

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 16, 2007
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET
6:30 P.M.**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Terry Ruck, 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: Richard Sibley

Department Directors in Attendance: Public Works Director Steve Hargis, 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 Lee Bushie, Communications Coordinator Scott Grahl, and City Clerk Carol Daniels

Mayor Jenks asked Councilmember Sue Eudaly to lead in the Pledge of Allegiance.

Mayor Jenks thanked Rolla Municipal Utilities, Rolla Fire and Rescue, the Rolla Public Works Department, Central Dispatch, and the American Red Cross and other entities for their work during the recent ice storm. He emphasized that it has been a very trying and difficult time for everyone and he appreciates everyone's efforts. Mayor Jenks thanked the citizens for their cooperation and patience. He pointed out that shelters are open and they will remain open as long as there is a need.

I. PUBLIC HEARINGS

(A) Request for Ordinance to Rezone Lots 1-14 of Maxwell Subdivision Plat No. 2 from R-1 and R-3 to R-3 (Development Contractors): Community Development Director John Petersen told the Council the applicant is requesting the residual strip of R-1 (Single Family District) be rezoned to R-3 (Multi Family District). The applicant is planning the construction of four-plex type structures. Mr. Petersen noted that later in the

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I. PUBLIC HEARINGS (continued)

(A) Request for Ordinance to Rezone Lots 1-14 of Maxwell Subdivision Plat No. 2 from R-1 and R-3 to R-3 (Development Contractors) (continued): meeting the Council will consider a review of a subdivision plat which will reduce the number of the lots to be in conformance with what the minimum sized lots must be for a four-plex. The Planning and Zoning Commission recommend approval of the rezoning request.

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

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AFFECTING THE REAL ESTATE KNOWN AS LOTS 1-14 OF MAXWELL SUBDIVISION PLAT NO. 2 FROM R-1 (SINGLE FAMILY DISTRICT) AND R-3 (MULTI FAMILY DISTRICT) ZONING TO R-3 (MULTI FAMILY DISTRICT) ZONING (DEVELOPMENT CONTRACTORS).

(B) Request for Ordinance to Rezone Lot 1 of VBC, Inc., Subdivision from C-2 to PUD (Planned Unit Development (Lincoln Hotel Group, Inc.): Community Development Director John Petersen explained that the subject request is the redevelopment of the former Wayfarer Inn site and consists of approximately 1.74 acres. The current zoning of the property permit hotel/motel development. Mr. Petersen informed the Council the applicant is requesting a Planned Unit Development (PUD) because the people who wish to purchase the property and develop a hotel on it plan to construct a four-story unit and C-2 (General Retail District) zoning only permits three stories. Mr. Petersen noted the development must adhere to a maximum of 82,000 square feet of gross floor area and the building lot coverage shall not exceed 20% of the total for the approximately 1.74 acre site. He added that Mr. Jack Dietzmann owns the property located behind the proposed PUD. As the PUD is built, the developers want to be certain there is some provision eventually to have a public road to access the back part of the property. Mr. Petersen pointed out there will not be a need for a development agreement for the subject PUD between the City and the developer of the property because only the hotel part is affected. If a road is later needed, a development agreement will be drafted, since the road must be built to City standards.

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I. PUBLIC HEARINGS (continued)

(B) Request for Ordinance to Rezone Lot 1 of VBC, Inc., Subdivision from C-2 to PUD (Planned Unit Development (Lincoln Hotel Group, Inc.) (continued):

Following Council discussion, a representative from the Lincoln Hotel Group, Inc., asked the Council to consider the first and final readings of the subject ordinance at this meeting. The primary reason for the request is the seller, Mr. John Dietzmann, would like to have the sale of the property completed before he has some surgery scheduled for this month.

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

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3787: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI AFFECTING THE REAL ESTATE KNOWN AS LOT 1 OF VBC, INC. SUBDIVISION FROM C-2 (GENERAL RETAIL DISTRICT) ZONING TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING (LINCOLN HOTEL GROUP, INC.). A motion was made by Williams and seconded by Jordan to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed unanimous approval. Motion carried. City Counselor Lee Bushie then read the proposed ordinance for its final reading, by title. A motion was made by Jordan and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Barklage, Spadoni, Hicks, Ruck, Harris, Jordan, Jepsen, Wiggins, Williams, and Magdits. Nays; None. Absent; Sibley. Motion carried. The ordinance passed.

(C) Request for Ordinance to Rezone Approximately 14.04 Acres of Arwood Hills Subdivision from R-1 to R-2 Zoning (Chapman):

Community Development Director John Petersen pointed out that the subject property contains 14 acres and the applicant is requesting that it be rezoned from R-1 (Single Family District) to R-2 (Two Family District). The original layout would have accommodated 46 single-family units. Under the current configuration, it is estimated that approximately 30 lots would contain 30 duplexes (60 units). Mr. Petersen noted that there is some issue with Vichy Road, but not so much with the subject rezoning request. The actual impact upon traffic beyond what would be allowed under R-1 (Single Family District) is only about 26 additional trips.

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I. PUBLIC HEARINGS (continued)

(C) Request for Ordinance to Rezone Approximately 14.04 Acres of Arwood Hills Subdivision from R-1 to R-2 Zoning (Chapman) (continued): Mr. Petersen told the Council that Vichy Road is a collector street with the capacity of up to 6,000 vehicles per day. While the traffic at this location is minimal (533 vehicles per day), Vichy Road tends to narrow and curve more at this location. He noted that there are no immediate plans to widen this area. Mr. Petersen added this is not being raised as an issue to deny the zoning, because the impact is minimal on the subject project. The City just needs to consider an improvement to Vichy Road. Mr. Petersen referred the Council to a letter from one individual, who resides outside the 185 feet, who is not opposed to the development, but is concerned, as is the City, with Vichy Road.

Public Works Director Steve Hargis addressed the Council and said the City does not have plans to address the curve on Vichy Road in the near future. As the traffic increases, staff will be monitoring the situation.

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

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE NO. AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AFFECTING THE REAL ESTATE KNOWN AS APPROXIMATELY 14.04 ACRES OF ARWOOD HILLS SUBDIVISION FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-2 (TWO FAMILY DISTRICT) ZONING (CHAPMAN).

II. OLD BUSINESS

(A) Ordinance to Amend Section 41-2(a) of the Rolla City Code Pertaining to Concealed Weapons: City Administrator John Butz reported that City Counselor John Beger noted that while the City has an ordinance that restricts or prohibits concealed weapons, it was not updated to reflect the voter sentiment to allow concealed weapons under limited conditions. The proposed ordinance would amend Section 41-2 of the Code to clarify a more consistent reading with the Statute.

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II. OLD BUSINESS (continued)

(A) Ordinance to Amend Section 41-2(a) of the Rolla City Code Pertaining to Concealed Weapons (continued): City Counselor Lee Bushie read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3788: AN ORDINANCE AMENDING THE ORDINANCE PERTAINING TO CARRYING CONCEALED WEAPONS SO AS TO COMPLY WITH THE CHANGE IN STATE LAW. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Ruck, Harris, Spadoni, Wiggins, Barklage, Magdits, Eudaly, Jepsen, and Hicks. Nays; None. Absent; Sibley. Motion carried. The ordinance passed.

III. NEW BUSINESS

(A) Request for Ordinance to Remove One-Way Traffic Pattern on Walker Street: Public Works Director Steve Hargis explained that there are two blocks of Walker Street from Strobach to Black Street. The proposed ordinance would eliminate the one-way patterns on Walker Street.

Councilmember Williams, who requested the removal of the one-way traffic pattern on Walker Street, said he does not think it is fair to the folks on Adrian to suffer the consequences of the one-way traffic on Walker Street.

The Council suggested that a traffic count be conducted in this area and if the traffic counts are high, the Council might want to consider another remedy.

Public Works Director Steve Hargis said a traffic count would be conducted before the Council's next meeting.

After discussion, City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-2 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF THE CITY OF ROLLA, MISSOURI, RELATING TO TRAFFIC.

(B) Request for Ordinance to Approve the Subdivision Plat of Rolla Rural Fire No. 1: Community Development Director John Petersen reported the subject subdivision, consisting of 1.72 acres, originated from the Rolla Rural Fire District, which is a separate

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III. NEW BUSINESS (continued)

(B) Request for Ordinance to Approve the Subdivision Plat of Rolla Rural Fire No. 1 (continued): governmental entity. The agreement to go through a subdivision process with the City was something the City worked out with them. Mr. Petersen noted that, in the past, other governmental entities have not been subject to the City's zoning and subdivision regulations. With the desire for a good relationship, the Fire District agreed to complete a subdivision plat. Mr. Petersen added the proposed plat meets all of the City's requirements. One of the points discussed was the number of points of ingress and egress. The Fire District prefers having two separate points of ingress and egress. The Planning Development Review Committee and the Planning and Zoning Commission have reviewed the plat and recommend approval.

Many of the Council members expressed concern over the three access points to the proposed subdivision. It was suggested that a member of the Fire District address the Council at its next meeting regarding this concern.

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING ROLLA RURAL FIRE NO. 1, A SUBDIVISION IN ROLLA, MISSOURI (ROLLA RURAL FIRE DEPARTMENT).

(C) Request for Ordinance to Approve the Plat of the Maxwell Subdivision Plat No. 3: Community Development Director John Petersen explained the owners are proposing to increase the lot size, therefore reducing the number of lots to provide larger lots on the subject plat to accommodate multi-family development. He noted a minimum 10,000 square feet is required for a four-plex type lot.

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING MAXWELL SUBDIVISION PLAT NO. 3, A SUBDIVISION IN ROLLA, MISSOURI (DEVELOPMENT CONTRACTORS).

(D) Request for Ordinance to Approve the Plat of Ann Lee Estates (Anderson): Community Development Director John Petersen stated that the subdivision consists of 32.09 acres and there are 65 single-family lots on approximately 17.22 acres. Tracts A and C are being dedicated and purchased by the City for storm water control and it is part of the walking/bike trail system. The Planning and Zoning Commission recommend approval of the plat.

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III. NEW BUSINESS (continued)

(D) Request for Ordinance to Approve the Plat of Ann Lee Estates (Anderson) (continued): City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING ANN LEE ESTATES, A SUBDIVISION IN ROLLA, MISSOURI (ANDERSON).

(E) Resolution Authorizing the Development Agreement of Ann Lee Estates: Regarding the walking/bike trail that is planned in the subject area, Public Works Director Steve Hargis announced the Missouri Department of Transportation (MoDOT) has approved the grant agreement. The crux of the subject development agreement is the purchase of Tracts A and C. Both tracts comprise of about 4.04 acres and the City will pay the Andersons \$13,723 for these tracts.

City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1619: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND ROBERT R. AND JO ANN ANDERSON RELATING TO A RESIDENTIAL DEVELOPMENT. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

IV. CITIZEN COMMUNICATION

(A) Open Citizen Communication:

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(1) Mr. Roger Erismann, 708 E. 12th Street, told the Council he has a small cabinet business in Rolla and one in California. He said he wanted to point out some things regarding economic growth in Rolla. Mr. Erismann asked the Council who benefits when a large retailer comes to the area. He noted that high school graduates like himself, do not earn a high wage at Wal-Mart, Borders Books, or the Waffle House. Rather, they earn a good living from entrepreneurship and small businesses like those that he has done for himself. When the City of Rolla and other communities go to increase business, he asked if the City is looking at the outside source or the internal source of our citizens, and is the City increasing the entrepreneurship of the people in our community.

IV. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(1) (continued): Mr. Erismann asked the Council if it encourages businesses to operate within the city limits and are those businesses, located outside the city limits, supporting the city of Rolla. He said if the City wants residents to have a small business and wants Rolla to be a dynamic community, the City should encourage residents to have small businesses by having more mixed zones. In closing, Mr. Erismann said he believes Rolla could increase entrepreneurship, the amount of available retail and commercial space, and give a real stake to Rolla's future. He thanked the Council for their time and expressed appreciation to the Council for the work they are doing and the opportunities the City has made for his family.

(2) Mr. Jim Corey, 414 Bill Avenue, informed the Council that he is the only one without power in the Hutchinson Subdivision because the line is down from the pole to his house. He explained that his wife is disabled with multiple sclerosis. Mr. Corey said his wife is dying before his eyes and he cannot get people to reconnect his power line. He said he is running a generator out of his shop that has an effect on his wife's immune system.

Mayor Jenks assured Mr. Corey that Rolla Municipal Utilities is working on the situation, but he cannot promise when the electric will be restored.

No one else present addressed the Council.

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V. MAYOR/CITY COUNCIL COMMENTS

(A) Communications During Storm: Councilmember Wiggins noted that during the Chamber of Commerce Motel Tax Committee today, some comments were made about the lack of communications during the ice storm. She stated there was no centralized way of communicating throughout the community. The biggest issue was the local radio stations were not on the air. Ms. Wiggins asked Mayor Jenks what number citizens should call if they have a problem. In the long term, she suggested that City officials meet to discuss developing a system of notification.

Mayor Jenks responded that citizens should call central dispatch at 364-1213 for assistance.

V. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Communications During Storm (continued): Ms. Wiggins added that now is a good time to activate the neighborhood watch programs in Rolla. She encouraged residents to check on their neighbors during the bad weather.

(B) Downtown Revitalization Program Update: Councilmember Wiggins said she appreciates hearing the comments about what the City needs to do to make Rolla a viable place for small businesses. The Council has made a significant investment in our downtown over the years as have others in the community. However, we do not have leadership. This was one part the Council failed to follow through on when we did the contract with the Chamber of Commerce. The Chamber was providing the leadership for administrating a couple of the grants with our downtown. Ms. Wiggins asked City Administrator John Butz to share with the Council what other communities have done with the downtown. She said leadership does not necessarily have to come from the City.

City Administrator John Butz said the most successful models are the ones that empower business districts to take matters into their own hands. The city's role in those cases becomes one much more of a support role than it does a leadership role. In some cases, it is done through a chamber of commerce. In more of the progressive communities, Mr. Butz said it is done through a downtown business district. This can be done by a petition or by an actual election. Mr. Butz emphasized that this process requires much formality. Mr. Butz said that ultimately he would like to see the Downtown Business Association moved into a Downtown Business District. He told the Council that Rolla is one of eight sites that the Downtown Revitalization Economic Assistance for Missouri (DREAM) initiative (one of Governor Blunt's initiative), will bring in their consultant to provide this technical leadership. This has been scheduled for sometime in May 2007. Mr. Butz said he believes this will be a good point to establish something more formal.

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(C) Limb Pickup: Councilmember Magdits asked if any thought has been given to the City scheduling a pickup of the tree limbs damaged during the recent ice storm.

City Administrator John Butz stated that it would take the City an estimated six to eight weeks to pick up limbs and haul them to the staging site. He asked that residents place the limbs near the street and the City will begin picking them up January 24. Mr. Butz added that it is the City's hope to do only two complete runs through the community. The staging site is located off McCutchen Drive north of the Recycling Center. If preferred, residents may haul their limbs to the staging site. The Department of Natural Resources has lifted some of their burn restrictions and many of the limbs will be burned.

V. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Downed Service Lines: City Administrator John Butz stated that the other issue the City has had is downed service lines. While the homeowner is responsible for the mast and for the attachment to the house, Rolla Municipal Utilities is responsible for running the service line. To reconnect the service entrance at the house, there is usually an inspection permit and a fee required. Mr. Butz said the City has suggested waiving this fee if the service lines have been downed because of the falling limbs. In the short term, if an electrical contractor can respond to a house and it is during the evening when City inspectors are not available, the City would like to be notified by the permit being secured after the work is done so that it can be inspected.

Rolla Municipal Utilities General Manager Dan Watkins entertained several questions and comments from the Council regarding the power outages.

(E) Status of Animal Control Regulations Ordinance: Councilmember Hicks asked about the status of the animal control regulations ordinance.

City Administrator John Butz explained the next Council agenda would contain the minutes of the committee's first three meetings. He explained the committee still has plenty of work to do on this project.

(F) Smoking Committee: Councilmember Eudaly asked about the status of the Smoking Committee.

City Administrator John Butz noted the Smoking Committee has met three or four times. He explained that they are waiting to receive a grant that will help conduct a survey of the community. The results of the grant are expected in mid to late February. The

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Committee felt that there was not a lot of reason to meet until the data from the survey has been received.

(G) Generator Usage: Fire Chief Williams encouraged individuals wanting to use generators to hire a licensed electrician who will properly connect the generators. He said he has been told that some individuals are unplugging their clothes dryers and running the service from the generator through the dryer connection. By doing this, Chief Williams said this would back feed the electrical system so that once power is restored, the restored power will fight against the generator power causing a dangerous situation.

V. MAYOR/CITY COUNCIL COMMENTS (continued)

(G) Generator Usage (continued): Regarding generator usage, Rolla Municipal Utilities General Manager Dan Watkins added that a big safety concern is back feeding the transformer and placing high voltage into other areas where it is unsafe for others. This also creates a safety issue for the linemen.

(H) Generator Purchases: Councilmember Williams said he has received reports of a local business selling \$500 generators for \$1200. Although the generator was purchased for \$1200, the individual plans to look into the matter.

VI. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award the Bid for Two New Police Vehicles: Police Chief David Pikka reported that bids were opened on January 3 for replacement of two new police vehicles. Five bids, including the State bid, were received. The State bid, through Don Brown Chevrolet, was the low bid for \$17,899 per vehicle. A motion was made by Williams and seconded Hicks to award the bid for the two new police vehicles to the low bidder, Don Brown Chevrolet, for \$17,899 each. A voice vote on the motion showed unanimous approval. Motion carried.

(B) Motion to Award Bid for the SCBA and Posichek System for the Rolla City Fire Department: Fire Chief Robert Williams informed the Council that on January 3 bids were opened for 24 new air packs and a Posichek System. Staff recommends the bid be awarded to Towers Fire Apparatus for a total of \$112,310. After some discussion, a motion was made by Williams and seconded by Jordan to award the bid for the 24 self-

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contained breathing apparatus and Posicheck System to Towers Fire Apparatus for a total of \$112,310. A voice vote on the motion showed unanimous approval. Motion carried.

VII. EXECUTIVE SESSION

None.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Mayor Jenks asked the Council to continue to keep Councilman Sibley and his family in their thoughts and prayers.

(B) Resignation of Police Chief Pikka: Police Chief David Pikka announced that this morning he accepted a job with the Federal government as a field examiner for the Veterans Administration in his hometown in Michigan. As of February 5, Chief Pikka said he would begin his new career with the Veterans Association. He said he wanted to give the City 30 days' notice, but unfortunately training begins on February 5 and his last day of employment with the City will be January 31. Chief Pikka said he has nothing but good to say about the City of Rolla. He added that Rolla would always carry a special place in his heart.

Mayor Jenks told Chief Pikka that he hates to see him go, but certainly understands his decision. He said he will be missed and has done a tremendous job for the City of Rolla. Mayor Jenks wished Chief Pikka the best of luck in the future and thanked him for his service to the community.

(C) Council Retreat: Councilmember Magdits asked if the Council Retreat, pertaining to the fifth interchange, is still scheduled for January 23, 2007.

Mayor Jenks said the Retreat has been postponed until after the meetings with the hospital and the university have been held. At the conclusion of these meetings, staff will have more information to give the Council.

IX. ADJOURNMENT

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Having no further business, the meeting adjourned at approximately 8:47 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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