

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 5, 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, Terry Harris, Richard Sibley, and Charlotte Wiggins

Council Members Absent: Jim Williams

Department Directors in Attendance: Public Works Director Steve Hargis, Solid Waste Director Brady Wilson, Recreation Center Director Scott Caron, Interim Police Chief Captain Mark Kearse, Fire Chief Robert Williams, Finance Director Steffanie Rogers, Community Development Director John Petersen, and Parks 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 Councilmember Susan Eudaly to lead in prayer. Following the invocation, Councilmember Lou Magdits led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Eudaly and seconded by Hicks to approve the Consent Agenda, as amended. 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 February 5, 2007, and February 20, 2007, regular and Executive Session City Council meetings.

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I. CONSENT AGENDA (continued)

(A) City Council Minutes (continued): Regarding the February 5, 2007, Council meeting minutes, Councilperson Hicks pointed out that Councilperson Barklage recommended the Municipal Judge and City Attorney attend one of the Council meetings to explain their position on the animal nuisance's issue. Councilmember Hicks asked if the Municipal Judge and City Prosecuting Attorney have been contacted to address the Council.

Councilmember Spadoni explained that he spoke with the City Attorney regarding his comment addressed in the January 4, 2007 minutes of the Animal Control Regulations Committee. The City Attorney clarified that his comment was somewhat misstated. He indicated that he had discussed this matter with the Police Department and the Mayor to clarify some of the comments that were made and that he did not plan to appear before the Council.

Councilmember Harris pointed out that one of the motions, contained in the February 5, 2007 Executive Session minutes indicates that Councilmember Hicks voted "nay." Councilmember Harris pointed out, however, that Councilmember Hicks was absent from that meeting.

Councilmember Magdits addressed Recreation Center Director Scott Caron and City Administrator John Butz regarding the comment made in the January 17, 2007, minutes of the Rolla Health & Recreation Center Advisory Committee pertaining to the new recent minimum wage law increase, which caused an increase in The CENTRE's labor costs. Councilmember Magdits asked Mr. Caron and Mr. Butz if funds had been budgeted in anticipation of this increase.

City Administrator John Butz responded that this increase was not budgeted. He added that there are very few Recreation Center employees who are affected by the minimum wage increase. However, Mr. Butz noted that the Parks and Recreation Department would be affected by it. He said no salary adjustments were made with any of the City's full-time or part-time positions, except for minimum wage positions.

II. PUBLIC HEARINGS

None.

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III. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to any citizen wishing to address the Council.

Dr. James Stoffer, President of the Board of the Public Works reported the Rolla Municipal Utilities' (RMU) homepage is now online at rollamunicipalutilities.org.

Additionally, Dr. Stoffer said RMU needs to remind Rolla citizens that the months of January and February were extremely cold and, because of that, they probably used much more electricity than they did last year. This means the bills that are now being received might be twice as much as they were last year at this time. Dr. Stoffer said residents are sometimes shocked when they receive their utility bill, because they did not realize how much electricity they had used. Additionally, since last year RMU has had an approximately 50% rate increase in the cost of power which was passed on to the citizens.

Dr. Stoffer referred the Council to a copy of the RMU quarterly newsletter, which stated that RMU employees worked around the clock in order to restore power to the residents during the January ice storm. RMU employees logged over 1700 hours of overtime, which will be reimbursed at about 85% from the Federal Emergency Management Association (FEMA) and State agencies. He emphasized it will not be passed on to the Rolla citizens. Dr. Stoffer said RMU is trying its best to serve the citizens of Rolla. He said it has been a rough month for RMU employees and he appreciates everyone's patience.

IV. ACKNOWLEDGEMENTS and SPECIAL PRESENTATIONS

(A) UMR Tech Park Presentation (Keith Strassner): Mr. Keith Strassner of the University of Missouri-Rolla (UMR) addressed the Council and noted that about one and one-half years ago UMR endorsed economic development as its fourth mission. In conjunction with all four campuses, UMR has embarked on economic development in an important way. Mr. Strassner said many believe there is a lot of great technology at the University and if you observe technology universities across the country, you find businesses springing up around universities. He noted the university acts as a hub for economic development. Mr. Strassner reported that about a year ago UMR began discussions concerning the creation of a technology park. He said there is a lot of work to

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IV. ACKNOWLEDGEMENTS and SPECIAL PRESENTATIONS (continued)

(A) UMR Tech Park Presentation (Keith Strassner) (continued): be done, the least of which is obtaining approval from the University Board of Curators when they meet in April. Using visual aids, Mr. Strassner depicted an overview of the proposed technology park. He said UMR proposes to convert the golf course into a technology park. The plans are to build the technology park over time, with construction beginning in the area near the driving range. The site contains about 56 acres, which represents a significant expansion of the footprint of the campus. With the current covenants proposed for the technology park, Mr. Strassner said about 600,000 square feet of buildings can be constructed. The design idea is to maintain as much green space as possible to create a campus-like atmosphere. Mr. Strassner added the park would be built as the market allows.

