

**ROLLA CITY COUNCIL MEETING MINUTES  
TUESDAY, FEBRUARY 20, 2007  
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, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Judy Jepsen, Lou Magdits, Jim Williams, Terry Harris (arrived at approximately 7:04 p.m.), Richard Sibley, and Charlotte Wiggins

**Council Members Absent:** Terry Ruck and Donald Barklage

**Department Directors in Attendance:** Public Works Director Steve Hargis, Solid Waste Director Brady Wilson, Recreation Center Director Scott Caron, Interim Police Chief Mark Kearse, 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

**I. PUBLIC HEARINGS**

**(A) Ordinance to Rezone Lots 1-4 and the North Half of the Vacated Alley of Block 9, Holloway Addition from R-3 to a PUD (Chapman):** Community Development Director John Petersen began by noting that this project started last summer before the City Council adopted the new zoning rules pertaining to parking and other issues. This project started in an R-3 (Multi-Family District) zoned area and as an R-3 (Multi-Family District) project, it met all standards for coverage and setbacks. Mr. Petersen stated the owner felt the market might be better if he had some attached single-family type structures to sell. However, the way it was laid out it could not be done unless it went through the Planned Unit Development (PUD) process. Mr. Petersen said it did not require the developer to do anything different in terms of the layout. The one issue on this half-acre piece of property is parking. Under the old standards, 1.5 parking spaces per unit were required. The current Code requires two spaces per unit. The developer is proposing to retain 1.5 parking spaces per unit. Mr. Petersen stated that the Planning and Zoning Commission, in making the recommendations to the Council, concluded that

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**I. PUBLIC HEARINGS (continued)**

**(A) Ordinance to Rezone Lots 1-4 and the North Half of the Vacated Alley of Block 9, Holloway Addition from R-3 to a PUD (Chapman) (continued):** given the lack of congestion in that area, and the fact that a significant amount of the open space would need to be destroyed to provide off-street parking, their recommendation is to leave the 1.5 parking spaces per unit requirement in place and retain the open space. Although there have been some inquiries from the neighbors, no opposition to the PUD has been received.

Following 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 1-4 AND THE NORTH HALF OF THE VACATED ALLEY OF BLOCK 9, HOLLOWAY ADDITION FROM R-3 (MULTI-FAMILY) ZONING TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING (CHAPMAN).

**II. CITIZEN COMMUNICATION**

**(A)** Ms. Sue Tucker, 12 Southview Drive, addressed the Council and said she has a problem with her electric bill and rates. She said she realizes the electric rates have increased 40% and she reported that her electric bill this month was \$540. Ms. Tucker said this amount rivals many people's mortgages. She noted that she teaches school and her husband works at K-Mart. Although they are not senior citizens, she said they are on a fixed income and when your electric bill increases by \$200 or more a month, she said she does not know how they are going to continue to make it. Even with the electric being out for five complete days last month, the electric bill was still \$120 more than the month before. Ms. Tucker said she does not understand this and why the electric had to increase by 40%. She concluded by saying this is a great concern to her and her neighbors and to others whose rates are similar to hers.

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**II. CITIZEN COMMUNICATION (continued)**

**(A) (continued)** Mayor Jenks indicated that a Rolla Municipal Utilities (RMU) representative would be addressing this issue later on in the meeting.

No one else present addressed the Council.

**III. SPECIAL PRESENTATIONS**

**(A) Rolla Area Chamber of Commerce and Visitor Center 2006 Fourth Quarter Report:** Mr. Steve Malott, Rolla Area Chamber of Commerce Board President, introduced Ms. Stevie Kears, the new Executive Director of the Rolla Area Chamber of Commerce to the Council.

Ms. Stevie Kears, Executive Director of the Rolla Area Chamber of Commerce, provided an overview of the Rolla Area Chamber of Commerce Fourth Quarter 2006 Report. Following her presentation, Ms. Kears entertained questions from the Council.

