

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 16, 2014; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Jonathan Hines, Monty Jordan, Greg Sawyer, Matthew Miller, Kelly Long, Susan J. Eudaly, Don Morris, Stephen Bowles, Jim Williams, and Brian Woolley

Council Members Absent: Walt Bowe and Tony Bahr

Department Directors in Attendance: Public Works Director Steve Hargis, Fire Chief Robert Williams, Community Development Director John Petersen, Environmental Services Director Brady Wilson, Parks and Recreation Director Scott Caron, and Finance Director Steffanie Rogers

Other City Officials in Attendance: City Administrator John Butz, City Counselor Carolyn Buschjost, and City Clerk Carol Daniels

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Rev. Dale Wands to give the invocation.

Following the invocation, Mayor Magdits asked a boy scout working on his citizenship merit badge to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Amending Certain Provisions of the Planning and Zoning Code Pertaining to Off-Street Parking/Required Spaces: Mayor Magdits pointed out the City's zoning codes have a connection between parking spaces and the number of units in a building. However, there is no connection between the number of parking spaces and bedrooms. For the areas outside the Center City District, Mayor Magdits indicated it is not a concern because that requirement does not exist. Mayor Magdits noted in the last few years building costs have dramatically increased, the demand for multi-unit dwellings has substantially increased, and there has been a fair amount in the downtown area. He stated the Council has talked many times to every one of the developers about parking and the connection between parking and density. From a downtown perspective, the close proximity to the University would suggest there is not going to be a high number of vehicles for someone living that close. Additionally, there is access to the downtown parking lots. Mayor Magdits said the subject recommendation is not to

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Certain Provisions of the Planning and Zoning Code Pertaining to Off-Street Parking/Required Spaces (continued): address in any way that particular situation. Rather, what the City is trying to address is the fact our codes do not really address when these buildings occur in other areas of the city and in other neighborhoods. For instance, areas that would have narrow streets or a parking problem.

Community Development Director John Petersen noted the availability of parking in downtown Rolla has been an ongoing issue. In Rolla, for every residential unit, two off-street parking spaces must be provided. Mr. Petersen pointed out the cities of Joplin, Washington, and Kirksville require two parking spaces per unit. He referred the Council to the proposed ordinance, which the Planning and Zoning Commission recently reviewed and now recommend to the Council. He noted italicized words in the proposed ordinance are additions. If approved, the proposed ordinance would have the following standards: Efficiency apartments – 1.5 parking spaces per dwelling unit; 2-bedrooms per unit – 2 parking spaces per dwelling unit; 3-4 bedrooms per unit – 3 parking spaces per dwelling unit, and; maximum 5 bedrooms per dwelling unit – 5 parking spaces per dwelling unit. Additionally, the Planning and Zoning Commission also recommends limiting the height of buildings from four stories to three stories. Mr. Petersen informed the Council this recommendation is because of safety issues. The Council, at a future meeting, will be asked to consider this recommendation.

After much Council discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed ordinance.

Mr. Jim Larson, Larson Construction, 11025 Emerald Ridge, Rolla, Missouri, told the Council he has been in construction for 30 years and this has been the best opportunity in downtown Rolla for student housing and it is spawning new businesses along these streets. He said the Council needs to come up with a better idea than to vote in the proposed ordinance, because he indicated it would hurt the construction industry. Mr. Larson pointed out the lumberyards, contractors, and subcontractors are currently benefitting. Regarding the Planning and Zoning Commission's recommendation to limit the height of buildings from four stories to three, Mr. Larson asked the Council to not remove this option.

Mr. Ken Boeker, Just In Time Roofing and Contracting, 904 Oaklane, Rolla, Missouri, said as the development is going on in and around the university, you are seeing far less parking on the streets because parking spaces are being provided on parking lots. The

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Certain Provisions of the Planning and Zoning Code Pertaining to Off-Street Parking/Required Spaces (continued): current parking requirements may be somewhat lax, but what is being proposed seems to be going too far. Mr. Boeker stated he would like the Council to consider more of a “middle of the road” type of approach.

Mr. Dale Wands, 606 Penney Lane, Rolla, Missouri, asked City Administrator John Butz how many complaints he has received pertaining to the subject parking issue.