Following his presentation, Mr. Strassner addressed questions from the Council. He indicated that support from the entities in Rolla would be useful.

Mayor Jenks stated the Council would consider approving a resolution in support of the technology park at a future Council meeting.

(B) UMR St. Pat's Week Celebration Update (Professor Lance Haynes – Committee Advisor): Due to a prior commitment, Mayor Jenks advised that Professor Lance Haynes would be arriving later in the meeting.

This item was considered following item VII. C. below.

V. 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 January 2007; (B) the preliminary minutes of the February 13, 2007, Planning and Zoning Commission meeting; (C) the City's Cash Position and Expenditure Report for January 31, 2007; (D) the Rolla Municipal Court Reports for December 2006 and January 2007; (E) the Rolla Health & Recreation Center Advisory Committee Meeting Minutes for January 17, 2007; (F) The CENTRE Financial Analysis for January 2007;

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V. REPORTS OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS (continued) (G) the Development Review Committee Meeting Minutes for January 30, 2007; and (H) the Animal Control Regulations Committee Meeting Minutes for January 18, 2007, February 1, 2007, and February 15, 2007.

VI. OLD BUSINESS

(A) Ordinance to Rezone Lots 1-4 and the North Half of the Vacated Alley of Block 9, Holloway Addition from R-3 (Multi-Family) District to PUD (Planned Unit Development) (Chapman): Community Development Director John Petersen explained the subject property contains approximately .53 acres and can support approximately ten units. He recalled the developer initiated construction of this property as an R-3 (Multi-Family District) zoned project. He later decided to construct some attached single-family units. Mr. Petersen explained that with this type of configuration it could not be done unless it went through the Planned Unit Development (PUD) process. Mr. Petersen stated the purpose of a PUD is to allow this type of flexibility and to encourage quality development.

Following much discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3795: 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).

A motion was made by Hicks and seconded by Wiggins to amend the ordinance to include stairway access to the western-most duplexes from High Street.

After some discussion, Public Works Director Steve Hargis addressed the Council and strongly recommended that a stairway not be placed at this location. He said the stairway would be required to have handrails and it would be an obstruction to vehicles in the right-of-way. Mr. Hargis added the City has made a concerted effort to eliminate steps in the public right-of-way throughout the city because they do not meet American Disability Act (ADA) requirements and they would be a liability issue should someone fall.

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VI. OLD BUSINESS (continued)

(A) Ordinance to Rezone Lots 1-4 and the North Half of the Vacated Alley of Block 9, Holloway Addition from R-3 (Multi-Family) District to PUD (Planned Unit Development) (Chapman) (continued): Based on Mr. Hargis' comments, Councilmembers Hicks and Wiggins withdrew the motion.

A motion was then made by Jepsen and seconded by Wiggins to approve the proposed ordinance as originally submitted. A roll call vote on the motion showed the following: Hicks, Magdits, Harris, Eudaly, Wiggins, Barklage, Jepsen, and Spadoni. Nays: Jordan, Ruck, and Sibley. Absent; Williams. Motion carried. The ordinance passed.

(B) Ordinance to Approve Mid America Plat 1 (Mid America Bank and Trust Co.): Community Development Director John Petersen explained that the subject property is located at the corner of Aldi Drive and Bishop Avenue. The property owners, Mid America Bank and Trust Company, are proposing to split their property into two lots. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the proposed plat.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3796: AN ORDINANCE APPROVING MID AMERICA PLAT 1, A SUBDIVISION IN ROLLA, MISSOURI (MID AMERICA BANK & TRUST CO.). A motion was made by Spadoni and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sibley, Spadoni, Jordan, Ruck, Harris, Wiggins, Barklage, Magdits, Eudaly, Hicks, and Jepsen. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

(C) Ordinance to Approve Various Amendments to the Sunshine Law – Adopted as City Code: City Administrator John Butz explained the Council opted to adopt the entire wording of the Missouri Sunshine Law. By doing so, when the State annually contemplates changes to the law, the City needs to be careful to at least update the City's ordinances so the City is not in conflict with it.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3797: 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.

