

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 18, 2018; 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, Kelly Long, Matthew Crowell, David Schott, Don Morris, John Meusch, Jim Williams, Brian Woolley, and Walt Bowe

Council Members Absent: Jonathan Hines and Steven Jung

Department Directors in Attendance: Interim Community Development Director Steve Flowers, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Sean Fagan, Fire Chief Ron Smith, and Environmental Services Director Brady Wilson

Other City Officials in Attendance: City Administrator John Butz, City Planner James Shields, City Counselor Carolyn Buschjost, Recreation Manager Kristy Rich, Parks Superintendent Stan Busch, 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 Jim Williams led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Rezoning 0.69-Acre Tract Located 470 Feet West of Oaklane Drive & South Bishop Ave. Intersection (Chen): City Planner James Shields noted one of the subject parcels is vacant and the other parcel is located at 901 Oaklane Drive, about 470 feet west of the intersection of Oaklane Drive and South Bishop Avenue. Chen's Estate Management, LLC, owns the subject parcels. Mr. Shields explained the request is to rezone the property from General Retail District (C-2) to Multi-Family District (R-3). If approved, the applicant proposes to establish the land use of multi-family dwellings by constructing five, vertically attached dwelling units on each parcel. Mr. Shields reported the Planning and Zoning Commission voted to deny the subject-rezoning request.

In the discussion that followed, the Council expressed concerns with parking for the proposed development and the narrowness of Oaklane Drive.

DECEMBER 18, 2017

**COUNCIL MEETING MINUTES
DECEMBER 18, 2017
PAGE 2**

I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning 0.69-Acre Tract Located 470 Feet West of Oaklane Drive & South Bishop Ave. Intersection (Chen) (continued): Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Ken Boeker, 1401 Highway E, Rolla, Missouri, informed the Council that he owns the property directly across the street from the subject property. He told the Council he feels a commercial development is imminent, Oaklane Drive could be vacated, and a cul-de-sac could be constructed at the end of Adrian Avenue, which would give everyone access to their properties in the R-1 (Single Family District) zoned areas, including his property. Mr. Boeker stated he is opposed to the R-3 (Multi-Family District), zoning because it does not quite conform to what he sees as a commercial property and the current zoning scheme.

Ms. Jennifer Nixon, 623 S. Adrian Avenue, Rolla, Missouri, stated her primary concern is the parking, which the Council discussed. Additionally, she said she was unaware there was a commercial development lot near her house, because her house is located toward Wal-Mart down Adrian Avenue. Ms. Nixon told the Council she is not opposed to the property becoming a residential location. However, her concern is the density with the proposed two, five plexes with two bedrooms. Ms. Nixon added she is concerned that when people cannot find a place to park, they will park in yards and along the road behind her house. She pointed out the traffic will definitely increase if developed to General Retail District (C-2). Ms. Nixon concluded by saying she would be supportive of vacating Oaklane.

Mr. Tom Lin, representing Chen's Estate Management, LLC, told the Council they just purchased property the subject parcels, which are zoned C-2 (General Retail District). He said he would like to keep it C-2 (General Retail District) and have Oaklane Drive vacated if someone is going to put in the money to develop that area. Mr. Lin asked how likely that is, because it has been zoned C-2 (General Retail District) for some time. He noted the property at 901 Oaklane Drive has been vacant for a number of years and has some structural issues. Mr. Lin said there should be plenty of off-street parking and is against allowing parking on Oaklane Drive because it is narrow. He told the Council that is why they plan to construct a garage with two driveway spots per unit, which should solve the parking issue. Mr. Lin stated if parking continues to be an issue, he would be willing to reduce the number of units from five to four. He added there is no point of putting more money into the small house.