Mr. Butz indicated he has not received any complaints and is not aware of the Council receiving any.

If there are no problems or complaints, Mr. Wands then asked Mr. Butz what precipitated the subject proposed ordinance.

Mr. Butz told Mr. Wands a few months ago he asked Mr. Petersen to look at the off-street parking requirement for multi-family construction because every time it came to the Council, the discussion centered on parking.

Mayor Magdits interjected that he and some of the Council members have had residents express their concerns regarding off-street parking as this kind of development leaves the periphery of the university.

Mr. Wands said what bothers him is people living away from the multi-family buildings and complaining about something that does not affect them. He said he does not see a parking problem, but a perception problem. Before approving the subject ordinance, Mr. Wands said the Council needs to consider green space, footprint, and parking near Missouri S&T. He told the Council, in his opinion, not much thought was put into the ordinance and, to his knowledge, contractors/developers were not contacted for their opinion.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, told the Council he believes they are “barking up the wrong tree” when you are talking about limiting bedrooms. Children that generally sleep in bedrooms, generally do not own cars, and generally do not drive cars. Mr. Sager said if the Council wants to limit cars, then limit cars, but limiting bedrooms is not going to limit cars.

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

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Certain Provisions of the Planning and Zoning Code Pertaining to Off-Street Parking/Required Spaces (continued): Based upon the comments, Mayor Magdits summarized there appears to be some concern about parking and density outside the periphery of the university. There is some interest in having a different set of standards for the periphery and downtown. The Mayor asked the Council how they feel about staff taking a step back and looking into the feasibility of a university district.

Mr. Butz indicated staff would be happy to do that and meet with the developers and builders.

A motion was made by Morris and seconded by Long to set aside consideration of this issue. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

Mr. Butz indicated staff should have a proposal ready in about 60 days.

II. SPECIAL PRESENTATIONS

(A) HJR68 (House Joint Resolution 68) Transportation Funding Bill: Mr. Preston Kramer, Missouri Department of Transportation (MoDOT) Area Engineer for the Meramec Area, which encompasses an eight-county area, addressed the Council. He told the Council Missouri has the seventh largest transportation system in the country, with over 33,000 miles of roadway, 10,000 bridges, 213 bridges over 1,000 feet, which ranks Missouri number one in the country in that category and Missouri ranks 40th in revenue per mile. Mr. Kramer indicated Missouri has a very robust, aging transportation infrastructure and one of the lowest transportation revenues in the country, which presents some challenges. He informed the Council the legislators passed HJR68 (House Joint Resolution 68) or Constitutional Amendment 7, which will be on the August 2014 ballot. Mr. Kramer explained the proposed Constitutional Amendment 7 would authorize a three quarter-cent sales tax on everything except medicine, groceries, and fuel, which would be in effect for ten years and can only be used for transportation purposes. Ninety percent of the proceeds would go toward a list of projects, five percent would go to cities, and five percent would go to counties. Mr. Kramer said based on the Department of Revenue projections, the three-quarter cent sales tax is estimated to generate \$5.43 billion statewide over the ten years. What this means for the Central District, which consists of 18 counties and includes the Meramec Region, is about \$486 million for the list of projects.

II. SPECIAL PRESENTATIONS (continued)

(A) HJR68 (House Joint Resolution 68) Transportation Funding Bill (continued):

Mr. Kramer provided the Council with a draft map showing the specific proposed projects. He noted the draft list was released for public comment at noon on June 13, 2014. Public comments will be received through July 3 and between July 3 and July 9, MoDOT would consider the comments and work with MoDOT's planning partners to make any changes to the list. Mr. Kramer said the Highway Commission would approve the final list on July 9 and the voters would consider that list during the August 5, 2014, election. Mr. Kramer entertained several questions and comments from the Council.

Mayor Magdits told the Council that on Friday, June 13, 2014, he, City Administrator John Butz, Public Works Director Steve Hargis, Phelps County Commissioners, Meramec Regional Planning Commission representatives, and Rolla Regional Economic Commission representatives had a briefing from a Jefferson City MoDOT representative regarding the proposed project list. He informed the Council the group sent a message on Friday, in no uncertain terms, we were disappointed on the way Highway 63 is being done. He said Mr. Butz suggested to MoDOT on Friday to entertain the concept of perhaps moving some of those dollars from that section of Northweye to Vichy down Highway 63 to the Rolla area. Unless Council has some major objections, Mayor Magdits said during the next few days, staff would like to make some contact with various people to see if that idea would seriously be considered. No Council objections were noted.