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VI. OLD BUSINESS (continued)

(C) Ordinance to Approve Various Amendments to the Sunshine Law – Adopted as City Code: A motion was made by Jordan and seconded by Barklage to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Wiggins, Harris, Ruck, Sibley, Magdits, Jordan, Jepsen, Eudaly, Hicks, and Barklage. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

VII. NEW BUSINESS

(A) Resolution Authorizing the Mayor to Enter into Contract for the 2007 Asphalt Overlay Project No. 235: Public Works Director Steve Hargis referred the Council to the two bids received for the City's annual asphalt overlay program. The primary object of the bid is the cost for the asphalt. The low bid received for the asphalt was \$40.50/ton, which is approximately 10% less than last year's bid. Staff recommends the bid be awarded to Pierce Asphalt Paving & Sealcoating, L.L.C., Newburg, Missouri for \$777,500.

After a brief discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1623: 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 PIERCE ASPHALT SEALCOATING L.L.C. FOR 2007 ASPHALT OVERLAY PROJECT NO. 235. A motion was made by Hicks and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried. The resolution passed.

(B) Resolution Authorizing the Mayor to Enter into a Contract for the TEA 21 Sidewalk/Bike Path Improvements – Phase V (10th Street): Public Works Director Steve Hargis reported the City recently received six bids for the next phase of the City's sidewalk/bike path system along 10th Street. The proposed bike path will run along the south side of 10th Street from Forum Drive to Lovers Lane. Mr. Hargis told the Council that the lowest bid was received from Gaines Construction Company, Inc., Wentzville, Missouri for \$339,131.75. Staff's estimate on this project was \$406,000. He added that the City has received approval from the Missouri Department of Transportation (MoDOT) to award the bid to the lowest bidder.

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VII. NEW BUSINESS (continued)

(B) Resolution Authorizing the Mayor to Enter into a Contract for the TEA 21 Sidewalk/Bike Path Improvements – Phase V (10th Street) (continued): City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1624: 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 GAINES CONSTRUCTION COMPANY, INC., FOR PROJECT 204, TEA 21 SIDEWALK/BIKETRAIL IMPROVEMENTS PHASE V, STP-5200(909). A motion was made by Barklage and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

(C) Resolution Authorizing the Mayor to Enter into a Development Agreement for Blue's Lake Development: Public Works Director Steve Hargis explained the subject development agreement is between Mr. and Mrs. John Dietzmann and the City for the Blue's Lake Development, which is located between Martin Spring Drive and Bridge School Road, adjacent to Blue's Lake Parkway. Mr. Hargis noted that several subdivisions have been developed in this area, but the City decided to delay storm water detention requirements until it was needed. Currently, Blue's Lake provides detention protection for the areas downstream. Mr. Hargis said he believes it is now necessary to address storm water detention and he would prefer addressing storm detention issues before other subdivisions are constructed. He said that staff is recommending that one additional building permit be issued for 20,000 square feet, because Mr. Dietzmann has an interested party. Additionally, Mr. Hargis asked the Council to consider authorizing the City to investigate using Blue's Lake as a regional detention facility for future development in the Blue's Lake area and for currently developed land along Martin Spring Drive. Staff recommends approval of the subject-development agreement.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1625: 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 JOHN F. DIETZMANN AND JOAN D. DIETZMANN RELATING TO STORM WATER DETENTION. A motion was made by Hicks and seconded by Wiggins to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

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IV. ACKNOWLEDGEMENTS and SPECIAL PRESENTATIONS (continued)

(B) UMR St. Pat's Week Celebration Update (Professor Lance Haynes – Committee Advisor) (continued): Professor Lance Haynes and St. Pat's Board President Dan Kienitz addressed the Council and apprised them of the events scheduled during the St. Pat's week celebration. Professor Haynes and Mr. Kienitz thanked the Council for their support.

City Administrator John Butz extended an invitation to the Council to attend the St. Pat's Day Ball.

VIII. CLAIMS and/or FISCAL TRANSACTIONS

None.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Council Comments – 2006-2007 City Administrator Goals & Objectives: Mayor Jenks asked the Council if they had any comments regarding the proposed goals and objectives provided by City Administrator John Butz. A brief discussion followed.

(B) Councilmember Ruck – Rolla Municipal Utilities: Councilmember Ruck stated that he is not happy with the way the Rolla Municipal Utilities (RMU) franchise fee is currently operating. He mentioned that he wanted to place a cap on the fee last year. Mr. Ruck indicated he has received several calls from residents who are upset about their utility bills. He said he feels guilty because the City is getting this "windfall" back and he does not know how to answer these people. Mr. Ruck also expressed concern that the commercial customers are bearing the brunt.

Mayor Jenks mentioned the Council took a "straw vote" during a special meeting and the consensus was to continue charging RMU the 5% franchise fee on gross receipts.

