq ft)
 - B) Removal/disposal of wall paneling with asbestos containing mastic tar that is still in place.
 - C) Clean-up/disposal of all loose ACM debris spread throughout the grounds. (i.e., stacked paneling, loose paneling, current dumpster load, mixed pile of cinder blocks, random debris etc...)

TOTAL = \$24,775.08

*Working schedule – normal working hours 0700 – 1500
Project Estimated to take approx. 4 days*

INCLUDES:

- Notification, Supervision, & Compliance w/ applicable Missouri DNR, OSHA, EPA, DOT regulations. Labor, materials, and disposal as listed.

SPECIAL CONDITIONS:

- All personal items to be removed prior to work commencement.
- Spartan Services will not be held responsible for any personal items not removed before work commencement.
- Spartan is not responsible for location of materials or any repair or replacement.
- Spartan is not responsible for securing work area or building containment beyond specific work area. Work to be done during normal hours.
- Mobilization and work over standard workweek - no weekend work stipulated.
- Spartan Services and or any of its General or Sub Contractors shall not be liable for any other contamination not listed in proposal. All future sampling, cleaning, and maintenance done by owner. Price does not include any third-party oversight or air clearances. (Recommended).
- General/owner is responsible to provide water onsite.
- The Owner/Agent for the property above, authorizes Spartan Services, LLC to enter the property, furnish materials, supply all equipment, and perform all labor necessary to preserve

VI.C.5

**CITY OF ROLLA
CITY COUNCIL AGENDA**

DEPT. HEAD: Jeff Breen, Fire Chief

ACTION REQUESTED: Motion

ITEM/SUBJECT: Vehicle Extrication Equipment

BUDGET APPROPRIATION: \$35,853.00

DATE: June 19, 2023

The City of Rolla Fire & Rescue's 2022 - 2023 budget reflects the purchase of new Vehicle Extrication Equipment to be placed in service on the new 2023 Rescue Pumper recently approved by City Council.

This new equipment to be purchased from Fire Master Fire Equipment, the authorized Genesis dealer for our area, includes the Genesis EFORCE spreader tool commonly referred to as the "Jaws of life", Genesis EFORCE cutter, and the Genesis EFORCE telescoping ram tool. This new equipment is all battery operated which makes deployment of the equipment and the process of extrication much faster in freeing an entrapped victim from a wrecked vehicle.

This is a "sole source" purchase as we currently have this same type and brand of extrication equipment on Ladder 33, our other first line apparatus deployed from station one. There are many benefits of keeping this equipment interoperable such as interchangeable batteries and accessories as well as consistent equipment operation for the fire crews.

Fire Administration recommends approval to Purchase Genesis extrication equipment from Fire Master Fire Equipment. for \$35,853.00.



ITEM NO. _____