

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, DECEMBER 4, 2006  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET  
6:30 P.M.**

**Presiding:** Mayor William S. Jenks, III

**Council Members in Attendance:** Monty Jordan, Donald Barklage, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Judy Jepsen, Lou Magdits, Jim Williams, Terry Harris, and Charlotte Wiggins

**Council Members Absent:** Terry Ruck and Richard Sibley

**Department Directors in Attendance:** Public Works Director Steve Hargis, Solid Waste Director Brady Wilson, Recreation Center Director Scott Caron, Police Chief David Pikka, Fire Chief Robert Williams, Finance Director Steffanie Rogers, Community Development Director John Petersen, and Park and Recreation Director Ken Kwantes

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor John Beger, Communications Coordinator Scott Grahl, and City Clerk Carol Daniels

Mayor William S. Jenks, III, called the meeting to order at approximately 6:30 p.m. and asked Rev. Mary Ann Pulley of the Agape' Full Gospel Christian Center to give the invocation. Following the invocation, Mayor Jenks asked Councilmember Monty Jordan to lead in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A motion was made by Williams and seconded by Eudaly to approve the Consent Agenda, as submitted. A voice vote on the motion showed unanimous approval. Motion carried.

The consent agenda consisted of the following:

**(A) City Council Minutes:** The minutes of the November 6, 2006, and November 20, 2006, regular and Executive Session City Council Meetings, and the November 13, 2006, Special Rolla City Council Workshop.

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**II. PUBLIC HEARINGS**

None.

**III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS**

**(A) Acknowledgment of Years of Service for Councilman Jim Waterman:** Mayor Jenks presented a Certificate of Appreciation to former Councilmember Jim Waterman for his service to the City from April 2003 to July 2006. Mayor Jenks expressed the City's appreciation for his years of service.

**IV. REPORTS OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS**

Mayor Jenks referred the Council to **(A)** the Rolla Municipal Utilities Monthly Report for October 2006; **(B)** the November 14, 2006, preliminary minutes of the Planning and Zoning Commission meeting; **(C)** The CENTRE FY '07 Financial Analysis; **(D)** the Cable Franchise Review Committee Reports for October 30 and November 13, 2006; **(E)** the City of Rolla Smoking Ordinance Committee Report for October 19, 2006, and; **(F)** the Dangerous Animals Appeal Board Hearing Report of November 2, 2006.

In the minutes of the October 30, 2006, Cable Franchise Review Committee, Councilmember Williams pointed out that Mr. Tom Shipley is shown as being both absent and voting.

Councilmember Wiggins called the Council's attention to The CENTRE's financial analysis for FY 2007 where it shows the October 2006 recapture rate was 129.76%. She complimented Recreation Center Director Scott Caron for a good job.

**V. OLD BUSINESS**

**(A) Ordinance to Approve Basswood Subdivision (Parkview Baptist Corporation):** Community Development Director John Petersen noted that the subject subdivision contains two-lots. The applicant is requesting the property be split in order to facilitate future development. The Planning and Zoning Commission recommend approval of the subject subdivision.

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**V. OLD BUSINESS (continued)**

**(A) Ordinance to Approve Basswood Subdivision (Parkview Baptist Corporation) (continued):** City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3781: AN ORDINANCE APPROVING BASSWOOD SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (PARKVIEW BAPTIST CORPORATION). A motion was made by Williams and seconded by Wiggins to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Williams, Harris, Eudaly, Wiggins, Barklage, Jepsen, and Spadoni. Nays; None. Absent; Ruck and Sibley. Motion carried. The ordinance passed.

**(B) Ordinance to Amend Certain Provisions of Chapter 28 Pertaining to Weeds and Other Rank Vegetation:** Community Development Director John Petersen noted that the only change since the Council last discussed the proposed ordinance is the language that was proposed by Council concerning the maintenance of large undeveloped lots. He noted that this is addressed in Section 3 of the proposed ordinance.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3782: AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 28 OF THE ROLLA CITY CODE, ARTICLE II, ENTITLED "WEEDS AND OTHER RANK VEGETATION." A motion was made by Hicks and seconded by Jepsen to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Jordan, Harris, Williams, Wiggins, Barklage, Magdits, Eudaly, Hicks, and Jepsen. Nays; None. Absent; Sibley and Ruck. Motion carried. The ordinance passed.

