

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 16, 2015; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Monty Jordan, Matthew Miller, Matthew Crowell, Susan J. Eudaly, Don Morris, John K. Meusch, Jim Williams, Brian Woolley, Steven Jung, and Walt Bowe

Council Members Absent: Jonathan Hines and Kelly Long

Department Directors in Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Fire Chief Ron Smith, Community Development Director John Petersen, 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 Councilman Monty Jordan to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning Property Located at 407 North Olive Street from C-2 (General Retail District) Zoning to R-3 (Multi-Family District) Zoning (Woolf): Community Development Director John Petersen explained the subject property is currently zoned C-2 (General Retail District) and the applicants are requesting the property be rezoned to R-3 (Multi-Family District). Later in the meeting, Mr. Petersen noted the Council would be asked to consider combining three lots. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the subject-rezoning request.

After a brief discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4239: AN ORDINANCE REZONING

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Property Located at 407 North Olive Street from C-2 (General Retail District) Zoning to R-3 (Multi-Family District) Zoning (Woolf) (continued): PROPERTY LOCATED AT 407 NORTH OLIVE STREET FROM C-2 (GENERAL RETAIL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (WOOLF).

Mr. Jim Larson, project developer, asked the Council to consider the final reading of the subject ordinance. He said the two adjacent lots are currently zoned R-3 (Multi-Family District). To meet the parking capacity requirements, the subject lot would need to be zoned R-3 (Multi-Family District).

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. 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; Meusch, Eudaly, Jung, Woolley, Miller, Bowe, Crowell, Jordan, Morris, and Williams. Nays; None. Absent; Hines and Long. Motion carried. The ordinance passed.

(B) Ordinance Rezoning Property Located at 1621 Martin Springs Drive from C-2 (General Retail District), R-1 (Single Family District), and C-3 (Highway Commercial District) Zoning to All C-3 (Highway Commercial District) Zoning (Sakelaris): Community Development Director John Petersen pointed out the subject property, which consists of approximately ten-acres, is the former Zeno's Restaurant and Motel site. He told the Council Sakelaris Ford plans to move its dealership to this location. The applicant is requesting the property be zoned all C-3 (Highway Commercial District) zoning. Mr. Petersen reported the Planning and Zoning Commission recommend approval.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REZONING PROPERTY AT 1621 MARTIN SPRINGS DRIVE FROM C-2 (GENERAL RETAIL DISTRICT) ZONING,

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I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning Property Located at 1621 Martin Springs Drive from C-2 (General Retail District), R-1 (Single Family District), and C-3 (Highway Commercial District) Zoning to All C-3 (Highway Commercial District) Zoning (Sakelaris) (continued): R-1 (SINGLE FAMILY DISTRICT) ZONING, AND C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO ALL C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (SAKELARIS).

(C) Ordinance Rezoning Property Located at Lot 2, RSBR Subdivision from M-2 (Heavy Manufacturing District) Zoning to C-3 (Highway Commercial District) Zoning (West): Community Development Director John Petersen indicated the subject property is located off North Bishop Avenue. The property is currently zoned M-2 (Heavy Manufacturing District) and the applicant is requesting it be rezoned to C-3 (Highway Commercial District). Mr. Petersen said a J.D. Byrider franchise is planned to be constructed on the site. He informed the Council the Planning and Zoning Commission unanimously recommend approval of the requested rezoning.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF LOT 2, RSBR SUBDIVISION FROM M-2 (HEAVY MANUFACTURING DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (WEST).

(D) Ordinance Rezoning All of Lots 1 and 2 of Vienna Hills Subdivision from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) Zoning (Brown-Vienna Hills): Community Development Director John Petersen informed the Council the applicant is requesting the subject property be rezoned from R-1 (Single Family District) to R-3 (Multi-Family District) zoning. The applicant plans to construct two, four-plexes on the site.

After a brief discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

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I. PUBLIC HEARINGS (continued)

(D) Ordinance Rezoning All of Lots 1 and 2 of Vienna Hills Subdivision from R-1 (Single Family District) Zoning to R-3 (Multi-Family District) Zoning (Brown-Vienna Hills) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF LOTS 1 AND 2 OF VIENNA HILLS SUBDIVISION FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (BROWN – VIENNA HILLS).

(E) Kohl's TIF (Tax Increment Financing) Five-Year Public Hearing Per RSMo. 99.865: City Administrator John Butz explained the subject public hearing regarding the Kohl's Department Store TIF project, is a requirement of State Statute. He said a public hearing must be held every five years from the year the Redevelopment Plan. Mr. Butz recalled the subject project was approved in 2010, the store opened in 2012, the City received its first full year of sales tax and property taxes paid in 2013, 2014, and most of 2015. He referred the Council to a copy of the TIF Annual Statement, which was published in the newspaper. Mr. Butz told the Council that Kohl's corporate office is satisfied with their Rolla store. However, the store is not producing the projections that were laid out in the cost benefit analysis that is done prior to a TIF project being finally approved.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject TIF project.

Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, asked Mr. Butz if he would clarify a couple of comments he made. Mr. Sager asked Mr. Butz if it is fair to J.C. Penney to give Kohl's money back and making it easy for Kohl's to take business away from a store that has been in Rolla for many years.

Councilman Morris commented that when the City first considered the TIF project, the manager of J.C. Penney came out strongly in favor of Kohl's because he thought it would bring more people to this community to shop.

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

II. SPECIAL PRESENTATIONS

(A) 2015 Third Quarter Tourism Report: Ms. Stevie Kearse, Rolla Area Chamber of Commerce Executive Director, provided an overview of the Third Quarter Tourism Report.

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II. SPECIAL PRESENTATIONS (continued)

(B) Rolla Municipal Utilities (RMU) FY 2015 Fourth Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of the Rolla Municipal Utilities' (RMU) FY 2015 Fourth Quarter Report. He mentioned the complete report is available for review at www.rollamunicipalutilities.org.

III. OLD BUSINESS

(A) Ordinance Approving Amendment #002 to the Supervised Work Release Program Agreement: Public Works Director Steve Hargis explained the final reading of the subject ordinance would authorize the Mayor to enter into a contract with the South Central Correctional Center for day laborers from the Licking facility. He informed the Council these individuals work in the City's parks and streets by cutting grass and brush. Mr. Hargis said the City has been in this program for ten years and it has been very successful.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4240: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AMENDMENT #002 TO THE SUPERVISED WORK RELEASE PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE SOUTH CENTRAL CORRECTIONAL CENTER. 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; Crowell, Miller, Eudaly, Jung, Woolley, Jordan, Morris, Bowe, Williams, and Meusch. Nays; None. Absent; Long and Hines. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Motion Authorizing the Closing of Certain Streets During the Christmas Parade and Christkindl Market: Public Works Director Steve Hargis announced the Rolla Area Chamber of Commerce would be hosting the Christmas Parade on December 5 on Pine Street. In addition, the Rolla Area Sister City Association – Sondershausen, would be hosting a Christkindl Market on Seventh Street. Mr. Hargis requested the closing of Pine Street on December 5 for the Christmas Parade and the closing of Seventh Street between Rolla and Pine Streets the evening of December 4 and during the day of December 5 for

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IV. NEW BUSINESS (continued)

(A) Motion Authorizing the Closing of Certain Streets During the Christmas Parade and Christkindl Market (continued): the Christkindl Market. He told the Council the Sister City Association would like to erect the tent on Friday evening and keep the street closed overnight. After a brief discussion, a motion was made by Eudaly and seconded by Morris to authorize the closing of the requested streets. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried.

(B) Resolution Authorizing the Mayor to Execute a Sewer Use Agreement with Missouri S&T: Public Works Director Steve Hargis referred the Council to a proposed agreement and annexation request from Missouri S&T for a tract of land that is located within the complex of the University's Experimental Mine which is located off Bridge School Road. Mr. Hargis informed the Council this tract is not contiguous with the city limits and it only pertains to the area for a proposed 15,000 square foot classroom. He told the Council the cost to pump the sewage into the City's system would be borne by the University. Based on the building capacity of 395 and its use, the connection fee would be \$630. Mr. Hargis said the water usage would be unmetered and the City is proposing to charge the University 4.2 times the residential rate for a monthly rate of \$107.82. He reported that staff and the Planning and Zoning Commission recommend approval.

After some discussion, City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1852: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND MISSOURI S & T. A motion was made by Morris and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eight ayes, two nays, and two absent. Motion carried. The resolution passed.

(C) Ordinance Approving the Final Plat of Vienna Hills Subdivision (Brown): Community Development Director John Petersen explained the subject property is being split into two lots (Lots 1 & 2). No public comments regarding the request have been received.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE FINAL PLAT OF VIENNA HILLS, A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 8 WEST, ROLLA, MISSOURI. (VIENNA HILLS SUBDIVISION).

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IV. NEW BUSINESS (continued)

(D) Ordinance Approving the Replat of Lots 73, 74 and 75 of Block 3, James Addition: Community Development Director John Petersen indicated the applicant is requesting the consolidation of Lots 73, 74, and 75 into one lot to allow greater development flexibility. The subject property is located at 407 North Olive Street.

Following some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE REPLAT OF A FRACTIONAL PART OF LOTS 73, 74, AND 75, BLOCK 3, JAMES ADDITION INTO LOT 1, TO THE CITY OF ROLLA, MISSOURI (407 NORTH OLIVE STREET) (WOOLF'S SECOND ADDITION).

(E) Ordinance Authorizing the Mayor to Execute a Technical Assistance Contract with the Edgar Springs Rural Fire Protection District: Finance Director Steffanie Rogers referred the Council to the proposed contract between the Edgar Springs Rural Fire Protection District and the City of Rolla. She reported she was approached a few weeks ago by City Counselor Lance Thurman who requested consideration to provide accounting and financial services for the District. Ms. Rogers also reported the District would like the Council to consider the first and final reading of the subject ordinance.

After discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4241: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE EDGAR SPRINGS RURAL FIRE PROTECTION DISTRICT. A motion was made by Williams 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 seven ayes, three nays, and two absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Jung, Woolley, Miller, Bowe, Meusch, Morris, and Eudaly. Nays; Crowell. Absent; Hines and Long. Motion carried. The ordinance passed.

Mayor Magdits asked City Administrator John Butz if staff would provide information to the Council as to how the City charges for these types of arrangements.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Police Department Building Repairs: Police Chief Sean Fagan reported only one bid was received to repair the exterior of the Police Department building. He said staff would like to refinish the side of the building so it matches the remainder of the building. Chief Fagan said the building is covered with material called EIFS. He informed the Council the sole bidder was Auxier Drywall, St. James, Missouri, for \$23,922. However, the bid received does not cover the repair of the large cracks, which are located in a different part of the building. Chief Fagan said this would need to be repaired later. He asked the Council to consider awarding the bid to Auxier Drywall for Option 1, which would consist of a foam covering over the existing concrete block that the EIFS product would cover. A motion was made by Williams and seconded by Morris to award the bid for the subject project to Auxier Drywall, St. James, Missouri, for \$23,922. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Endorsement of “Small Business Saturday” Proclamation: Mayor Magdits reported Saturday, November 28, 2015, has been designated as “Small Business Saturday,” throughout the nation, which is a campaign to cultivate business for small merchants. He told the Council a proclamation has been prepared which will be presented during the Rolla Area Chamber of Commerce Luncheon on November 18. Mayor Magdits noted the small businesses in Rolla are in the top three of our local employment base. Many times they employ and train young people and it is oftentimes their first jobs and small business provides that opportunity. Mayor Magdits pointed out small businesses face an ever-increasing level of bureaucracy and regulations from various State and Federal agencies. Small businesses are very philanthropic and there is no end to the amount of solicitations that the local business people get from youth groups, fundraisers, church groups, etc. Mayor Magdits said small businesses are a very deserving group and we should be mindful of that as the shopping season comes upon us.

(B) Craig’s List: Mayor Magdits said he has noticed in conversations with people, that more are commenting they are buying items from businesses like Craig’s List. He said he is aware some cities are creating safe zones for transactions of this type. Mayor Magdits asked Chief Fagan if Rolla has a safe zone.

Police Chief Sean Fagan reported the Rolla Police Department commented a few months ago on Facebook and other social media sites about the use of its parking lot as a safe

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VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Craig's List (continued): zone. He said folks could either use the Police Department lobby, depending on the item being sold, or the Police Department parking lot. If they do not feel comfortable with the transaction, they can request an officer be present during the transaction. Chief Fagan said the safe zone has been in operation for about six months.

Mayor Magdits asked Rolla Daily News reporter R.D. Hohenfeldt if he would mind including the safe zone into an article.

VII. CITIZEN COMMUNICATION

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

(1) Mr. Tom Sager, 8 Laird Avenue, Rolla, Missouri, commented Craig's List could be dangerous. He relayed a case in Texas where a woman was murdered. He cautioned people using Craig's List.

Regarding the TDD (Transportation Development District), Mr. Sager said he noticed the petition was filed on November 13, nine days late. He reiterated the TDD is basically a gerrymandered district that includes most of the major businesses in Rolla. Mr. Sager said the TDD is essentially a tax on most of Rolla and unlike a normal tax, like the one voted on last April, this tax would not be voted on by the people, rather only by the owners of businesses in the District. Mr. Sager stated he would call this taxation without representation.

Mr. Sager said his second concern is the amount of space taken out of Buehler Park. He said he is concerned about the impact this project might have on Buehler Park, which he pointed out is a dedicated park and is under restrictions as to what can be done and what cannot be done with the park.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

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IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 8:16 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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