III. OLD BUSINESS

(A) Ordinance to Rezone 904, 916, and 918 Oaklane Drive from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) Zoning (Boeker):

Community Development Director John Petersen recalled the Council, during its last meeting, asked him to provide a report delineating the open space and building coverage of each specific area of the proposed rezoning. The research showed all the individual areas as well as the collective areas meet or exceed the City's 25% open space requirement. Mr. Petersen also noted the maximum of 40% lot coverage is not violated and adequate parking is provided for with a reserve. Mr. Petersen reminded the Council the Planning and Zoning Commission recommend approval of the rezoning request.

Following Council discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE: AN ORDINANCE TO REZONE PROPERTY LOCATED AT 904, 916, AND 918 OAKLANE DRIVE FROM

III. OLD BUSINESS (continued)

(A) Ordinance to Rezone 904, 916, and 918 Oaklane Drive from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) Zoning (Boeker) (continued): R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (BOEKER). A motion was made by Jordan and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Hines, Bowles, Long, and Morris. Nays; Sawyer, Jordan, Miller, Williams, and Woolley. Absent; Bahr and Bowe. Motion failed. The ordinance failed.

Mayor Magdits asked Mr. Petersen to meet with Mr. Boeker and discuss his options for his project.

(B) Resolution Approving Memorandum of Understanding with Rolla Junior Club: Parks and Recreation Director Scott Caron recalled this item was presented to the Council during its last meeting. He noted City Counselor Lance Thurman recommended the Memorandum of Understanding be approved by resolution.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1821: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ROLLA, MISSOURI AND THE ROLLA JUNIOR CLUB. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

IV. NEW BUSINESS

(A) Ordinance Considering Redevelopment Plans (tax abatement) for Forum Plaza – 353 Redevelopment Corp.: City Administrator John Butz indicated this a follow-up to some action the City has had over the past few months dealing with Supermarket Developers, Inc., for the redevelopment of the Forum Shopping Center. He said this is some of the early process required to get a 353 Redevelopment Corporation in place that would provide a tax-exempt structure for up to a 25-year period. Mr. Butz reported there has been an interesting turn of events on a relative project. He reported the City has received an application from Neighborhood Markets, a Wal-Mart project, which would be located about three quarters of a mile down Forum Drive. Mr. Butz indicated he shared this information with Supermarket Developers and they are not certain what

IV. NEW BUSINESS (continued)

(A) Ordinance Considering Redevelopment Plans (tax abatement) for Forum Plaza – 353 Redevelopment Corp. (continued): this means for them. He told them the City planned to conduct the first reading of the subject ordinance and their suggestion was to proceed with it. Supermarket Developers stated regardless of what happens with the Forum Shopping Center, it would need to have the tools available to help with the redevelopment.

After a brief discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE ADOPTING A PROCEDURE FOR CONSIDERING REDEVELOPMENT PLANS AND TAX ABATEMENT OR EXEMPTION PURSUANT TO CHAPTER 353 OF THE REVISED STATUTES OF MISSOURI.**

(B) Motion Approving a Change Order with Insituform Technologies: Public Works Director Steve Hargis recalled earlier in the year the City entered into a contract through a State cooperative procurement procedure with Insituform Technologies for the rehabilitation of sanitary sewer. He told the Council staff planned to do a section of pipe at the Southeast Wastewater Treatment Plant, but it was inadvertently left out of the contract. Mr. Hargis said staff is requesting approval of a change order for this project and since the cost of the project is over 10%, it requires Council approval. Mr. Hargis mentioned legal counsel is recommending this change order be approved by ordinance.