City Administrator John Butz said the mid-year review of the budget would be conducted in March and presented to the Council in April. This will give the Council another opportunity to review the impact of the gross receipts tax.

X. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 7:41 p.m.

XI. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 7:56 p.m.

City Counselor John Beger announced that during Executive Session the Council considered an offer to enter into a long-term lease of City property and, without a formal vote, instructed its Counselor to proceed with finalization of a proposed lease for consideration.

The Council was also advised of a new lawsuit filed against the City, but the Council took no action on it.

XII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Personnel Rules: Councilmember Hicks noted the Council would be reviewing personnel rules changes during an upcoming meeting. He stated the Council would be remiss if it did not include at least some input from the Employee Advisory Committee (EAC).

City Administrator John Butz responded that the EAC could certainly be involved in the process.

(B) Tax Increment Financing Project: Councilmember Ruck asked about the status of the Tax Increment Financing (TIF) project.

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

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(B) Tax Increment Financing Project: City Administrator John Butz said Sansone Group is operating under the six-month provision to acquire the property in good faith. During his last conversation with Mr. Sansone, Mr. Sansone indicated he would not be keeping the Council “in the loop” about his conversations with the property owners and asked the City to let him honor his contract with the City.

(C) Police Chief Search: Councilmember Ruck asked City Administrator John Butz when the City would be officially appointing a police chief.

City Administrator John Butz said he anticipates the Council would consider this issue in closed session on April 16.

(D) Street Work: Councilmember Magdits mentioned that this time of year citizens begin asking about what streets are scheduled for reconstruction. He suggested that Public Works Director Steve Hargis provide the Council with a list of the streets scheduled during this construction season.

Mayor Jenks pointed out that the streets listed in the agenda packet for the 2007 asphalt overlay project are the ones that will be completed this construction season.

Councilmember Magdits asked about the status of the street construction in the south side area.

City Administrator John Butz explained the south side area streets would be completed following reconstruction of the streets that were inside the city’s limits before the south side area was annexed.

(E) Limb Pickup: Councilmember Jordan asked for a status report on the tree limb pickups.

City Administrator John Butz said the City should be finished picking up the limbs within the next couple of weeks. Residents will then be asked to call in to identify specific locations for limb removal. He said a press release would be issued stating that limbs placed to the curb after March 15 will be the responsibility of the property owner.

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

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(E) Limb Pickup (continued): Councilmember Jordan said he has received a couple of telephone calls from residents who were waiting for someone to assist them in picking up their limbs. However, the City trucks had already been through their neighborhood.

City Administrator John Butz said the City trucks will come back through, but residents will be encouraged to call the City.

(F) Community's Emergency Response to the Bomb Threat: Councilmember Wiggins said she understood there would be a meeting about the community's emergency response to the bomb threat last week. She said she wanted to forward some comments that were expressed during the recent Public Relations Club meeting. Ms. Wiggins said there was some concern on the part of the Rolla Public Schools that they were not notified. She added that some footage for that day showed a yellow school bus that sat next to the decontamination tent. Ms. Wiggins said she did not know why it was there and Rolla High School principal, Dr. Roger Berkbuegler did not know either. Dr. Berkbuegler commented that it would have been good for major organizations and businesses that have large numbers of employees to be notified so they could help keep people away from the area and know what to tell citizens.

Mayor Jenks responded that it is physically impossible to communicate with 100% of the people 100% of the time. He added that law enforcement needed to focus on the subject area. He added that the subject area was cordoned off.

City Administrator John Butz said the school bus was used to transport the 23 individuals from one building to another and it was quarantined as well and, had it been necessary, it would have been subject to decontamination.

Councilmember Sibley added that a request was made to the Rolla Public Schools Transportation Department to provide a school bus to transport the 23 individuals. He said this was the quickest way to get a vehicle that could transport that number of people. The Transportation Department immediately released a bus with a driver to go to the site. To his knowledge, Mr. Sibley said there was no other vehicle available to the City in that short of time.

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

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(G) Embarq and Reverse 911: Councilmember Jepsen asked if the City has heard from Embarq on the reverse 911.

Mayor Jenks said a presentation was made to Central Dispatch and the main issue is funding. Because of the number of cell phones, the 911 fund has been declining. Mayor Jenks said the City might need to apply for a grant to fund the project.

City Administrator John Butz added that this feature is estimated to cost about \$50,000,

(H) Rolla West Meeting: Councilmember Eudaly asked if a date has been set for the Rolla West discussions.

City Administrator John Butz said the meeting has been tentatively scheduled for Wednesday, March 21. In addition to the Rolla West discussion, Mr. Butz said staff would provide a summary of the available State programs.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:05 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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