**VI. NEW BUSINESS**

**(A) Resolution to Authorize the Contract for Service – Promotions with the Rolla Area Chamber of Commerce:** City Administrator John Butz stated that the following three items are the culmination of about six weeks of work between a committee the Council approved consisting of representatives from the Chamber of Commerce and the City Council. Mr. Butz pointed out that the first document is a contract for service with the Chamber of Commerce that contracts and meets the requirements of the Statute that says the City will consult with a not-for-profit group to administer the funds to conduct

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**VI. NEW BUSINESS (continued)**

**(A) Resolution to Authorize the Contract for Service – Promotions with the Rolla Area Chamber of Commerce (continued):** the promotion/tourism efforts. He stressed that this is a radically different contract in many respects to the contract that was passed in 1993. Perhaps most significant is the current contract was for 25 years. Mr. Butz noted that the parties involved mutually agreed that this contract be a three-year contract with two, one-year provisions.

Mr. Butz noted that there is some concern that the title of the proposed resolution invalidates the original contract executed on April 5, 1993, which was approved by a motion. However, staff is recommending a resolution authorizing the Mayor to enter into the subject contract. While the voiding of the original contract is in the preamble, it is not in the text of the resolution and a suggestion was made to include it in the text of the contract for service resolution.

Councilmember Magdits noted the Council had a self-imposed deadline of December 4, 2006, to complete this project. However, he said he did not want to see the benchmarks forgotten. He suggested some statement that says within a couple of weeks meaningful and objective benchmarks will be drafted.

After discussion, a motion was made by Magdits and seconded by Wiggins for the Council to approve a revised Exhibit B (performance benchmarks) at a subsequent Council meeting. After further discussion, a voice vote on the motion showed unanimous approval. Motion carried.

A motion was made by Hicks and seconded by Wiggins to amend Section 1 of the proposed resolution by inserting the following: “The Contract executed between the City of Rolla and the Rolla Area Chamber of Commerce for tourism services authorized by motion dated April 5, 1993, is hereby rescinded and repealed. Additionally, amend the proposed Contract for Service – Tourism/Promotion to read as follows: “Whereas, The City and Contractor entered into a contract for tourism services on April 5, 1993, and it is the desire of the City of Rolla and the Rolla Area Chamber of Commerce to terminate said contract by mutual consent and to enter into this new Contract for Service.” 1. “Original Contract Voided. The Contract dated April 5, 1993, between the City of Rolla and Rolla Area Chamber of Commerce is hereby repealed and voided.” A voice vote on the motion showed unanimous approval. Motion carried.

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**VI. NEW BUSINESS (continued)**

**(A) Resolution to Authorize the Contract for Service – Promotions with the Rolla Area Chamber of Commerce (continued):** City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1616: A RESOLUTION, as amended, AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO RESCIND THE MOTION OF APRIL 5, 1993 TO EXECUTE THE CONTRACT BETWEEN THE ROLLA AREA CHAMBER OF COMMERCE AND THE CITY OF ROLLA; AND TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI THE CONTRACT, as amended, DATED DECEMBER 4, 2006 BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Jordan and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

**(B) Resolution to Lease the Forest Service Site to the Rolla Area Chamber of Commerce for a Visitor's Bureau:** City Administrator John Butz explained that the subject contract recognizes the Chamber, acting under its contract, is going to be responsible for the buildings, insurance, ground maintenance, etc.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1617: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CHAMBER LEASE-FOREST SERVICE PROPERTY BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed nine (9) ayes and one (1) abstention by Wiggins. Motion carried.

**(C) Resolution to Authorize the Fiscal Agent Agreement Between the City of Rolla and the Rolla Area Chamber of Commerce:** City Administrator John Butz told the Council that the subject contract authorizes the City to withhold the amount necessary for the annual Forest Service properties as well as assuming the debt service payment. The current debt service payment continues until April 2009.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1618: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF

**VI. NEW BUSINESS (continued)**

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**(C) Resolution to Authorize the Fiscal Agent Agreement Between the City of Rolla and the Rolla Area Chamber of Commerce (continued):** ROLLA, MISSOURI, THE FISCAL AGENT AGREEMENT BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

**(D) Request for Ordinance to Amend Chapter 27 of the Rolla City Code Pertaining to Stop Signs:** Public Works Director Steve Hargis informed the Council that the proposed ordinance would add a stop sign at Angus Valley Drive and Highland Drive. A homeowner in the area brought this safety issue to the City's attention.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 27 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO TRAFFIC.

Councilmember Jim Williams asked Public Works Director Steve Hargis about the stop sign at Seventh and Cedar Streets.

Mr. Hargis indicated that this stop sign was mentioned when the Council discussed the entire area around the high school. Eventually, this intersection will be a two-way stop with Seventh Street through, and a stop sign placed on Cedar Street.

**VII. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Motion to Award the Bid for the Purchase of a 2006 Rubber Tired Backhoe:** Parks and Recreation Director Ken Kwantes referred the Council to the bids received for a 2006 Rubber Tired Backhoe. Staff is recommending award to the low bidder, Fabick & Company for \$83,146. Staff also recommends advertising the 1993 John Deere 310D backhoe as surplus. It is believed that a better price than the trade-in value can be obtained for this equipment. The Council will be asked to consider the financing on the backhoe at its next meeting. A motion was made by Williams and seconded by Harris to award the bid for the 2006 Caterpillar 420E to Fabick & Company for \$83,146. A voice vote on the motion showed unanimous approval. Motion carried.

**VIII. CITIZEN COMMUNICATION**

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

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Cable Franchise Review Committee Report:** Councilmember Monty Jordan reported the Cable Franchise Review Committee (CFRC) has completed its assignment. He referred the Council to the summary of recommendations from the CFRC regarding renewal of the 2007 Rolla TV 16 Agreement. With Council's approval, the recommendations will be referred to the City's special counsel, Mr. Ken Heinz. After some discussion, a motion was made by Williams and seconded by Harris to submit the CFRC recommendations to Mr. Ken Heinz. A voice vote on the motion showed unanimous approval. Motion carried.

**(B) Councilmember Wiggins:** Councilmember Wiggins thanked the Chamber of Commerce and City Councilmembers for the time spent on the hotel/motel tax issues. She noted that one of the issues that had not been addressed in this process was the downtown revitalization program. Ms. Wiggins recalled that a few years ago, the City contracted with the Chamber of Commerce to administer the downtown revitalization program and there is approximately \$150,000 remaining. She said the City should decide what to do with those funds. Ms. Wiggins said it was recently brought to her attention that there are six businesses interested in settling downtown. She explained she is not aware how the presentations to the banks were made, but the bankers are telling them not to invest in downtown Rolla. Ms. Wiggins emphasized that this is not the message we want to give to potential entrepreneurs interested in our downtown. Since the City no longer has leadership in the downtown revitalization effort, she said the City should consider something to fill that void.

City Administrator John Butz suggested putting a challenge to the Chamber of Commerce Board and to Community Development Director John Petersen to speak with the bankers and find out if it is a problem and why. Additionally, if there are dollars available, determine what can be done to promote the downtown area so that businesses can take advantage of the funding.

**IX. MAYOR/CITY COUNCIL COMMENTS (continued)**

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**(C) Management Audit of Chamber:** Councilmember Wiggins suggested that the Council consider requesting a management audit of the Chamber's use of the motel tax. If the City were going to have a new contract with a new organization, any business would want to clear the books and to make sure all issues have been addressed. Ms. Wiggins stated that a third party management audit would do this. This would clear the air and allow the Chamber to move forward in a positive way.

**X. EXECUTIVE SESSION**

None.

**XI. COMMENTS FOR THE GOOD OF THE ORDER**

None.

**XII. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 7:15 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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