DECEMBER 18, 2017

**COUNCIL MEETING MINUTES
DECEMBER 18, 2017
PAGE 3**

I. PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning 0.69-Acre Tract Located 470 Feet West of Oaklane Drive & South Bishop Ave. Intersection (Chen) (continued): 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 REZONING OF THE 0.69-ACRE TRACT OF LAND THAT IS LOCATED IN ROLLA, MISSOURI AND IDENTIFIED WITH THE PHELPS COUNTY ASSESSOR'S ACCOUNT NUMBERS OF 10668 AND 10668.01 FROM THE GENERAL RETAIL DISTRICT (C-2) TO THE MULTI-FAMILY DISTRICT (R-3). (CHEN)

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Consolidating 206 and 208 E. 12th Street and 207 and 209 E. 11th Street (Sigma PI Addition): City Planner James Shields explained the subject request is to consolidate four parcels known as 206 and 208 E. 12th Street and 207 and 209 E. 11th Street into one parcel. The parcels are located in north-central Rolla along the west side of the Burlington Northern Railroad, between 11th and 12th Streets. Mr. Shields told the Council the subject parcels are owned by Alpha Iota Building Association and are located in an R-3 (Multi-Family District) zoned area. The lots are currently in non-conforming lot status because they were created before the City's current zoning regulations were in place. Once consolidated, Mr. Shields noted the lots would become conforming to R-3 (Multi-Family District) requirements. The applicant is proposing to use the subdivision process to consolidate the parcels to build a new 24-bedroom fraternity house.

After discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE CONSOLIDATION OF THE FOUR PARCELS THAT ARE KNOWN

DECEMBER 18, 2017

**COUNCIL MEETING MINUTES
DECEMBER 18, 2017
PAGE 4**

IV. NEW BUSINESS (continued)

(A) Ordinance Consolidating 206 and 208 E. 12th Street and 207 and 209 E. 11th Street (Sigma PI Addition) (continued): AS 206 AND 208 EAST 12TH STREET AND 207 AND 209 EAST 11TH STREET INTO ONE PARCEL THROUGH THE RESUBDIVISION PROCESS. (SIGMA PI ADDITION).

(B) Ordinance Consolidating 1601, 1603 & 1605 North Pine Street (Theta XI Addition): City Planner James Shields reported the Alpha Psi Association of the Theta Xi Fraternity is requesting the consolidation of 1601, 1603 and 1605 North Pine Street. He noted the subject parcels are located at the intersection of North Pine Street and West 16th Street. The subdivision is being done to expand the fraternity facility currently located at 1605 North Pine Street. Mr. Shields referred the Council to a letter from the applicant, which asked the Council to consider the first and final readings of the subject ordinance at this meeting.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE CONSOLIDATION OF THE THREE PARCELS THAT ARE KNOWN AS 1601, 1603, AND 1605 NORTH PINE STREET INTO ONE PARCEL THROUGH THE RESUBDIVISION PROCESS. (THETA XI ADDITION). A motion was made by Morris and seconded by Woolley to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed five ayes, five nays, and two absent. Mayor Magdits broke the tie by voting in favor of the motion. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Woolley, Miller, Bowe, Crowell, Meusch, Long, Morris, and Schott. Nays; Jordan. Absent; Jung and Hines. Motion carried. The ordinance passed.

(C) Discussion Exploring New Ways to Notify the Public of Land Use Action Proposals: As requested by City Administrator John Butz, City Planner James Shields noted he was asked to explore new ways to notify the public of land use actions/proposals. As required by State law, the City is required to hold a public hearing and post an advertisement in a local newspaper at least 15 days before the public hearing. Mr. Shields explained the City's current notification methods for rezoning includes letters to all property owners within a 185 feet perimeter.

DECEMBER 18, 2017

IV. NEW BUSINESS (continued)

(C) Discussion Exploring New Ways to Notify the Public of Land Use Action Proposals (continued): Mr. Shields said other options might be to expand the perimeter of property owner mailing lists and mail to renters. Letters could be sent to both the site address and the property owner address. In addition to posting the staff reports in the agenda materials, which are posted online, it could be highlighted on the front page of the City's website. Mr. Shields noted this could also be done on the City's Facebook page.

Mayor Magdits indicated staff would prepare a policy for the Council to approve. The Council's consensus was to improve online notification, expanding the property owner notification to within 300 feet and to place a sign in the front lawn of the subject property with information about the proposed rezoning, etc.

(D) Motion Authorizing the Mayor to Execute Buyer/Brokerage Contract Amendment with Investment Realty (60-Day Extension): City Administrator John Butz noted the City has been working with Investment Realty for a year on the acquisition of the Highway 72 extension project properties. All but one property acquisition has been finalized. Mr. Butz noted the current contract with Investment Realty expires in December and the request was made by Mr. Mike Woessner of Investment Realty to extend the contract for 60 days to get past the period of potential appeal on the property. A motion was made by Williams and seconded by Morris to authorize the Mayor to execute the 60-day Buyer/Brokerage Contract Amendment with Investment Realty. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(E) Motion to Approve Memorandum of Agreement – Sustainable Ozarks Partnership (SOP): City Administrator John Butz explained the City has been involved with the Sustainable Ozarks Partnership (SOP) since its beginning in 2013. He noted it was formed to support Fort Leonard Wood and the impact on the State of Missouri. Mr. Butz stated that for the past few years the SOP has been funded through a variety of contracts, grants, and tax credit programs and some of those are waning and a mission is being ramped up. The SOP has approached communities throughout the four county area for support of a sustainable membership allocation. Mr. Butz indicated Rolla is being asked to actively support the SOP at \$15,000 a year. He added he asked the SOP to prepare or consider a Memorandum of Agreement. Mr. Butz said the City has reached out to the hospital as a possible partner in SOP, but has not yet received a commitment.

IV. NEW BUSINESS (continued)

(E) Motion to Approve Memorandum of Agreement – Sustainable Ozarks Partnership (SOP) (continued): Mayor Magdits added staff is not asking the Council to necessarily approve this at this meeting. He indicated staff would first like to see what the hospital's response is.

Mr. Kent Thomas, Executive Director of the SOP, addressed the Council concerning the SOP budget and entertained questions from the Council.

Mr. Butz indicated staff would follow-up with the hospital and report back at the Council's next meeting.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Green Acres Park New Playground Structure: Parks Superintendent Stan Busch asked the Council to consider awarding the bid for the Green Acres Park new playground structure to Play Scapes/Play and Park Structures for \$105,509.04. He pointed out the choice was also recommended and approved by the Park Advisory Board at its November meeting. A motion was made by Williams and seconded by Long to award the bid for the Green Acres Park new playground structure to Play Scapes/Play and Park Structures, Yates Center, Kansas for \$105,509.04. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

Mr. Butz noted the playground structure would be paid with Proposition P funds.

(B) Motion Awarding 2018 & 2019 Beverage Bids for Ber Juan Sportsplex, Centre & SplashZone: Recreation Manager Kristy Rich reported bids were received from Pepsi-Cola Bottling Company and Ozarks Coca-Cola for 2018 and 2019, with the option of three, one-year extensions. Staff recommends the bid be awarded to the low bidder, Pepsi-Cola Bottling Company. Ms. Rich reported the Park Advisory Board also recommends the award to Pepsi-Cola Bottling Company. A motion was made by Williams and seconded by Long to award the beverage bid to Pepsi-Cola Bottling Company. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Doug Roberts to the Health and Recreation Center Board (April 2020): A motion was made by Williams and seconded by Long to appoint Mr. Doug Roberts to the Health and Recreation Center Board to replace Mr. Mike Miller. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Parkland Dedication Policy Committee: City Administrator John Butz recalled that during the Council's last meeting there was some discussion regarding the Woessner proposal for annexation/development to waive the parkland dedication fee. Rather than waive the fee, the Council decided to review the City's policy. Mr. Butz referred the Council to the proposed committee formation of the Parkland Dedication Policy Committee, which outlines the deliverables and the structure of what staff is proposing. He said staff is recommending a six-member committee with three members being the Mayor and two City Council members. Mr. Butz indicated the Council would be asked to formally consider the policy at its next meeting. After discussion, the Council's consensus was to proceed.

VII. CITIZEN COMMUNICATION

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

VIII. CLOSED SESSION

None.

IX. ADJOURNMENT

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

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

DECEMBER 18, 2017