**IV. OLD BUSINESS**

None.

**V. NEW BUSINESS**

**(A) Ordinance to Approve Mid America Plat 1 (Mid America Bank and Trust Co.):** Community Development Director John Petersen explained that the subject lot split is located at the corner of Aldi Drive and Bishop Avenue. Mid America Bank and Trust Company is proposing to split their property into two lots. The Planning and Zoning Commission recommend approval of this request.

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING MID AMERICA PLAT NO. 1, A SUBDIVISION IN ROLLA, MISSOURI (MID AMERICA BANK & TRUST CO.).

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**V. NEW BUSINESS (continued)**

**(B) Resolution Establishing a Policy to Enter into Development Agreements:**

Community Development Director John Petersen stated the City of Rolla is authorized under State law to enter into agreements with private entities, firms, associations, and corporations in order to have planning, development, construction, acquisition, or operation of certain public improvements or facilities. Mr. Petersen pointed out that over the years Rolla has engaged in a number of development agreements with developers for annexation, utility extension, and street standards and design, but never had an adopted policy that gave any guidelines or ground rules for how those agreements were to come together. Mr. Petersen explained the purpose of the subject resolution is to look at some of those ground rules recognizing that any resolution is subject to change and is not a concrete solid law, but to give guidance. The basic essence of the proposed resolution is a framework to govern the rebating of some of the taxes the City would collect on a project in order to pay for certain public improvements. Mr. Petersen emphasized that it is only designed to deal with a portion of those expenses associated with the development. He concluded by informing the Council that the subject ordinance was presented to the Rolla Regional Economic Commission (RREC) at its January meeting and was approved at the RREC's February board meeting with a recommendation that the City Council consider it.

Councilmember Terry Harris entered the meeting at approximately 7:04 p.m.

Some of the discussion, which followed, concerned the Council discussing the Rolla fifth interchange to talk about what the Council wants to see for the future of the community and where this fits in before considering the resolution.

**(C) Resolution Authorizing Agreement with County of Phelps for Animal Control**

**Services:** Interim Police Chief Mark Kearse asked the Council to consider approving the animal control services agreement between the City of Rolla and the Phelps County Commission to provide emergency animal control services. When requested by the Phelps County Sheriff's Department, the City's Animal Control Division would assist in situations with dangerous or aggressive animals outside the city's limits.

After some discussion, the Council asked staff to look at the costs to provide this service to make sure the City is recapturing its costs before considering approval of the proposed agreement.

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**V. NEW BUSINESS (continued)**

**(D) Ordinance to Approve Various Amendments to Sunshine Law – Adopted as City Code:** City Administrator John Butz pointed out that the Sunshine Law requires Missouri communities to adopt a policy on the Sunshine Law. About three years ago, the Council decided to adopt the Sunshine Law verbatim. He noted that the amendments to the Sunshine Law are often filtered in with larger legislation and it is not easy to notice verbatim changes each year. During a recent review, two changes to the Sunshine Law were discovered. Mr. Butz noted that the subject two sections affect nolle prossed cases and State tax credit records. He added the Council might want to re-evaluate it because staff is concerned that not all of the changes to the Sunshine Law are being discovered.

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 2-274 OF THE CODE OF THE CITY OF ROLLA, MISSOURI; AND, ADDING DIVISION 5, SECTION 2-301 (TAX CREDIT RECORDS) TO THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO THE SUNSHINE LAW.

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

**(A) Motion to Award Bid for 75 Foot Aerial Fire Apparatus:** Fire Chief Robert Williams reported that bids were opened on January 3, 2007, for a new 75-foot aerial pumper to be delivered to the Fire Department. Bids were received from Pierce Manufacturing (Schuhmacher Fire Equipment) for \$596,742 and HME, Inc. (Fisher Emergency Equipment) for \$519,057. Staff is recommending the bid be awarded to Pierce Manufacturing since the unit bid by HME, Inc. did not meet specifications. After a lengthy discussion, a motion was made by Williams and seconded by Jordan to award the bid for the 75 foot aerial fire apparatus to Pierce Manufacturing (Schuhmacher) for \$596,742. A voice vote on the motion showed unanimous approval. Motion carried.

**(B) Motion to Award Bid for Auto Extrication Equipment:** Fire Chief Robert Williams reported that bids were recently opened for auto extrication equipment. Bids were received from Schuhmacher Fire Equipment and Towers Fire Apparatus. Chief Williams indicated that Schuhmacher Fire Equipment met options one and two in addition to the base bid. Staff recommends that Schuhmacher Fire Equipment be

**VI. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

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**(B) Motion to Award Bid for Auto Extrication Equipment:** awarded the bid for the Halmatro extrication equipment. A motion was made by Eudaly and seconded by Spadoni to award the bid for the auto extrication equipment to Schuhmacher Fire Equipment. A voice vote on the motion showed unanimous approval. Motion carried.

**(C) Motion to Award Financing of SCBA Purchase:** Fire Chief Robert Williams noted that several financial institutions submitted bids for the financing of the self-contained breathing apparatus (SCBA). The low bidder, Regions Bank, bid an interest rate of 4.425%, subject to receipt of a letter from the City prior to closing, stating the City of Rolla would not issue more than ten million dollars in bonds in 2007. Staff recommends that the bid be awarded to Regions Bank for 4.425%. Following a brief discussion, a motion was made by Williams and seconded by Spadoni to award the financing of the SCBA to Regions Bank for an interest rate of 4.425%. A voice vote on the motion showed unanimous approval. Motion carried.

**(D) Motion to Sell 1981 Itasca RV (Command Post):** Fire Chief Robert Williams advised that six bids were received for the sale of the 1981 Itasca RV (Command Post). Staff is recommending that the bid be awarded to the high bidder, Ms. Kathy Brown, for \$2,600. A motion was made by Jepsen and seconded by Wiggins to award the bid to Ms. Kathy Brown for \$2,600. A voice vote on the motion showed unanimous approval. Motion carried.

**(E) Motion to Award Bid for 2007 Zero Turning Radius Diesel Mower with 60' Mower Deck:** Parks and Recreation Director Ken Kwantes explained that bids were opened on February 7 for a zero turning radius diesel mower. Staff is recommending that the bid be awarded to Wayde's Equipment for a 2007 Kubota F3680 for \$10,338. After a brief discussion, a motion was made by Eudaly and seconded by Harris to award the bid to Wayde's Equipment for a 2007 Kubota F3680 with a 60" mower deck, for \$10,338. A voice vote on the motion showed unanimous approval. Motion carried.

**(F) Motion to Award Bid for 2007 36 HP All-Wheel Drive Diesel Tractor with 72" Front Mount Mower:** Parks and Recreation Director Ken Kwantes mentioned that bids were recently opened for a 2007 36 HP all-wheel drive diesel tractor with a 72" front mount mower. The low bidder was Wayde's Equipment for a 2007 Kubota F3680, with a 72" front mount mower for \$14,991. Since the 2007 mowers were a complete model change from the 2006 mowers, staff anticipated a large price increase, and bid new 2006

**VI. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

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**(F) Motion to Award Bid for 2007 36 HP All-Wheel Drive Diesel Tractor with 72” Front Mount Mower (continued):** mowers. However, only 2007 mowers were bid. Staff recommends rejecting the 2006 bids and accepting the bid from Wayde’s Equipment. A motion was made by Williams and seconded by Harris to award the bid for a 2007 Kubota F3680 with a 72” front mount mower to Wayde’s Equipment and reject all bids for the 2006, 30 HP mower. A voice vote on the motion showed unanimous approval. Motion carried.

**VII. MAYOR/CITY COUNCIL COMMENTS**

**(A) Utility Rates:** Rolla Municipal Utilities General Manager Dan Watkins addressed the Council concerning Rolla Municipal Utilities’ (RMU) electric rates and related issues. He began by stating that RMU is a cost-of-service utility. RMU does not artificially inflate its rates and the reason the rates are where they are is the cost RMU incurs to provide the service. Because gas and oil prices have moderated, some think that electric costs should also be decreasing. Compared to the market, Mr. Watkins said RMU’s rates actually slowly increased. RMU’s rates were increased over a two to three year period, most sharply in 2006 in an effort to arrive at the market. The market has slightly fallen and RMU has somewhat reached a balance between the market and the rising cost of electricity. Mr. Watkins said RMU does not know how long that stability will continue. RMU’s last rate increase was in August 2006 and appears to be adequate.

Mr. Watkins emphasized to the citizens that the only money being transferred to the General Fund of the City is the PILOT amount, which is a line item that is collected and is shown on customers’ utility bill. He added that RMU customers need to know that no money that is collected through RMU rates is being used to pay for things like the City Hall renovation, recreation center and RCDC. RMU rate monies are being used to provide the service for which they are collected.

For those individuals who need assistance in paying their utility bills, Mr. Watkins noted there are several agencies available to help them. Funds are available through the GRACE program who administers the RMU helping hand. GRACE may also have other available funds. Mr. Watkins said the State operates the low income heating assistance program of which RMU is a participant. Another available resource is the Salvation Army.

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

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**(A) Utility Rates (continued):** Mr. Watkins summed up his comments by saying the good news is that based on the best available information, RMU does not see any pending increases in electric rates.

**(A) St. Pat's Ball:** Councilmember Wiggins pointed out that one of the examples RREC Executive Director Elizabeth Bax gave during her presentation of RREC's marketing plan in May was increasing the awareness of what Rolla has to offer the community, such as something around the St. Pat's events. Ms. Wiggins thanked the University of Missouri-Rolla Coterie group because they have stepped forward and volunteered to organize the St. Pat's Ball, which will be held the evening of March 17. This year's ball will be a dress rehearsal for next year because next year is the 100<sup>th</sup> anniversary of St. Pat's. Ms. Wiggins informed the Council that at the April Board of Curators' meeting, there would be a discussion about the UMR Research Park, which is in Ward VI, as well as the renaming of the University to reflect better its mission. This is another step in terms of increasing the awareness of our greatest community asset. Ms. Wiggins encouraged everyone to attend this year's ball.

**(B) Vichy Road:** Councilmember Wiggins mentioned that she and Councilmember Sibley individually examined the curve on Vichy Road. Ms. Wiggins expressed her concern with Vichy Road and the increased traffic. She suggested eliminating parking on the east side from where the church is located. Secondly, she recommended placing signs indicating "dangerous curve" for those individuals who are not aware of the curve. Ms. Wiggins asked where realigning Vichy Road would be in terms of capital improvements for the City. She said she is not asking for special treatment, but several dangerous accidents have occurred at this curve.

Councilmember Hicks stated that Woodcrest Trailer Park and Whitson Trailer Park are the two most blighted areas north of Rolla. He noted that these trailer parks were recently sold and the individual purchasing them might be amendable to some kind of development agreement with the City to come through White Columns Drive through his property to intersect with Vichy Road at the old quarry road where it turns to the right. Although this will not happen immediately, Mr. Hicks said he believes it is something the City should try to pursue.

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

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**(C) Recreation Center Strategic Plan:** Recreation Center Director Scott Caron mentioned that during the past couple of weeks, the Council should have received the strategic plan questionnaire and the revised business plan. He encouraged the Council to provide any comments to him regarding the proposed plan. Mr. Caron told the Council not to feel obligated to complete the questionnaire. The regularly scheduled advisory committee meeting will be held on Wednesday and a portion of the strategic plan will be discussed. The committee will become more involved in the strategic plan issue on Thursday and Saturday.

**VIII. EXECUTIVE SESSION**

A motion was made by Hicks and seconded by Spadoni to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss real estate. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Sibley, Harris, Spadoni, Wiggins, Magdits, Eudaly, Jepsen, and Hicks. Nays; None. Absent; Ruck and Barklage. Motion carried.

The Council adjourned into Executive Session at approximately 8:15 p.m.

**IX. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 8:51 p.m.

City Counselor Lee Bushie announced that during Executive Session the Council discussed a matter of real estate regarding a public works project. The Council discussed the purchase of two separate tracts of real estate. After some discussion, resolutions were unanimously approved for each tract of real estate. Details of the resolutions will be released within 72 hours.

The second matter discussed during Executive Session involved a personnel evaluation. After some discussion, a motion was approved by the Council, the details of which will be released within 72 hours.

**V. NEW BUSINESS (continued)**

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**(F) Resolution to Approve MoDOT Agreement for Deible Phase 2 Bike Path:** Mayor Jenks noted that during Executive Session the Council approved the purchase of the land necessary to complete the Deible Phase Two bike path.

Public Works Director Steve Hargis referred the Council to the subject resolution and agreement with the Missouri Department of Transportation (MoDOT). He noted that MoDOT has approved and offered the City \$160,000 in enhancement funds to help construct the second phase of the Deible Bike Path. This phase will run from Sycamore Drive to the Lions Club Park near the soccer entrance. Phase 1 is currently under design and will be constructed late this construction season. Given the paperwork, Mr. Hargis said construction of Phase Two would probably take place next year.

After a brief discussion, City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 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 THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION TRANSPORTATION ENHANCEMENT FUNDS PROGRAM AGREEMENT PROVIDING FOR BICYCLE TRAIL IMPROVEMENT PROJECT NUMBER STP-5200(912), A motion was made by Williams and seconded by Wiggins to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

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

**(A) Board of Realtors Meeting:** Regarding the recent meeting the City had with the Board of Realtors, Councilmember Magdits said he was disappointed to see that no developers and builders attended.

City Administrator John Butz responded that two or three developers/builders attended. The only reason he could give as to why more developers did not attend, is because they saw the home realtors were sponsoring the program. If it had been sponsored by the Rolla Home Builders Association perhaps that would have reverberated more around their organization. About a couple of years ago, the City conducted a shorter program with the homebuilders.

**X. COMMENTS FOR THE GOOD OF THE ORDER (continued)**

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**(A) Board of Realtors Meeting (continued):** Councilmember Magdits suggested that a program be conducted annually with the homebuilders.

Both Mayor Jenks and Councilmember Williams said they received positive feedback about the meeting with the Board of Realtors.

City Administrator John Butz added that a member of the Codes Division quarterly attends the South Central Board of Builders meetings.

**(B) Status of New Codes:** Councilmember Williams asked about the status of the new 2006 International Code Committee.

City Administrator John Butz said the Committee set aside consideration of the new codes because there were some issues with concrete or foundations.

Mayor Jenks added the 2006 International Building Code has changed the footing requirements that would significantly increase the cost of construction. Because of this, the Committee has postponed discussion hoping the Code will be revised or rescinded.

Councilmember Williams requested an informational report be given to the Council regarding this issue.

Councilmember Hicks, a member of the Committee, said the Committee discussed it and decided since the drastic changes in the Code would increase the costs of construction, they would postpone consideration. Additionally, there was some question as to the benefit of adopting the upgrades.

**(C) Personnel Rules Status:** Councilmember Hicks asked when the personnel rules would be discussed.

City Administrator John Butz said the Council would be updated on the personnel rules in the mid-month report. He said it is scheduled to be discussed during one of the March meetings.

**XI. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:07 p.m.

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Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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