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, A CONTRACT CHANGE ORDER BETWEEN THE CITY OF ROLLA, MISSOURI, AND INSITUFORM TECHNOLOGIES.**

(C) Ordinance Approving a Supplemental Agreement with MoDOT for ADA Accessibility Improvements – Phase I: Public Works Director Steve Hargis informed the Council about eight or nine months ago the City was awarded a grant from the Missouri Department of Transportation (MoDOT) to provide some ADA (Americans with Disability Act) compliance work, which covers about one-fifth of the city's intersections for handicapped accessibility. He said the project has been put on hold until the next budget year because we experienced some unforeseen expenses in the refunding a bond. Mr. Hargis stated staff would like to delay this project until after October 2014. He reported MoDOT verbally authorized the city to delay it. Mr. Hargis indicated the subject agreement would extend the project schedule past October.

IV. NEW BUSINESS (continued)

(C) Ordinance Approving a Supplemental Agreement with MoDOT for ADA Accessibility Improvements – Phase I (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4145: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE ALLOCATION AND DISTRIBUTION OF TRANSPORTATION ENHANCEMENT FUNDS PROJECT NO. STP-5200(913), WHICH PROVIDES FUNDING FOR THE CONSTRUCTION OF ADA ACCESSIBILITY IMPROVEMENTS, PHASE I. A motion was made by Eudaly and seconded by Morris to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. After some discussion, Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Miller, Williams, Hines, Bowles, Jordan, Sawyer, Eudaly, and Long. Nays; None. Absent; Bahr and Bowe. Motion carried. The ordinance passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Mid-Year Fiscal Report 2014: Finance Director Steffanie Rogers provided an overview of the fiscal year 2014 report for the period October 2013 through April 2014.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Councilmen Monty Jordan, Kelly Long, and Tony Bahr to the Finance Audit Committee: A motion was made by Williams and seconded by Sawyer to approve the reappointment of Councilmen Monty Jordan, Kelly Long, and Tony Bahr to the Finance Audit Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion Reappointing Mr. Bill Marshall to the Rolla Enhanced Enterprise Zone Board (June 2019): A motion was made by Long and seconded by Eudaly to reappoint Mr. Bill Marshall to the Rolla Enhanced Enterprise Zone Board. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Motion Reappointing Mr. Bill Marshall to the Rolla Enhanced Enterprise Zone Board (June 2019) (continued): City Administrator John Butz mentioned there are actually three positions that are up for renewal on the Enhanced Enterprise Zone Board. The appointment of Mr. Bill Marshall is a City Council appointment. Another is the School Board's representative and the other is a representative for the Other Taxing Jurisdictions. Mr. Butz reported the School Board confirmed last week that Ms. Jane Haskell would be serving for another five-year term. Mr. Larry Stratman's name has been advanced by the Other Political Subdivisions to serve the next five-year term. Mr. Butz said Mr. Bud Dean had been the representative. He indicated notices have been sent to the Other Taxing Jurisdictions and no one has objected to Mr. Stratman's appointment.

VII. CITIZEN COMMUNICATION

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

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Grass Clippings in Street: Councilman Williams reported he has received complaints about residents and commercial mowers blowing the grass clippings into the street. He said he has received several comments about it looking unsightly and asked them to blow the clippings into the yard rather than the street.

(B) Occupancy Inspection: Councilman Long asked City Administrator John Butz if the City has ever looked into the feasibility of an occupancy inspection for rental units that could be voluntary and borne by the renter.

Mr. Butz responded that about four or five years ago, the City met with landlords and builders about this issue. He said there was much reservation over doing mandatory rental occupancy, it did not get a lot of interest, and the City is hesitant of going down the avenue of rental inspections, mandatory or otherwise. However, Mr. Butz said it does not mean this issue cannot be revisited.

Councilman Long explained he had a discussion with a woman who had just vacated a piece of property in Rolla. Her assertion is she left because it is uninhabitable and contends it should be condemned. Mr. Long suggested that maybe a renter could pay a

VIII. COMMENTS FOR THE GOOD OF THE ORDER (continued)

(B) Occupancy Inspection: fee to have the City Code's Division provide an inspection and determine whether the rental property is up to Code and is habitable. He said it would be purely voluntary on the renter's part, which would bear all costs of it.

Mr. Butz said any renter or owner of property, as long as they have a right to access the property, could call the Codes Division and conduct an inspection at no cost. However, the risk is if they happen to be brought into a situation that is so bad the City may have to condemn the structure while the tenant is living there.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:50 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR