

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 17, 2015; 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, Greg Sawyer, Matthew Miller, Kelly Long, Susan J. Eudaly, Don Morris, Stephen Bowles, Jim Williams, Brian Woolley, and Walt Bove

Council Members Absent: Monty Jordan and Tony Bahr

Department Directors in Attendance: Public Works Director Steve Hargis, Fire Chief Robert Williams, Environmental Services Director Brady Wilson, Interim Police Chief Rick Williams, Community Development Director John Petersen, 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 a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Steve Bowles then led in the Pledge of Allegiance.

Councilman Brian Woolley entered the meeting at approximately 6:32 p.m.

I. PUBLIC HEARINGS

(A) Ordinance Approving the Country Hills Site Plan on All of Lot 2, Country Hills Subdivision, and Located at 2101 Old St. James Road (Hart): Community Development Director John Petersen explained the subject property, which is located off Old St. James Road, consists of 10 acres and is zoned R-3 (Multi-Family District). Mr. Petersen noted City Code requires a site plan be submitted to the Planning and Zoning Commission and the Rolla City Council for approval. He pointed out the subject development would consist of ten groups of four units (40 single-family attached units). Mr. Petersen indicated all residential lot splits require either the dedication of parkland or a fee-in-lieu-of payment. He said Parks and Recreation Director Scott Caron prefers a fee-in-lieu-of payment of \$6,100. However, he informed the Council the developer is requesting the fee-in-lieu-of payment be waived and the \$6,100 payment be considered as part of the expense to build a community center and recreation facility to serve the

FEBRUARY 17, 2015

**COUNCIL MEETING MINUTES
FEBRUARY 17, 2015
PAGE 2**

I. PUBLIC HEARINGS (continued)

(A) Ordinance Approving the Country Hills Site Plan on All of Lot 2, Country Hills Subdivision, and Located at 2101 Old St. James Road (Hart) (continued): recreation needs of the Country Hills residents. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the subject site plan and recommend waiving the \$6,100 to help offset some of the cost of constructing the community center. He added the applicant has requested the Council consider the first and final readings of the subject ordinance at this meeting.

Some of the discussion that followed pertained to constructing a sidewalk along Old St. James Road adjacent to the development.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject site plan.

Mr. Ray Schweikhardt, 1342 S. Rolla Street, stated he is opposed to waiving the \$6,100 for fee-in-lieu-of parkland. He said the City is in a big enough bind with its parkland and park money. Mr. Schweikhardt asked the Council to take the payment.

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

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE COUNTRY HILLS SITE PLAN FOR ALL THE PROPERTY LOCATED AT 2101 OLD SAINT JAMES ROAD, LOT 2 COUNTRY HILLS SUBDIVISION (HART).

A motion was made by Morris and seconded by Bowles to amend the subject ordinance by declining to remove the fee-in lieu for payment. After some discussion, a voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried.

Ms. Buschjost then read the following proposed ordinance, for its first reading by title, as amended. ORDINANCE: AN ORDINANCE TO APPROVE THE COUNTRY HILLS SITE PLAN FOR ALL THE PROPERTY LOCATED AT 2101 OLD SAINT JAMES ROAD, LOT 2 COUNTRY HILLS SUBDIVISION (HART), with the following amendment placed at the end of the second to last sentence: "The Council declined to waive the fee in lieu for payment."

Mayor Magdits indicated City Administrator John Butz would discuss the sidewalk issue with the developer before the next Council meeting.

FEBRUARY 17, 2015

I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning Property at 803 Southview Drive from R-1 (Single Family District Zoning) to GI (Government/Institutional District) Zoning (RMU):

Community Development Director John Petersen explained the subject property is owned by Rolla Municipal Utilities (RMU) and consists of approximately 300 square feet. The property contains a small structure serving as a well house and RMU plans to construct a new well house on the property. Mr. Petersen told the Council the property is currently zoned R-1 (Single Family District). Since the land use is governmental, RMU is requesting the property be rezoned to GI (Government/Institutional District). The Planning and Zoning Commission 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 NO. 4186: AN ORDINANCE TO REZONE A FRACTIONAL PART OF LOT 12 OF THE OAK KNOLL SUBDIVISION LOCATED AT 803 SOUTHVIEW DRIVE FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO GI (GOVERNMENT/INSTITUTIONAL) ZONING (RMU). A motion was made by Long and seconded by Sawyer 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; Woolley, Bowe, Miller, Williams, Hines, Bowles, Long, Morris, Sawyer, and Eudaly. Nays; None. Absent; Bahr and Jordan. Motion carried. The ordinance passed.

II. SPECIAL PRESENTATIONS

(A) Rolla Municipal Utilities (RMU) FY 2015 First Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne provided a brief overview of the Rolla Municipal Utilities' (RMU) first quarter report. He noted the complete report is available for review at www.rollamunicipalutilities.org.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Replatting Lot 2, Cedar Trail Planned Unit Development, Plat No. 2, Forming a Minor Subdivision Consisting of Lots 5, 6, 7 & 8 of the Former Lot 2 Cedar Trails Subdivision (Cedar Trails, LLC): Community Development Director John Petersen informed the Council the property owners of the Cedar Trail Planned Unit Development (PUD) would like to sell some of their property. The applicant is proposing to revise the Cedar Trails Subdivision by renumbering Lot 2 and creating two new lots to allow the construction of not more than nine, single story, four-plex dwelling units. Mr. Petersen explained the Planning and Zoning Commission recommend approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4187: AN ORDINANCE APPROVING THE RESUBDIVISION OF CEDAR TRAIL PLANNED UNIT DEVELOPMENT PLAT NO. 2; A MINOR RESUBDIVISION OF LOT 2, CONSISTING OF NEW LOTS 5, 6, 7 AND 8 (CEDAR TRAILS LLC). A motion was made by Morris and seconded by Bowles 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 Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sawyer, Eudaly, Hines, Miller, Bowe, Williams, Bowles, Long, Morris, and Woolley. Nays; None. Absent; Bahr and Jordan. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Execute an STP-Urban Program Agreement with the Missouri Highways & Transportation Commission for Signal Backup Power: Public Works Director Steve Hargis referred the Council to two agreements for STP-Urban Funding. Typically, STP Urban (Surface Transportation Program Urban) Funds are an entitlement through the Federal Government and administered by the State. Mr. Hargis said it is money the City can use to conduct improvements on its primary routes (both State and City-owned) within the city. The first project is for backup power for traffic signals. Mr. Hargis explained there are fourteen locations on city routes and seven locations on State routes. He noted the State has already completed backup power on seven of their intersections and this project would complete the remaining seven. In the event of a power outage, all signals would have backup power.

Mr. Hargis noted the second project is for centerline striping along the major routes within the city. Once these stripes have been completed, City crews would maintain them.

IV. NEW BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Execute an STP-Urban Program Agreement with the Missouri Highways & Transportation Commission for Signal Backup Power (continued): Mr. Hargis informed the Council the backup power project cost is about \$260,000 and the striping project cost is about \$25,000. The STP-Urban Funds will help fund these improvements with an 80% Federal match and 20% City match.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4188: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN STP-URBAN PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Morris and seconded by Eudaly 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 Morris and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Woolley, Miller, Williams, Hines, Bowles, Bowe, Sawyer, Eudaly, and Long. Nays; None. Absent; Bahr and Jordan. Motion carried. The ordinance passed.

(C) Ordinance Authorizing the Mayor to Execute an STP-Urban Program Agreement with the Missouri Highways & Transportation Commission for Pavement Markings: City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4189: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN STP-URBAN PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Eudaly and seconded by Sawyer 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; Hines, Long, Williams, Miller, Eudaly, Sawyer, Bowles, Woolley, Morris, and Bowe. Nays; None. Absent; Bahr and Jordan. Motion carried. The ordinance passed.

IV. NEW BUSINESS (continued)

(D) Ordinance Authorizing the Mayor to Execute the “Major Transportation Funding Partners” MOU: City Administrator John Butz recalled that during its last meeting the Council authorized the Mayor to execute a contract with HNTB to provide major transportation planning along Rolla’s primary routes, i.e., Highway 63, Bishop Avenue, Highway 72 extension, Kingshighway, Tenth Street. The Council approved this with the premise that the City was working with UTW, the preferred developer for Rolla West, the hospital, and the university and all agreed to equally split that funding (\$37,500 each, not to exceed). Mr. Butz referred the Council to the Memorandum of Understanding (MOU) that lays out the expectations of the four parties. He relayed that everyone has reviewed the MOU and are supportive of it. Mr. Butz added the changes to the indemnification clauses have been made and were approved by HNTB.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4190: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF ROLLA, MISSOURI, AND MAJOR TRANSPORTATION FUNDING PARTNERS. A motion was made by Eudaly and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, one nay, 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 Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Bowles, Williams, Hines, Woolley, Long, Bowe, Sawyer, Morris, and Miller. Nays; None. Absent; Jordan and Bahr. Motion carried. The ordinance passed.

(E) Resolution Granting a Five-Year Extension to the Rolla National Airport Agricultural Lease: City Administrator John Butz informed the Council that Mr. Russ Adams has been working with the City at the Rolla National Airport since 1995. He said Mr. Adams has done a nice job and been very conscientious. He recalled that five years ago, Mr. Adams exercised his option for a five-year renewal and at that time, staff recommended the work be bid out at the end of that five-year term. Mr. Butz said the City really has no idea of the market value of the improvements or acreage, since it has not been bid since 1995. He indicated, however, that the Council was very comfortable granting another five-year extension. By the letter in the Council packets, Mr. Butz explained that Mr. Adams is exercising his option for a five-year extension that would continue through March 2020. Additionally, Mr. Adams is requesting Council consideration for an additional five years at his option on the back end that would take it

IV. NEW BUSINESS (continued)

(E) Resolution Granting a Five-Year Extension to the Rolla National Airport Agricultural Lease (continued): through 2025. While it has been a good working relationship, Mr. Butz said he contends the City does not have a feel for how that property can best be utilized without getting to the point where it can be bid. Mr. Butz said staff is not making the recommendation to grant an additional five-year extension. Mr. Butz then outlined the proposed changes to the lease for the next five years.

Mr. Russ Adams, who addressed the Council, said he lives east of Vichy, with a St. James, Missouri mailing address. He explained the agricultural area is not a usual farm, rather an airport operation. Mr. Adams said he believes he has adapted well to the aviation enterprise. He indicated he has made some improvements to property over the years and believes there are additional improvements to be made which are primarily agricultural, but they would increase the value for future leases. Mr. Adams asked the Council that he be given the ability to have an option to renew the lease for another five years after the 2020 extension.

After some discussion, City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1836: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA TO EXECUTE THE AMENDMENT TO THE AGRICULTURAL LEASE DATED MARCH 7, 2005 AND RESOLUTION NO. 1710, AN AMENDMENT TO SAID LEASE DATED MARCH 15, 2010, BY AND BETWEEN THE CITY OF ROLLA, MISSOURI (LESSOR) AND RUSSELL C. ADAMS (LESSEE), ST. JAMES, MISSOURI. Following additional discussion, a motion was made by Williams and seconded by Woolley to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Resolution Authorizing the Mayor to Execute a Financing Contract with US Bank, Missouri: Finance Director Steffanie Rogers informed the Council that staff received bids for the financing of a vibratory roller and dump truck for the Public Works Department. She reported seven bids were received and staff is recommending the bid be awarded to US Bank at 1.74% for five years with an annual appropriation of \$40,851.03,

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1837: A RESOLUTION AUTHORIZING THE

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Resolution Authorizing the Mayor to Execute a Financing Contract with US Bank, Missouri (continued): 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 US BANK, MISSOURI. 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.

(B) Motion Awarding Underwriter Services for FY 2015 and Future Projects: Finance Director Steffanie Rogers explained that during the budget process for FY 2015, staff was authorized to pursue \$3 million in underwriting services for financial advisory services for financing Street capital improvements and future bond issuances and/or special projects that may arise over the next three years. She informed the Council that Requests for Qualifications (RFQs) were requested for these services and three RFQs were received from Oppenheimer, Edward Jones, and WM Financial Strategies. Ms. Rogers said staff is recommending the RFQ be awarded to Oppenheimer as an underwriter.

A motion was made by Williams and seconded by Long to award the Underwriter Services for FY 2015 to Oppenheimer. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Proclamation in Support of Fort Leonard Wood: Mayor Magdits noted the Department of Defense is asking the Pentagon to significantly cut (over \$1 trillion) missions, realignments, and personnel over the next decade. Fort Leonard Wood is considered the fifth largest employer in the State of Missouri and contributes some \$3 billion per year and 36,000 jobs to our local area. Additionally, Mayor Magdits noted an estimated 200,000 people visit Fort Leonard Wood for military graduations, which has an impact on visitors and tourism to our area. Since the Council is scheduled to meet on March 2, which is also the date of the Fort Leonard Wood listening session, the suggestion was to at least show the City's support in the form of a proclamation. Mayor Magdits then read the last paragraph of the subject proclamation as follows: "NOW, THEREFORE, BE IT RESOLVED, that the City of Rolla by means of its City Council and Mayor Louis J. Magdits, IV, hereby strongly urge the United States Department of Defense and Missouri's Congressional delegation to protect, promote, and leverage Fort

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Proclamation in Support of Fort Leonard Wood (continued): Leonard Wood and Missouri's other military bases and agencies, to keep the number of military personnel in the state intact, and to preserve defense industry procurement so that Missouri may continue to support the defense and protection of the United States and keep its economy in sound fiscal condition." A motion was made by Williams and seconded by Bowles to approve the proposed proclamation. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Reappointment of Mr. Tom Thomas and Mayor Lou Magdits to the Tax Increment Financing Commission (TIF), February 2019: A motion was made by Williams and seconded by Bowles to reappoint Mr. Tom Thomas and Mayor Lou Magdits to the Tax Increment Financing Commission (TIF) until February 2019 each. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(C) Reappointment of Mr. Steven B. Shields to the Planning & Zoning Commission, February 2019: A motion was made by Long and seconded by Sawyer to reappoint Mr. Steven B. Shields to the Planning and Zoning Commission until February 2019. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Approval of Ordinances: Mayor Magdits said it is certainly the Council's prerogative, but it seems with increasing frequency, the Council is waiving the rules on some of the ordinances. He pointed out that some fall into the normal course of business, but there are some that involve adjacent property owners. Mayor Magdits said it may seem straightforward and nobody has approached the City, but sometimes by the virtue of this meeting and the articles in the paper and people watching on television, some of the neighbors use that second two weeks to think about it. Mayor Magdits asked the Council to consider this on some of these waivers. Additionally, he pointed out the Council previously required applicants to come in person to state their case on why the Council

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

(A) Approval of Ordinances (continued): should consider waiving the rules and conduct the final reading of an ordinance. Mayor Magdits pointed out that it seems, as of late, applicants are not even bothering to put in writing a request to waiver.

(B) Proposition P: City Administrator John Butz noted Proposition P is scheduled for the April 7, 2015, election and the grassroots effort to support the campaign is beginning. However, from the side of the City, he said the Council should understand what happens if Proposition P fails. The impact in the budget that has been adopted is very significant and he believes it is important for the Council to understand it to be able to explain it. Mr. Butz said staff is proposing a special Council Workshop for Monday, February 23, 2015, beginning at 5:30 p.m. to discuss the scope of the budget as it has been adopted and what it will mean on April 7, 2015, if it is not successful.

(C) Street Crew: Councilman Morris thanked the street crew for the job they did in clearing the streets after the last snowfall.

IX. CLOSED SESSION

A motion was made by Williams and seconded by Eudaly to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss legal review. A roll call vote on the motion showed the following: Ayes; Miller, Hines, Woolley, Williams, Bowe Sawyer, Bowles, Long, Eudaly, and Morris. Nays; None. Absent; Bahr and Jordan. Motion carried.

The Council adjourned into Closed Session at approximately 7:57 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:16 p.m.

City Counselor Carolyn Buschjost reported the Council met in Closed Session and discussed a legal matter and no final decisions were made.

**COUNCIL MEETING MINUTES
FEBRUARY 17, 2015
PAGE 11**

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:17 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

FEBRUARY 17, 2015